

ORDINANCE NO. ()
AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY CODE

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Purpose and Findings.

A. The Board finds and declares that adoption of this ordinance is necessary to promote the development of a diverse range of temporary housing options for the Residents of Sonoma County based on the following facts:

- 1) Sonoma County continues to experience a housing crisis, exacerbated by recent wildfires. County residents continue to need diverse, low-cost housing options.
- 2) The amendments support low-cost, alternative housing on a temporary basis to prevent people from becoming unhoused, provide options to those developing permanent housing, provide care for the ill, convalescent, or disabled, and farmworkers of Sonoma County
- 3) At the December 6, 2022 meeting of the County Board of Supervisors, the Board provided direction to Planning staff regarding a variety of separate planning initiatives, including developing standards and requirements for temporary housing in trailers, temporary housing units, and recreational vehicles.
- 4) In accordance with the provisions of law, the Planning Commission held a public hearing on March 2, 2023, at which time all interested persons were given an opportunity to be heard and supported the ordinance as with modifications that
 - 1) Require the permittee to disconnect the unit from utility services at the end of the temporary permit's term to ensure that the unit is properly vacated and not used for human occupancy, unless the permit has been renewed;
 - 2) Upon renewal of a temporary permit, an applicant that used a hold and haul contract in lieu of a connection to a site's septic or sewer systems must provide proof of compliant and unbroken hold and haul service over the immediately prior year (the 12 month permit term); and must also provide proof of a contract with an appropriately licensed hold and haul provider for the upcoming term of the proposed permit renewal; and
 - 3) Require that an applicant seeking renewal to submit their application no less than 30 days prior to the expiration of the term of their current temporary permit.

These changes are incorporated into the ordinance as shown in Exhibit A. The Planning Commission also recommended that staff pursue administrative actions to proactively monitor temporary permits as their terms expire to ensure compliance with proposed regulations.

Section II. Environmental determination. The Board further finds and determines that the proposed action is exempt from the California Environmental Quality Act (“CEQA”), as discussed below.

- 1) California Code of Regulations, Title 14, Division 6, Chapter 3 (“CEQA Guidelines”) § Section 15282(h) of the CEQA Guidelines (Other Statutory Exemptions) for adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code.
- 2) CEQA Guidelines § 15301, maintenance, operation and/or permitting of existing facilities.
- 3) CEQA Guidelines § 15302, exempting specified replacement or reconstruction of existing structures and facilities.
- 4) CEQA Guidelines § 15303, exempting conversion of existing small structures from one use to another.
- 5) CEQA Guidelines § 15305, exempting minor alterations in land use limitations.

Section III. General Plan Consistency Finding.

The potential amendments to the zoning code would expand temporary housing allowances to permit the use of transportable housing units (tiny homes), travel trailers, or recreational vehicles to be used as temporary housing units while limited to the aforementioned temporary uses. Allowing temporary housing units in certain residential and agricultural zoning districts would not change the current density assigned to any parcel by the General Plan or by zoning. The General Plan’s goals, objectives, and policies strongly direct future growth to be limited to urban service areas and urban growth boundaries while supporting the creation of diverse housing types, particularly for special needs groups such as the ill and disabled, farmworkers, and those recovering from natural disasters. The proposed updates are consistent with and support the goals of the General Plan by allowing for a wider variety of temporary residential units on a temporary basis work to these ends without increasing density or conflicting with existing land uses.

Section IV. Sonoma County Zoning Code Chapter 26, Article 88, Section 010 – General use provisions and exceptions is amended as shown in Exhibit A to this ordinance.

Section V. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would

have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section VI. This Ordinance shall be and the same is hereby declared to be in full force and effect thirty (30) days after passage, and shall be published once before the expiration of fifteen (15) days after the date of its passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, adopted this _____ day of _____ 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Gore: Hopkins:

Ayes:

Noes:

Absent:

Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Christina Rivera,
Clerk of the Board of Supervisors

EXHIBIT A

CHAPTER 26 ARTICLE 88 – GENERAL USE PROVISIONS AND EXCEPTIONS

Sec. 26-88-010. General use provisions and exceptions.

The use regulations specified in this chapter shall be subject to the following general provisions and exceptions:

- (a) **Public Transmission and Utility Lines.** Public utility, transmission and distribution lines, both overhead and underground, shall be permitted in all districts without limitation as to height and without the necessity of obtaining a use permit; provided, that the routes of all proposed transmission lines shall be submitted to the planning commission for review and recommendation prior to acquisition of rights of way therefore or application to the public utilities commission.
- (b) **Natural Resource Development.** The development of natural resources as used within this chapter shall not be construed to mean the drilling of wells or other development or improvements made for the production of water for domestic or irrigation purposes by a person or persons not engaged in the business of furnishing or developing water.
- (c) **Manufactured Home Storage.** Manufactured homes for which zoning clearance for residential use has not been issued and which are in excess of eight feet (8') in width and thirty feet (30') in length may not be stored on any lot in any district other than in the C3, M1 M2 and M3 districts in compliance with adopted regulations for such land use.
- (d) **Christmas Tree Sales.** Christmas tree sales may be permitted in the C, and M districts with a zoning permit provided, that the zoning permit is limited to a period not to exceed one month.
- (e) **Landfill Operations.** Zoning permits may be issued for landfill operations utilizing imported material in any district only when the project review and advisory committee is satisfied that there has been prior compliance with Article 1, Chapter 22; Chapter 7; Article 7, Chapter 11 of the Sonoma County Code and Chapter 70 of the Uniform Building Code, or similar superseding agency, and that the filling will not be detrimental to neighboring property.
- (f) **Entertainment Establishments.** No dance hall, road house, night club, commercial club or any establishment where liquor is served, or commercial place of amusement or recreation, or any place where entertainers are provided, whether as social companions or otherwise, shall be established in any district closer than two hundred feet (200') to the boundary of any residential district unless a use permit is first secured in each case.

No adult entertainment establishment shall be established except in the C3 (general commercial) district and except subject to the following limitations:

- (1) A minimum of one thousand feet (1,000') from any other adult entertainment business;
 - (2) A minimum of one thousand feet (1,000') from any residential zoning district.
- (g) **Minor Land Use Alterations; Grading within Waterways.** Use permit procedures for minor land use alterations and additions or for grading and excavation within a waterway which is also exempt from Section 26A-3a(i) of the county surface mining ordinance may be waived when it is demonstrated to the satisfaction of the planning director that the addition/alteration will not be detrimental to the health, safety or welfare of adjacent land uses or properties or when such alterations are required by another public agency.

(Ord. No. 3436.)

- (h) Multifamily, Commercial and Industrial Uses within Cities' General Plan Boundaries. The board of supervisors finds and determines that cities have a special and important concern with respect to multifamily (fourplex or larger), commercial and industrial uses that might be established in unincorporated portions of the county that lie within the boundaries of the various city general plans. It is possible that cities will annex at least some of such property in the future. When annexed, the development then existing on such property should be consistent with the particular city's development plan for the area. The procedure established in this section is intended to protect the integrity of city general plans and to permit development that is consistent with the most appropriate development plan for the area involved.

When multifamily (fourplex or larger), commercial or industrial uses are permitted uses under the applicable zoning district regulations, no zoning permit or building permit for any of such uses shall be approved unless:

- (1) The planning director sends a written notice to the affected city stating "The Sonoma County Planning Department will issue a zoning permit for a (use) on this property if written appeal is not received within twenty (20) days from the date of this notice;" and
- (2) The affected city does not file a written appeal with the planning director requesting a hearing before the board of zoning adjustments within ten (10) days from the date notice is sent. In the event that the affected city does file a written appeal requesting a hearing before the board of zoning adjustments within the required time period, the board of zoning adjustments shall hold a hearing and the decision of the board of zoning adjustments shall be based on whether the use requested by the application will be consistent with the various elements and objectives of the general plan and will promote the public health, safety, comfort, convenience and general welfare. Notice shall be given in the manner set forth in Section 26-92-050(a). If an appeal is taken to the board of supervisors, the board's decision shall be governed by the same standard.

This subsection shall apply only if both of the following conditions are met:

- (i) The property is within an existing city public sewer service area as shown on the map attached to the ordinance codified in this chapter and on file in the public works department, or within an area projected to be served by public sewers by the Sonoma County local agency formation commission or within the area designated on those certain maps submitted by cities as growth areas and adopted from time to time by the board of supervisors entitled "City-County Permit Referral Maps;"
 - (ii) The existing zoning and city general plan are not identical.
- (i) Outdoor Vendors. Outdoor vendors are authorized subject to the following standards:
- (1) All sales will take place at least twenty feet (20') from the nearest property line, but in no case shall such sales take place within twenty feet (20') from the edge of any road right-of-way.
 - (2) Parking shall be designated for a minimum of three automobiles, located at least twenty feet (20') off the public right-of-way or twenty feet (20') from the front property line with no automobile maneuvering permitted in the public right-of-way. The use permit may require additional parking, depending on the nature of the sales proposed.
 - (3) No freestanding signs shall be allowed. Two attached signs shall be permitted no larger than sixteen (16) square feet each in area and not located within twenty feet (20') of the public right-of-way.
 - (4) The outdoor sales shall not be conducted in a manner so as to cause a traffic hazard to passing motorists due to poor visibility and/or inadequate sign distance for safe ingress and egress.
 - (5) The area designated for outdoor vendor activities, excluding parking, shall not be greater than five hundred (500) square feet unless the board of zoning adjustments finds that a larger area so designated will not be detrimental to the health, safety or general welfare of persons residing or working the area.

- (6) The use permit shall remain in effect for a maximum of one (1) year, after which approval of a new use permit will be required to continue. The planning director or designee may issue the second and subsequent use permit without a public hearing based upon evidence submitted by the applicant that the operation was conducted in compliance with the conditions and provision of the previous use permit. Uses not authorized by a valid use permit will be subject to abatement proceedings.
- (7) All applicable permits from other county departments shall be obtained prior to operating the outdoor vendor business on the premises.

(Ord. No. 3348.)

- (j) Open Space Easements. The board of supervisors may require, on appeal or otherwise, and the planning commission or board of zoning adjustments may recommend, as a condition of approval of a development application, the dedication of an open space easement on all or a portion of the property to be developed. Applications for development shall include, but not be limited to, applications for general plan amendments, specific plan amendments, rezonings, major and minor subdivisions, use permits or precise development plans. Prior to requiring an open space easement or an offer of easement pursuant to this section, the board or commission shall make one of the findings set forth in subsections (j)(1) through (3) in addition to making the findings set forth in subsections (j)(4) and (5).
 - (1) The area which is to be the subject of the open space easement is characterized by great natural scenic beauty; or
 - (2) The existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development; or
 - (3) The existing openness, natural condition or present state of use, if retained, would maintain or enhance the conservation of natural or scenic resources;
 - (4) The imposition of the open space easement bears a reasonable relationship to the public welfare;
 - (5) The acquisition of the scenic/open space easement is consistent with the general plan.

Open space easements exacted pursuant to this section may, at the discretion of the board or commission include, but not be limited to, any of the following:

- (i) A provision that the subject property shall be used only for those purposes which will maintain the existing open and scenic character of the property;
- (ii) A prohibition on the placing or erecting or causing the placement or erection of any new building, structure or vehicle intended for human occupancy or commercial purposes at the site;
- (iii) A prohibition of any act which will materially change the general topography or the natural form of the subject property;
- (iv) A prohibition on the division of the subject property into two or more parcels under separate ownership by sale, gift, lease or otherwise except such divisions necessary for public acquisition;
- (v) A reservation of rights to the grantors for all uses not inconsistent with the restrictions specifically enumerated in subsections (i) through (iv), inclusive including the right to prohibit entry thereon by unauthorized persons;
- (vi) A reservation of rights to the grantor to develop water sources, including springs, and to lay, construct, repair and replace pipes and conduits for the transportation of water;
- (vii) A reservation of rights to the grantors to manage the land and its resources in a manner consistent with accepted principles of conservation practice;
- (viii) A reservation of rights to the grantor to use and develop the subject property from time to time for agricultural purposes.

Open space easements exacted pursuant to this section shall run with the land and shall continue until such time as the board of supervisors, at its discretion, abandons the county's right to the easement or, if the easement so provides, the easement expires in accordance with its terms.

Nothing contained in this section shall be construed to limit the authority of the county to exact, as an alternative, open space easements in accordance with the provisions of Government Code Section 51070 et seq. (Ord. No. 3606).

- (k) Reserved.
- (l) Seasonal farmworker housing shall meet the following standards:
 - (1) Seasonal farmworker housing shall be located on parcels of one and one-half (1.5) acres or more having an agricultural or resources and rural development General Plan land use designation. Such parcels shall be owned by the applicant. If less than ten (10) acres, such parcels shall be located within one (1) mile of a minimum of twenty (20) contiguous acres of land cultivated and either owned or long term leased by the applicant.
 - (2) Seasonal farmworker housing shall be located on parcels having direct access to a publicly maintained road. If a private road is to provide such access, the applicant shall file with the planning department a written agreement signed by all of the property owners entitled to use such road acknowledging and agreeing to the road's use as access for the seasonal farmworker housing.
 - (3) Seasonal farmworker housing located on parcels of less than ten (10) acres shall house no more than nineteen (19) workers, including a caretaker, at any time unless a use permit is first obtained.
 - (4) Seasonal farmworker housing and support structures shall be set back a minimum of fifty-five feet (55') from the center line of any roadway, sixty feet (60') from any other property line, forty feet (40') from any other structure, and forty feet (40') from watering troughs, feed troughs and accessory buildings. Seasonal farmworker housing and support structures shall also be set back seventy-five feet (75') from barns, pens or similar quarters of livestock or poultry. These setbacks may be reduced if a use permit is first obtained.
 - (5) Seasonal farmworker housing shall have off-street parking provided at a ratio of one (1) space per four (4) persons housed. The parking does not need to be covered or paved, but may not be located within any scenic corridor setback unless a use permit is first obtained. Parking areas shall be screened from public view by buildings, fences, landscaping or terrain features.
 - (6) Seasonal farmworker housing may be either one (1) or two (2) story structures.
 - (7) Seasonal farmworker housing shall be occupied no more than one hundred eighty (180) days in any calendar year. The director of Permit and Resource Management Department may restrict the occupancy of seasonal farmworker housing to one hundred thirty-seven (137) days between July 1st and November 15th in any calendar year for health and safety reasons.
 - (8) Seasonal farmworker housing having accommodations for at least six (6) workers may have a single caretaker unit per parcel occupied year-round, provided that the property meets the criteria for an agricultural employee housing unit, there are no other permanent residences on the property, and a zoning permit for the caretaker unit is obtained.
 - (9) Seasonal farmworker housing shall not be located within any floodway.
 - (10) Seasonal farmworker housing located within the one hundred (100) year flood elevation shall have the structure of the finished floor of the living quarters above the one hundred (100) year flood level, but may have a storage area below the living quarters.
 - (11) Seasonal farmworker housing located within the one hundred (100) year flood elevation shall have its septic tank and disposal field at least one hundred feet (100') removed from the ten (10) year flood elevation unless otherwise authorized by the director of environmental health.
 - (12) Seasonal farmworker housing shall be maintained in such a manner so as not to constitute a zoning violation or a health and safety hazard.

- (13) Prior to the issuance of a building permit for seasonal farmworker housing, the applicant shall place on file with the planning department an affidavit that the seasonal farmworker housing will be used to house persons employed for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, acknowledging and agreeing that park and traffic mitigation fees for the seasonal farmworker housing shall be waived unless and until the housing units are no longer used to house persons employed for agricultural purposes and further acknowledging and agreeing that in the event the housing units are converted to some other use, the park and traffic mitigation fees existent at the time of conversion shall be immediately due and payable and the housing units shall be either removed or, if the new use is otherwise permitted, brought into compliance with the provisions of this code and state laws in effect at the time of conversion.

(m) Tree Protection Ordinance.

General Provisions. Projects shall be designed to minimize the destruction of protected trees. With development permits, a site plan shall be submitted that depicts the location of all protected trees greater than nine inches (9") and their protected perimeters in areas that will be impacted by the proposed development, such as the building envelopes, access roads, leachfields, etc. Lot line adjustments, zoning permits and agricultural uses are exempt from this requirement. The provisions of this section shall not apply to trees which are the subject of a valid timber harvesting permit approved by the state of California. This section shall not be applied in a manner that would reduce allowable density lower than that permitted as a result of C.E.Q.A. or by other county ordinances or render a property undevelopable. To achieve this end, adjustments may be made.

Agricultural uses exempt from the tree protection ordinance are as follows: the raising, feeding, maintaining and breeding of confined and unconfined farm animals, commercial aquaculture, commercial mushroom farming, wholesale nurseries, greenhouses, wineries and agricultural cultivation.

Construction Standards. Applicants are encouraged to use a qualified specialist to establish tree protection methods.

- (1) Protected trees, their protected perimeters and whether they are to be retained or removed are to be clearly shown on all improvement plans. A note shall be placed on the improvement plans that "Construction is subject to requirements established by Sonoma County to protect certain trees."
- (2) Before the start of any clearing, excavation, construction or other work on the site, every tree designated for protection on the approved site plan shall be clearly delineated with a substantial barrier (steel posts and barbed wire or chain link fencing) at the protected perimeter, or limits established during the permit process. The delineation markers shall remain in place for the duration of all work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of brush, earth and other debris as to avoid injury to any protected tree.
- (3) Where proposed development or other site work must encroach upon the protected perimeter of a protected tree, special measures shall be incorporated to allow the roots to obtain oxygen, water and nutrients. Tree wells or other techniques may be used where advisable. No changes in existing ground level shall occur within the protected perimeter unless a drainage and aeration scheme approved by a certified arborist is utilized. No burning or use of equipment with an open flame shall occur near or within the protected perimeter (except for authorized controlled burns).
- (4) No storage or dumping of oil, gasoline, chemicals or other substances that may be harmful to trees shall occur within the drip line of any tree, or any other location on the site from which such substances might enter the drip line.
- (5) If any damage to a protected tree should occur during or as a result of work on the site, the county shall be promptly notified of such damage. If a protected tree is damaged so that it cannot be preserved in a healthy state, the planning director shall require replacement in accordance with the arboreal value chart. If on-site replacement is not feasible, the applicant shall pay the in-lieu fee to the tree replacement fund.
- (6) The following design standards for protected trees shall be adhered to:

- (i) Underground trenching for utilities should avoid tree roots within the protected perimeter. If avoidance is impractical, tunnels should be made below major roots. If tunnels are impractical and cutting roots is required, it shall be done by hand-sawn cuts after hand digging trenches. Trenches should be consolidated to serve as many units as possible.
 - (ii) Compaction within the drip line or protected perimeter shall be avoided.
 - (iii) Paving with either concrete or asphalt over the protected perimeter should be avoided. If paving over the protected perimeter cannot be avoided, affected trees shall be treated as removed for purposes of calculating arboreal values.
 - (iv) Wherever possible, septic systems and/or leachlines shall not be located on the uphill side of a protected tree.
- (7) Security posted for the purpose of insuring the proper construction of public or private improvements shall also include an amount sufficient to secure any requirements imposed pursuant to this section. In addition, security for potential tree damage shall be twenty-five percent (25%) of the amount posted for planned tree replacement. In lieu fees shall be paid prior to recording any maps. Such security shall not be released until protection requirements, including planting replacement trees, and any long term maintenance requirements have been satisfactorily discharged. The initial bond amount may be reduced to cover only the maintenance and replacement of trees after construction is completed.
- (8) The Valley Oak-*Quercus lobata* shall receive special consideration in the design review process to the extent that mature specimens shall be retained to the fullest extent feasible. Valley Oaks contribute greatly to Sonoma County's visual character, landscape and they provide important visual relief in urban settings. On existing parcels created without the benefit of an accompanying EIR, design review shall focus on the preservation of Valley Oaks to the fullest extent feasible. Where such preservation would render a lot unbuildable, partial protection with accompanying appropriate mitigations developed by a certified arborist shall be incorporated into the project design. In such cases where only partial protection can be achieved, full replacement in accordance with the arboreal value chart shall be required.

Arboreal Value Charts. One of the following charts is to be used for determining arboreal values. The applicant shall indicate at time of application which chart is to be used. Chart No. 1 requires analysis to be done only in the development areas (building envelopes, access roads, etc.) and requires one hundred percent (100%) replacement or in-lieu fees. Chart No. 2 requires analysis of the entire site but allows for removal of up to fifty percent (50%) of the arboreal value. Compensation for the loss of greater than fifty percent (50%) arboreal value will require replacement by using the chart.

Chart No. 1: To Be Used For Measuring Trees Removed Only in The Development Areas.

d.b.h. ¹ (inches)	Removed Trees	Weighted Value	Arboreal Value
9-15		1	
over 15-21		2	
over 21-27		3	
over 27-33		4	
over 33		5	

Total____

This value (the A.V.) is used to calculate the replacement number.

Chart No. 2 Complete Site Analysis.

- a. To Be Used For Measuring Existing Trees On The Entire Site.

¹ d.b.h. (diameter at breast height, four and one-half (4 ½) feet above ground) can be calculated by measuring the circumference of the tree and dividing by 3.14 or pi.

d.b.h.* (inches)	Existing Trees	Weighted Value	Existing Arboreal Value
9-15		1	
over 15-21		2	
over 21-27		3	
over 27-33		4	
over 33		5	

Total___

b. To Be Used For Measuring Trees To Be Removed.

d.b.h.* (inches)	Removed Trees	Weighted Value	Removed Arboreal Value
9-15		1	
over 15-21		2	
over 21-27		3	
over 27-33		4	
over 33		5	

* d.b.h. (diameter at breast height, four and one-half (4 ½) feet above ground) can be calculated by measuring the circumference of the tree and dividing by 3.14 or pi.

Total___

Subtract the removed arboreal value from the existing arboreal value. If the removed arboreal value is more than fifty percent (50%) of the existing arboreal value, the developer must replace the difference between removed arboreal value and fifty percent (50%) of existing arboreal value using the arboreal valuations.

Arboreal Valuations. All trees to be replaced shall be the same native species as that removed unless specific approval has been granted by the planning director.

- 1 point A.V. = six 5-gallon trees (can be existing trees on site that are below 9" d.b.h. if preservation methods are part of the development permit)
- = two 15-gallon trees**
- = \$200 in-lieu fee***
- 2 points A.V. = 24" Box Tree**
- = \$400 in-lieu fee***

** The large trees must come from nurseries where they have been irrigated. They must have on-site irrigation to insure their survival.

*** Annual average retail cost can be changed to reflect cost increases.

Replacement trees may be located on residentially zoned parcels of at least one and one-half acres and on any commercial or industrial zoned parcel, regardless of size, where feasible. Where infeasible, they may be located on public lands or maintained private open space. In-lieu fees may be used to acquire and protect stands of native trees in preserves or place trees on public lands.

- (n) Area Design Review Committees. Where development is proposed on parcels which are subject to area design review committees which have been created by resolution of the board of supervisors, the following shall apply.
 - (1) Prior to issuance of a building permit, the development plan will be reviewed and approved, conditionally approved, or denied by the planning director on the basis of site planning as it relates to designated open space or design policies of adopted general, specific or area plans or other such design criteria as may have been adopted by the board of supervisors.

- (2) Concurrent with the submittal of the development plan to the planning director, the owner shall submit the advisory recommendation of approval, conditional approval or denial of the local design review committee with jurisdiction over the parcel.
- (3) The planning director shall consider the advisory recommendation of the local design review committee but shall not be bound by it.
- (4) Decisions of the planning director approving, conditionally approving or denying a building permit pursuant to this section are appealable in accordance with Section 26-92-040.
- (o) Year-Round and Extended Seasonal Farmworker Housing. Year-round and extended seasonal farmworker housing shall meet the following standards:
 - (1) Year-round and extended seasonal farmworker housing shall be located on parcels of ten (10) or more acres having an agricultural General Plan land use designation for an agricultural employee housing unit. Year-round and extended seasonal farmworker housing may also be located on a parcel of ten (10) acres or more having a resources and rural development General Plan land use designation, provided the parcel is under Williamson Act contract or subject to a conservation easement or agricultural easement .

Notwithstanding the above, year-round and extended seasonal farmworker housing may be located on a parcel five (5) acres or less pursuant to Government Code Section 51230.2, when such farmworker housing otherwise meets the provisions of this subsection and the standards of the underlying zoning district. Such parcels shall be owned or leased by the applicant, unless the parcel is being subdivided pursuant to Government Code Section 51230.2 in which case it shall be owned by a public entity, or by a qualified non-profit agency.

- (2) Year-round and extended seasonal farmworker housing shall be located on parcels having direct access to a publicly maintained road. If a private road is to provide such access, the applicant shall file with the planning department a written agreement signed by all of the property owners entitled to use such road acknowledging and agreeing to the road's use as access for the seasonal farmworker housing
- (3) Year-round and extended seasonal farmworker housing located on any parcel shall house no more than thirty-eight (38) workers at any time, unless a use permit is first obtained.
- (4) Year-round and extended seasonal farmworker housing and support structures shall be set back a minimum of fifty-five feet (55') from the centerline of any roadway, sixty feet (60') from any other property line, forty feet (40') from any other structure, and forty feet (40') from watering troughs, feed troughs, and accessory buildings. Year-round and extended seasonal farmworker housing and support structures shall also be set back seventy-five feet (75') from barns, pens or similar quarters of livestock or poultry. On parcels adjacent to a residential zoning district, year-round and extended seasonal housing shall be set back a minimum of five hundred feet (500') from the property line adjacent to the residential zoning district. These setbacks may be reduced if a use permit is first obtained.
- (5) Year-round and extended seasonal farmworker housing shall have off-street parking provided at the ration of one (1) space per four (4) persons housed. The parking does not need to be covered, but may not be located within a scenic corridor setback unless a use permit is first obtained. Parking areas shall be screened from public view by buildings, fences, landscaping or terrain features.
- (6) Year-round and extended seasonal farmworker housing may be either one (1) or two (2) story structures.
- (7) Year-round and extended seasonal farmworker housing shall not be located within any floodway.
- (8) Year-round and extended seasonal farmworker housing located within the one hundred (100) year flood elevation shall have the structure of the finished floor of the living quarters above the one hundred (100) year flood level, but may have a storage area below the living quarters.

- (9) Year-round and extended seasonal farmworker housing located within the one hundred (100) year flood elevation shall have its septic tank and disposal field at least one hundred feet (100') removed from the ten (10) year flood elevation unless otherwise authorized by the director of environmental health.
 - (10) Year-round and extended seasonal farmworker housing shall be maintained in such a manner so as not to constitute a zoning violation or a health and safety hazard.
 - (11) Prior to the issuance of a building permit for year-round and extended seasonal farmworker housing, the applicant shall place on file with the planning department an affidavit that the year-round and extended seasonal farmworker housing will be used to house persons employed for agricultural purposes. Further a covenant shall be recorded, in a form satisfactory to county counsel, acknowledging and agreeing that park and traffic mitigation fees for the year-round and extended seasonal farmworker housing shall be waived unless and until the housing units are no longer used to house persons employed for agricultural purposes and further acknowledging and agreeing that in the event the housing units are converted to some other use the park and traffic mitigation fees existent at the time of conversion shall be immediately due and payable and the housing units shall be either removed or, if the new use is otherwise permitted, brought into compliance with the provisions of this code and state laws in effect at the time of conversion.
- (p) Residential use of a travel trailer, ~~or recreational vehicle~~, manufactured home, or other transportable housing unit as defined and allowed in the California Building Code shall meet the following standards:
- (1) Parcel shall be at least six thousand (6,000) square feet in size.
 - ~~(2) Use of the travel trailer or recreational vehicle shall be limited to residential use by (a) an ill, convalescent or otherwise disabled friend or relative needing care from the occupant of the primary residence, or (b) a friend or relative providing necessary care for an ill, convalescent or otherwise disabled occupant of the primary residence. The need for care shall be documented by a letter from a physician.~~
 - (2) One or more temporary units may be allowed per parcel subject to the requirements of this subsection.
 - ~~(3) No more than two (2) people may occupy the travel trailer or recreational vehicle.~~
 - (3) The temporary unit shall meet zoning setback requirements, scenic resource (SR) requirements, existing building envelope restrictions, and, where applicable, have approval from board or specific plan designated design review committees.
 - ~~(4) The temporary unit may only be placed on a legal parcel with an existing primary residence.~~
 - (4) The temporary unit shall not be considered a separate residential unit for the purpose of density or calculating development impact fees (sewer system, park and traffic fees, etc.).
 - (5) The temporary unit shall have an approved connection to the existing or expanded septic system or sanitary sewer system. The unit shall also have an approved connection to the existing well or a public water system. The temporary unit shall have an approved electrical and/or gas source per the model California Residential Code. If a connection to an existing septic or sewer system is not feasible, then a contract for hold and haul services for domestic waste may be substituted for connection to an existing septic or sewer system, where the hauler is in compliance with all state law requirements, including holding a valid registration issued by the California Department of Toxic Substances Control for the transport of hazardous wastes.
 - (6) Prior to the renewal of a permit for a temporary unit allowed under this subsection. The applicant must submit an application at least 30 days prior to expiration of the term of the issued temporary permit. Applicants for renewal who provided a hold and haul contract in lieu of connection to on site septic or sewer systems on the previous term must provide proof of unbroken service from the servicing contractor as well as a contract for the new permit term.

- ~~(7) Within sixty (60) days of cessation of the residential use described in this subsection, all occupancy of the unit shall cease, and the temporary unit shall be disconnected from all utilities and/or sewage disposal systems. For temporary units allowed during the construction of a single family dwelling or accessory dwelling unit, this requirement shall be a condition of final occupancy on the building permit for new construction.~~
- ~~(8) Following required disconnection of utility service, the temporary unit may only remain on the property if such storage is permitted under Chapter 26 and all other applicable laws.~~
- ~~(6) The temporary unit shall meet zoning setback requirements, scenic resource (SR) requirements and, where applicable, have approval from board or specific plan designated design review committees.~~
- ~~(7) The temporary unit must be currently licensed as required by the Vehicle Code of the state of California, have a valid state insignia and remain in a mobile condition.~~
- ~~(9) A travel trailer, recreational vehicle, manufactured home, or transportable housing unit used as temporary housing under this section shall not be allowed on any lot with health and safety hazards, as determined in the discretion of the director.~~
- ~~(8) The following standards shall apply to the use of a travel trailer, recreational vehicle, manufactured home, or transportable housing unit for residential use is allowed in one of the following conditions:~~
- ~~i. by an ill, convalescent or otherwise disabled friend or relative needing care from the occupant of the primary residence, or a friend or relative providing necessary care for an ill, convalescent or otherwise disabled occupant of a permitted permanent residential unit. The need for care shall be documented by a letter from a physician.~~
 - ~~i. During the construction or major remodel/addition of a single family dwelling. A building permit for the proposed construction must be ready for issuance. The temporary unit must be disconnected from public utility as a condition to receiving approval for final occupancy on the building permit for the new construction.~~
 - ~~ii. Prior to the application of a building permit for, or during the construction of an Accessory Dwelling Unit as allowed by the primary and combining zoning districts and as defined in Section 26-88-060. These temporary units are not allowed in the Z Accessory Dwelling Unit Exclusion combining districts. The temporary unit must be disconnected from utilities as a condition to receiving a final occupancy on the building permit for the new construction. Water supply must be demonstrated pursuant to Section 7-12 of this code.~~
 - ~~iii. An administrative permit for the residential use of a travel trailer, recreational vehicle, manufactured home, or transportable housing unit shall be obtained. Such permits shall expire one year from the date of issuance. Application for a temporary permit, or renewal of a temporary permit, shall be accompanied by a written statement, signed by the applicant under penalty of perjury, that the use will conform to the standards set forth in this subsection. Renewal applications shall be submitted prior to permit expiration.~~
- ~~(8) The temporary unit shall not be considered a separate residential unit for the purpose of calculating development impact fees (sewer system, park and traffic fees, etc.).~~
- ~~(9) The following standards shall apply to the use of a travel trailer, recreational vehicle, manufactured home, or transportable housing unit as a caregiver unit:~~
- ~~i. Use of a travel trailer, recreational vehicle, manufactured home, or transportable housing unit as a caregiver unit shall be limited to residential use by an ill, convalescent or otherwise disabled friend or relative needing care from the occupant of the primary residence, or a friend or relative providing necessary care for an ill, convalescent or otherwise disabled occupant of a permitted permanent residential unit on site. The need for care shall be documented by a letter from a physician.~~

- ii. An administrative permit for residential use of a travel trailer, transportable housing unit, or recreational vehicle shall be obtained. Such permits shall expire one year from the date of issuance. Permits may be renewed annually. Permit and renewal applications shall be accompanied by a written statement, signed by the applicant under penalty of perjury, that the use will conform to the standards set forth in this subsection. Renewal applications shall be submitted prior to permit expiration and shall include an updated letter from a physician.
- iii. The number of caregiver units is limited to one per legally established primary dwelling unit .
- iv. The temporary caregiver unit shall not be rented, let or leased.
- v. No more than two (2) people may occupy the travel trailer or recreational vehicle.

~~(9) The temporary unit shall not be rented, let or leased.~~

~~(10) An administrative permit for residential use of a travel trailer or recreational vehicle shall be obtained. Such permits shall expire one year from the date of issuance. Permits may be renewed annually. Permit and renewal applications shall be accompanied by a written statement, signed by the applicant under penalty of perjury, that the use will conform to the standards set forth in this subsection. Renewal applications shall be submitted prior to permit expiration and shall include an updated letter from a physician.~~

~~(11 10) Within sixty (60) days of cessation of the residential use described in subsection (q)(2) of this section, all occupancy of the unit shall cease and the unit shall be disconnected from all utilities and/or sewage disposal systems.~~