



County of Santa Cruz

DEPARTMENT OF COMMUNITY DEVELOPMENT AND INFRASTRUCTURE

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May 9, 2022

Agenda: May 19, 2022

Agricultural Policy Advisory Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA. 95060

SUBJECT: Public Hearing to Provide a Recommendation to the Planning Commission Regarding Proposed Modernization of Agricultural Land Use Regulations in the Sustainability Update, Including Amendments to the Zoning Ordinance, County Code Chapter 13.10; and the Agricultural Land Preservation and Protection Ordinance, County Code Chapter 16.50.

Dear Commissioners:

INTRODUCTION

The portions of the County Code that address agriculture and associated activities, as well as wineries and breweries, have not been comprehensively reviewed in decades. An update to these regulations is necessary to recognize the changes that have occurred in the local agricultural industry and to support modern farming practices and the agricultural industry as a whole, while continuing to protect agricultural soil, the natural resource that is the basis of our farming industry. In February 2015, Planning Staff brought to your Commission for review a proposed update to the regulations in the Santa Cruz County Code that govern land use on agricultural land. Today, Planning Staff is here with an updated draft, now part of the larger Sustainability Update, for your further review and recommendation to the Planning Commission. As your Commission previously provided an extensive review of an earlier version of this ordinance, today's report focuses primarily on changes since your previous review.

BACKGROUND

On February 12, 2015 Planning Staff brought to your Commission for review a proposed update of agricultural regulations in the Santa Cruz County Code to support local commercial agriculture, which at the time was part of a larger Code Modernization proposal. The ordinance was developed and refined in a series of meetings in 2013 and 2014 with the farming community, including the Farm Bureau and the Agricultural Commissioner. In addition, the ordinance included an update to regulations for wineries and breweries. Planning staff also held several meetings with the Santa Cruz Mountains Winegrowers Association and other local winery and brewery owners.

Planning Staff worked with the local wine and beer industry to identify issues with the current ordinance, and to develop and refine regulations to support local wineries and breweries, including allowing on-site marketing activities such as indoor and outdoor tastings and events.

At the hearing on February 12, 2015, your Commission reviewed the draft ordinance, and requested planning staff consider several revisions. On February 26, 2015 your Commission reviewed the updated ordinance with the recommended amendments, considered public comments, and recommended that the Board of Supervisors consider additional ordinance changes relating to wineries and research and development facilities (Exhibit A, Minutes). These recommendations were considered and addressed in the draft provided to the Board of Supervisors on May 19, 2015 and also in the draft before you today.

At the Board of Supervisor's hearing on May 19, 2015, the Board directed staff to finalize draft ordinance and policy amendments, to carry out review under the California Environmental Quality Act (CEQA), and to bring the updated amendments to public hearings before your Commission, the Planning Commission, and Board of Supervisors for consideration.

Since last appearing before your Commission, the modernization of the County Code including agricultural regulations has been integrated into a larger project called the Sustainability Policy and Regulatory Update to the County General Plan and County Code (Sustainability Update). The Sustainability update draft includes additional code and General Plan amendments that affect agricultural land relating to code streamlining, public health and safety, and additional flexibility for agricultural support uses. These changes are discussed later in this letter. The following section provides a general overview of the Sustainability Update.

Sustainability Update – Overview

The Sustainability Update is a comprehensive update to the County's General Plan/ Local Coastal Program (LCP) and modernization of the County Code. The primary goal of this update is to implement new policies and code regulations that support more sustainable urban communities in Santa Cruz County. The County's current General Plan/LCP was adopted in 1994 and must be updated to align with new state laws, new regional and local plans, and a community vision that is focused on sustainable growth. At the same time, the County Code needs to be updated to implement the changes that are proposed in the General Plan/LCP; the County is also taking this opportunity to modernize the County Code and adopt County Design Guidelines. The four key components include:

1. **General Plan/LCP Amendments.** The proposed amendments include text revisions, new or revised goals, objectives and policies, and new and revised implementation strategies that replace existing programs. Revisions are proposed for the following five General Plan/LCP chapters:
 - Chapter 1: Introduction
 - Chapter 2: Built Environment (formerly Land Use)
 - Chapter 3: Access + Mobility (formerly Circulation)
 - Chapter 5: Agriculture, Natural Resources + Conservation (formerly Conservation and Open Space)
 - Chapter 7: Parks, Recreation + Public Facilities

The above-listed General Plan/LCP elements will join three other existing elements that have already been updated, which will then comprise the entirety of the General Plan/LCP: Chapter 4, Housing (2016); Chapter 6, Public Safety (2020); and Chapter 8, Noise (2019). The current Chapter 8, Community Design Element, is incorporated into the proposed Built Environment Element.

2. **County Code Amendments.** Amendments to the SCCC primarily address changes to Title 13—Planning and Zoning Regulations and Title 18—Procedures, but also include minor revisions to Title 5—Business Regulations, Title 12—Building Regulations, Title 15—Community Facilities, and Title 16—Environmental and Resource Protection. The proposed amendments ensure regulations incorporate current State law and modern practices, reflect General Plan/LCP proposed revisions, and are internally consistent.
3. **County Design Guidelines.** The Sustainability Update includes adoption of new County Design Guidelines, which are referenced in revisions to SCCC section 13.11. The proposed County Design Guidelines that will help applicants to understand the County’s development rules and design projects that align with the community’s vision.
4. **Land Use and Zoning Map Amendments.** Selected property-specific General Plan land use designation changes and/or rezonings have been identified as opportunity sites located along transportation corridors and nearby services. These include identified opportunity sites such as the vacant property located at Soquel Drive and Thurber Lane and vacant and underutilized properties along the Portola Drive commercial corridor. There also are proposed General Plan designation and/or zone district amendments for other parcels in order to achieve consistency with the General Plan and/or existing uses on a property.

OVERVIEW OF PROPOSED REVISIONS TO AGRICULTURAL REGULATIONS

The following is a review of the key changes to regulations on agricultural land, and changes to regulations for wineries and breweries. The majority of these changes were reviewed with your Commission previously, including a revised draft reviewed by your Commission on February 26, 2015 that incorporated the February 12, 2015 recommendations from your Commission (see Exhibit A, Minutes). The ordinance amendments as recommended by your Commission are identified below.

In addition to the summary provided in this section, Exhibit B includes a matrix and summary table identifying new uses and changes to permit requirements for uses in the CA and A zone districts. The updated regulations for agricultural land in Chapters 13.10 (Zoning Regulations) and 16.50 (Agricultural Land Preservation and Protection) are provided in strike-thru and underline as Exhibit C. The Site Development Permit Chart, identifying Site Development Permit requirements for uses allowed in the CA and A zone districts, is provided as Exhibit D.

The draft ordinance includes changes that your Commission has not previously reviewed, including changes made in response to your February 26, 2015 recommendations, and changes made as part of the Sustainability Update. These changes are reviewed later in this section. The Matrix and Summary Table (Exhibit B) also notes changes made since your Commission’s previous review. The draft ordinance (Exhibit C) includes comment boxes with additional context regarding proposed amendments.

Agricultural updates previously reviewed by your Commission

To address the needs of local commercial agriculture, the update to agricultural regulations expands the uses allowed on commercial agricultural land to allow selling directly to consumers via roadside or on-farm produce stands, and to allow on-farm marketing activities such as agri-tourism and education, which can diversify farm income while generating community support for agriculture. Also, many modern agricultural operations are larger scale than when regulations were first adopted, and typically are spread over multiple parcels that are either owned or leased by one operator. The ordinance accommodates the needs of large-scale farming for consolidated support facilities, such as the storage of agricultural equipment on one parcel, allowing farming to be concentrated more efficiently on other parcels while continuing to protect agricultural soils. The ordinance also allows agricultural service establishments on Commercial Agricultural land, addressing the need for adequate support services to support a viable agricultural economy. The ordinance includes other revisions, as discussed below.

- Standardize and streamline permitting:** Consistent with the goals of clarifying, streamlining and standardizing the permit process, and consistent with the proposed permit processing framework accepted by the Board of Supervisors, the number of activities and uses that do not require a use permit or discretionary permit have been expanded. Where discretionary permits are required, they are divided into Use Permits (UPs), which regulate the type and intensity of the activity, and Site Development Permits (SDPs) which regulate physical development. In agricultural zone districts, the Site Development Permit review process ensures that the use is sited to protect agricultural land and agricultural operations on adjacent sites, with applicable conditions applied as needed to ensure compliance with required findings and criteria in the County Code. The permits are further distinguished by noticing and public hearing requirements, yielding the following categories:

Summary of Permit framework			
Use permit not required	P Permitted use	No public notice	No public hearing
Zoning Clearance (Ministerial) ZC	New over the counter review required for some permitted uses, to identify applicable code requirements, identify conditions of any existing permits that would apply, and verify that no discretionary permit is required.	No public notice	No public hearing
Minor discretionary permit	MUP Minor Use Permit MSP Minor Site Development Permit	No public notice	No public hearing
Administrative discretionary permit	AUP Administrative Use Permit ASP Administrative Site Development Permit	Public notice	No public hearing
Conditional discretionary permit	CUP Conditional Use Permit CSP Conditional Site Development Permit	Public notice	Public hearing

A key to the new permit framework is provided on page 1 of Exhibit B. The new categories would replace the current nomenclature that refers to permits by “level.”

For some activities, a greater intensity of use or size of development is proposed to be allowed in the “Administrative” categories, to allow more efficient permit processing while continuing to provide for public notice. The “Minor” category, which does not require public notice but does allow conditioning of permits, has been similarly expanded. In addition to Exhibit B, which identifies existing and proposed permit requirements for uses allowed in the CA and A zone districts, the full details of proposed revisions to the current agricultural uses chart can be seen by comparing the proposed new Use Permit chart (shown in underlined text on beginning on page 4 of Exhibit C) and the Site Development Permit chart (Exhibit D) to the existing use chart (shown in strike-out text on pages 12-22 of Exhibit C). Because the current use chart is proposed to be replaced it appears in strikeout and the proposed new charts appear as underlined.

- *Protect Agricultural Land:* Consistent with the objective of protecting agricultural resource soils, which are also referred to as Type I, II, and III soils as defined in the General Plan, the concept of a “development area” has been created to limit the amount of disturbance on agricultural resource soil. “Development area” means the total area covered with structures, paving or other impermeable or semi permeable surface material such as baserock or gravel that may affect the agricultural viability of the underlying soil. To further protect agricultural resource soils, the proposed update retains the existing requirement that agricultural support structures and associated site development be located off of agricultural resource soils to the greatest extent feasible.
- *Expand Uses Allowed in the “Agriculture” Zone District:* Revisions are proposed to allow expanded consideration of non-crop uses associated with agriculture on land zoned Agriculture, or “A,” which is land that may be productive for agriculture but is not mapped agricultural resource soil. This is consistent with General Plan policies that allow for a diversity of farming practices and agricultural support uses that are compatible with nearby residential and agricultural uses. When agricultural service and processing activities are located on A zoned land, the need to locate these uses on CA land may be reduced, conserving agricultural resource soil.
- *Allow Agriculture Support in the “Commercial Agriculture” Zone District:* Permitting for agricultural processing and service establishments such as the servicing and sale of farm equipment is allowed on CA-zoned land, allowing agricultural service establishments to better support the agricultural industry. Agricultural research and development is a newly recognized use that would be allowed in the CA and A zone districts (See Exhibit B for more information.)
- *Accommodate larger farming operations:* Existing requirements that certain non-crop uses on CA-zoned land be ancillary to on-site farming, along with new caps on the size of the allowed development area in some cases, help to ensure that non-crop activities support and do not conflict with commercial agriculture. In the cases of agricultural service establishments and storage facilities, the concept of “ancillary” has been extended to consider farming on other parcels owned or leased by the same farmer. This recognizes the distributed character of many farm operations that would benefit from a central location for support activities to serve more than one agricultural parcel.

- *Support marketing and agri-tourism:* Consistent with supporting and protecting the industry as a whole, farm stays, agri-tourism, school visits, farm-to-table events and other educational activities have been added to the use charts. Produce stands, temporary sales, and produce markets, subject to limitations on size and requirements to carry local products and products grown on site, have also been added or, in the case of produce stands, clarified and highlighted.

As recommended by your Commission, and as reviewed in the February 26, 2015 draft ordinance, the number of guests that would be allowed “by right” (without a discretionary use permit) at an agri-tourism event such as a farm dinner was increased from 50 to 100 guests.

- *Update Regulations for Wineries and Beer Manufacturers:* In response to feedback from local wineries and beer manufacturers, Code section 13.10.637 addressing wineries and breweries has been substantially updated to establish provisions that govern promotional events, tasting, noise, food service, and facility hours. Facilities are divided by size based on production, consistency with the zoning, adjacent land uses, and environmental setting. Standards for wineries and breweries clarify requirements and facilitate permit processing and support the needs of local wineries and breweries, while providing appropriate standards to protect residential uses from potential impacts. The current code sets production limits, provides for very limited tastings, and establishes other standards that may be exceeded with a Level 5 approval. However, the code lacks practical standards to guide discretionary land use decisions.

The ordinance includes changes related to wineries and breweries as recommended by your Commission on February 12, 2015, and previously reviewed by your Commission on February 26, 2015. Changes include adjusting the hours of operation for wineries to better accommodate needs of wineries. Additionally, wineries and breweries are now required to be ancillary to the main farming use on the parcel, and the growing of grapes or hops would no longer be required.

- *Agricultural Policy Advisory Commission (APAC) Reviews:* A new code Section 13.10.316 clearly identifies projects that require APAC review. The code retains APAC’s current review role, with the following changes. The revised code clarifies that APAC review is required for lot line adjustments that reduce the size or arable area of a CA zoned parcel, as this is not addressed in the current code. In addition, the revised code would modify the review process for residential agricultural buffer determinations, as discussed below.
- *Streamlining the review process for residential agricultural buffer reductions:* The ordinance provides a streamlined review process for minor agricultural buffer setback reductions. The draft includes amendments recommended by your Commission on February 12 and reviewed on February 26, 2015, such that residential minor agricultural buffer reductions that maintain a buffer of at least 100 feet from the property line of any CA or A parcel would be reviewed administratively by staff. Agricultural buffer reductions for residential additions, which are reviewed administratively by staff in the current code, would also be referred to as minor agricultural buffer reductions. APAC and the Agricultural Commissioner would receive notice of minor agricultural buffer reductions, with the opportunity to provide comments to staff. All other agricultural buffer determinations would require a conditional use permit and a public hearing before your Commission.

- *Agricultural Employee Housing:* Code requirements for housing for farmworkers and agricultural employees were previously updated, in order to bring our regulations into conformance with state law and are not part of the Sustainability Update. Your Commission reviewed the Farmworker Housing Ordinance in August of 2019.
- *Commercial Cannabis:* Your Commission reviewed the draft Cannabis regulations in 2016, which have now been adopted by the Board of Supervisors and incorporated into the Santa Cruz County Code. No substantive changes to the current Cannabis regulations are proposed in the Sustainability Update.

Ordinance revisions in response to APAC recommendations

On February 26, 2015, your Commission recommended that the Board of Supervisors consider several draft revisions and clarifications. Staff incorporated the recommendations, with exceptions as noted below, and made the following ordinance changes in the draft provided to the Board of Supervisors on May 19, 2015 and in the draft before your Commission today:

- Your Commission made a motion to consider increasing the threshold for when an outdoor winery event requires a discretionary permit from 20 guests to 50 guests, such that gatherings with fewer than 50 guests would be allowed by right. Concerned that these larger gatherings could impact nearby residences, staff updated the ordinance by differentiating between parcels that are residential in character (in Residential Agriculture (RA) or Rural Residential (RR) zone districts, or within 500 feet of a residential use), and other parcels. For parcels zoned RA and RR, or within 500 feet of a residential use, the threshold was raised to 25 guests. For other cases, the threshold was raised to 50 guests as recommended by APAC. See Exhibit C, Table 13.10.637.
- Also related to wineries, your Commission recommended clarifying whether the minimum distance to an adjacent residential parcel for the purpose of allowing amplified music should be measured to the property line or to the actual residence. To provide a more site-specific approach, the updated ordinance requires an “amplified music permit” for all amplified music, regardless of distance to residential parcels. This will allow site specific considerations of noise issues, including type of adjacent uses, distance to neighbors, and physical characteristics of the surrounding area. See Exhibit C, Table 13.10.637.
- Your Commission recommended clarifying the issue of container growing for research, and the associated development area. Staff clarified that R&D facilities are required to comply with standards and permit requirements for container growing. Exhibit B, section 13.10.644.

Key changes in Sustainability Update

General Plan amendments

Amendments to agricultural policies in the General Plan have been proposed consistent with the draft ordinances. Amendments in the General Plan for agricultural land also include changes related to public health and safety, including allowing public facilities and the extension of water and sewer service outside the Urban and Rural Service Lines where necessary to address public health and safety issues. These changes are implemented by new code provisions discussed below, which are provided to your Commission for your review and recommendation.

County Code changes

Streamlining

Consistent with the goals of code modernization, the Sustainability Update includes additional streamlining of agricultural regulations in the Santa Cruz County Code.

- *Eliminating the AP Zone District:* In the updated ordinance, the Agricultural Preserve (AP) Zone District has been eliminated, as this zone district is no longer needed. In years past, parcels that were previously zoned AP were rezoned to either the CA or A zone district with the Agricultural Preserve and Farmland Security Combining District (-P), indicating that the parcel is within an agricultural preserve. No AP-zoned parcels currently exist.
- *Site Development Permit Chart consolidated:* To streamline zoning district regulations including for agricultural zone districts, the updated ordinance deletes the individual Site Development Permit Charts for each zone district, and consolidates the Site Development Permit requirements into one chart in Section 13.11.037 of SCCC Chapter 13.11, Site Development and Design (Exhibit D). A separate section is provided in the Site Development Permit Chart for Agricultural and Timber Production Uses. As a result of this streamlining, there are some minor changes to size thresholds for when a minor, administrative, or conditional site development permit would be required. These changes are identified in the Matrix and Summary Table (Exhibit B).
- *Winery regulations streamlined:* In the agricultural uses chart provided in SCCC 13.10.312 (Exhibit C, page 8), the categories of wineries and breweries have been streamlined to eliminate separate categories for production only and production with marketing. This would allow for greater flexibility for production wineries that may later choose to add marketing without triggering the need for a new permit. The change would amend the type of use permit required for some wineries that are production only, requiring public notice only for new medium production-only facilities, and a public hearing for new large production-only facilities.
- *Accessory Dwelling Units and consistency with state law:* Since your Commission's previous review, a new Accessory Dwelling Unit (ADU) Ordinance was adopted by the Board of Supervisors to comply with new state law requirements. In the current Agricultural Uses Chart, an ADU is permitted by right in CA and A (Exhibit C, pg. 11). An ADU is required to be located within 100 feet of the primary dwelling on parcels with a land use designation of Agriculture to preserve farmable land on the parcel. However, ADUs are required to comply with agricultural buffer setback requirements, and a greater distance than 100' is allowed where required to comply with buffer setbacks.

The Sustainability Update includes a minor amendment to agricultural buffer requirements in SCCC 13.10.313(C) (Exhibit C), such that when an ADU is required to be located more than 100 feet from the primary dwelling in order to meet buffer setbacks, the additional distance from the main dwelling would be limited to the distance required to comply with buffer setback requirements. This amendment will help to preserve farmable land on the parcel to the greatest feasible extent.

Addressing Public Health and Safety Issues

A priority in the Sustainability Update is ensuring that the County can effectively address public health and safety needs of the community. In some cases, adequately addressing public health and safety needs may require facilities to be located on agriculturally zoned land.

- *Essential public facilities on CA and A zoned land:* One way that the County can address health and safety needs is by providing essential public and quasi-public facilities in the locations where they are needed. Currently, public facility uses in the CA and A zone districts are limited to a list of specific uses, including community energy facilities, flood control works, and tertiary wastewater treatment plants. In the updated General Plan and County Code (page 11 of Exhibit C), public/quasi-public facilities that provide essential community services and are determined to be of significant benefit to public health, safety, and welfare, would be allowed in the CA and A zone districts subject to a CUP with Planning Commission approval.

Findings provided in SCCC 13.10.314 (Exhibit C, pg. 25) would apply to the establishment of a public/ quasi-public use on CA land, including that the use would not adversely affect commercial agriculture in the area, and that the use is sited on the property to avoid removing land from production. Additional special findings would require mitigation for the loss of commercial agricultural land, analysis of alternative sites for facilities with a development area greater than 12,000 sf, and consistency with the Coastal Act if located on agricultural resource land in the Coastal Zone. Additionally, as is noted in the EIR discussion that follows, staff is proposing to amend the ordinance such that public facility uses with a development area exceeding 35,000 sf would be subject to special development area findings provided in SCCC 13.10.313(E).

To allow for the establishment of public/ quasi-public uses and minimize the loss of agricultural land, as provided in SCCC 13.10.315, subdivisions of CA land would be allowed where necessary to establish a public/ quasi-public use that is in the interest of public health, safety and welfare, subject to review by your Commission, and final approval by the Planning Commission or Board of Supervisors. To minimize loss of agricultural land, the land division would be required to preserve agricultural land to the greatest extent feasible, and the parcel remaining in agricultural production would be required to meet the number of arable acres required for the agricultural resource land (10 or 20 acres).

- *Water and Sewer Service:* Areas of south county have failing sewage systems, causing impaired water quality and public health concerns. As proposed, General Plan policies and SCCC 16.50.070 – 16.50.080 (Exhibit C, pg. 72) would allow expansion of water or sewer district boundaries to include agricultural resource land where necessary to address significant public health and safety or environmental issues. General Plan policies and the County Code would also allow placement of water and sewer lines and access to wastewater treatment on agricultural resource land in the Coastal Zone where necessary to prevent saltwater intrusion or recharge groundwater, or to serve farmworker housing.

Proposed amendments would also allow access to water distribution and wastewater treatment for public/ quasi-public uses, where findings have been made that no other location is feasible with access to these services, and that no other options exist for water or wastewater treatment.

Safeguards would apply to protect CA land, including locating lines below tillable soil depth and limiting assessment of fees to those parcels receiving water or sewage treatment.

Additional flexibility for Agricultural support uses

To support commercial agriculture, the Sustainability update provides additional flexibility for some agricultural support uses, while maintaining protections for agricultural land.

- *Development area for agricultural support uses:* To ensure that agricultural support facilities can provide needed services, the updated code eliminates the absolute cap on the size of the development area on CA land for agricultural research and development facilities, and agricultural processing facilities. Additionally, the cap for agricultural service establishments was increased from 10,000 sf to 15,000 sf. However, Section 13.10.313(E) of the County Code (Exhibit C, pg. 25) has been updated to consider the total combined development area on a parcel, rather than just the development area of the proposed development project. Any residential, agricultural support, or visitor accommodation use which would result in a total development area on the site of more than 35,000 square feet would require a Conditional Use Permit, and would also require technical studies demonstrating there are no other feasible sites located of agricultural resource soils, and an evaluation of alternative project designs to reduce the development area below 35,000 sf. For any project that would result in a total development area exceeding 35,000 sf on CA land, Farmable portions on the subject parcel, or farmable areas on other sites owned by the agricultural operator equal to or greater in size than the total development area of the subject parcel, would be required to be placed in a permanent agricultural easement to protect the land for future farming use.
- *New discretionary uses on CA:* To provide additional flexibility, the updated agricultural uses chart would also allow vet offices, animal hospitals, and agricultural or natural history museums on CA, where ancillary to an agricultural use. Museums would be limited to a total development area of 12,000 sf. Previously, these uses were allowed in the Agriculture district only, and not on Commercial Agricultural land.
- *Updated Greenhouse Regulations:* Farmers have recommended that regulations addressing greenhouses be modified, and specifically that thresholds for when permits are required be revised to provide a more streamlined review process. Since last appearing before your Commission, staff have further streamlined permit requirements to allow greenhouses from 500 sf up to 12,000 sf on CA and A land to be approved with a Zoning Clearance and a Building Permit only, simplifying the review process and increasing certainty of the outcome (Exhibit B, pg. 4). Standards for greenhouses in the Coastal Zone have also been streamlined. Standards for siting on the parcel and protecting the underlying soils continue to apply.

Map Amendments

The proposed map amendments include five parcels with an Agricultural (AG) Land Use designation or agricultural zoning (CA or A), identified in the table below. The map amendments correct the zoning or General Plan land use designation to provide for consistency between the land use designation and zone district, and provide for consistency with the current land use on the parcel. The map amendments do not include any subdivisions and do not change the agricultural resource designation on any of the parcels. Although your

Commission is not required to review rezonings or changes to land use designations, this information is provided so that your Commission has an opportunity to provide comments.

Parcel Number	Address	Existing Land Use	Existing General Plan/ Zoning	Proposed General Plan/ Zoning
050-171-08	--	Electric facility/substation	Agriculture (AG)/ Public and Community Facilities (PF)- Airport Influence Area (AIA)	Public/Institutional Facilities (P)/ PF-AIA
050-171-18	2446 Freedom Blvd., Watsonville	Filipino Community of Watsonville (club)	AG/ PF-AIA	P/ PF-AIA
104-041-19	7337 Glen Haven Road, Soquel	Single family home	Rural Residential (R-R)/ Commercial Agriculture (CA)	AG/ CA
104-041-23	7099 Glen Haven Road, Soquel	Single family home and agriculture	AG, R-R CA	AG/ CA
107-162-02	1326 Hames Road, Aptos	Storrs Winery (vineyard and residence)	R-R, AG/ CA	R-R, AG/ A (Agriculture), CA

As can be seen in the table, the map amendment to the property at 1326 Hames Road in Aptos (Storrs Winery) would rezone a portion of the site from CA to A. However, the portion of the site being rezoned to from CA to A has a land use designation of Rural Residential, not Agriculture, and does not contain mapped agricultural resource soils. Therefore, Agriculture (A) is the appropriate zone district for this portion of the site. Additional information on this site and the above map amendments is provided in Exhibit E.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (EIR) has been prepared for this project. The Draft EIR is currently in the public comment phase, which is scheduled to conclude on May 31, 2022. No substantive comments have been received to date. The Draft EIR can be reviewed on the County's environmental review website:

<https://www.sccoplanning.com/PlanningHome/Environmental/CEQAInitialStudiesEIRs/CEQADocumentsOpenforPublicReview.aspx>.

The Draft EIR found no impacts due to conflicts with agricultural zoning, and less-than-significant impacts due to indirect conversion of agricultural lands. The Draft EIR concluded conservatively that, due to the unknown nature of development in the next 20 years, impacts to agricultural land

could include conversion of state-designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, which would be considered significant under CEQA. This is due to proposed policies that expand allowed uses, particularly essential public/quasi-public facilities. Mitigation Measure AGR-1 is included to address this impact but would not reduce the conversion of any farmland to a less-than-significant level.

MM AGR-1: Conversion of Agricultural Land Due to Location of an Essential Public/Quasi-public Facility. Amend proposed language in SCCC 13.10.313(E) to add public/quasi-public facilities to the types of projects for which special findings and requirements apply to address conversion of agricultural land.

CONCLUSION AND RECOMMENDATIONS

Staff believes that the proposed revisions to the agricultural regulations as outlined in this letter and detailed in the strikeout/underline version of the ordinance (Exhibits C and D) will support the evolving needs of commercial agricultural in Santa Cruz County, and protect public health and safety, while maintaining strong protections for agricultural soils that are necessary to support farming in our community and protect farmland of statewide importance for future generations.

It is therefore **RECOMMENDED** that your Commission take the following actions:

1. Open the public hearing and receive public comment;
2. Provide a recommendation to the Planning Commission regarding the proposed revisions to the agricultural land use regulations in the County Code as outlined in this report and detailed in Exhibits C and D.

Sincerely,

Annie Murphy
Senior Planner

Stephanie Hansen
Assistant Director

- Exhibit A: Minutes from the February 12, 2015 and February 26, 2015 APAC meetings
Exhibit B: Summary matrix and table, identifying new uses and changes to permit requirements for uses in the CA and A zone districts
Exhibit C: Strikeout/underline amendments to agricultural regulations in Chapters 13.10 and Chapter 16.50 of the Santa Cruz County Code.
Exhibit D: Site Development Permit Chart (SCCC Section 13.11.037)
Exhibit E: Maps of parcels in the CA or A zone district or with a land use designation of Agriculture proposed for rezoning or changes in land use designation.



County of Santa Cruz

BRUCE DAU, Chairperson
 KEN KIMES, Vice Chairperson
 MARY LOU NICOLETTI, Executive Secretary

MINUTES OF REGULAR MEETING

February 12, 2015

1:30 PM

Agricultural Extension Auditorium
 1432 Freedom Boulevard
 Watsonville, California

Present: Frank "Lud" McCrary, Sam Earnshaw, Bruce Dau

Excused Absence: Ken Kimes, Mike Manfre

Unexcused Absence: None

Others: Sheila McDaniel, Mary Lou Nicoletti, Juan Hidalgo, Walter Mayeda, Brooke Miller, Ron Powers, Paia Levine, Annie Murphy, David Van Lennep, John Herr, Robert Hartmann, Dustin Vereker, Megan Mertz, Steve Johnson, George Stein, Jerold O'Brien, Phil Starr

1. The meeting was called to order at 1:32 p.m.

2. Approval of Minutes and Modifications:

(a) Approved minutes from the January 15, 2015 hearing.

MOTION/SECONDED: McCrary/Earnshaw

AYES: McCrary, Dau, Earnshaw

NOES: None

ABSTAIN: None

ABSENT: Kimes, Manfre

(b) Additions/Corrections to Agenda: Revisions to pages 17, 18, 24, 25, 79, 80, 81 and 82 were submitted for Item 8.

Correction to approval of minutes from November 20, 2014 to January 15, 2015.

3. Review of APAC correspondence: None.

4. APAC Commissioner Presentations: None.

5. Staff Presentations:

- (a) Update from Agricultural Commissioner: Crop report surveys have been sent out and growers are encouraged to turn them in. The Agricultural Commissioner will be attending the Annual Strawberry Meeting next week and presenting information on pesticide regulatory changes and Light Brown Apple Moth. No action taken.
- (b) Update from Planning Department: The APAC meeting scheduled for February 26, 2015 will address consideration of the Working Lands resolution. No action taken.

6. Oral Communications: None.

7. Project: **141095. APN: 051-101-20:**

**Approved staff recommendations for project 141095 with the following recommendation:
Extend fencing and landscaping on the southwest part of the property from 150 feet to 175 feet.**

MOTION/SECONDED: McCrary/Earnshaw

AYES: McCrary, Dau, Earnshaw

NOES: None

ABSTAIN: None

ABSENT: Kimes, Manfre

8. Proposal to modernize regulations in Chapter 13.10 and 16.50 of the Santa Cruz County Code for the Commercial Agriculture, Agriculture, and Agriculture Preserve zone districts.

Report back regarding the proposed modernization of agricultural regulations in Chapter 13.10 and 16.50 of the County Code, addressing the following items: (1) alternatives for streamlining the permit process for residential agricultural buffer reductions that continue to include guidance from APAC; (2) revised language addressing hours of operation for wineries; (3) revised language addressing maximum attendance at agri-tourism and educational events; and (4) revising the minimum area that must be cultivated on winery and brewery parcels from 20% of all land to 20% of arable land.

MOTION/SECONDED: McCrary/Earnshaw

AYES: McCrary, Dau, Earnshaw

NOES: None

ABSTAIN: None

ABSENT: Kimes, Manfre

The meeting was adjourned at 4:26 p.m.



AGRICULTURAL POLICY ADVISORY COMMISSION

County of Santa Cruz

BRUCE DAU, Chairperson
 KEN KIMES, Vice Chairperson
 MARY LOU NICOLETTI, Executive Secretary

MINUTES OF REGULAR MEETING

February 26, 2015

1:30 PM

Agricultural Extension Auditorium
 1432 Freedom Boulevard
 Watsonville, California

Present: Frank "Lud" McCrary, Sam Earnshaw, Bruce Dau, Ken Kimes, Mike Manfre

Excused Absence: None

Unexcused Absence: None

Others: Sheila McDaniel, Mary Lou Nicoletti, Juan Hidalgo, Paia Levine, Annie Murphy, Jerry Busch, Megan Mertz, Robert Hartmann, Larry Chan

1. The meeting was called to order at 1:33 p.m.

2. Approval of Minutes and Modifications:

(a) Approved minutes from the February 12, 2015 hearing.

MOTION/SECONDED: Earnshaw/McCrary

AYES: McCrary, Dau, Earnshaw, Kimes

NOES: None

ABSTAIN: None

ABSENT: Manfre

(b) Additions/Corrections to Agenda: None

3. Review of APAC correspondence:

(a) Board of Supervisors APAC Annual Report for Calendar Year 2013 and 2014

(b) Correspondence from Board of Supervisors to APAC regarding Annual Report

4. APAC Commissioner Presentations: None.

5. Staff Presentations:

(a) Update from Agricultural Commissioner: None.

(b) Update from Planning Department: None.

6. Oral Communications: None.

7. Consideration of Board of Supervisors Resolution Supporting Santa Cruz County Working Lands Resolution

Support the Santa Cruz County Board of Supervisors Working Lands Resolution.

MOTION/SECONDED: Kimes/McCrary

AYES: McCrary, Dau, Earnshaw, Kimes, Manfre

NOES: None

ABSTAIN: None

ABSENT: None

8. Report back regarding the proposed modernization of agricultural regulations in Chapter 13.10 and 16.50 of the County Code, addressing the following items: (1) alternatives for streamlining the permit process for residential agricultural buffer reductions that continue to include guidance from APAC; (2) revised language addressing hours of operation for wineries; (3) revised language addressing maximum attendance at agri-tourism and educational events; and (4) revising the minimum area that must be cultivated on winery and brewery parcels from 20% of all land to 20% of arable land.

Recommend the following changes to the proposed modernization of agricultural regulations in Chapter 13.10 and 16.50 of the County code:

Change the limit of the number of people gathering at Outdoor Events from 20 to 50 on page 53.

MOTION/SECONDED: McCrary/Manfre

AYES: McCrary, Dau, Earnshaw, Kimes, Manfre

NOES: None

ABSTAIN: None

ABSENT: None

The meeting was adjourned at 3:12 p.m.

Summary Matrix of Main Proposed Amendments to Agricultural Regulations

Use permits regulate the activities that are allowed on a parcel of land. Agricultural use permits are concerned with the type and intensity of an activity, which is described in terms of the size of the development site, how much Type I – III agricultural soil is disturbed, size of building, number of visitors, and location relative to other types of land uses. **Site Development permits** address physical improvements to land, which are described in terms such as building size, site design, and circulation and parking requirements. Depending on the type of project, a use permit (UP), site development permit (SDP) or both types of permits may be required. When a project requires **both a use and site development permit**, the review process is determined by the highest-level permit. A “principally permitted use” (P) is a use that does not require either type of discretionary permit.

Abbreviation key for Use Permits (UPs)

P = Principally permitted use, no use permit required
MUP = Minor Use permit, no public notice or hearing
AUP = Administrative Use Permit, public notice, no public hearing
CUP = Conditional Use Permit, noticed public hearing.

Abbreviation key for Site Development Permits (SDPs)

P = Principally permitted use, no site permit required
MSP = Minor Site permit, no public notice or hearing
ASP = Administrative Site Permit, public notice, no public hearing
CSP = Conditional Site Permit, noticed public hearing.

Definitions/Footnotes

¹ **“Development Area” (DA)** means the total area covered with structures, paving or other impermeable or semi permeable surface material such as baserock or gravel that may affect the agricultural viability of the underlying soil. Required parking spaces are not included in the development area.

² **“By Right”** means no discretionary permit is required.

³ **Ancillary** in this case means ancillary to agriculture on the subject parcel or on CA parcel(s) farmed by the applicant.

Summary Matrix of Main Proposed Amendments to Agricultural Uses

This matrix highlights the main proposed changes to the agricultural land use charts with comparison to existing regulations. See first page for definitions, footnotes and key to abbreviations.

USE	Farm stay / Agricultural Home Stay	Agri-tourism and Education	Produce Stands, Temporary Sales and Produce Markets	
DESCRIPTION	Farm visits that include meals and overnight lodging	Agricultural tourism and educational programs and events	Direct to consumer marketing, roadside sales	
ZONING	CA and A	CA and A	CA	A
PROPOSAL Use:	MUP up to 6 guestrooms <ul style="list-style-type: none"> Residential buildings only. Ancillary to working farm. 	P K-12 school visits (no limit), Farm dinners and other agricultural tourism and educational events, up to 12 per year and 50 persons per event on (A), and up to 12 per year and 100 persons per event on (CA). MUP (CA), AUP (A) Farm dinners and other agricultural tourism and educational events exceeding 12 per year or 50 persons per event on (A), or exceeding 12 per year or 100 persons per event on (CA). <ul style="list-style-type: none"> Events must promote local products Parking and number people determined by Conditions of Approval Minimize the area devoted to parking, circulation, and amenities. Events with amplified music require discretionary permit. 	P Produce stands, temporary sales (open a maximum of 90 days and up to 1,600 sq.ft. floor area) Produce markets not allowed	P Produce stands, temporary sales (open a maximum of 90 days and up to 1600 sq.ft. floor area) CUP Markets up 3,600 sq ft. floor area. Markets may include refrigerated storage and limited processed foods. Two signs up to 10 square feet each.
Structures:	SDP may be required	SDP may be required	MSP required for produce stands	MSP required for produce stands ASP required for markets
ANCILLARY?	Yes	Yes	Yes	Yes
COMPARE TO CURRENT CODE	New allowed use	New allowed use.	Produce markets a new allowed use. Stands currently allowed with a building permit but no parking, safety or sign standards in code, and limited to produce from the on site grower.	

USE	Agricultural Service Establishment			Agricultural Processing		
DESCRIPTION	Agriculture services and sales. Services include irrigation, application of agricultural chemicals, harvesting, hauling, and farm equipment repair. Sales include farm vehicles, feed, pipes and chemicals.			Handling, processing, packing, packaging, storing, refrigeration and shipping of produce. Does not include animal products, timber or wood.		
ZONING	CA	A		CA	A	
PROPOSAL	<p>P <1,000 sf development area CUP 1,000 -15,000 sf DA</p> <ul style="list-style-type: none">Will not generate excessive traffic, impact adjacent sites (CA and A)Visual screening as needed <p>Changes from prior version: Increased DA cap from 10,000 sf to 15,000 sf Increased review level from MUP or AUP to CUP for Development areas exceeding 1,000 sf</p>	<p>P <1,000 sf development area AUP 1,000 – 7,500 sq.ft. DA CUP > 7,500 sq.ft. DA</p> <p>Changes from prior version: Increased review level from P to AUP for development areas between 1,000 to 3,500 sf Increased review level from AUP to CUP for Development areas between 7,500 to 10,000 sf</p>		<p>MUP up to 5,000 sq.ft. DA AUP 5,000-50,000 sq.ft. DA (CUP req'd in Coastal Zone) CUP >50,000 sf</p> <p>Standards for CA & A zoned land:</p> <ul style="list-style-type: none">Produce grown primarily in CountySite to minimize impacts to residences on another parcel w/in 200'Avoid Type I-III soils if possibleVisual screening as needed <p>Change from prior version: Development area cap eliminated. Allows processing facilities larger than 50,000 sf on CA with CUP.</p>	<p>AUP up to 50,000 sq.ft. DA CUP >50,000 development area</p> <p>Change from prior version: Increases permit review from an MUP to an AUP for DA up to 5,000</p>	
Use:						
Structures:	<p>P <1,000 sf DA MSP 1,000 – 10,000 sf DA CSP 10,000 – 15,000 DA</p> <p>Changes from prior version: Increased review level from P to MSP for 1,000 – 2,500 DA</p>	<p>MSP Up to 10,000 sf DA CSP >10,000 DA</p> <p>Changes from prior version: Increased review level from P to MSP for structures up to 2,500 DA</p>		<p>P <1,000 sf DA MSP 1,000 – 10,000 sf DA CSP > 10,000 DA</p> <p>Review levels for this use determined by Use permit requirements, so no additional changes resulting from SDP requirements</p>	<p>MSP Up to 10,000 sf DA CSP >10,000 DA</p> <p>Review levels for this use determined by Use permit requirements, so no additional changes resulting from SDP requirements</p>	
ANCILLARY?	Yes ³	No	No	No	No	
COMPARE TO CURRENT CODE	<ul style="list-style-type: none">Previously allowed as “custom work”, maximum size structure 2,000 sq.ft.	<ul style="list-style-type: none">Creates administrative review process. Current code requires a public hearing at any sizeWider applicability: no parcel size or road criteria, use allowed adjacent to residential zones. Current criteria allow few parcels to be used.		No longer required to be ancillary to farming on site Public notice below 5,000 sq.ft. removed	<ul style="list-style-type: none">No longer required to be ancillary to farming on site.Public notice 2,000 – 5000 sq.ft. removedRemoves 50,000 sq.ft limit	

USE	Agricultural Research and Development	Storage of Agricultural Equipment and Supplies		Crop and Livestock Production	
DESCRIPTION		Storage buildings and surfaced outdoor areas used for storage of equipment and supplies		Row crops, field crops, berries flowers, mushrooms, livestock, dairy, poultry, small animals	
ZONING	CA and A	CA	A	CA	A
PROPOSAL Use: Standards: <ul style="list-style-type: none"> Minimize impermeable surface Minimize disturbance of Type I-III soil Cluster with existing buildings Mitigate visual impact of structures <hr/> Structures: P < 1,000 sf DA on CA, MSP on A MSP 1,000 – 10,000 sf DA CSP > 10,000 DA <i>Changes from prior version:</i> Increased review level from P to MSP for 1,000 – 2,500 DA Reduced review level from ASP to MSP for 2,500 – 7,500 DA (No public notice) Eliminated DA cap of 12,000 sf	P up to 12,000 sq.ft. DA MUP > 12,000 sq.ft. DA, if sited off Type I – III soil CUP with Master Plan >12,000, and sited on Type I – III soil. <i>No changes from prior version</i> <hr/> P < 12,000 sf DA MSP > 12,000 sf DA Review levels for this use determined by Use permit requirements, so no changes resulting from SDP requirements	P up to 12,000 sq.ft. DA AUP > 12,000 sq.ft. DA Standards for CA and A zoned land: <ul style="list-style-type: none"> Minimize impermeable surface Minimize disturbance of Type I-III soil Cluster with existing buildings Mitigate visual impact of structures <i>No changes from prior version</i> <hr/> P < 12,000 sf DA MSP > 12,000 sf DA Review levels for this use determined by Use permit requirements, so no changes resulting from SDP requirements	P crop and livestock production MUP dairy, mushroom farm, container crops CUP aquaculture, biomedical livestock P crop production, livestock production < 8 animals / acre < 100 birds MUP container crops AUP mushroom farm, larger scale animal raising CUP dairy, aquaculture, biomedical livestock	P crop and livestock production MUP dairy, mushroom farm, container crops CUP aquaculture, biomedical livestock P crop production, livestock production < 8 animals / acre < 100 birds MUP container crops AUP mushroom farm, larger scale animal raising CUP dairy, aquaculture, biomedical livestock	P crop production, livestock production < 8 animals / acre < 100 birds MUP container crops AUP mushroom farm, larger scale animal raising CUP dairy, aquaculture, biomedical livestock
ANCILLARY?	Yes	Must serve a principal agricultural use on property owned or leased by the operator.		----	----
COMPARE TO CURRENT CODE	Code does not currently provide for agricultural research and development facilities.	Current code does not provide clear standards for storage on agricultural properties, or option to centralize storage for multiple parcels.		Livestock: hog raising and larger numbers of small animals no longer require a public hearing on A, livestock barns larger than 5000 sq.ft. now require a site development permit, poultry hatcheries and hydroponics added to the use chart for clarity.	

Supplemental Table of Changes - Legend	
<i>This table supplements the Matrix, summarizing all other proposed amendments to the Use Charts and Site Development Permit Chart, comparing current and proposed permit requirements. The table also identifies changes made to permit requirements since your Commission's previous review on 2/26/15.</i>	
Current Permit	Proposed Permit Equivalent
Permitted (P)	P = Permitted use
Level 1 and Level 2	Zoning Clearance (ZC) New over the counter review process for some permitted uses, to identify applicable requirements in the County Code, identify conditions of any existing permits that would apply, and verify that no discretionary permit is required.
Level 3 = Administrative, No Public Notice	MUP = Minor Use permit, Administrative, No Public Notice MSP = Minor Site Dev't permit, Administrative, No Public Notice
Level 4 = Administrative with Public Notice	AUP = Administrative Use Permit, Administrative with Public Notice ASP = Administrative Site Dev't Permit, Administrative with Public Notice
Level 5 = Public Hearing, Zoning Administrator	CUP = Conditional Use Permit, Public Hearing, Zoning Administrator CSP = Conditional Site Dev't Permit, Public Hearing, Zoning Administrator
Level 6 = Public Hearing, Planning Commission	CUP (PC) = Conditional Use Permit, Public Hearing, Planning Commission CSP (PC) = Conditional Site Dev't Permit, Public Hearing, Planning Commission
Level 7 = Public Hearing, Board of Supervisors	CUP (BOS) = Conditional Use Permit, Public Hearing, Board of Supervisors CSP (BOS) = Conditional Site Dev't Permit, Public Hearing, Board of Supervisors
– = Not allowed	NA = Not allowed
--	Not addressed in the Current County Code
	Green highlights identify changes to the 2/26/15 draft reviewed by your Commission

Supplemental Table of Changes to Use and Site Development Permit Charts				
USE	DISTRICT			
	CA		A	
	Current	Proposed	Current	Proposed
AGRICULTURAL SUPPORT				
Agricultural Support Site Development Permit requirements				
Agricultural support facilities including agricultural tourism facilities, offices, agricultural service establishments, agriculture including cannabis inside structures, produce stands and markets, and research and development facilities: <1,000 sf development area 1,000 – 10,000 sf >10,000 sf development area (Change from prior version: The new Chart in SCCC 13.11.037 provides a more streamlined approach for site development permits in all zone districts, replacing the separate charts for each zone district. The new SDP chart establishes permit requirements by use categories,	--	P MSP CSP	--	MSP MSP CSP

Exhibit B

	CA		A	
	Current	Proposed	Current	Proposed
<i>and includes a section for agricultural uses. The Use chart establishes whether the use is allowed in the zone district.)</i>				
Agricultural Support Use Permit Requirements				
Fuel storage tanks and pumps	P	NA	P	NA
Mushroom farms, and similar agriculture within structures (excluding cannabis) <i>(Change from prior version: Permit requirements changed from Use Permit to Site Development Permit. Per Site Development permit requirements above, additions or new facilities 1,000 sf or greater on CA would require a Site Development Permit. A separate section for cannabis is provided in the current use chart, which is not being changed in the Sustainability Update.)</i>				
Additions to existing structure, <500 sf	P	P	P	P
Additions or new facilities, 500 – 1,000 sf	P	P	CUP	P
Additions or new facilities, 1,000—10,000 sf	P	P	CUP	P
Additions or new facilities, 10,000 sf – 20,000 sf	P	P	CUP	P
Kennel	CUP(5)	MUP ²	CUP(5)	AUP
Riding academy or public stable <i>(Change from prior version: Added back in as an allowed use on CA and A, subject to CUP approval)</i>	CUP(5)	CUP	CUP(5)	CUP
Tree service	NA	NA	NA	AUP
Wineries – current code <i>No established provisions for promotional events, food service, music or outdoor events. Farmstay not allowed.</i>				
Under 1,000 gallons and not a home occupation	MUP(3)		MUP(3)	
Over 1,000 gallons and under 20,000 gallons annual production;				
On parcels under 2.5 acres in size	MUP(3)		CUP(5)	
On parcels 2.5 acres or larger (For Level 3 approvals, tasting by appt only; in A, 12 max. May be exceeded with a CUP(5)).	MUP(3)		MUP(3)	
Over 20,000 gallons and under 50,000 gallons annual production:				
On parcels under 10 acres in size	CUP(5)		CUP(5)	
On parcels 10 acres or larger (For Level 3 approvals, tasting by appt only; in A, 12 max. May be exceeded with a CUP(5)).	MUP(3)		MUP(3)	
Over 50,000 gallons and under 100,000 gallons annual production on any size parcel	CUP(5)		CUP(5)	
Over 100,000 gallons annual production on any size parcel	CUP– P (6)		CUP-PC (6)	

Exhibit B

	CA		A	
	Current	Proposed	Current	Proposed
Winery signs up to 12 sq.ft., non-illuminated	P		P	
Winery signs exceeding 12 sq.ft or with illumination – a variance	CUP		CUP	
Winery, beer or spirits manufacturing facility – proposed code <i>Note – proposed code also addresses marketing association events, food service, music, farmstay and outdoor events.</i> <i>(Change from prior version: Deleted separate category for production-only wineries, and combined with production and marketing categories. Results in minor changes to permit requirements for medium and large production-only wineries in CA.)</i>				
Production and on-site marketing, small (up to 10,000 gal. wine/spirits; 3,000 bbl beer)		MUP ¹		MUP
Production and on-site marketing, medium (>10,000-30,000 gal. wine/spirits; >3,000-6,000 bbl beer)		AUP ¹		AUP
Production and on-site marketing, large (>30,000 gal. wine/spirits; >6,000 bbl beer)		CUP ¹		CUP
Winery signs				
Up to 12 sq.ft., non-illuminated		P		P
Greater than 12 sq.ft. or illuminated		AUP		AUP
Zoo, petting	--	P ¹	--	P ¹
Vet office, animal hospital; Museum, agriculture or natural history <i>(Change from prior version: New uses in CA and A added to code)</i>	--	CUP	--	CUP
AGRICULTURE				
Site Development Permit requirements for Agricultural uses				
Agricultural structures and site development including barns, greenhouses (including cannabis), and indoor and outdoor storage of agricultural equipment: <div> <div><12,000 sf development area</div> <div>≥12,000 sf development area</div> </div> <i>(Change from prior version: The new Chart in SCCC 13.11.037 provides a more streamlined approach for site development permits in all zone districts, replacing the separate charts for each zone district. The new SDP chart establishes permit requirements by use categories. The Use chart establishes whether the use is allowed in the zone district.)</i>	--	P MSP	--	P ASP

Exhibit B

	CA		A	
	Current	Proposed	Current	Proposed
Use Permit Requirements for Agricultural Uses				
Container grown crops, outdoor				
On up to one acre (Change from prior version: Previously required an MUP – streamlined to require a Zoning Clearance only)	P	ZC	P	ZC
On greater than one acre	CUP(5)	MUP	CUP(5)	MUP
Dairy	P	MUP	CUP(5)	CUP
Barn for livestock (Change from prior version: Permit requirements streamlined. Previously required an MSP for barns larger than 5,000 sf in CA. In A, required an MSP for barns 5,000 sf to 10,000 sf, and an ASP for barns larger than 10,000 sf. As proposed, MSP would be required for barns 12,000 sf or larger in CA, and an ASP in A)				
Less than 12,000 sf DA	P	P	P	P
Equal to or greater than 12,000 sf DA	P	P	P	P
Greenhouse, hoop house (Prior version: New greenhouses in the Coastal Zone larger than 500 sf would have required a CUP. Updated code provides the same permit requirements for greenhouses and hoop houses inside and outside the Coastal zone, providing easier review process in the Coastal Zone)				
Up to 500 sf	P	P	P	P
500 sf – 12,000 sf (Prior version: Greenhouses of this size would have required an MUP)	MUP(3)	ZC	AUP(4)	ZC
12,000 sf – 20,000 sf (Note: MSP required)	MUP(3)	P	AUP(4)	P
>20,000 sf (Note: MSP required) (Prior version: Greenhouses of this size would have required an AUP)	AUP(4)	P	AUP(4)	P
Hatchery facility, poultry	NA	P	NA	P
Hydroponic farm	NA	MUP ¹	NA	AUP ¹
Livestock production				
Large animals (horses, cows, llamas, goats) up to 8 animals per acre;	P	P	P	P
Large animals >8 per acre	P	P	P	AUP
Small animals or poultry up to 100 animals per acre	P	P	P	P
Small animals or poultry >100 animals per acre	P	P	CUP(5)	AUP
Hogs up to 2 per acre	P	P	CUP(5)	P
Hogs >2 per acre	P	P	CUP(5)	AUP

	CA		A	
	Current	Proposed	Current	Proposed
COMMUNITY AND PUBLIC FACILITIES				
<i>(Change from Prior version: Added public facilities to the title of the section)</i>				
Site Development Permit requirements for Community and Public Facility uses				
Community facilities				
Flood control works and facilities for fish and wildlife	--	P	--	P
Other community facilities where allowed in the zone district, including public water projects; public facility uses; and reservoirs	--	CSP	--	CSP
<i>(Change from prior version: The new Chart in SCCC 13.11.037 provides a more streamlined approach for site development permits in all zone districts, replacing the separate charts for each zone district. The new SDP chart establishes permit requirements by use categories. The Use chart establishes whether the use is allowed in the zone district.)</i>				
Use Permit Requirements for Community and Public Facilities				
Energy Facilities, Cogeneration. <i>(Change from prior version: Updated term from community energy facilities to cogeneration, to be clear that this refers to energy generated and used on site. Lowered review level to MUP. On CA, it would be required to be ancillary to an agricultural use.)</i>	CUP(5)	MUP ¹	CUP(5)	AUP(4)
Energy Facilities, Microgrid <i>(Change from prior version: Updated term from renewable energy facilities to microgrid, to provide more flexibility. A Microgrid is a self-sufficient energy system that serves a small geographic area, and is typically powered by renewable energy. On CA, it would be required to be ancillary to an agricultural use.)</i>	NA	CUP ¹	NA	AUP(4)
Flood control works, including channel rectification and alteration	CUP(5)	MUP	CUP(5)	MUP
Dams, canals and aqueducts of public water projects <i>(Change from prior version: Increased proposed review level from MUP back to CUP, to ensure adequate review and input on major water projects)</i>	CUP(5)	CUP	CUP(5)	CUP
Wastewater treatment plant, tertiary, for irrigation water production <i>(Change from prior version: Was previously deleted from CA. Added back to code as an allowed use where necessary to support commercial agriculture, subject to Planning Commission approval.)</i>	CUP(5)	CUP (PC)	CUP(5)	CUP- (PC)
Reservoirs or ponds				

Exhibit B

	CA		A	
	Current	Proposed	Current	Proposed
Up to 25 acre feet	MUP(3)	CUP	MUP(3)	CUP
>25 acre feet	MUP(3)	CUP (BOS)	MUP(5)	CUP (BOS)
Sanitary landfill, publicly owned or contracted (Change from prior version: Added sanitary landfill as an interim use on CA back into Code, recognizing the existing Buena Vista Landfill site on CA)	7	CUP	7	CUP
Other public facility and public/quasi public community facilities where determined to be of significant benefit to public health, safety, and welfare, with any loss of agricultural land mitigated (Change from Prior version – This general category was not included in the prior version, and was added to ensure that public facilities can be provided where necessary to protect public health and safety. SCCC 13.10.314 adds special findings for public/quasi-public uses.)	--	CUP (PC)	--	CUP
RESIDENTIAL				
(Change from Prior version: Caretaker's units now addressed in Farmworker housing regulations that have been adopted by the Board of Supervisors and are in the current code. Farmworker housing regulations were reviewed by your Commission in August, 2019.)				
Foster homes for eight or more children, not including those of the proprietary family	CUP(5)	CUP	CUP(5)	AUP
Accessory Dwelling unit, accessory to a residential use and not for agricultural employee housing, outside the Coastal Zone (Prior version: Since your last review, ADU regulations were updated to be consistent with state law. There is no change proposed to current permit requirements.)	P	P	P	P
Vacation rental, 3 or fewer bedrooms	AUP(4)	AUP	AUP(4)	AUP
Vacation rental, 4 or more bedrooms (Prior version: Since your last review, Vacation rental regulations were updated. There is no change proposed to current permit requirements.)	CUP(5)	CUP	CUP(5)	CUP

Footnotes:

¹ Use shall be ancillary to a principal agricultural use of subject property (13.10.700-A).

² Use shall be ancillary to a principal agricultural use of subject property, or to property owned or leased by the operator.

³Soil-dependent agricultural uses are those uses which use the in-situ soils as the growing medium for all crops



CHAPTER 13.10 ZONING REGULATIONS

PART III. DISTRICTS

ARTICLE I. AGRICULTURAL DISTRICTS

Amendments to this article ensure code is consistent with updated GP policies. Amendments update agricultural uses chart to allow new agricultural support uses including agricultural research and development facilities, agri-tourism, agricultural service facilities on CA, and public facility uses. Clarifies that one single-family residence and one accessory structure are permitted on CA land. References to the Agricultural Preserve District, which has been replaced by the Agricultural Preserve (-P) Combining District, are removed. The section includes provisions and special findings to protect agricultural soils and limit the overall development area on sites with agricultural support uses. Amendments also are included to allow essential public facility uses on CA land as necessary, and to allow land divisions to support public facility uses subject to special findings.

13.10.311 Purposes of agricultural districts.

13.10.312 Uses in agricultural districts.

13.10.313 Development standards in agricultural districts.

13.10.314 Required special findings for CA and AP uses.

13.10.315 CA and AP land division criteria.

13.10.316 Land division criteria in the Agriculture (A) Zone District.

13.10.317 Minimum parcel sizes for lot line adjustments.

13.10.318 Agricultural Policy Advisory Commission review.

13.10.319 Other standards and conditions for agricultural districts.

13.10.311 Purposes of agricultural districts.

(A) CA Commercial Agriculture. The purposes of the CA Commercial Agriculture Zone District are to preserve the commercial agricultural lands within Santa Cruz County which are a limited and irreplaceable natural resource, to maintain the economic integrity of the economic farm units comprising the commercial agricultural areas of the County, to implement the agricultural preservation policy of SCCC 16.50.010, and to maintain and enhance the general welfare of the County as a whole by preserving and protecting agriculture, one of the County's major industries economic sectors. Within the CA Commercial Agriculture Zone District, commercial



agriculture and associated activities related to the viability of the commercial agricultural sector such as produce stands and agri-tourism/education shall be encouraged, to the exclusion of other land uses which may conflict with it and development of non-agricultural uses which may conflict with commercial agriculture shall be excluded.

- (B) A Agriculture. The purposes of the A Agriculture Zone District are to support a diversity of farm operations on agricultural land in the County which is not designated Type 1, Type 2 or Type 3, but which contributes to open space and/or rural character and may constitute a productive natural resource; to encourage noncommercial agricultural uses such as family gardening and family animal raising; to encourage and provide for noncommercial agricultural uses, such as family farming and animal raising, and to allow limited appropriately scaled commercial agricultural activities, on the small amounts of agricultural land remaining in the County which are not designated as commercially suitable, but which still constitute a productive natural resource; to provide for agricultural uses of a higher intensity in rural areas than those allowed in the RA Residential Agricultural Zone District where such use is compatible with the surrounding land uses and the environmental constraints of the land; to provide for agricultural support uses such as agricultural service establishments, agricultural processing facilities and produce markets, and agriculturally related uses such as tree service and kennels as scaled, sited and designed to protect agricultural production, minimize land use conflicts and to maintain the public health and general welfare; to maintain options for a diversity of farm operations; to implement the agricultural preservation policy of Chapter 16.50 SCCC; and to maintain productive open space and rural character in the County.
- (C) AP Agricultural Preserve. The purposes of the CA Zone District shall apply to the AP Agricultural Preserve Zone District. The AP regulations are designated to apply only to agricultural lands and open space located within an agricultural preserve established in accordance with the provisions of the California Land Conservation Act of 1965 as now enacted or as hereafter amended, and which are within the AP Zone District as of July 27, 1982.) Agricultural Preserve and Farmland Security (-P) Combining District. Lands enrolled in the Williamson Act Program under the California Land Conservation Act of 1965 are subject to the requirements in Government Code, Title 5, Division 1, Part 1, Chapter 7, Section 51200 et seq. Sections 13.10.471 through 13.10.473, and designated with an Agricultural Preserve and Farmland Security (P) Combining District, to denote lands that are restricted by Williamson Act contracts, and to regulate permitting on lands so restricted.
- (D) Interpretation of Provisions. The provisions of this chapter shall be liberally interpreted insofar as they apply to accommodating agricultural pursuits and services and shall not be deemed or construed to interfere with any normal accessory use conducted in conjunction therewith. It is the intention of the County to retain commercially viable agricultural areas for commercial agricultural production, and to encourage the commercial agricultural use of; lands designated by the Board of Supervisors as Type 1, Type 2, or Type 3 agricultural lands on the map entitled "Agricultural Resources" on file with the Planning Department as identified in the County GIS



System; to provide maximum protection to existing and future agricultural enterprises from restrictions which may be instituted later at the request of future residents; to restrict incompatible development on or adjacent to agricultural land; and to maintain the existing parcel sizes for parcels zoned CA and AP, except where it is clearly demonstrated that any division of such parcels shall not diminish the productivity or in any way hamper or discourage the long-term commercial viability of agricultural operations on said parcels or adjoining or nearby parcels.

13.10.312 Uses in agricultural districts.

(A) Principal Permitted Uses.

(1) In the Coastal Zone, the principal permitted uses in the agricultural districts shall be as follows:

CA and AP: agricultural pursuits for the commercial cultivation of plant crops, including food, fiber, flower or other ornamental crops and the commercial raising of animals, including grazing and livestock production, and apiculture and accessory uses and structures, excepting those agricultural activities listed as discretionary uses requiring a Level V or higher approval.

A: agricultural pursuits, including the noncommercial or commercial cultivation of plant crops or raising of animals, including apiculture, single-family residential and accessory uses and structures, excepting those agricultural activities listed as discretionary uses requiring a Level V or higher approval.

(2) Principal permitted uses are all denoted as uses requiring a Level IV or lower approval or as otherwise denoted with the letter P in the agricultural use chart contained in subsection (B) of this section. In the Coastal Zone, actions to approve uses other than principal permitted uses are appealable to the Coastal Commission in accordance with the provisions of Chapter 13.20 SCCC relating to Coastal Zone permits, and in some cases, as specified in Chapter 13.20 SCCC, any development is appealable.

(B) (A) Allowed Uses. The uses allowed in the agricultural districts shall be as provided in the agricultural uses chart below in subsection (D) of this section. Certain disallowed uses that are preexisting on a parcel and were legally established may be considered legal nonconforming uses. See SCCC 13.10.260 and 13.10.261 for regulations regarding legal nonconforming uses.

(B) Use Permits. A discretionary permit approval for an allowed use is known as a “use approval” and is given as part of a “development permit” for a particular use. The type of permit processing review, or “approval level,” required for each use in each of the agricultural zone districts is indicated in the chart. Certain allowed uses are permitted by right and other allowed uses require a use permit as indicated in the agricultural uses chart. The processing procedures and findings for use development permits and for the various approval levels are detailed in



SCCC Chapter 18.10 SCCC, Discretionary Permit and Approval Procedures. The approval levels given in this chart for structures incorporate the approval levels necessary for processing a building permit for the structure. Higher approval levels than those listed in this chart for a particular use may be required if a project requires other concurrent approvals, according to SCCC 18.10.123. All Level V or higher approvals Conditional Use Permits in the CA and AP Zone Districts are also subject to the special findings required by SCCC 13.10.314(A) in addition to those required in SCCC 18.10.230.

(C) Other discretionary permits. Physical site development may require a site development permit pursuant to SCCC 13.11.035, a Coastal Development Permit pursuant to SCCC 13.20.050, or other discretionary review.

(D) Agricultural Uses Chart. Allowed uses and permit requirements for agricultural zone districts are identified in the following chart. Uses that are not specifically identified in the uses chart but are determined by the Planning Director to be of the same general character as an identified use, may be permitted subject to the same permit requirements as the identified use.

Note: In the legend below, the definition of "Ancillary" is proposed to be updated to match the proposed definition in SCCC 13.10.700: " 'Ancillary to an agricultural use' means a use that is compatible with, secondary to and in support of the main agricultural use of the subject parcel, or where authorized in Zoning Ordinance for the use, to parcels owned or leased by the same entity for commercial agricultural use."

Table 13.10.311-1: Agricultural Uses Chart

KEY:

P Permitted by right: Use is allowed without a use permit

ZC Zoning Clearance: Ministerial review for conformance with Zoning Ordinance, no use permit required

MUP Minor Use Permit: Discretionary permit, no public notice

AUP Administrative Use Permit: Discretionary permit with public notice

CUP Conditional Use Permit: Discretionary permit with public notice and a public hearing. Hearing is before the Zoning Administrator except where the Planning Commission (PC) is specified.

A Use must be ancillary or complementary to another allowed use. A primary allowed use must first be in place or must be proposed concurrently on a site to allow an ancillary or complimentary use.

NA Use not allowed in this zone district.

"Development area" refers to the area of a parcel or site associated with an allowed use or development that is covered with structures, paving or other impermeable or semi-permeable surface material such as baserock or gravel which may affect the long-term agricultural viability of the underlying soil.



<u>USE</u>	<u>PERMIT REQUIRED BY ZONE</u>		<u>REFERENCES AND NOTES</u>
	<u>CA</u>	<u>A</u>	
<u>Agriculture</u>			
<u>Apiculture</u>	<u>P</u>	<u>P</u>	<u>Chapter 7.32</u>
<u>Aquaculture (fish, shellfish, or other animals)</u>	<u>CUP</u>	<u>CUP</u>	
<u>Biomedical livestock operations</u>	<u>CUP</u>	<u>CUP</u>	<u>13.10.647</u>
<u>Container crops, including horticulture and food production, outdoor</u>			<u>13.10.639</u>
<u>1 acre or less</u>	<u>ZC</u>	<u>ZC</u>	
<u>Area larger than 1 acre</u>	<u>MUP</u>	<u>MUP</u>	
<u>Crop production</u>	<u>P</u>	<u>P</u>	<u>13.10.700-C</u>
<u>Dairy</u>	<u>MUP</u>	<u>CUP</u>	<u>16.22.060</u> <u>Chapter 7.08</u>
<u>Farmworker Housing: EHA (Employee Housing Act) project as defined in SCCC 13.10.631, providing permanent, temporary or seasonal housing for five or more farmworkers (agricultural employees). Includes Employer-Provided Farmworker Housing, Rural Farmworker Housing, Streamlined EHA Project*, and EHA Small Farmworker Housing Project.</u>	<u>P</u>	<u>P</u>	<u>13.10.631</u> <u>16.50.095(F)</u> <u>13.11.037</u> <u>*Streamlined project allowed outside Coastal Zone only</u>
<u>Small Farmworker Housing project not subject to EHA, consisting of 1 to 4 dwelling units housing no more than 4 farmworkers total:</u>			<u>13.10.631</u> <u>16.50.095(F)</u> <u>13.11.037</u>
<u>Inside Coastal Zone:</u>	<u>CUP^A</u>	<u>CUP</u>	
<u>Outside Coastal Zone:</u>	<u>P^A</u>	<u>P</u>	
<u>Affordable Rental Farmworker Housing project pursuant to Development Reserve, outside the Coastal Zone only (see 13.10.631 for map of eligible areas)</u>	<u>CUP(BOS)</u>	<u>CUP(BOS)</u>	<u>13.10.631</u> <u>16.50.095(F)</u> <u>13.11.037</u>
<u>Greenhouse, hoop house</u>	<u>P/ ZC</u>	<u>P/ ZC</u>	<u>13.10.636</u> <u>13.20.073</u> <u>13.11.037</u> <u>ZC required for greenhouses >500 sf</u>
<u>Hatchery facility, poultry</u>	<u>P</u>	<u>P</u>	<u>13.10.700-H</u>
<u>Hydroponic farm</u>	<u>MUP</u>	<u>AUP</u>	



USE			PERMIT REQUIRED BY ZONE		REFERENCES AND NOTES
			CA	A	
Livestock production and grazing					
Large animals (horses, cows, llamas) up to 8 per acre; hogs up to 2 per acre; medium animals (sheep, goats, alpacas) up to 16 per acre; small animals (rabbits, mink, poultry) up to 100 animals per acre, in any combination.			P	P	13.10.645 13.10.646 16.22.060 13.10.313
Animals at a greater density			P	AUP	
Timber harvesting and associated operations (allowed outside the Coastal Zone only)			P	NA	
Water pollution control facility, agricultural, to comply with waste discharge requirements or other orders of the Regional Water Quality Control Board			MUP	MUP	16.20, 16.22 16.30
Agricultural Support					
Agri-tourism and education					13.10.633; 13.10.700-A 13.11.037
School visits, preschool – 12 th grade, no limit on number of events per year or number of students			P ^A	P	
Other agri-tourism and education events, not exceeding 12 per year	50 or fewer guests per event		P ^A	P	
	51-100 guests per event	Parcel less than 15 acres	P ^A	AUP	
		Parcel 15 acres or larger	P ^A	P	
Other agri-tourism and education events, exceeding 12 per year or number of guests provided above			MUP ^A	AUP	
Any agri-tourism and education event(s) with outdoor amplified music			AUP ^A	AUP	
Administrative offices, agricultural			P ^A	P ^A	13.11.037
Agricultural processing facility					13.11.037
Up to 5,000 sq. ft. of floor area			MUP	AUP	13.10.632



<u>USE</u>	<u>PERMIT REQUIRED BY ZONE</u>		<u>REFERENCES AND NOTES</u>
	<u>CA</u>	<u>A</u>	
<u>>5,000 sq. ft. up to 50,000 sq. ft. floor area</u>	<u>AUP/CUP*</u>	<u>AUP</u>	<u>13.10.700-A</u>
<u>>50,000 sq. ft.</u>	<u>CUP</u>	<u>CUP</u>	See 13.10.700-F for definition of "Floor area, gross" (floor area) <u>13.11.037</u> <u>*CUP inside Coastal Zone</u>
<u>Agricultural service establishment</u>			<u>13.10.638</u> <u>13.10.700-A</u> <u>13.11.037</u>
<u><1,000 sq. ft. development area</u>	<u>MUP^A</u>	<u>MUP</u>	* On CA, limited to a total development area of 15,000 sf
<u>1,000 to 7,500 sq. ft. development area</u>	<u>CUP^A</u>	<u>AUP</u>	
<u>>7,500 sq. ft. development area *</u>	<u>CUP(PC)^A</u>	<u>CUP</u>	
<u>Consumer harvesting</u>	<u>P</u>	<u>P</u>	
<u>Farmstay / homestay</u>	<u>MUP^A</u>	<u>MUP/A</u>	<u>13.10.641, 13.10.700-F</u>
<u>Home occupation</u>	<u>P^A/CUP^A</u>	<u>P^A/CUP^A</u>	See 13.10.613 to determine when a CUP is required.
<u>Indoor growing facility for mushrooms or other crops, excluding greenhouses</u>			<u>13.10.634</u> <u>13.11.037</u>
<u>Up to 1,000 sq. ft.</u>	<u>P</u>	<u>P</u>	
<u>>1,000 sq. ft.-20,000 sq. ft total indoor structure area on the parcel</u>	<u>P</u>	<u>CUP</u>	
<u>Kennel</u>	<u>MUP^A</u>	<u>AUP</u>	<u>13.10.642,</u> <u>13.10.644</u> <u>13.11.037</u>
<u>Lumber mill</u>	<u>NA</u>	<u>CUP</u>	
<u>Museum, agriculture or natural history</u>	<u>CUP^A*</u>	<u>CUP</u>	* On CA, limited to a total development area of 12,000 sf
<u>Produce sales area, temporary</u>	<u>P^A</u>	<u>P^A</u>	<u>13.10.640</u>
<u>Produce stand</u>	<u>P^A</u>	<u>P^A</u>	<u>13.10.640</u>
<u>Produce market</u>	<u>NA</u>	<u>CUP^A</u>	<u>13.11.037</u>
<u>Research and development establishment, agricultural</u>	<u>P^A</u>	<u>P</u>	<u>13.10.644</u> <u>13.11.037</u>
<u>Storage of agricultural equipment and supplies, indoor or outdoor</u>			<u>13.10.635</u> <u>13.11.037</u>
<u>Up to 12,000 sq. ft. development area</u>	<u>P^A/ZC*</u>	<u>P/ZC*</u>	



<u>USE</u>	<u>PERMIT REQUIRED BY ZONE</u>		<u>REFERENCES AND NOTES</u>
	<u>CA</u>	<u>A</u>	
<u>> 12,000 sq. ft. development area, located off Type 1-3 soils</u>	<u>MUP^A</u>	<u>AUP</u>	<u>*ZC required for storage buildings, and for storage areas larger than 1,000 sf</u>
<u>> 12,000 sq. ft. development area on Type 1-3 soils</u>	<u>CUP/PC^A</u>	<u>CUP</u>	
<u>Stable, commercial riding or boarding; riding academy</u>	<u>P/CUP^A</u>	<u>P/CUP</u>	<u>See 13.10.644 for permit requirements</u>
<u>Tree service</u>	<u>NA</u>	<u>AUP</u>	
<u>Veterinary office, animal hospital</u>	<u>CUP^A</u>	<u>CUP</u>	<u>13.10.644</u> <u>13.11.037</u>
<u>Water wells, storage tanks and distribution lines, well covers and small pump houses utilized for agriculturally related activities</u>	<u>ZC</u>	<u>ZC</u>	<u>13.20.073</u>
<u>Winery, brewery or distillery</u>			<u>See 13.10.637 for features that may increase permit requirements</u>
<u>Production only, less than 1,000 gallons</u>	<u>P^A</u>	<u>P^A</u>	
<u>Small: up to 10,000 gallons wine or spirits, or 3,000 barrels beer, per year</u>	<u>MUP^A</u>	<u>MUP^A</u>	
<u>Medium: > 10,000 - 30,000 gallons wine or spirits, or 3,000 - 6,000 barrels beer, per year</u>	<u>AUP^A</u>	<u>AUP^A</u>	
<u>Large: > 30,000 gallons wine or spirits, or > 6,000 barrels beer, per year</u>	<u>CUP^A</u>	<u>CUP^A</u>	
<u>Winery signs</u>			<u>13.10.637</u>
<u>Up to 12 sq. ft., non-illuminated</u>	<u>P^A</u>	<u>P^A</u>	
<u>Greater than 12 sq. ft. or illuminated</u>	<u>MUP^A</u>	<u>MUP^A</u>	
<u>Zoo</u>	<u>NA</u>	<u>CUP</u>	<u>13.10.644</u> <u>13.10.700-Z</u> <u>13.11.037</u>
<u>Zoo, petting</u>	<u>P^A</u>	<u>P^A</u>	<u>13.10.644</u> <u>13.11.037</u>
<u>Commercial Cannabis Cultivation, Manufacturing, and Distribution</u>			
<i><u>All uses subject to SCCC 13.10.650 (non-retail commercial cannabis) and with a license pursuant to SCCC 7.128.</u></i>			
<u>Indoor cultivation: existing legal structure (including greenhouses)</u>	<u>P</u>	<u>AUP^x</u>	<u>^x: CUP for non-Class CG licensed cultivation activities, and greenhouses over 20,000 square feet.</u>



<u>USE</u>	<u>PERMIT REQUIRED BY ZONE</u>		<u>REFERENCES AND NOTES</u>
	<u>CA</u>	<u>A</u>	
<u>Greenhouse replacement, reconstruction or structural alteration</u>	<u>P</u>	<u>CUP</u>	Subject to SCCC 13.10.636(B) and (C).
<u>Indoor cultivation: new non-greenhouse structure</u> <u>≤2,000 sf</u> <u>>2,000 sf</u>	<u>MUP</u> <u>CUP</u>	<u>AUP^x</u> <u>CUP</u>	<u>New structures not permitted in the coastal zone and 1-mile buffer.</u> <u>^x: CUP for non-Class CG licensed cultivation activities.</u>
<u>Indoor cultivation: new greenhouse</u> <u><2,000 sf</u> <u>2,000-20,000 sf</u> <u>>20,000 sf</u>	<u>MUP</u> <u>MUP^N</u> <u>AUP</u>	<u>AUP^x</u> <u>NA</u> <u>NA</u>	<u>New structures not permitted in the coastal zone and 1-mile buffer.</u> <u>^x: CUP for non-Class CG licensed cultivation activities.</u> <u>^N: AUP if adjacent parcel is developed with a residential structure in the PR, A, TP, SU, or any residential zone district.</u>
<u>Outdoor cultivation (including hoop house)</u>	<u>P</u>	<u>AUP^x</u>	<u>New hoop houses not permitted in the coastal zone and 1-mile buffer.</u> <u>^x: CUP for non-Class CG licensed cultivation activities.</u>
<u>Water tank</u>	<u>P^A</u>	<u>MUP^A</u>	<u>^A: Accessory to cannabis cultivation</u>
<u>Manufacturing, Class 1 and 2</u> <u>Outside the coastal zone and 1-mile buffer:</u> <u>≤2,000 sf</u> <u>>2,000 sf</u> <u>Inside the coastal zone and 1-mile buffer:</u> <u>≤2,000 sf</u> <u>>2,000 sf</u>	<u>MUP</u> <u>AUP</u> <u>MUP</u> <u>CUP</u>	<u>MUP^{A*±}</u> <u>AUP^{A*±}</u> <u>MUP[±]</u> <u>CUP</u>	<u>New structures not permitted in the coastal zone and 1-mile buffer.</u> <u>^A: Cannabis manufacturing uses must be ancillary to on-site commercial cannabis cultivation in the A zone district.</u> <u>[±]: CUP required if manufacturing activity involves cannabis imported from offsite or employees (not including the owner).</u> <u>[*]: CUP required for parcels < 5 acres.</u>
<u>Manufacturing, Class 3</u>	<u>AUP[*]</u>	<u>NA</u>	<u>New structures not permitted in the coastal zone and 1-mile buffer.</u> <u>[*]CUP for existing structures > 2,000 sf in the coastal zone.</u>



<u>USE</u>	<u>PERMIT REQUIRED BY ZONE</u>		<u>REFERENCES AND NOTES</u>
	<u>CA</u>	<u>A</u>	
<u>Distribution, Class 1: existing legal structure</u> <u>≤ 2,000 sf</u> <u>> 2,000 sf</u>	<u>P</u> <u>P</u>	<u>MUP^A</u> <u>CUP^A</u>	<u>^A: Cannabis distribution uses must be ancillary to on-site commercial cannabis cultivation in the A zone district.</u>
<u>Distribution, Class 1: new structure</u> <u>≤ 2,000 sf</u> <u>> 2,000 sf</u>	<u>MUP</u> <u>AUP</u>	<u>MUP^A</u> <u>CUP^A</u>	<u>New structures not permitted in the coastal zone and 1-mile buffer.</u> <u>^A: Cannabis distribution uses must be ancillary to on-site commercial cannabis cultivation in the A zone district.</u>
<u>Distribution, Class 2: existing legal structure</u>	<u>P</u>	<u>NA</u>	<u>Class 2 distribution is not permitted in new structures in agricultural zone districts.</u>
<u>Distribution, transport only</u>	<u>P</u>	<u>P</u>	
<u>Community and Public Facilities</u>			
<u>Energy Facilities, Cogeneration</u>	<u>MUP^A</u>	<u>MUP</u>	<u>13.10.700-C; 13.11.037</u>
<u>Energy Facilities, Microgrid</u>	<u>CUP^A</u>	<u>AUP</u>	<u>13.10.700-M; 13.11.037</u>
<u>Facilities for fish and wildlife enhancement and preservation</u>	<u>P</u>	<u>P</u>	
<u>Fire protection facilities</u>	<u>NA</u>	<u>AUP</u>	<u>13.11.037</u>
<u>Flood control works, including channel rectification and alteration, for agricultural use</u>	<u>ZC</u>	<u>ZC</u>	
<u>Dams, canals and aqueducts of public water projects</u>	<u>CUP</u>	<u>CUP</u>	<u>13.11.037</u>
<u>Public or private recreational uses (such as playfields) that do not include permanent structures or paving</u>	<u>CUP</u>	<u>CUP</u>	<u>13.11.037</u>
<u>Reservoirs</u> <u>25 acre feet or less</u> <u>>25 acre feet</u>	<u>CUP</u> <u>CUP (BOS)</u>	<u>CUP</u> <u>CUP (BOS)</u>	<u>13.11.037</u>
<u>Sanitary landfill, publicly owned or contracted, as an interim public use</u>	<u>CUP</u>	<u>CUP</u>	<u>13.10.639; 13.11.037</u>
<u>Septic tank sludge disposal sites approved by County Health Officer, outside the Coastal Zone</u>	<u>NA</u>	<u>CUP</u>	<u>7.42</u>
<u>Wastewater treatment plant for the production of recycled water for agricultural irrigation use</u>	<u>CUP(PC)</u>	<u>CUP(PC)</u>	<u>13.10.643; 13.11.037</u>



<u>USE</u>	<u>PERMIT REQUIRED BY ZONE</u>		<u>REFERENCES AND NOTES</u>
	<u>CA</u>	<u>A</u>	
<u>Wireless communication facility</u>	<u>*</u>	<u>*</u>	<u>*Refer to 13.10.660 et seq. for permitting requirements</u>
<u>Other public facility and public/quasi public community facilities as defined in 13.10.700-P, where determined to be of significant benefit to public health, safety, and welfare, with any loss of agricultural land mitigated</u>	<u>CUP(PC)</u>	<u>CUP</u>	<u>13.10.314; 13.10.635(D)</u> <u>13.10.700-M (microgrid)</u> <u>13.10.700-P; 13.11.037</u>
<u>Housing and Accessory Uses</u>			
<u>Single family dwelling, <5,000 sf</u> <u>Inside Coastal Zone</u>	<u>CUP^A</u>	<u>P</u>	<u>13.10.313(F); 13.10.314(B);</u> <u>13.10.324(C); 13.11.037;</u> <u>16.50.095</u> <u>On CA, limit of one single-</u> <u>family dwelling per parcel</u>
<u>Outside Coastal Zone</u>	<u>P</u>		
<u>Single family dwelling, >5,000 sf</u>	<u>CUP</u>	<u>CUP</u>	
<u>Dwelling groups (other than agricultural employee housing and caretaker units or accessory dwelling units), subject to dwelling group density standards</u>			<u>13.10.313</u> <u>16.50.095</u>
<u>2-4 units</u>	<u>NA</u>	<u>AUP</u>	
<u>5 or more units</u>	<u>NA</u>	<u>CUP(PC)</u>	
<u>Accessory dwelling unit ADU) or junior ADU located within 100 feet of the primary dwelling</u>	<u>P^A</u>	<u>P</u>	<u>13.10.313; 13.10.681</u> <u>13.11.037; 13.20.107-108</u> <u>16.50.095</u>
<u>Residential accessory structure, habitable* or non-habitable</u>	<u>P^A</u>	<u>P</u>	<u>*Limit of one habitable</u> <u>accessory structure in CA,</u> <u>located within 100 feet of the</u> <u>primary dwelling</u> <u>13.10.313; 13.10.611</u> <u>13.11.037; 16.50.095</u>
<u>Foster homes for seven or fewer children, not including those of the proprietary family</u>	<u>P</u>	<u>P</u>	<u>On CA, allowed only within the</u> <u>main dwelling</u> <u>13.10.700-F; 16.50.095</u>
<u>Foster homes for eight or more children, not including those of the proprietary family</u>	<u>CUP</u>	<u>AUP</u>	
<u>Residential care home serving 6 or fewer residents</u>	<u>P</u>	<u>P</u>	<u>In CA, allowed only within the</u> <u>main dwelling</u> <u>13.10.700-R; 16.50.095</u>
<u>Family (child) day care home (must be in conjunction with residential use)</u>	<u>P^A</u>	<u>P^A</u>	<u>Serving up to 14 children</u> <u>13.10.613; 13.10.700-D</u>



<u>USE</u>	<u>PERMIT REQUIRED BY ZONE</u>		<u>REFERENCES AND NOTES</u>
	<u>CA</u>	<u>A</u>	
			<u>16.50.095</u>
<u>Home Occupations</u>	<u>P^A/CUP^A</u>	<u>P^A/CUP^A</u>	<u>13.10.616</u>
<u>Visitor Accommodations</u>			
<u>Bed and breakfast inn</u>	<u>CUP(PC)^A</u>	<u>CUP</u>	<u>In CA, allowed only in the main dwelling, and not allowed on sites with a farmstay use</u> <u>13.10.691; 13.11.037</u>
<u>Hosted rental</u>	<u>ZC^A</u>	<u>ZC^A</u>	<u>13.10.690</u>
<u>Vacation rentals, new, with 3 or fewer bedrooms and all vacation rental renewals</u>	<u>AUP^A</u>	<u>AUP^A</u>	<u>In CA, allowed only within the main dwelling</u>
<u>Vacation rentals, new, with 4 or more bedrooms</u>	<u>CUP^A</u>	<u>CUP^A</u>	<u>13.10.694</u>

AGRICULTURAL USES CHART

KEY:

- A = Use must be ancillary and incidental to a principal permitted use on the site
- P = Principal permitted use (see subsection (A) of this section); no use approval necessary if P appears alone
- 1 = Approval Level I (administrative, no plans required)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
- = Use not allowed in this zone district
- * = Level IV for projects of less than 2,000 square feet
- = Level V for projects of 2,000 to 20,000 square feet
- = Level VI for projects of 20,000 square feet and larger
- ** = For purposes of this section, "on-site" shall mean on the parcel on which the use is located, plus any other parcel(s) owned, leased and/or rented by the farm operator in this County or adjoining counties
- *** = Processed as a Level V Coastal Zone permit project when within the geographic area defined by SCCC [13.20.073](#)

**AGRICULTURAL USES CHART**

******** = Soils-dependent agricultural uses are those uses which use the in-situ soils as the growing medium for all crops

BP = Building permit

BP1 = Approval Level I (administrative, no plans required)

BP2 = Approval Level II (administrative, plans required)

BP3 = Approval Level III (administrative, field visit required)

USE	CA	A	AP (P Comb. *)
Agricultural activities: crops and livestock			
Agricultural custom work occupations subject to the provisions of SCCC 13.10.638	P/4	P/4	P/4
Agricultural support facilities for processing, packing, drying, storage and refrigeration of produce above a total aggregate size of 2,000 square feet or 100 square feet per acre on-site** (whichever is greater) subject to the provisions of SCCC 13.10.632 . Maximum aggregate size of such facilities shall be 50,000 square feet. Inside the Coastal Zone agricultural support facilities greater than 2,000 square feet shall be processed at Level V and shall not be considered a principal permitted use	-	-	-
Up to and including a maximum aggregate of 2,000 square feet or 100 square feet per acre on-site** (whichever is greater)	3	3	3
Greater than an aggregate of 2,000 square feet or 100 square feet per acre on-site** (whichever is greater)	4	4	4
Agricultural service establishments subject to the provisions of SCCC 13.10.633 (see SCCC 13.10.700 -A definition)	—	5	—
Apiculture (beekeeping)	P	P	P
Aquaculture and aquacultural facilities	5	5	5
Biomedical livestock operations (subject to SCCC 13.10.647)	5	5	—
Berry and other vine crops	P	P	P
Commercial dairying, subject to the provisions of SCCC 16.22.060	BP3	5	BP3
Field crops, including hay, grain, seed, and turf crops	P	P	P
Livestock raising for food, fiber or animal production, including rabbits and other small animals under 100 per acre	P	P	P

**AGRICULTURAL USES CHART**

Livestock raising involving hog farming or small animals over 100 per acre, subject to the provisions of SCCC 16.22.060	BP3	5	BP3
Nursery crops limited to open field grown ornamental plants, flowers and Christmas trees	P	P	P
Nursery crops, outdoor container grown, covering an area of one acre or less	P	P	P
Nursery crops, outdoor container grown, covering an area larger than one acre	5	5	5
Orchards, including fruit tree and nut crops	P	P	P
Poultry and other fowl raising, including egg production, under 100 birds per acre (see also "Barn" below)	P	P	P
Poultry and other fowl raising involving more than 100 birds per acre	P	5	P
Row crops, including fruit and vegetable raising	P	P	P
Agricultural Employee (Farmworker) Housing (subject to SCCC 13.10.631) ***** ++			
EHA (Employee Housing Act) projects, subject to SCCC 13.10.631 and California Health and Safety Code Section 17008 et seq. and Section 17021.6. EHA projects provide permanent, temporary or seasonal housing for five or more farmworkers (agricultural employees), including the following types as defined in SCCC 13.10.631:			
Employer-Provided Farmworker Housing Project:	-	-	-
— 5 to 36 beds in group quarters designed for single adult farmworkers, or	-	-	-
— 5 to 12 dwelling units, manufactured or mobile homes (MHs), recreational vehicles (RVs), or spaces for MHs or RVs, each designed for occupancy by at least one farmworker and their household.			
Inside the Coastal Zone	P/5	P/5	P/5
Outside the Coastal Zone	P/3	P/3	P/5
Rural Farmworker Housing Project (rural areas only):	-	-	-
— 5 to 36 beds or 5 to 12 units for Seasonal or Temporary Occupancy, or	-	-	-
— up to 12 mobile homes, manufactured homes, travel trailers, RVs for permanent occupancy.	-	-	-
Inside the Coastal Zone	P/5	P/5	P/5

**AGRICULTURAL USES CHART**

Outside the Coastal Zone	P/3	P/3	P/5
Small Farmworker Housing Project subject to EHA: 1 to 4 dwelling units or mobile homes housing at least 5 farmworkers and licensed by Enforcement Agency, with each unit designed for occupancy by at least 1 farmworker and their household.	-	-	-
Inside the Coastal Zone	P/5	P/5	P/5
Outside the Coastal Zone	P/3	P/3	P/5
Small Farmworker Housing Project not subject to EHA: 1 to 4 dwelling units housing no more than 4 farmworkers total, and at least one per dwelling unit, subject to SCCC 13.10.631	-	-	-
Inside the Coastal Zone	5	5	5
Outside the Coastal Zone	P/3	P/3	P/5
Affordable Rental Farmworker Housing Project pursuant to Development Reserve and SCCC 13.10.631 (see SCCC 13.10.631 for map of eligible areas)	-	-	-
Inside the Coastal Zone	—	—	—
Outside the Coastal Zone	7	7	7
Streamlined EHA Projects, subject to SCCC 13.10.631 and California Health and Safety Code Section 17008 et seq. and Section 17021.8 . Streamlined EHA Projects provide affordable housing for at least 5 farmworkers, may include up to 36 dwelling units or mobile home/RV spaces, are subject to a 35-year affordability restriction, and qualify for ministerial use approval, as further set forth in Section 17021.8 and SCCC 13.10.631 .	-	-	-
Inside the Coastal Zone	—	—	—
Outside the Coastal Zone	P/3	P/3	P/5
Agricultural Support and Related Facilities			
Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU), subject to the provisions of SCCC 13.10.681	-	-	—
Inside the Coastal Zone	5	BP	—
Outside the Coastal Zone	4	BP	—
Barns, corrals, or pens used for animal husbandry, subject to the provisions of SCCC 16.22.060	BP3	BP3	BP3

**AGRICULTURAL USES CHART**

Caretaker's quarters, permanent, subject to the provisions of SCCC 13.10.631	5	5	5
Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700 - C definition)	P	P	P
Commercial boarding of animals, subject to the provisions of SCCC 13.10.641 (B)	P/5	P/5	P/5
Consumer harvesting, on-site**	P	P	P
Dwelling unit, one detached single-family per parcel, subject to the provisions of SCCC 13.10.314	-	-	-
Inside the Coastal Zone (requires APAC review in the CA and AP Zone Districts)	5	BP3	5
Outside the Coastal Zone	BP3	BP3	BP3
Dwelling unit, one detached single-family per parcel, 5,000 square feet or larger, exclusive of accessory structure(s) associated with the residential use, but specifically excluding barn or similar accessory structures subject to the provisions of SCCC 13.10.314 and 13.10.325	5	5	5
Dwelling units, dwelling groups subject to the provisions of SCCC 13.10.313 (E), 13.10.313 (F) and 13.10.314	-	-	-
2—4 units	5	5	5
5—19 units	6	6	6
20+ units	7	7	7
Energy facilities, community, subject to the provisions of SCCC 13.10.661 and 13.10.700 - E (definition)	5	5	5
Facilities for fish and wildlife enhancement and preservation	P	P	P
Farmworker housing (see Agricultural Employee (Farmworker) Housing, above)			
Farm outbuildings and other agricultural accessory structures for storage or equipment with or without a single room containing lavatory facilities	BP3	BP3	BP3
Fences, subject to the provisions of SCCC 13.10.525	P/3/5	P/3/5	P/3/5
Fire protection facilities	—	5	—

**AGRICULTURAL USES CHART**

Flood control works, including channel rectification and alteration; dams, canals and aqueducts of any public water project	5	5	5
Foster homes for seven or fewer children, not including those of the proprietary family (see SCCC 13.10.700 -F definition)	P	P	P
Foster homes for eight or more children, not including those of the proprietary family (see SCCC 13.10.700 -F definition)	5	5	5
Fuel storage tanks and pumps	BP2	BP2	BP2
Greenhouse structures, as accessory structures, under 500 square feet in area	BP2	BP2	BP2
Greenhouse structures, outside the Coastal Zone, subject to the provisions of SCCC 13.10.636 (A)	-	-	-
500—20,000 square feet	3	4	3
Over 20,000 square feet	4	4	4
Greenhouse structures soil dependent****, inside the Coastal Zone, subject to the provisions of SCCC 13.10.636 (A) and 13.20.073	-	-	-
500—20,000 square feet	3	3	3
Over 20,000 square feet	P/4	P/4	P/4
Greenhouses, improvements and expansions up to 10,000 square feet in area, inside the Coastal Zone, subject to the provisions of SCCC 13.10.636 (A) and 13.20.073	BP3	4	BP3
Greenhouses, all others in the Coastal Zone	-	-	-
Up to 20,000 square feet	P/5	P/5	P/5
Greater than 20,000 square feet	5	5	5
Greenhouse replacement, reconstruction or structural alteration, pursuant to SCCC 13.10.636 (B) and (C)	BP3	BP3	BP3
Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of SCCC 13.10.611	BP/4/5	BP/4/5	BP/4/5
Nonhabitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of SCCC 13.10.313 (A) and 13.10.611)	BP/4/5	BP/4/5	BP/4/5
Home occupations subject to the provisions of SCCC 13.10.613	P/5	P/5	P/5

**AGRICULTURAL USES CHART**

Hosted rentals, subject to the provisions of SCCC 13.10.690	1P	1P	1P
Kennels, commercial or private, for five or more dogs or cats over the age of four months subject to the provisions of SCCC 13.10.323	5	5	5
Lumber mills	—	5	—
Manufactured home, as a single-family dwelling unit, subject to the provisions of SCCC 13.10.682	-	-	-
Inside the Coastal Zone	5	5	5
Outside the Coastal Zone	BP3	BP3	BP3
Mushroom farms and other agriculture within structures, subject to the provisions of SCCC 13.10.634	-	-	-
Additions, less than 500 square feet	BP3	BP3	BP3
Additions, 500—20,000 square feet	BP3	5	BP3
Offices within existing structures operated in conjunction with an allowed use	BP2	BP2	BP2
Public utility facilities; energy facilities (see SCCC 13.10.700 -E definition)	—	5	—
Publicly owned and operated sanitary landfill either by contract or by public forces, subject to the provisions of SCCC 13.10.639	7	7	7
Recreational activities: playfields not involving permanent structures or paving. Within the Coastal Zone allow this use only in the A (noncommercial agriculture) Zone District	5	5	5
Recycled municipal wastewater (i.e., tertiary treatment) facilities for the production of recycled water solely for agricultural irrigation use, subject to the provisions of SCCC 13.10.635	7	7	7
Reservoirs or ponds	3	3	3
Residential care home serving 6 or fewer residents (see SCCC 13.10.700 -R definition)	P	P	P
Riding academies or public stables, subject to the provisions of SCCC 13.10.641	5	5	5
Septic tank sludge disposal sites that are approved by the Health Officer pursuant to Chapter 7.42 SCCC and that are located outside the Coastal Zone	—	4	—

**AGRICULTURAL USES CHART**

Signs in conjunction with principal permitted uses as described in SCCC 13.10.580 (A) and (B)	P	P	P
Signs in conjunction with nonprincipal permitted uses as described in SCCC 13.10.580 (C) and (D)	BP2	BP2	BP2
Stands for the display and sale of agricultural commodities produced on-site**	BP2	BP2	BP2
Vacation rentals, new, with 3 or fewer bedrooms and all vacation rental renewals (subject to SCCC 13.10.694)	4	4	4
Vacation rentals, new, with 4 or more bedrooms (subject to SCCC 13.10.694)	5	5	5
Timber harvesting and associated operations (outside the Coastal Zone only)	P	—	—
Veterinary offices and animal hospitals subject to the provisions of SCCC 13.10.642	5	5	5
Visitor accommodations, such as: bed and breakfast inns (subject to SCCC 13.10.691)	—	5	—
Water pollution control facilities for agricultural purposes constructed to comply with waste discharge requirements or other orders of the Regional Water Quality Control Board, or erosion control facilities constructed to comply with County ordinances	3	3	3
Water wells, storage tanks and distribution lines, well covers and small pump houses utilized strictly for on-site agriculturally related activities	1***	1***	1***
Wineries under 1,000 gallons annual production as a home occupation, subject to the provisions of SCCC 13.10.637	P	P	P
Wineries, subject to the provisions of SCCC 13.10.637	-	-	-
Under 1,000 gallons and not a home occupation	3	3	3
Over 1,000 gallons and under 20,000 gallons annual production:	-	-	-
On parcels under 2.5 acres in size	3	5	3
On parcels 2.5 acres or larger	3	3	3
Over 20,000 gallons and under 50,000 gallons annual production:	-	-	-
On parcels under 10 acres in size	5	5	5
On parcels 10 acres or larger	3	3	3

**AGRICULTURAL USES CHART**

Over 50,000 gallons and under 100,000 gallons annual production and on any size parcel	5	5	5
Over 100,000 gallons annual production on any size parcel	6	6	6
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.668 , inclusive	5	5	5
Zoos and natural science museums	—	5	—
Cannabis Cultivation (commercial) (subject to SCCC 13.10.650)[†]	-	-	—
Indoor cultivation (existing legal structure, other than greenhouse)	P	4 ^x /5	—
Outside Coastal Zone and 1-mile buffer			
< 2,000 square feet	3	4 ^x /5	—
> 2,000 square feet	5	5	—
Inside Coastal Zone and 1-mile buffer	—	—	—
Greenhouse (existing)			
< 20,000 square feet	P	4 ^x /5	—
> 20,000 square feet	P	5	—
Greenhouse, replacement, reconstruction or structural alteration, pursuant to SCCC 13.10.636 (B) and (C)	BP3	5	—
Greenhouse (new)			
Outside Coastal Zone and 1-mile buffer			
< 2,000 square feet	3	4 ^x /5	—
2,000—20,000 square feet	3/4 ^N	—	—
> 20,000 square feet	4	—	—
Inside Coastal Zone and 1-mile buffer	—	—	—
Outdoor cultivation (including hoop house)			
Outside Coastal Zone and 1-mile buffer	P	4 ^x /5	—
Inside Coastal Zone and 1-mile buffer	P	4 ^x /5	—
Hoop house (new)			

**AGRICULTURAL USES CHART**

Inside Coastal Zone	—	—	—
Water tank (accessory to cannabis use)	P	3	—
Cannabis Manufacturing (commercial) (subject to SCCC 13.10.650)†			
Classes 1—2****			
Outside Coastal Zone and 1-mile buffer, new or existing legal structure			
0—2,000 square feet			
Over 5-acre parcel	3	3/5±	—
Less than 5-acre parcel	3	5	—
> 2,000 square feet			
5-acre or greater parcel	4	4/5±	—
Less than 5-acre parcel	4	5	—
Inside Coastal Zone + 1 mile, existing legal structure			
0—2,000 square feet	3	3/5±	—
> 2,000 square feet	5	5	—
Class 3			
Outside Coastal Zone and 1-mile buffer, new or existing legal structure	4	—	—
Inside Coastal Zone + 1 mile, existing legal structure			
0—2000 square feet	4	—	—
> 2000 square feet	5	—	—
Cannabis Distribution (subject to SCCC 13.10.650)†			
Class 1****			
Outside Coastal Zone and 1-mile buffer, new or existing legal structure			
< 2,000 square feet (new structure)	3	3	—
< 2,000 square feet (existing structure)	P	3	—
> 2,000 square feet (new structure)	4	5	—
> 2,000 square feet (existing legal structure)	P	5	—



AGRICULTURAL USES CHART

~~Inside Coastal Zone and 1-mile buffer, existing legal structure~~

~~< 2,000 square feet P 3 —~~

~~> 2,000 square feet P 5 —~~

~~Class 2, existing legal structure~~

~~Outside Coastal Zone and 1-mile buffer P — —~~

~~Inside Coastal Zone and 1-mile buffer P — —~~

~~Transport Only P P —~~

~~^F With a license appropriate for zoning classification pursuant to Chapter 7.128 SCCC. No new non-retail commercial cannabis structures may be permitted in the Coastal Zone and 1-mile buffer.~~

~~^N Level 4 approval applies to all use permits where the parcel is adjacent to another parcel zoned PR or a parcel zoned A, AP, RA, RR, R-1, RB, RM, TP, SU which contains a residential structure.~~

~~^X Level 4 approval applies only to Class CG licensed cultivation activities.~~

~~⁺ Level 5 approval required if manufacturing activity involves cannabis imported from offsite or employees (not including the owner).~~

~~**** Cannabis manufacturing and distribution uses must be ancillary to on-site commercial cannabis cultivation in the A zone district.~~

13.10.313 Development standards in agricultural districts.

(A) Site and Structural Dimensions.

(1) General: The following site area per dwelling unit, site width, frontage, yard dimensions, and building height limits shall apply to all agricultural zone districts except that maximum height limits and exceptions therefrom for residential structures in all agricultural districts shall be determined in accordance with the provisions of SCCC 13.10.323 applicable to parcels in the residential zone districts. On legal lots of record less than two and one-half acres in size, all site and structural dimensions of the residential districts as indicated in SCCC 13.10.323 shall apply, based on the pre-existing parcel size.

Table 13.10.313-1: Agricultural Site and Structural Dimensions Chart

Designation	Parcel Size	Width	Frontage	Front Yard
A	Less than 5 acres	100'	60'	20'
A	5 acres or more	300'	100'	20'
CA	(All)	300'	100'	20'
AP	(All)	300'	100'	20'



Designation	Setbacks*:			Maximum Height for **:	
	Front	Side	Rear	Agricultural Structures	Residential Structures
A	20'	20'	20'	40'	28'
A	20'	20'	20'	40'	28'
CA	20'	20'	20'	40'	28'
AP	20'	20'	20'	40'	28'

* For soil-dependent greenhouses, including hoop houses that meet the definition of an agricultural shade structure (SCCC 12.10.315(A)(11)) or those that require a building permit solely because of having mechanical, electrical, or plumbing equipment; the setback from all property lines abutting on or across a street or road from another agriculturally zoned parcel is 10 feet. Where an abutting agriculturally zoned parcel is under common ownership or leasehold, hoop houses may be constructed with a zero (0) foot setback from the side and rear property lines.

**Agricultural windmills and wind machines for crop production are exempt from the height provisions of this chapter.

~~(1) Size and Design of Structures — Exceptions. No residential structure shall be constructed or enlarged which will result in 5,000 square feet of floor area or larger, exclusive of accessory structures associated with the residential use, unless a Level V approval is obtained pursuant to the provisions of SCCC 13.10.325.~~

(B) Distance Between Structures. Incidental and accessory structures may be attached to and have a common wall with a main structure on a site or may be connected with a main structure by a breezeway; provided, that a structure housing livestock shall not be attached to a structure used for human habitation. Where there is more than one structure on a site, the minimum distance between a structure used for human habitation and another structure shall be 10 feet. The minimum distance between dwelling units shall be 10 feet. The minimum distance between a structure used for human habitation and a structure housing livestock shall be 50 feet. Exceptions to the minimum distance between structures require approval of a minor exception or variance.

~~(C) — Minimum Parcel Size:~~

~~(1) A District. The minimum average parcel size in net developable acres for new parcels created in the A Zone District outside the urban services line (USL) shall be within the range of two and one-half to 20 or 10 to 40 acres per dwelling unit and shall be consistent with the requirements of the General Plan, the Local Coastal Program Land Use Plan and Chapter 13.14 SCCC pertaining to rural residential density determinations. Land divisions shall not be allowed within the A Zone District on properties within the USL.~~

~~(2) CA District. Parcels within the CA Zone District shall not be divided except for exclusive agricultural purposes pursuant to SCCC 13.10.315.~~



- (3) AP District. Parcels within the AP Zone District shall not be divided except for exclusive agricultural purposes pursuant to ~~SCCC 13.10.315~~.
- (4) In the A, CA, or AP Districts, the minimum parcel size for an Affordable Rental Farmworker Housing (ARFH) Project is one acre.
- (D) ~~(C)~~ Buffer Requirements. ~~Nonagricultural uses, involving h~~ Habitable spaces structures, and uses involving intensive human activity, including residential development, and commercial or industrial establishments, etc., that are adjacent to parcels zoned Commercial Agriculture (CA) or Agricultural Preserve AP in the CA zone district and/ or on lands designated as Type 1-3 Agricultural Resource Land or farm labor housing located on CA or AP zoned land shall provide a buffer setback in accordance with the provisions of SCCC 16.50.095 and shall otherwise comply with the requirements of that section. Where required to comply with agricultural buffer setback requirements, an ADU may be located more than 100 feet from the main dwelling, with the additional distance from the main dwelling limited to the minimum distance required to meet the buffer setback requirements. Agricultural buffers shall not be required between nonagricultural and commercial agricultural uses on the same parcel unless otherwise specified by the SCCC. For buffer requirements for Farmworker Housing, see SCCC 13.10.631.
- (E) ~~(D)~~ Dwelling Group Densities.
 - (1) ~~A District~~. Dwelling groups within the A Agriculture Zone District may be allowed at a density per dwelling unit pursuant to ~~Chapter SCCC 13.14 SCCC~~ pertaining to rural residential density determinations. Agricultural employee housing in accordance with SCCC 13.10.631 is considered an agricultural use for the purpose of calculating density for zoning purposes.
 - (2) ~~CA District~~. Dwelling groups within the CA Commercial Agriculture Zone District may be allowed at a density of 40 gross acres per dwelling unit.
 - (3) ~~AP District~~. Dwelling groups within the AP Agriculture Preserve Zone District may be allowed at a density of 40 gross acres per dwelling, with a maximum of five dwelling units.
- (F) ~~Residential Uses on Coastal Zone Noncommercial Agricultural Land~~. Building permits for residential uses on parcels designated in the General Plan and Local Coastal Program Land Use Plan as agricultural land use and not as commercial agricultural land shall be issued only upon documentation that:
 - (1) Residential use of the parcel will not conflict with on-site or adjacent agricultural activities; and
 - (2) The building site has approved agricultural buffer setbacks; and



- (3) The residents and owners of the subject parcel have executed a binding hold harmless covenant with adjacent agricultural operators and owners which shall run with the land and be recorded prior to occupancy.

The Agricultural Policy Advisory Commission shall make the determination that these conditions have been met.

(E) Total development area on CA. For any residential use or ancillary agricultural support use for which a Use Permit or Site Development Permit is required (excluding agricultural uses listed under "agriculture" in the agricultural uses chart such as farmworker housing and greenhouses), and which result in a total development area on type I-III agricultural soils of more than 35,000 square feet (excluding agricultural uses identified above), a Conditional Use Permit and master plan shall be required, and the following additional findings shall apply:

- (1) An alternative sites analysis provided by the applicant and supported by technical studies demonstrates that there are no feasible sites available on the subject parcel or on other parcels owned or leased by the applicant that are located off Type I-3 agricultural land and viable agricultural soils that could accommodate the proposed use; 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 35,000 sq. ft. and substantially reduce impacts to viable agricultural land; and
- (3) Farmable portions on the subject parcel, or farmable areas on other sites owned by the agricultural operator equal or greater in size than the total development area of the subject parcel, have been placed in a permanent agricultural easement to protect the land for future farming use.

13.10.314 Required special findings for CA and AP uses.

(A) All Nonresidential Conditional Uses. For parcels within the CA Commercial Agriculture and the Agricultural Preserve (-P) Combining AP Agricultural Preserve-Zone Districts, the following special findings must be made in addition to the findings required by Chapter SCCC 18.10 SCCC in order to approve any non-residential discretionary use project listed under SCCC 13.10.312 which that requires a Conditional Use Permit, Level V or higher approval except agricultural uses and agricultural buffer determinations:

- (1) That the establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel (excepting public/quasi-public community facilities of significant benefit to public health, safety, and welfare) and will not reduce, restrict or adversely affect agricultural activities or resources, or the economic viability of commercial agricultural operations, of in the area.



- (2) ~~(a)~~ The use is sited on the property to avoid removing land from production and to preserve agricultural resource soils. If avoidance and preservation is not possible, remove as little land as possible from agricultural production and future production. Technical reports may be required to demonstrate conservation of farmland to the maximum extent feasible.
- (3) ~~(a)~~ That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel, or to parcels owned or leased by the operator where so indicated in SCCC 13.10.312(D), Agricultural Uses Chart, or (b) that no other agricultural use is feasible for the parcel, or (c) that the use consists of an interim public use which that does not impair long-term agricultural viability, or (d) consists of a permanent public use that will result in the production of recycled wastewater facility solely for agricultural irrigation and that limits and mitigates the impacts of facility construction on agriculture consistent with the requirements of SCCC 13.10.635; or consists of a permanent public/quasi-public use that the County has determined to be of significant benefit to the public health, safety and welfare, subject to the following additional findings:
- ~~(i)~~ Loss of commercial agricultural land is mitigated, which may include a permanent agricultural conservation easement on land of at least equal quality and size as partial compensation for the direct loss of agricultural land, mitigations consistent with 13.10.635(D), or other feasible mitigations; and
 - ~~(ii)~~ For public facility uses with a development area greater than 12,000 square feet, an analysis is provided of two alternate sites located off agricultural resource land, identifying why development on these sites is not feasible; and
 - ~~(iii)~~ If located on Type 3 agricultural land in the Coastal Zone, the public facility use does not impair agricultural viability, either through increased assessment costs to other agricultural parcels in the area, or degraded air and water quality, and is consistent with the California Coastal Act.
- ~~(3)~~ That single-family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on-site, where applicable, or in the area.
- ~~(4)~~ That the use will be sited 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.
- (B) Discretionary Residential Uses in the Commercial Agriculture (CA) and Agricultural Preserve (-P) Combining Zone Districts in the Coastal Zone. In the CA or -P zone districts, to establish a residential use requiring a Use Permit or Site Development Permit pursuant to SCCC 13.10.312(D) and 13.11.037, including a single family dwelling. For parcels within the Agricultural (CA) and AP Agricultural Preserve Zone Districts in the Coastal Zone, the following special findings shall be made in addition to those required by Chapter SCCC 18.10 SCCC and



subsection (A) of this section in order to approve any discretionary residential use including a single-family residence, an accessory dwelling unit, a permanent caretaker's residence, or habitable accessory structure. These findings shall be based upon a review and determination by the decision-maker Agricultural Policy Advisory Commission. These special findings do not apply to the establishment of agricultural employee housing or a caretaker's unit, which are considered agricultural uses (see SCCC 13.10.631 for applicable standards).

- (1) That the use will be sited to minimize conflicts with commercial agricultural activities on-site, where applicable, or in the area.
- (2) That the use is sited on the property to avoid removing land from production and to preserve agricultural resource soils. If avoidance and preservation is not possible, remove as little land as possible from agricultural production and future production.
 - (a) Conditions of approval related to the above finding may include one or more of the following: siting the proposed use on the perimeter of good agricultural soils, locating on the least agriculturally viable area of the parcel clustering near existing buildings and/or other site development, utilizing existing site access or locating the development on the site to minimize the total area required for new site access, and minimizing the use of paving materials or other impervious surfacing to that necessary to accommodate the proposed use.
- (2) ~~That the residential use will meet all the requirements of SCCC 16.50.095 pertaining to agricultural buffer setbacks;~~
- (3) That the owners of the parcel have executed binding hold harmless covenants with the owners and agricultural operators of adjacent agricultural parcels. Such covenants shall run with the land and shall be recorded prior to issuance of the use permit.
- (4) ~~(1)~~ For the establishment of a single-family dwelling or ADU on a CA parcel in the Coastal Zone, the following additional finding applies: That the parcel is less than one acre in size; or that the parcel has physical constraints (such as adverse topographic, geologic, hydrologic or vegetative conditions) other than size which that preclude commercial agricultural use; or that the residential use will be ancillary to commercial agricultural use of the parcel based on the fact that either:
 - (a) The farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography and climate of the area; or
 - (b) The owners of the subject parcel have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

(C) ~~Recreational Playfields Outside the Coastal Zone.~~



- (1) For parcels within the CA Commercial Agricultural and AP Agricultural Preserve Zone Districts, the following special findings must be made in addition to the findings required by Chapter SCCC 18.10 SCCC in order to approve recreational playfields outside the Coastal Zone:
- (a) That the use is temporary and will not impair the long-term use of the parcel for commercial agricultural purposes.
 - (b) That the use does not involve permanent structures or paving; and does not require the extension of urban infrastructure such as water or sewer lines or conflict with LAFCO or Coastal Commission policies. Surfacing of a pedestrian access to meet the requirements of the Americans with Disabilities Act shall not be prohibited by this provision.
 - (c) That the use will not conflict with commercial agricultural activities on-site, where applicable, or in the area.
 - (d) That the use will be sited to remove no land from production (or potential production) if any nonfarmable site is available, or if this is not possible, to remove as little land as possible from production.
- (2) For parcels within the AP Agricultural Preserve Zone District, the requirements set forth in Government Code Section 51238.1(a) must also be met to approve recreational playfields outside of the Coastal Zone.

13.10.315 CA and AP land division criteria.

(A) All Parcels in the CA and AP Zone District.

- (1) All ~~parcel~~ land divisions of fewer than 20 lots in the CA or AP Zone Districts shall be subject to require a public hearing before the Planning Commission, and land divisions of 20 or more lots require a public hearing before the Board of Supervisors, and approval at approval Level VII pursuant to Chapter SCCC 18.10.110 and SCCC 14.01, Subdivision Regulations.
- (2) All proposed ~~parcel~~ land divisions within the CA or AP Zone Districts shall be reviewed by the Agricultural Policy Advisory Commission for a recommendation for approval or denial of the proposed division, and for a determination of the ability to make the special findings required by this section, the potential for conflicts from the proposed division, and where appropriate, the minimum parcel size necessary to allow for economic farming of the parcels.
- (3) No ~~parcel~~ land divisions shall be permitted in the CA or AP Zone Districts for the purpose of using the new parcel(s) for nonagricultural uses, or for the purpose of dividing off land which



is not usable for agriculture, except where necessary to accommodate a public/ quasi-public community facility that is in the interest of public health, safety, and welfare.

(4) Divisions of land not zoned CA or AP from land zoned CA or AP are governed by SCCC 16.50.085.

(B) Type 1 Parcels. ~~(1)~~ The following findings shall be made prior to the approval of any ~~parcel~~ land division in the CA or AP-Zone Districts for land designated as Type 1 land pursuant to Chapter SCCC 16.50 SCCC:

(1) That the resulting parcels are not less than 10 arable acres in size, except for the following:

(a) The creation of a new parcel no less than one acre in size for an Affordable Rental Farmworker Housing (ARFH) project pursuant to SCCC 13.10.681 may be allowed on Type 1 or 2 agricultural land when necessary to obtain financing for construction of the project. Such a parcel is not required to be of sufficient size to allow for economic farming, and shall not include a condominium map.

(b) For a parcel dedicated to a public/quasi-public use, the minimum parcel size shall be the area needed to accommodate the use and to maximize the preservation of viable agricultural land. The minimum size for the parcel remaining in agricultural production or available for agricultural production shall be 10 arable acres, and shall be of sufficient size to remain agriculturally viable as determined by an agricultural viability study and the decision-maker.

(2) ~~(a)~~ That the use-division is for exclusive agricultural use purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing ~~(ARFH)~~ project, or is for a public/quasi-public use.

(3) ~~(b)~~ That the proposed parcel sizes will not be detrimental to the economic viability of commercial agricultural operations on said parcels, or on adjoining or nearby parcels.

(4) ~~(c)~~ That the division is necessary for continued commercial agricultural use of the subject parcels, or necessary to accommodate a public/quasi-public use. In the event a recorded agricultural preserve (Williamson Act contract), or conservation easement existed prior to January 23, 1979, ~~for a~~ exists on a parcel proposed to be divided under this section, said contract or easement shall constitute evidence of a long-term commitment to continued agricultural use and shall satisfy the requirement for this finding.

(5) ~~(d)~~ That all parcels shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, except for parcels created solely for the purpose of an Affordable Rental Farmworker Housing ~~(ARFH)~~ project, pursuant to SCCC 13.10.681, or parcels that accommodate a public/quasi-public use, which are not subject to this requirement. Technical reports may be required to confirm the crop types that are suited to a particular soil. With respect to parcels restricted by an Agricultural



Preserve Williamson Act contract recorded prior to January 23, 1979, the finding shall be made either that (i) all parcels created shall be of sufficient size to allow for economic farming of the parcels for crop types suited to the particular soils in question, or that (ii) the owners of all parcels created have recorded an agreement with the County which that guarantees the original owner the right to continue to use the newly created parcel for exclusive commercial agricultural uses. ~~In no case shall the parcel size be less than 10 arable acres.~~ Land subject to an Agricultural Preserve Williamson Act contract which that is approved for division shall continue to be restricted in the aggregate to the permitted and discretionary uses which would have been available to the original parcel under the agricultural preserve Williamson Act contract had the original parcel remained undivided.

~~(6)(e)~~ That no conflicts with adjacent agricultural operations shall result from the division.

~~(f)~~ That the division is for exclusive agricultural purposes, which includes the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project. A recorded agricultural preserve (Williamson Act) contract existing prior to January 23, 1979, for a parcel proposed to be divided under this section shall constitute evidence of an exclusive agricultural purpose.

~~(2)~~ Agricultural preserve (Williamson Act) contracts shall be recorded, prior to filing final maps, for all parcels created by a division of Type 1A agricultural land.

(C) Type 2 Parcels. The following findings shall be made prior to the approval of any parcel land division in the CA Zone District for land designated as Type 2 land pursuant to Chapter SCCC 16.50-SCCC:

(1) That the resulting parcels are not less than 20 arable acres in size, except for the following:

(a) The creation of a new parcel no less than one acre in size for an ARFH project pursuant to 13.10.681 may be allowed on Type 1 or 2 agricultural land when necessary to obtain financing for construction of the project. Such a parcel is not required to be of sufficient size to allow for economic farming, and shall not include a condominium map.

(b) For a parcel dedicated to a public/quasi-public use, the minimum parcel size shall be the area needed to accommodate the use and to maximize the preservation of viable agricultural land. The minimum size for the parcel remaining in agricultural production or available for agricultural production shall be 20 arable acres and shall be of sufficient size to remain agriculturally viable as determined by an agricultural viability study and the decision-maker.

(2) (1) That the division is for exclusive agricultural purposes, which includes including the creation of a new parcel for an Affordable Rental Farmworker Housing (ARFH) project, or is necessary to accommodate a public/quasi-public use.



- (3) ~~(2)~~ That the division will result in agriculturally viable parcels; in no case shall the parcel size be less than 20 arable acres, except that parcels created solely for the purpose of an Affordable Rental Farmworker Housing (ARFH) project pursuant to SCCC 13.10.681 are subject to a minimum parcel size of one acre.
- (4) ~~(3)~~ That no conflicts with adjacent or nearby commercial agricultural uses will result from the division.
- (D) Type 3 Parcels. ~~(4)~~ The following findings shall be made prior to the approval of any parcel division in the CA or AP Zone Districts for land designated as Type 3 land pursuant to Chapter SCCC 16.50-SCCC.
- (1) That the resulting parcel sizes are not less than 20 arable acres, except as provided in (a) below.
- (a) For a land division to accommodate a public/quasi-public use, the minimum parcel size shall be the parcel size needed to accommodate the use and to maximize the preservation of viable agricultural land. The minimum size for the parcel remaining in agricultural production or available for agricultural production shall be 20 arable acres, and shall be of sufficient size to remain agriculturally viable as determined by an agricultural viability study and the decision-maker, and shall be consistent with the Coastal Act.
- (2) ~~(a)~~ That the division is necessary for continued commercial agricultural use of the subject parcels, or is necessary to accommodate a public/quasi-public use.
- (3) ~~(b)~~ That the proposed parcel sizes will not be detrimental to the economic viability of commercial agricultural operations on said parcels, adjoining or nearby parcels.
- (4) ~~(c)~~ That the division is for exclusive agricultural purposes, or is necessary to accommodate a public/quasi-public use.
- (5) ~~(d)~~ That all parcels, except parcels accommodating a public/quasi-public use, are of sufficient size to constitute a minimum economic farm unit for three crop types, other than greenhouse agriculture, suited to the soils, topography and climate of the area; ~~in no case shall the parcel size be less than 20 arable acres.~~
- (6) ~~(e)~~ That no conflicts with adjacent agricultural operations shall result from the division.
- (7) ~~(f)~~ That such division will not create the potential for residential use other than that determined to be ancillary to commercial agriculture pursuant to SCCC 13.10.314(A) and (B).
- (8) ~~(g)~~ That such division will not hamper or discourage long-term commercial agricultural operations.



~~(2) An agricultural preserve (Williamson Act) contract and a covenant enforceable by the County to prohibit use of the parcel for nonagricultural purposes shall be recorded on the property title, prior to filing final maps, for each parcel created by said land division.~~

13.10.316 Land division criteria in the Agriculture (A) Zone District.

The minimum average parcel size in net developable acres for new parcels created in the A Zone District outside the urban services line (USL) shall be within the range of 2 ½ to 20 or 10 to 40 acres per dwelling unit and shall be consistent with the requirements of the General Plan/ Local Coastal Program Land Use Plan, SCCC 16.50 pertaining to protection of noncommercial agricultural land, and SCCC 13.14 pertaining to rural residential density determinations.

13.10.317 Minimum parcel sizes for lot line adjustments.

The required minimum parcel sizes for lot line adjustments in the CA and A zoning districts, shall be as follows, based on net site area except as noted:

(A) A District. For parcels with a General Plan designation of Agriculture (AG), parcels shall not be reduced in size below the minimum size in net developable acres provided by SCCC 13.14, Rural Residential Density Determinations. For parcels with a General Plan designation of R-M, the minimum parcel size shall be 10 acres. For parcels with a General Plan designation of R-R, the minimum parcel size shall be 2.5 acres.

(B) CA District

(1) No parcel designated as Type 1-3 agricultural resource land shall be reduced in size by a lot line adjustment, unless it can be demonstrated that the proposed adjustment will not adversely affect the agricultural viability of agricultural land which is located on the subject parcels or on adjacent parcels. The Planning Director may refer the determination of agricultural viability to the Agricultural Policy Advisory Commission.

(2) Except as provided in subsections (C) and (D) below, in no case shall parcels with both a General Plan designation as Agriculture, and designated, all or in part, as Type 1 Agricultural Resource, be reduced to a net site area of less than 10 arable acres; parcels designated, all or in part, as Type 2 or Type 3 Agricultural Resource, shall not be reduced to a net site area of less than 20 arable acres.

(C) In the A or CA zoning districts, a parcel no less than one acre in size for an Affordable Rental Farmworker Housing (ARFH) project pursuant to SCCC 13.10.631 may be allowed when necessary to obtain financing for construction of the project. Such a parcel shall not include a condominium map.

(D) Exceptions. Minimum parcel sizes for lot line adjustments in the A and CA zoning districts shall not apply, where:



- (1) The sole purpose and effect of the lot line adjustment is to remedy a driveway encroachment, or a structural encroachment otherwise lawfully developed where the resulting property line meets the required minimum setback or any approved variance therefrom, in which case APAC review is not required; or,
- (2) The lot line adjustment results in an equal exchange of land and each resulting parcel and arable land area are the same size after the lot line adjustment as before; APAC review is still required if the area of arable land is reduced on a parcel, in which case APAC review is not required; or
- (3) For a lot line adjustment in the CA district to accommodate a public/quasi-public community facility, the minimum parcel size parcel of the parcel dedicated to a public/ quasi-public use shall be the parcel size needed to accommodate the use and to maximize the preservation of viable agricultural land. The minimum size for the parcel remaining in agricultural production or available for agricultural production shall be 10 arable acres for Type 1 agricultural land, or 20 arable acres for Type 2 or Type 3 agricultural land, and shall be of sufficient size to remain agriculturally viable as determined by an agricultural viability study and the decision-maker.

13.10.318 Agricultural Policy Advisory Commission review

(A) Agricultural Policy Advisory Commission (APAC) review, and approval where indicated, shall be required for all of the following development projects having the potential to affect agricultural lands, as designated on the County's Agricultural Resources Map:

- (1) Approval of Agricultural Buffer Setback Reduction Permits pursuant to SCCC 16.50.095.
- (2) Lot line adjustments to reduce the size or arable area of a CA zoned parcel, as provided by SCCC 13.10.317.
- (3) Applications for residential uses requiring a Use or Site Development Permit on parcels zoned CA in the Coastal Zone pursuant to SCCC 13.10.314(B).
- (4) Land Divisions on lands designated as Agricultural Resources in the County General Plan.
- (5) Amendments to Agricultural Resource Designations.
- (6) Actions to establish, amend, or cancel Williamson Act Contracts.
- (7) Determinations of agricultural viability associated with the conversion of Commercial Agricultural lands (Agricultural Resource Lands) to non-commercial lands, such as a proposal to rezone lands out of the Commercial Agricultural Zone District, or findings of non-viability.
- (8) Any use on Commercial Agricultural Land which requires review by the Planning Commission or Board of Supervisors per SCCC 13.10.312(D).



(9) Any other project for which APAC review is required pursuant to the Santa Cruz County Code, General Plan, or other applicable regulations.

(10) Matters referred to the APAC by the Board of Supervisors.

13.10.319 Other standards and conditions for agricultural districts

(G-A) Applicability of Other Regulations: Other use and development standards applicable to agricultural zone districts include but are not limited to the following provisions of the are contained in the following sections of Chapter 13.10-SCCC:

<u>Table 13.10.313-2: Other Development Standards Applicable in Agricultural Zone Districts</u>	
Development Standards	SCCC
<u>Nonconforming uses and structures</u>	13.10.260, et seq.
General site standards	13.10.510, et seq. <u>13.10.500-600</u>
Minimum parcel sizes	13.10.510(G)
<u>Signs</u>	13.10.580, et seq.
<u>Fences</u>	13.10.525
Trip reduction requirements (development projects for 50 or more employees)	13.10.591
<u>Accessory structures, home occupations, weddings and community events, and temporary uses</u>	<u>13.10.611- 13.10.616</u>
Use of nondevelopable land	13.10.671
Second Accessory dwelling units	13.10.681
Site Development and Design <u>Review and Site Development</u>	13.11 .010, et seq.
Parking	13.10.550, et seq. 13.16
Coastal Zone Regulations	13.20
<u>Roadway and roadside improvements</u>	<u>15.10</u>
<u>Environmental and resource protection restrictions</u>	<u>Title 16</u>
Agricultural buffers/setbacks	16.50.095



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.

Note: There are no changes proposed to the existing regulations for Farmworker Housing, so they are not included in this Exhibit. Regulations may be viewed online:
<https://www.codepublishing.com/CA/SantaCruzCounty/>



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 that are located within 200 feet of the proposed operation. Noise, odor, lighting, or traffic that is offensive to any person of ordinary sensitivities within his or her 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 SCCG 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) 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. 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. 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.

(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 minimized 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 exceeding 12,000 square feet on Type 1-3 agricultural resource soils on CA land:
- (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

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:</u> <u>The combined floor area of all facility structures shall not exceed 10,000 sq. ft. with a Minor Site Development Permit.</u> <u>Facility structure size may be exceeded with Conditional Site Development Permit.</u>	<u>On, RA, RR, A and CA:</u> <u>The combined floor area of all facility structures shall not exceed 15,000 sq. ft. with an Administrative Site Development Permit.</u> <u>Facility structure size may be exceeded with a Conditional Site Development Permit.</u>	<u>On A and CA:</u> <u>The combined floor area of all facility structures shall not exceed 18,000 sq. ft. with a Conditional Site Development Permit.</u> <u>Facility structure size may be exceeded with Planning Commission approval.</u>



Table 13.10.637-1: Operational Standards for Wineries, Breweries, and Distilleries			
	<u>SMALL</u>	<u>MEDIUM</u>	<u>LARGE</u>
<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.	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.	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 200 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 200 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 shall be determined by the use permit, as appropriate to the maximum number of guests allowed.		
<u>Music</u>	Indoors: amplified music and acoustic music are permitted during indoor tastings and events. Outdoors: Acoustic music is permitted during outdoor events.		



Table 13.10.637-1: Operational Standards for Wineries, Breweries, and Distilleries			
	<u>SMALL</u>	<u>MEDIUM</u>	<u>LARGE</u>
	<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>		
<u>Indoor Events</u>	<p><u>In the RA and RR zone district or within 200 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. Alternative hours at all sites 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>		
<u>Small outdoor marketing events</u>	<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>		
<u>Large outdoor marketing events (more than 50 guests)</u>	<p><u>10 marketing events annually for a small facility, limited to the hours of 11 a.m. to 9 p.m. Additional large marketing events may be considered with a conditional use permit.</u></p>	<p><u>16 marketing events annually for a medium facility, limited to the hours of 11 a.m. to 9 p.m. Additional large marketing events may be considered with a conditional use permit.</u></p>	<p><u>20 marketing events annually for a large facility, limited to the hours of 11 a.m. to 9 p.m. Additional large marketing events may be considered with a conditional use permit.</u></p>
<u>Maximum Number of guests permitted at events</u>	<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>	Weddings and similar celebrations in the RA, RR, CA and A zone districts requires a Conditional Use Permit in accordance with SCCC 13.10.615.		

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

Subsection(1) below is proposed to be amended to add that a Minor Site Development Permit is required for new development, in addition to the requirements in 13.11.

- (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.
- (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 Type 1-3 agricultural soils with a proposed development area exceeding 30,000 square feet, the applicant shall provide an alternatives analysis documenting that there are no feasible alternatives for site design, surfacing materials, or other measures available to accommodate the proposed use on the site that would reduce the total development area on Type 1-3 soils below 30,000 sq. ft. and reduce impacts to agricultural soils.

(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 of 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 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.
- (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. – 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, does not exceed 1,600 square feet.
- (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 square feet.
- (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 of 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, 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) On properties within the CA zone district, 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 II-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, like structures or ancillary structures thereto).
- (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) for a development area exceeding 35,000 square feet applies to the agricultural structures and uses identified in this section when located on Type 1-3 soils.



CHAPTER 16.50 AGRICULTURAL LAND PRESERVATION AND PROTECTION

SCCC Chapter 16.50 is amended to clarify agricultural land preservation standards. Language and requirements are updated to be consistent with current best practices as well as the California Coastal Act and the Santa Cruz County General Plan.

- 16.50.010 Purposes.
- 16.50.015 Scope.
- ~~16.50.020 Amendment. [repealed]~~
- 16.50.025 Definitions.
- 16.50.030 Designation of agricultural resource land types.
- 16.50.040 Criteria for designation.
- 16.50.050 Amendment of designations.
- 16.50.060 Fees. [no change]
- 16.50.070 Preservation of Type 1 agricultural lands.
- 16.50.075 Preservation of Type 2 agricultural lands.
- 16.50.080 Preservation of Type 3 agricultural lands.
- 16.50.085 Protection of noncommercial agricultural land.
- 16.50.090 Notification and disclosure statement requirements.
- 16.50.095 Agricultural buffer setbacks.
- 16.50.100 Appeals.
- 16.50.110 Agricultural Policy Advisory Commission hearing notices.
- 16.50.115 Violations. [no change]



The provision regarding equitable compensation has been removed from SCCC 16.50.010 because this is a project-specific legal issue.

16.50.010 Purposes.

- (A) The Board of Supervisors of Santa Cruz County finds that commercially viable agricultural land exists within the County, that it is in the public interest to preserve and protect this land for exclusive agricultural use and to enhance and encourage agricultural operations within the County, and that certain agricultural land in the County, not presently of commercial value, also merits protection. The Board of Supervisors of Santa Cruz County also finds that nonagricultural development adjacent to certain of these lands often leads to restrictions on the County's agricultural industry as a whole. It is the determination of the Board of Supervisors that residents living near agricultural land should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a County with a strong rural character and healthy agricultural sector so long as the agricultural operations are conducted in accordance with Federal, State, and local laws and regulations.
- (B) The purposes of this chapter, therefore, are to promote the public health, safety and welfare; to support and encourage continued agricultural operations in the County, to implement the policies of the Santa Cruz County General Plan, the Local Coastal Program Land Use Plan, and the 1978 Growth Management Referendum (Measure J) by designating those commercial agricultural lands the County intends to preserve and protect for exclusive agricultural use, and by protecting noncommercial agricultural land; to support and encourage continued agricultural operations in the County; to maintain in exclusive agricultural use commercial agricultural land which is located within utility assessment districts, ~~while recognizing that equitable compensation may be due because of the assessment district-caused encumbrances;~~ and to forewarn prospective purchasers and residents of property adjacent to agricultural operations of the necessary sounds, odors, dust and hazardous chemicals that accompany agricultural operations. It is an additional purpose of this chapter to ensure the maximum protection of commercially viable agricultural land by weighting decisions, in cases where there is not clear evidence of the unsuitability of the agricultural land, in favor of the preservation of the land for agricultural use.
- (C) Accordingly, no agricultural activity, operation, or facility or appurtenances thereof shall be or become a nuisance, public or private, if it has been conducted and maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations, and in a manner consistent with all applicable Federal, State and local laws, regulations, permits and approvals, and the conditions thereof, after it has been in operation for more than three years if it was not a nuisance when it began. This is not to be construed as in any way modifying or abridging Federal or State law, or



any other applicable provision of State law relative to nuisances; rather it is only to be utilized in the interpretation and enforcement of the provisions of this Code and County regulations.

Annual notification to landowners has been removed from the scope because this is not necessary and does not reflect County practice. Notification occurs as needed.

16.50.015 Scope.

This chapter establishes a system for classifying various types of commercial agricultural land in Santa Cruz County, including specific criteria for applying each different agricultural resource land type designation and a procedure and findings for amending such designations. This chapter also contains the development regulations which apply to commercial agricultural land, including reference to the specific criteria in the zoning ordinance (Chapter 13.10 SCCC) which govern the division of commercial agricultural parcels. Policy regulating divisions of noncommercial agricultural land, requirements pertaining to “buyer beware” notification, ~~annual notification to landowners~~ regarding nuisance, and regulations for agricultural buffer setbacks are also established in this chapter.

SCCC 16.50.020 is repealed because per draft SCCC 18.60.050(B), Chapter 16.50 SCCC is part of the Santa Cruz County Local Coastal Program and any amendment to this chapter or any of the chapters listed in 18.60.050(B) constitutes an LCP amendment.

16.50.020 Amendment:

~~Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of Chapter 13.10 SCCC, and shall be subject to approval by the California Coastal Commission.~~

Existing definitions have been updated to provide clarity and the definition of “agricultural use” has been added to provide more exact direction on when and how agricultural land should be preserved.

16.50.025 Definitions.

“Acquiring party,” for purposes of this chapter, in a sale, exchange, installment land sale contract, option to purchase, or residential stock cooperative improved with residential units, refers to the individual or entity that will or may acquire ownership of the property through the transfer. In a ground lease coupled with improvements, the “acquiring party” refers to the tenant.



“Agricultural resource land”, for purposes of this chapter, means all that real property within the boundaries of Santa Cruz County that is defined as designated as agricultural resource land commercial agricultural land in the General Plan—Local Coastal Program Land Use Plan. Agricultural resource land is also referred to as commercial agricultural land.

“Agricultural operations” includes, but is not limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting, and processing of any agricultural commodity, including yet not limited to viticulture, horticulture, mushroom farming, insectaries, apiculture, raising of livestock, fur bearing animals, fish or poultry; growing, raising, breeding, harvesting, or processing of any living organism and any agricultural practices, including composting, aerial or terrestrial application of fertilizers and pesticides, performed as incidental to or in conjunction with such operation, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.

“Agricultural use” means agricultural activities including but not limited to the cultivation and tilling of soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodity such as viticulture, horticulture, apiculture, the raising of livestock and poultry, agricultural processing, and other practices ancillary to a farming operation such as delivery to storage or market, and delivery to carriers for transport to market, all subject to the policies and regulations, standards and criteria in the General Plan and SCCC.

“Nuisance” has the same meaning as defined in California Civil Code Section 3479 that reads, in part, “[a]nything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the use of property, so as to interfere with the comfortable enjoyment of life or property . . . is a nuisance.”

“Pest” means any of the following that is, or is liable to become, dangerous or detrimental to the agricultural or nonagricultural environment of the County:

- (A)(1) Any insect, predatory animal, rodent, nematode, or weed.
- (B)(2) Any form of terrestrial, aquatic, or aerial plant or animal, virus, fungus, bacteria, or other microorganism (except viruses, fungi, bacteria, or other microorganisms on or in living humans or other living animals).
- (C)(3) Anything that the State Secretary of Food and Agriculture or the Director of Pesticide Regulation, by regulation, declares to be a pest.

“Pesticide” includes any of the following:

- (A)(1) Any spray adjuvant.
- (B)(2) Any substance or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined



above, which may infest or be detrimental to vegetation, humans, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.

“Transfer,” for the purposes of this chapter, includes the following: sale, exchange, installment land sale contract, lease with option to purchase, any other option to purchase, or ground lease coupled with improvements or residential stock cooperative improved with residential units.

“Transferor,” for purposes of this chapter, in a sale, exchange, installment land sale contract, option to purchase, or residential stock cooperative improved with residential units, refers to the individual or entity that owns the property immediately before the transfer. In a ground lease coupled with improvements, the “transferor” refers to the owner of the leased premises ~~and any property manager employed by the owner to manage the leased premises.~~

SCCC 16.50.030 and 16.50.040 have been updated to clarify that not all agricultural resource land is zoned Commercial Agriculture (CA).

16.50.030 Designation of agricultural resource land types.

The agricultural resource lands designated by the County General Plan shall be further classified into the following agricultural land types as shown on the map on file in the Planning Department entitled “Agricultural Resources,” and as amended from time to time. These types of agricultural land shall be defined individually and in the aggregate as “agricultural resource land” ~~or and are typically zoned~~ “commercial agriculture agricultural land.” (CA). ~~Commercial a~~Agricultural resource land also includes all land which is enforceably restricted with a Land Conversation Act contract for agricultural preserve preservation.

Table 16.50.030-01: Agricultural Resource Land Types	
Type 1A	Viable Agricultural Land
Type 1B	Viable Agricultural Land in Utility Assessment Districts
Type 2A	Limited Agricultural Lands in Large Blocks
Type 2B	Geographically Isolated/Limited Agricultural Lands
Type 2C	Limited Agricultural Lands in Utility Assessment Districts
Type 2D	Limited Agricultural Lands Experiencing Use Conflicts
Type 2E	Vineyard Lands
Type 3	Coastal Zone Prime Agricultural Land

16.50.040 Criteria for designation.

The following criteria shall be used to determine into which agricultural land type the ~~commercial~~ agricultural resource lands (commercial agriculture land) of the County will be classified:



- (A) Type 1 Commercial Agricultural Land. This type is for viable agricultural lands outside the Coastal Zone which have been in, or have a history of, commercial agriculture over a long period of time, and are likely to continue to be capable of commercial agricultural use in the foreseeable future.
- (1) Type 1A Viable Agricultural Land. Type 1A agricultural lands comprise areas of known high productivity which are not located in any utility assessment district for which bonded indebtedness has been incurred. These lands essentially meet the U.S. Department of Agriculture Soil Conservation Service and the California Department of Food and Agriculture criteria for “prime” and “unique” farmland and “prime” rangeland.
 - (2) Type 1B Viable Agricultural Land in Utility Assessment Districts. This type includes viable agricultural lands, as defined above, which are within a utility assessment district for which bonded indebtedness has been incurred, except agricultural preserves.
- (B) Type 2 Commercial Agricultural Land. This category is for agricultural lands outside the Coastal Zone which would be considered as Type 1A, except for one or more limiting factors, such as parcel size, topographic conditions, soil characteristics or water availability or quality, which may adversely affect continued productivity or which restrict productivity to a narrow range of crops. Despite such limitations, these lands are considered suitable for commercial agricultural use. Type 2 agricultural lands are currently in agricultural use (on a full-time or part-time basis), or have a history of commercial agricultural use in the last 10 years (the Agricultural Resources map generally reflects conditions as of 1982 when agricultural designations were established) and are likely to continue to be capable of agricultural use for a relatively long period. In evaluating amendments to Type 2 designations the preceding factors, along with adjacent parcel sizes, degree of nonagricultural development in the area and proximity to other agricultural uses, shall be considered in addition to the criteria listed under each individual type below.
- (1) Type 2A Limited Agricultural Lands in Large Blocks. These lands are in fairly large blocks, are not in any utility assessment district which has incurred bonded indebtedness, and are not subject to agricultural-residential use conflicts.
 - (2) Type 2B Geographically Isolated Agricultural Land with Limiting Factors. This category includes agricultural lands with limiting factors which are geographically isolated from other agricultural areas. These lands are not in a utility assessment district which has incurred bonded indebtedness and are not subject to agricultural-residential use conflicts.
 - (3) Type 2C Limited Agricultural Lands in Utility Assessment Districts. This type includes agricultural lands with limiting factors which are in a utility assessment district which has incurred bonded indebtedness.
 - (4) Type 2D Limited Agricultural Lands Experiencing Use Conflicts. These are agricultural lands with limiting factors which are experiencing extreme pressure from agricultural-residential



land use conflicts such as pesticide application, noise, odor or dust complaints, trespass or vandalism.

- (5) Type 2E Vineyard Lands. These are agricultural lands that may or may not be located on lands zoned "Commercial Agriculture" ("CA"), and often occur in the rural residential (RR), special use (SU) and non-commercial agricultural (A, RA) zone districts.

(C) Type 3 Coastal Zone Prime Agricultural Land. This category includes all of the following lands outside the urban services line and the rural services line within the Coastal Zone in Santa Cruz County:

- (1) Land which meets the U.S. Department of Agriculture Soil Conservation Service criteria of prime farmland soils and which are physically available (i.e., open lands not forested or built on) for agricultural use.
- (2) Land which meets the California Department of Food and Agriculture criteria for prime rangeland soils and which are physically available (i.e., open lands not forested or built on) for agricultural use.
- (3) Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years, and which normally return during the commercial bearing period on an annual basis from the production of unprocessed plant production not less than \$200.00 per acre; the \$200.00 per acre value shall be utilized to establish a base value per acre as of 1965. This base value per acre figure shall be adjusted annually in accordance with any change in the San Francisco Bay Area Consumer Price Index to reflect current values.
- (4) Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$200.00 per acre for three of the five previous years, as provided in subsection (C)(3) of this section.
- (5) Land which meets the California Department of Food and Agriculture criteria for unique farmland of Statewide importance and which is physically available (i.e., open lands not forested or built on) for agricultural use. The criteria for "prime farmland soils," "prime rangeland soils," and "unique farmland of Statewide importance" are further defined in the General Plan and Local Coastal Program ~~Land Use Plan~~ glossary.

SCCC 16.50.050 has been updated to clarify the process, roles and responsibilities involved in amendments to agricultural resource land designations.

16.50.050 Amendment of designations.

- (A) Amendments to the designations of agricultural resource land types may be initiated by an applicant, the Board of Supervisors, the Planning Commission, the Agricultural Policy Advisory



Commission or the Planning Director Department. Consideration of such proposals for the addition, removal or change of agricultural resource land type designations shall be limited to instances where new information has become available regarding the appropriateness of specific designations based on the criteria set forth under SCCC 16.50.040.

- (B) Applications for amendments to the designation of agricultural resource land types shall be considered in accordance with the requirements of Chapters 18.50 (General Plan Administration) and/or 18.60 (Local Coastal Program Administration), and with the procedures established in approvals granted pursuant to this chapter shall be made in accordance with the requirements of Chapter 18.10 SCCC for consideration of legislative matters, for which the Board of Supervisors is the approving body, Level VII.
- (C) Applications to amend the designations of agricultural resource land types shall be reviewed periodically and are preferred to be on an annual basis timed to coincide with the Land Conservation Act/Agricultural Preserve application review process. All proposed amendments shall be subject to a report and environmental review by the Planning Director or designee Environmental Coordinator, a public hearing and recommendation by the Agricultural Policy Advisory Commission, ~~and pursuant to Chapter 18.10 SCCC, Level VII, a public hearing and recommendation by the Planning Commission and a public hearing and final decision by the Board of Supervisors.~~
- (D) The Board of Supervisors, after a public hearing, may approve a proposed amendment, consisting of either the removal or change of a Type 1 or Type 2 designation if it makes the following findings:
 - (1) That there has been new information presented, which was not available or otherwise considered in the original decision to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses.
 - (2) That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in SCCC 16.50.040, for the existing agricultural land type designation for said parcel(s).
 - (3) That the proposed amendment will meet the intent and purposes of the agricultural land preservation and protection ordinance and the commercial agriculture zone district ordinance.
- (E) The Board of Supervisors may, after a public hearing, approve amendments to remove a Type 3 designation and the subsequent conversion (changing the land use designation from agriculture to nonagriculture uses) of agricultural lands, only if it makes the following findings:



- (1) That there has been new information presented, which was not available or otherwise considered in the original decisions to apply a particular designation, to justify the amendment. Such new information may include, but not be limited to, detailed soils analysis, well output records, water quality analysis, or documented history of conflicts from surrounding urban land uses; and
 - (2) That the evidence presented has demonstrated that conditions on the parcel(s) in question do not meet the criteria, as set forth in SCCC 16.50.040, for the existing agricultural land type designation for said parcel(s); and
 - (3) That the proposed amendment will meet the intent and purposes of the agricultural land preservation and protection ordinance and the commercial agriculture zone district ordinance; and
 - (4) That the viability of existing or potential agricultural use on the periphery of urban areas (as defined by the urban services line or rural services line) is already severely limited by conflicts with the urban uses; the evaluation of agricultural viability shall include, but not be limited to, an economic feasibility evaluation which contains at least:
 - (a) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of filing the application.
 - (b) Analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of filing application.
 - (5) That the conversion of such land on ~~around~~ the periphery of the urban areas (as defined by the urban services line or rural services line) would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development; and
 - (6) That the conversion of such land would not impair the viability of other agricultural lands in the area.
- (F) Any amendment to eliminate or add a Type 1, Type 2 or Type 3 agricultural land designation constitutes a change in the County General Plan and must be processed concurrent with a General Plan amendment. Any amendment of a Type 3 designation also constitutes a change in the Local Coastal Program Land Use Plan which must be processed concurrently with a land use plan amendment subject to approval by the State Coastal Commission.

16.50.060 Fees.

Fees for applications to amend designations of agricultural land types shall be set by resolution of the Board of Supervisors.



SCCC 16.50.070 has been updated to reflect the fact that the “AP” zone district no longer exists. The Agricultural Preserve and Farmland Security “-P” combining zone district includes parcels which are restricted by the California Land Conservation Act of 1965. This code section has also been updated to clarify that Type 1 agricultural land may be owned by a non-profit entity, and to reflect the allowance of sewer or water district expansion into Type 1 agricultural lands per draft General Plan Chapter 5, Policy 1.1.13: Utility District Expansion.

16.50.070 Preservation of Type 1 agricultural lands.

- (A) Lands designated as Type 1 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District, or if within an area designated as a timber resource, be maintained in the Timber Production (“TP”) Zone District, or if within a public park owned either by a public agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation (“PR”) Zone District. ~~The following parcels, designated as Type 1 agricultural land, shall be maintained in the Agricultural Preserve (“AP”) Zone District: Assessor’s Parcel Numbers 86-281-07, 86-281-24.~~ Type 1 land shall not be rezoned to any other zone district unless the Type 1 designation is first removed pursuant to SCCC 16.50.050.
- (B) Santa Cruz County shall not approve land division applications for parcels within the Type 1 designation except where it is shown, pursuant to SCCC 13.10.315, that such divisions will not hamper or discourage long-term commercial agricultural operations.

Subsection (C) below is proposed to be updated to be consistent with updated General Plan policy 1.1.3, to add, “or to serve existing development in order to address or mitigate significant public health or environmental concerns such as failing sewage disposal systems.”

- (C) Santa Cruz County shall not approve or support expansion of sewer or water district boundaries, or expansion of municipal boundaries, onto Type 1 agricultural lands for any purpose other than recycling and/or tertiary treatment for aquifer recharge for the benefit of agricultural uses or other activities intended to benefit agricultural lands.

SCCC 16.50.075 has been updated to clarify that Type 2 agricultural land may be owned by a non-profit entity.

16.50.075 Preservation of Type 2 agricultural lands.

- (A) Lands designated as Type 2 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District, or if within an area designated as a timber resource, be maintained in the Timber Production (“TP”) Zone District, or if within a public park owned either by a public



agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation (“PR”) Zone District. Type 2 land shall not be rezoned to any other zone district unless the Type 2 designation is first removed pursuant to SCCC 16.50.050.

- (B) Santa Cruz County shall not approve land division applications for parcels with a Type 2 designation except where it is shown, pursuant to SCCC 13.10.315, that the viability of the land for commercial agricultural use will not be reduced by such land division.

SCCC 16.50.080 has been updated to reflect the fact that the “AP” zone district no longer exists. The Agricultural Preserve and Farmland Security “-P” combining zone district includes parcels which are restricted by the California Land Conservation Act of 1965. This code section has also been updated to clarify that Type 1 agricultural land may be owned by a non-profit entity, and to reflect the allowance of sewer or water district expansion into Type 1 agricultural lands per draft General Plan Chapter 5, Policies 1.1.13: Utility District Expansion; 1.1.14: Water and Sewer Lines in the Coastal Zone; and 1.1.15: Protection for Water and Sewer Lines in the Coastal Zone.

16.50.080 Preservation of Type 3 agricultural lands.

- (A) Lands designated as Type 3 agricultural land shall be maintained in the Commercial Agriculture (“CA”) Zone District, or if within an area designated as a timber resource, be maintained in the Timber Production (“TP”) Zone District, or if within a public park owned either by a public agency, or by a non-profit that is organized to protect or provide agricultural, open space, timber and/or recreation lands and uses, be maintained in the Parks and Recreation (“PR”) Zone District. ~~The following parcels, designated as Type 3 agricultural land, shall be maintained in the Agricultural Preserve (“AP”) Zone District: Assessor’s Parcel Numbers 46-021-05, 54-261-05, 57-121-25, 57-201-13.~~ Type 3 land shall not be rezoned to any other zone district unless the Type 3 designation is first removed pursuant to SCCC 16.50.050.
- (B) Santa Cruz County shall not approve land divisions for parcels within the Type 3 designation except where such land divisions meet the requirements set forth in SCCC 13.10.315.
- (C) Santa Cruz County shall prohibit the placement of sewer or water lines on Type 3 agricultural land, other than for agricultural use, to prevent saltwater intrusion, recharge groundwater basins, or provide tertiary treated wastewater for agricultural purposes, or to serve public-quasi public uses that addresses a compelling public health and safety or environmental concern, ~~on Type 3 agricultural land.~~ Sewer transmission lines to and from the City of Watsonville sewage treatment plant and raw water transmission lines from North Coast sources to the City of Santa Cruz shall be exempt from this policy only if with safeguards to ensure are adopted which assure that such facilities will not result in the conversion of Type 3 agricultural lands to nonagricultural uses. Such safeguards shall include, but not be limited to:



- (1) Deed restrictions to prohibit hookups to trunk lines through agricultural lands; and
- (2) Prohibit the levying of assessment fees against prime agricultural lands for the construction of sewage transmission lines running through them, unless at an appropriate rate for service to any allowed farmworker housing or other public/quasi-public uses that may be approved by the County.
- (3) Locating water and sewer lines on commercial agricultural land below the tillable soil depth, with buffers as may be advised by agricultural professionals.
- (D) Santa Cruz County shall oppose the expansion of municipal boundaries which would include Type 3 agricultural land within municipal boundaries, except for the expansion of sewer district boundaries to serve existing development in order to address or mitigate significant public health or environmental concerns such as failing sewage disposal systems.

SCCC 16.50.085 has been updated with minor clarifications regarding division of noncommercial agricultural land.

16.50.085 Protection of noncommercial agricultural land.

- (A) The division of land which is designated in the General Plan as Agriculture (“AG”) agriculture land use but which is not designated as Type 1; or Type 2 or Type 3 agricultural resource (commercial agricultural) land shall be permitted only to minimum parcel sizes in the range of 10 to 40 acres per parcel based on Chapter 13.14 SCCC pertaining to rural residential density requirements. Where the Agricultural Policy Advisory Commission confirms that such land is not viable for commercial agricultural use, land divisions may be permitted to minimum parcel sizes in the range of two and one-half to 20 acres per parcel based on Chapter 13.14 SCCC unless the parcel is surrounded to the extent of 50 percent or more by parcels lands within one-quarter mile of the subject property designated in the General Plan as agricultural resource (commercial agricultural land) and/or mountain residential, and all proposed building sites are not within one-half mile of a through County maintained road and adequate buffering cannot be provided between any proposed nonagricultural use and adjacent commercial agricultural uses, in which case the minimum density shall ~~stay at~~ be 10 to 40 acres per parcel.
- (B) Land without a Type 1 or Type 2 designation may be divided from parcels with such a designation (including parcels subject to Land Conservation Act contracts) only when:
 - (1) Potential use of the “removed” parcel will not adversely impact the agricultural activities of the larger area; and
 - (2) There is little likelihood for subsequent intrusion of nonagricultural development into larger, exclusively agricultural areas; and
 - (3) The “removed” property is at the edge of an agricultural area and is physically separated from the adjacent agriculture by topographic features, extensive vegetation, or physical



structures; or the nonagricultural land is part of an agricultural parcel which exists separately from other agricultural areas; and

- (4) A cancellation petition is filed, prior to filing of the final map, for the “removed” parcel when the property is subject to a Land Conservation Act contract.
- (C) The division of land designated as Agriculture (“AG”) ~~for agricultural~~ land use on the Local Coastal Program Land Use Plan but not designated as Type 3 agricultural land shall be permitted only to minimum parcel sizes in the range of 10 to 40 acres per parcel based on Chapter 13.14 SCCC pertaining to rural residential density requirements and only where:
 - (1) It is documented that renewed or continued agricultural use of such land is not feasible; and
 - (2) It is documented that such land does not meet the criteria for Type 3 agricultural land as defined in SCCC 16.50.040(C); and
 - (3) It is shown that such division will not hamper or discourage long-term agricultural use of adjacent lands; and
 - (4) Adequate building setbacks can be maintained to buffer adjacent agricultural activities; and
 - (5) The owner and residents of the subject property have executed a hold harmless agreement with the adjacent agricultural operators and owners.
- (D) Notwithstanding any other provision of this code, property inside the Coastal Zone with a minimum parcel size of 40 acres may have that portion of the land without a Type 3 designation divided from that portion with such a designation only when:
 - (1) The division is for a public purpose on land in public ownership; and
 - (2) Potential use of the “removed” parcel will not adversely impact the agricultural activities of the larger areas; and
 - (3) There is little likelihood for subsequent intrusion of nonagricultural development into larger, exclusively agricultural areas; and
 - (4) The “removed” property is at the edge of an agricultural area and is physically separated from the adjacent agriculture by topographic features, extensive vegetation, or physical structures; or the nonagricultural land is part of an agricultural parcel which exists separately from other agricultural areas.

SCCC 16.50.090 has been updated to clarify the notification and disclosure statement requirements regarding agricultural land in Santa Cruz County.

16.50.090 Notification and disclosure statement requirements.



- (A) A person who is acting as an agent for a transferor of real property which is located in the unincorporated portion of the County, or the transferor if he or she is acting without an agent, shall disclose to the acquiring party that:

Santa Cruz County has a strong rural character and an active historical agricultural sector. As a property owner or lessee you should be prepared to accept properly conducted agricultural practices that are allowed for in Federal, State and County laws and regulations, are consistent with accepted customs and standards, and are operated in a non-negligent manner. Accepted agricultural practices that may cause inconveniences to property owners during any 24-hour period may include but are not limited to: Noise, odors, fumes, dust, smoke, pests, operation of farm equipment, storage and application and disposal of manure and the application of pesticides and fertilizers by ground or air. The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with Federal, State, and local law. Nothing herein is intended to limit rights under Federal, State, and local regulations governing pesticide use.

- (B) The County Planning Director or designee ~~Building Official~~ shall require, prior to issuance of building permits for parcels within 200 feet of agricultural lands, as designated on the Agricultural Resources Map, either:

- (1) Recordation of the following statement of acknowledgement by the owners of the property on a form approved by the Planning Director ~~Building Official~~:

The undersigned _____ do hereby certify to be the owner(s) of the hereinafter legally described real property located in the County of Santa Cruz, State of California: _____ and do hereby acknowledge that the property described herein is within 200 feet of land utilized for agricultural purposes and that residents or users of this property may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including pesticides and fertilizers; and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting which occasionally generate dust, smoke, noise and odor. It is understood that the County has established a 200 foot agricultural setback (unless a lesser distance is formally approved through issuance of an Agricultural Buffer Reduction Permit) on the herein described property to separate agricultural parcels and nonagricultural uses involving habitable spaces to help mitigate these conflicts. Any development on this property must provide a buffer and setback as specified in County Code.

And further acknowledge that Santa Cruz County has established agriculture as a priority use on productive agricultural lands, and that residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations. The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with Federal, State, and local law. Nothing herein is intended to limit rights under Federal, State, and local regulations governing pesticide use.

This statement of acknowledgement shall be recorded and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs or assignees. The statements contained in this statement of acknowledgement are required to be disclosed to prospective purchasers of the property described herein, and required to be included in any deposit receipt for the purchase of the property, and in any deed conveying the property.

Or



(2) Evidence that the above statement has been made part of the parcel deed.

(C) The County of Santa Cruz shall mail with the annual tax bill to all owners of real property in Santa Cruz County a copy of the following notification statement:

Santa Cruz County has a strong rural character and an active historical agricultural sector. As a property owner you should be prepared to accept properly conducted agricultural practices that are allowed for in Federal, State and County laws and regulations, are consistent with accepted customs and standards, and are operated in a nonnegligent manner. Accepted agricultural practices that may cause inconveniences to property owners during any 24-hour period may include but are not limited to: Noise, odors, fumes, dust, smoke, pests, operation of farm equipment, storage and application and disposal of manure and the application of pesticides and fertilizers by ground or air. The County of Santa Cruz will not consider an agricultural practice to be a nuisance if implemented in accordance with Federal, State, and local law. Nothing herein is intended to limit the rights of property owners under Federal, State, and local regulations governing pesticide use.

SCCC 16.50.095 has been updated and reorganized to clarify the purpose of agricultural buffers, the types of uses subject to these buffers, and exemptions and reductions to agricultural buffer requirements. New buffer requirements are added for farmworker housing, and new processing requirements are added for Agricultural Buffer Reduction Permits.

16.50.095 Agricultural buffer setbacks.

(A) The purpose of the agricultural buffer setback requirements is to prevent or minimize potential conflicts between either existing or future commercial agricultural and ~~habitable other~~ land uses (i.e., residential, recreational, institutional, commercial or industrial) that involve habitable structures or other areas of intensive human activity. This buffer is designed to provide a physical barrier to noise, dust, odor, and other effects which may be a result of normal commercial agricultural operations such as: plowing, ~~discing~~ disking, harvesting, spraying or the application of agricultural chemicals and animal rearing.

(B) Buffer Requirements.

(1) Recording of deed notice. All development for which an agricultural buffer is required shall comply with ~~(3) Comply with~~ SCCC 16.50.090(~~GB~~) and/or 14.01.407.5 pertaining to recording deed notices of adjacent agricultural use. Such deed notice shall contain a statement acknowledging the required permanent provision and maintenance of the agricultural buffer setbacks and any required barriers (e.g., fencing or vegetative screening).

(2B) Requirements for Development projects. All development for habitable uses including residential habitable accessory structures and primary and accessory dwellings; for commercial, industrial, recreational, or institutional uses where the public will gather or be stationed for work; for agricultural uses involving intensive human activity (such as facilities for public assembly, sleeping quarters or workplace facilities where employees are stationed); and for outdoor areas designed for intensive human use; that are within 200 feet



of the property line of any parcel containing Type 1, Type 2, or Type 3 commercial agricultural land shall: shall provide and maintain a 200-foot buffer setback from the Type 1, Type 2 or Type 3 commercial agricultural land. The 200-foot agricultural buffer setback shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts. Where required to comply with agricultural buffer setback requirements, an accessory dwelling unit (ADU) may be located more than 100 feet from the main dwelling, with the additional distance from the main dwelling limited to the distance required to meet the buffer setback requirements. Agricultural buffers shall not be required between nonagricultural and commercial agricultural uses on the same parcel unless otherwise specified by the SCCC. For buffer requirements for Farmworker Housing, see SCCC 13.10.631.

- (1) Provide and maintain a 200-foot buffer setback between Type 1, Type 2 or Type 3 commercial agricultural land and nonagricultural uses involving habitable spaces, including dwellings, habitable accessory structures and additions thereto; and commercial, industrial, recreational, or institutional structures, and their outdoor areas designed for public parking and intensive human use, except that if an existing legal dwelling already encroaches within the 200-foot buffer setback, proposed additions thereto, habitable accessory structures or private recreational facilities, none exceeding 1,000 square feet in size, shall be exempt from this subsection so long as they encroach no further than the existing dwelling into the buffer setback and an appropriate vegetative and/or other physical barrier for all existing and proposed development, as determined necessary, either exists or is provided and maintained. For the purposes of this section, outdoor areas designed for intensive human use shall be defined as surfaced ground areas or uncovered structures designed for a level of human use similar to that of a habitable structure. Examples are dining patios adjacent to restaurant buildings and private swimming pools. The 200-foot agricultural buffer setback shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts.

- (23) Requirements for Subdivisions. Provide and maintain a buffer setback distance of at least 200 feet where the A subdivision of land that results in residential development at net densities density of one or more dwelling units per acre adjacent to Type 1, Type 2, Type 3 commercial agricultural land, with vegetative screening or other physical barriers as appropriate. shall provide and maintain a buffer setback distance of at least 200 feet between habitable structures or areas of intensive human activity and the property line of any parcel containing Type 1, Type 2, or Type 3 land. Vegetative screening or other physical barriers shall be required as appropriate.

- (C) Exemptions. The following exemptions from the 200-foot buffer requirement shall meet the requirements of subsection (E) of this section.



(1) Where an existing legal structure is already located within the 200-foot setback, accessory structures, structural additions thereto or private recreational facilities shall not be required to maintain a 200-foot buffer setback so long as the proposed development:

(a) does not exceed 1,000 square feet in size;

(b) does not encroach further than the existing structure into the buffer setback and;

(c) includes an appropriate vegetative and/or other physical barrier for all existing and proposed development.

(2) Where an existing legal structure is already located within the 200-foot setback, an ADU proposed to be located within 100 feet of the main dwelling shall not be required to maintain a 200-foot buffer setback so long as the proposed ADU:

(a) does not encroach further than the existing structure into the buffer setback and;

(b) provides an appropriate vegetative and/or other physical barrier for all existing and proposed development.

(3) Structures of less than 1,000 square feet in size that are used exclusively for the administration of an on-site agricultural operation shall not be required to maintain a 200-foot buffer setback; however, structures that contain conference rooms or meeting facilities for public use, or that are open to the public for visitation, shall not be exempt from the provisions of this section.

(4) An agricultural buffer setback shall not be required for repair or reconstruction of a structure damaged or destroyed as the result of forces beyond the control of the owner, such as a fire or earthquake, or a natural disaster for which a local emergency has been declared by the Board of Supervisors, when:

(1)(a) The structure, after repair or reconstruction, will not exceed the floor area, height or bulk of the damaged or destroyed structure by more than 10 percent; and

(2)(b) The new structure will be located in substantially the same location, but no closer to the agricultural land than was the original structure.

(D) Reductions to agricultural buffers.

(1)(D) Development Projects. Notwithstanding the buffer setback provisions of subsection SCCC 16.50.095(B) and (C) of this section, an agricultural setback distance of less than 200 feet may be established for developments involving habitable uses on existing parcels of record when the Agricultural Policy Advisory Commission (APAC) makes one of the following findings in addition to the required findings requirements in SCCC 16.50.095(D)(3) subsection (E) of this section:



- (1)(a) Significant topographic differences exist between the agricultural and nonagricultural uses which that eliminates or minimizes the need for a 200-foot agricultural buffer setback; or
- (2)(b) Permanent substantial vegetation (such as a riparian corridor or woodland protected by the eCounty's riparian corridor or sensitive habitat ordinances) or other physical barriers exist between the agricultural and nonagricultural uses which that eliminate or minimize the need for a 200-foot agricultural buffer setback; or
- (3)(c) A lesser setback distance is found to be adequate to prevent conflicts between the nonagricultural development and the adjacent agricultural development and the adjacent agricultural land, based on the establishment of a physical barrier (unless it is determined that the installation of a barrier will hinder the affected agricultural use more than it would help it, or would create a serious traffic hazard on a public or private right-of-way) or the existence of some other factor which that effectively supplants the need for a 200-foot agricultural buffer setback.
- (4)(d) The imposition of a 200-foot agricultural buffer setback would preclude building on a parcel of record ~~as of the effective date of the ordinance codified in this chapter~~, in which case a lesser buffer setback distance may be permitted; provided, that the maximum possible setback distance is required, coupled with a requirement for a physical barrier (e.g., solid fencing and/or vegetative screening) to provide the maximum buffering possible, consistent with the objective of permitting building on a parcel of record.

~~(C)(2) Subdivisions Outside of the Coastal Zone.~~ n Notwithstanding the provisions of ~~subsection~~ SCCC 16.50.095(B) and (C) of this section, an agricultural buffer setback distance of less than 200 feet may be established for subdivision developments involving habitable uses on proposed parcels adjacent to lands designated as an agricultural resource by the County's General Plan maps; provided, that:

- (1)(a) The proposed land division site is:
 - (a)(i) Located within the urban services line,
 - (b)(ii) Suitable for development at buildout level within the carrying capacity of the area; and
- (1)(b) ~~The Agricultural Policy Advisory Commission (APAC)~~ finds that one or more of the following special circumstances exist:
 - (a)(i) Significant topographic differences exist between the agricultural and nonagricultural uses which minimize or eliminate the need for a 200-foot setback; or
 - (b)(ii) Permanent substantial vegetation (such as a riparian corridor or woodland permanently protected by the County's riparian corridor or sensitive habitat



ordinances) or other physical barriers exist between the agricultural and nonagricultural uses which minimize or eliminate the need for a 200-foot setback; or

(e)(iii) The imposition of the 200-foot agricultural buffer setback would, in a definable manner, hinder: infill development or the development of a cohesive neighborhood, or otherwise create a project incompatible with the character and setting of the existing surrounding residential development; and

(3)(c) APAC determines the need for agricultural buffering barriers based upon an analysis of the adequacy of the existing buffering barriers, the density of the proposed land division and the proposed setback reduction, in the event that APAC finds that one or more of the above special circumstances exist; and

(4)(d) The approving body finds that the proposed reduction of the agricultural buffer setback(s) will not hinder or adversely affect the agricultural use of the commercial agricultural lands located within 200 feet of the proposed development.

(E)(3) Minimize land use conflicts. In the event that an agricultural buffer setback reduction is proposed and the proposed nonagricultural development is located on Type 1, Type 2 or Type 3 commercial agricultural land, the nonagricultural development shall be sited so as to minimize possible conflicts between the agricultural land use located on the subject parcel; and the nonagricultural development shall be located so as to remove as little land as possible from production or potential production.

(F) Farmworker housing.

(1) Farmworker Farmworker housing, as an agricultural use, is not subject to this section, but is subject to the buffering provisions in SCCC 13.10.631. The presence of farmworker housing, which is an agricultural use, on an agricultural parcel does not exempt any proposed habitable development on any adjacent parcels from the requirement to provide an agricultural buffer along the edge of the development nearest the farmworker housing, pursuant to this section.

(2) Notwithstanding SCCC 16.50.095(F)(1), farmworker housing developments located on Type 1, Type 2, or Type 3 commercial agricultural land shall provide a buffer between habitable structures and outdoor areas designed for human use and areas engaged in agricultural production located on the same parcel. Said buffer shall be 200 feet if feasible; and if a 200-foot buffer is not feasible, then the maximum buffering possible shall be provided, utilizing physical barriers, vegetative screening and other techniques as appropriate.

(G) Agricultural Buffer Reduction Permits. Except as noted in subsection (H) below for administrative agricultural buffer reduction permits, proposals to reduce the required 200-foot agricultural buffer setback shall require a regular agricultural buffer reduction permit. Decisions on regular agricultural buffer reduction permits shall be made by APAC at a scheduled public hearing



pursuant to procedures specified in SCCC 18.10, with the exception that the required findings shall be only those of SCCC 16.10.095(D), and appeals of agricultural buffer reduction permit decisions by APAC shall be heard at public hearings held by the Board of Supervisors, as provided by SCCC 16.50.100.

(H) Administrative Agricultural Buffer Reduction Permits for Residential Uses.

(1) The following agricultural buffer reductions shall require an administrative agricultural buffer reduction permit:

(a)(G) Proposals to reduce the required 200-foot agricultural buffer setback for additions to existing residential construction (dwellings, habitable accessory structures, and private residential recreational facilities not otherwise exempted by subsection 16.50.095(C); (B)(1) or (F) of this section) on agricultural parcels shall be processed as a Level 4 application by Planning Department staff as specified in Chapter 18.10 SCCC with the exceptions that:

(b) Proposals to reduce the required 200-foot agricultural buffer setback for new single-family dwellings, habitable accessory structures or ADUs, where the resulting agricultural buffer is a minimum of 100 feet from the property line of any parcel in the CA zone district.

(2) Processing requirements for Administrative Agricultural Buffer Reduction Permits. Administrative Agricultural Buffer Reduction Permits shall be processed in accordance with the requirements provided in Chapter 18.10 for administrative permits with public notice, with the exception that the required findings shall be only those of SCCC 16.50.095(D). In addition to the processing requirements provided in SCCC 18.10, the following requirements apply:

(1) A notice that an application to reduce the buffer setback has been made shall be given to all members of the Agricultural Policy Advisory Commission at least 10 calendar days prior to the issuance of a pending action on an agricultural buffer determination; and

(a) (2) Where a reduction in the buffer setback is proposed, the The required notice of pending action on the administrative permit shall be provided to the applicant, to all members of APAC, to the Agricultural Commissioner, to owners of commercial agricultural land within 300 feet of the project location, and to members of the Board of Supervisors, not less than 10 days prior to the issuance of the permit. There shall not be a minimum number of property owners required to be noticed; and

(b) (3) Buffer determinations Administrative agricultural buffer reduction permit decisions made by the Planning Director or designee Planning Department staff pursuant to this chapter are appealable by any party whose interests are adversely affected directly to APAC the Agricultural Policy Advisory Commission pursuant to appeal procedures of



Chapter 18.10 SCCC. Such appeals shall include a letter from the appellant explaining the reason for the appeal and the current administrative appeal processing fee.

(c) The Planning Director may refer any agricultural buffer reduction permit application proposed pursuant to this subsection for a decision by APAC at a public hearing pursuant to 16.50.095(G).

~~(H) All other proposals to reduce the agricultural buffer setback shall be processed as a Level 5 application as specified in Chapter 18.10 SCCC with the exception that:~~

~~(1) The required notice that an application has been made to reduce the agricultural buffer setback shall be provided only to owners of commercial agricultural land within 300 feet of the proposed project, not less than 10 days prior to the public hearing scheduled to consider the project. There shall not be a minimum number of property owners required to be noticed; and~~

~~(2) All determinations shall be made by the Agricultural Policy Advisory Commission at a scheduled public hearing.~~

SCCC 16.50.100 has been updated with minor clarifying language regarding appeals of APAC decisions on agricultural buffers.

16.50.100 Appeals.

(A) Any property owner or other person aggrieved, or any other person whose interests are adversely affected by any action on an agricultural buffer reduction application that is taken by or determination of the Agricultural Policy Advisory Commission (APAC) acting as the approving body under the provisions of this chapter, may appeal the action or determination directly to the Board of Supervisors in accordance with Chapter 18.10 SCCC. For this purpose the procedure therein set forth is incorporated herein and made a part of this chapter.

(B) If any act recommendation or determination of APAC the Agricultural Policy Advisory Commission in question regarding an application for which the APAC is not the approving body, but which is incorporated as part of the terms or conditions of action taken on an application for a discretionary permit or other discretionary approval for which another appeal is provided, then such act or determination of APAC the Agricultural Policy Advisory Commission shall be considered as part of the appeal on the discretionary permit or other discretionary approval in accordance with Chapter 18.10 SCCC. Within the Coastal Zone, such appeals shall also be subject to the provisions of Chapter 13.20 SCCC pertaining to coastal development permit procedures.



SCCC 16.50.110 has been updated with minor clarifying language regarding APAC hearing practices.

16.50.110 Agricultural Policy Advisory Commission hearing notices.

Notice of pending action on administrative permits, or of public hearings for regular permits, that will be considered or held by the Agricultural Policy Advisory Commission pursuant to SCCC 16.50.050 shall be given in accordance with Chapter 18.10 SCCC, ~~Level IV~~.

16.50.115 Violations.

It shall be unlawful for any person whether as owner, principal, agent or employee or otherwise to perform an action or allow a situation to continue that violates the provisions of this chapter or violates any conditions of agricultural buffer setback determinations required pursuant to this chapter.

13.11.037 Site Development Permit Chart.

The chart below provides SDP requirements for physical site development associated with allowed uses. See use charts in SCCC 13.10 for uses allowed in each zone district. Development not identified below may require an SDP where specified in SCCC Chapter 13.10 or in other provisions of the SCCC.

SITE DEVELOPMENT PERMIT CHART		
KEY: <u>P</u> = Site Development Permitted by Right: No discretionary site development permit required <u>MSP</u> = Minor Site Development Permit: Administrative permit, no public notice <u>ASP</u> = Administrative Site Development Permit: Administrative permit with public notice <u>CSP</u> = Conditional Site Development Permit: Permit subject to public hearing with public notice. Hearing is before the Zoning Administrator except where a different hearing body is specified.		
TYPE OF DEVELOPMENT	PERMIT REQUIRED	REFERENCES & NOTES
SUBDIVISIONS		
<u>Land divisions</u>	<u>CSP</u>	<u>14.01</u>
RESIDENTIAL SITE DEVELOPMENT³		
<u>Residential dwellings (<5,000 sf):</u> <u>1-2 units</u> <u>3-10 units</u> <u>More than 10 units</u>	<u>P/ MSP*</u> <u>ASP</u> <u>CSP</u>	<u>*MSP required on sensitive sites or in CA or TP zone district (see 16.50.090)</u> <u>See 13.10.611 for SDP requirements for accessory structures</u>
<u>Residential additions > 500 sf on sensitive sites or in Coastal Special Communities</u>	<u>MSP</u>	
<u>Site development accessory to a residential use, including swimming pools and storage tanks</u>	<u>P</u>	
<u>Residential dwelling(s) 5,000 square feet or greater</u>	<u>CSP</u>	<u>13.10.325</u>
<u>Accessory Dwelling Unit (ADU) or Junior ADU</u>	<u>P</u>	<u>13.10.681</u>
NON-RESIDENTIAL DEVELOPMENT, EXCLUDING AGRICULTURE AND TIMBER³		
<u>New construction</u> <u>≤ 5,000 sf</u> <u>>5,000 sf</u>	<u>ASP</u> <u>CSP</u>	<u>See below for new structures, additions, and remodels related to cannabis</u>
<u>Storage building <500 sf</u>	<u>MSP</u>	
<u>Additions</u> <u>< 500 sf</u> <u>≥ 500 sf</u>	<u>MSP</u> <u>ASP</u>	
<u>Interior remodel or tenant improvement not affecting exterior or adding floor area</u>	<u>P</u>	

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TYPE OF DEVELOPMENT	PERMIT REQUIRED	REFERENCES & NOTES
<u>Minor exterior remodels consistent with existing design and excluding straight in-kind repair and replacement</u>	<u>MSP/ASP*</u>	<u>*ASP in residential zone districts</u>
<u>Major exterior remodels changing the design, character, or substantial portion of materials</u>	<u>ASP</u>	
<u>New, modified or expanded parking area or site access</u>	<u>MSP*</u>	<u>13.16</u> <u>* MSP also required with multi-family development</u>
<u>New structures, additions, and exterior remodels of structures for cannabis cultivation, manufacturing, or distribution</u>	<u>MSP</u>	<u>13.10.650</u> <u>See "Agricultural and Timber Production" below for cannabis-related development in agricultural and timber production districts.</u>
<u>Signs</u>	<u>MSP</u>	<u>13.10.580-13.10.587</u>
<u>Community facilities:</u> <u>Flood control works and facilities for fish and wildlife enhancement</u> <u>Other community facilities, including public water projects and wireless communication facilities; public facility uses; structures and facilities associated with parks and outdoor recreation uses including public or commercial swimming pools, sports fields, golf courses, and tennis courts</u>	<u>P</u> <u>CSP</u>	<u>13.10.312(C), 13.10.314, 13.10.642, 13.10.643</u>
AGRICULTURAL AND TIMBER PRODUCTION SITE DEVELOPMENT^{1,2,3}		
<u>Agricultural structures and site development including barns, greenhouses (including cannabis), and indoor and outdoor storage of agricultural equipment:</u> <u><12,000 sf development area</u> <u>≥12,000 sf development area</u>	<u>P</u> <u>MSP/ASP*</u>	<u>*ASP required outside the CA District, except for greenhouses. A hoop house does not require an SDP.</u> <u>13.10.312(D), 13.10.313, 13.10.632-13.10.647, 13.10.650, 13.20.073</u>

SITE DEVELOPMENT PERMIT CHART

KEY:

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<u>TYPE OF DEVELOPMENT</u>	<u>PERMIT REQUIRED</u>	<u>REFERENCES & NOTES</u>
<u>Farmworker housing:</u> <u>EHA and Small Farmworker Housing projects</u> <u>Streamlined EHA projects**</u> <u>ARFH projects**</u>	<u>MSP/CSP*</u> <u>MSP/ CSP*</u> <u>CSP</u>	<u>See 13.10.631 for definitions of Farmworker Housing types</u> <u>*CSP required in Coastal Zone and the -P Combining District</u> <u>** Allowed outside the Coastal Zone only</u>
<u>Agricultural support facilities* including agricultural tourism facilities**, offices, agricultural service establishments, agriculture including cannabis inside structures, produce stands and markets, and research and development facilities:</u> <u><1,000 sf development area</u> <u>1,000 – 10,000 sf</u> <u>>10,000 sf development area</u>	<u>P/MSP***</u> <u>MSP</u> <u>CSP</u>	<u>* For wineries, see 13.10.637</u> <u>** Agricultural tourism facility buildings limited to a total of 3,500 sf</u> <u>*** P in agricultural districts only</u> <u>13.10.312(D), 13.10.313, 13.10.632-13.10.647, 13.20.073</u>
<u>Structures accessory to timber production (TP only)</u>	<u>P</u>	<u>13.10.372(B)</u>

1. In the TP Zone District, agricultural use and development is allowed on portions of the parcel not in timber production.
2. A Site Development Permit is not required for exterior remodels related to agricultural and timber uses with no increase in square footage.
3. See use charts provided in SCCC 13.10 to determine if a particular use is allowed within a zone district.

EXHIBIT E

Storrs Property (APN 107-162-02): Existing Agricultural Resource Area, General Plan Designation, and Zoning



