



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: Set Hearing on August
18, 2020, for September
1, 2020
Placement: Departmental on
September 1, 2020
Estimated Time: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, Planning and Development
Director(s) (805) 568-2085
Contact Info: Dan Klemann, Deputy Director, Long Range Planning Division
(805) 568-2072

SUBJECT: Farmstays Ordinance Amendment Project

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On August 18, 2020, staff recommends that the Board of Supervisors set a hearing for September 1, 2020, to receive and file a report from Planning and Development Department staff regarding the proposed Farmstays Ordinance Amendment Project and provide direction to staff on any changes that the Board would like to make to the project scope-of-work.

On September 1, 2020, staff recommends that the Board of Supervisors (Board) take the following actions:

- a) Receive and file a report from Planning and Development Department (P&D) staff regarding the proposed Farmstays Ordinance Amendment Project (Farmstays Project).
- b) Provide direction to staff on any changes that the Board would like to make to the Farmstays Project scope-of-work.
- c) Determine that the Board's actions are not a "project" as defined in the State California Environmental Quality Act (CEQA) Guidelines §15378(b)(5) and § 15060(c)(3) and are not subject to environmental review (Attachment 1).

Summary Text:

Staff is seeking the Board’s input and concurrence on the scope of work for the Farmstays Project, which includes revisions to the County of Santa Barbara Land Use and Development Code (LUDC), Coastal Zoning Ordinance (Article II), and Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules), to allow farmstays in other areas of the unincorporated county besides the Gaviota Coast. The purpose of this Board letter and corresponding hearing is to obtain the Board’s confirmation of the Farmstays Project scope-of-work, prior to P&D staff drafting the amendments for, and retaining a consultant to conduct environmental review of, the Farmstays Project in fall 2020, as discussed further below.

Background:

The California Homestay Bill of 1999 paved the way for farmers and ranchers to offer overnight visits. This bill outlined regulations for farms offering overnight visits that exempted them from more stringent requirements that are typically associated with commercial restaurants. The bill expanded the definition of a “restricted food service transient occupancy establishment,” also known as an “agricultural homestay” in the California Health and Safety Code (HSC, Section 113893). The HSC has since been amended, and this definition has been shortened to “restricted food service facility” with an additional agricultural homestay designation. In order to be considered a restricted food service facility, the operation must:

- a) Have not more than six guest rooms or accommodates not more than 15 guests.
- b) Provide overnight transient accommodations.
- c) Serve food only to its registered guests and serves meals at any time, and include the price of food in the price of the overnight transient occupancy accommodation.
- d) Ensure that lodging and meals are incidental and not the primary function of the agricultural homestay facility.
- e) Ensure that the agricultural homestay facility is located on, and is a part of, a farm, as defined in Section 52262 of the Food and Agricultural Code, that produces agricultural products as its primary source of income.

The LUDC (Sec. 35.220.020) defines “farmstays” as:

A type of working farm or ranch operation that is partially oriented towards visitors or tourism by providing guest accommodations. Such an operation may include interactive activities where guests participate in basic farm or ranch operations such as collecting eggs and feeding animals, or a work exchange agreement where the guest works a set number of hours in exchange for free or reduced rate accommodation.

When the Board adopted the Gaviota Coast Plan in November 2016, the Board allowed farmstays in both the Inland Area and Coastal Zone of the Gaviota Coast, on property zoned Agricultural II (AG-II) (See Attachment 2). Farmstays may be allowed with a Land Use Permit (LUP) or Coastal Development Permit (CDP) in the Gaviota Coast Plan area if:

- Located on a single lot of 40 acres or larger; only one per lot
- Farmstay housed in a single permitted or nonconforming dwelling [no new structures]

- Primary purpose of the Farmstay shall be the education of registered guests regarding the agricultural operation on the lot:
 - Max 15 registered guests per night
 - Accommodated in no more than six bedrooms
 - Food service only available to registered guests
 - Lodging and meals are incidental and not the primary function of the Farmstay operation
- Farmstay is located on, and is part of, a farm or ranch operation that produces agricultural products, and the Farmstay operation:
 - Does not constitute the principal land use of the premises, and
 - Is beneficial and inherently related to the farm or ranch operation
- Farmstay operation not in compliance with above standards may be allowed with CUP

Farmstays were allowed in order to bring more economic development opportunities to the Gaviota Coast. In that same year, the Board decided to consider allowing farmstays in other areas besides the Gaviota Coast and, consequently, included the Agricultural Tiered Permitting Project (ATP Project)—which included amendments to the zoning regulations to allow farmstays on properties located elsewhere in the county—as part of the Fiscal Year (FY) 2016-2017 Long Range Planning Division Work Program. Along with adding farmstay uses to appropriate zones in the unincorporated county, the ATP Project includes amendments to the zoning ordinances that would change the permitting requirements for certain agricultural land uses.

The ATP Project has since been delayed due to other priority projects being added to the Long Range Planning Division Work Program. Therefore, in an effort to prioritize processing of the farmstays ordinance amendments, the Board provided \$72,500 primarily for consultant costs associated with the environmental review to process the farmstay ordinance amendments separate from the ATP Project, and added these amendments as the Farmstays Project to the FY 2019-2020 and FY 2020-2021 Long Range Planning Division Work Program. The Farmstays Project specifically would allow farmstays on all AG-II properties in the Inland Area and Coastal Zone of the unincorporated county, subject to the same permitting requirements and special use regulations that apply to farmstays on AG-II properties described above.

The Farmstays Project generally involves the following tasks:

- Draft text amendments to the LUDC, Article II, and Uniform Rules
- Public outreach and stakeholder engagement
- Environmental review
- Agricultural Preserve Advisory Committee (APAC) hearings
- Planning Commission and Board of Supervisors hearings
- California Coastal Commission certification (Article II amendment)

The current, estimated timeline for the Farmstays Project is as follows:

- Fall/Winter 2020
 - Preparation of project description (draft text amendments to the LUDC, Article II, and Uniform Rules)
 - Consultant selection
 - Initiate public outreach
- Winter 2020 / Spring 2021
 - Prepare environmental document
 - Public review of environmental document
- Summer 2021
 - APAC hearings
 - Planning Commission and Board of Supervisors hearings
 - Initiate Coastal Commission certification process (could take approximately 15 months to complete, depending on Coastal Commission staff workload)

Staff is seeking the Board's input and concurrence on the scope-of-work for the Farmstays Project, outlined above. If the Board would like to pursue a different project that involves a broader scope-of-work, the Board should either: (1) identify other items in the FY 2020-2021 Long Range Planning Division Work Program that should be delayed, and the funding for which should be used on the Farmstays Project; or (2) allocate additional funding to cover the expense of the additional work. Also, staff will assess and implement the most efficient way to process the Farmstays Project. For example, as part of the adoption of the P&D budget, the Board decided to suspend processing of the ATP Project until at least the second quarter of Fiscal Year 2020-2021. If the Board reinitiates processing of the ATP Project, P&D will assess at that time whether it is more efficient and economical to merge and process the two projects together, or separately.

In October 2019 and January 2020, a series of community workshops were facilitated by a Planning Commissioner in Los Olivos to gather input from the agricultural community on the state of agricultural tourism in the county. At the workshops, participants discussed potential agricultural tourism uses that could help foster economic development while being compatible and incidental to the principal agricultural use on the farm or ranch on which the agricultural tourism use occurs. Workshop participants expressed interest in creating pathways for varied agricultural tourism related uses (e.g., expanded tasting/food services, events, lodging, and installing new infrastructure such as public bike paths to provide connectivity between agricultural tourist-related destinations) with lessened permit requirements, and varied permit levels for ag-tourism activities on AG-I and AG-II properties. A comprehensive agricultural tourism project is not currently in the Long Range Planning Division Work Program for this fiscal year. If the Board wanted to pursue this type of comprehensive program they can: (1) request that it be added to the Three Year Work Program in future fiscal years, or (2) direct staff to initiate the effort this fiscal year which would require a defined project scope-of-work and additional funding and staffing resources, or the delay of another Work Program project that is currently scheduled for this fiscal to a future fiscal year.

Environmental Review:

State CEQA Guidelines § 15060(c)(3) states that an activity is not subject to CEQA environmental review if it is not a “project” as defined in State CEQA Guidelines § 15378. State CEQA Guidelines § 15378(b)(5) states that “project” does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. The Board’s actions to receive a staff report, receive public testimony, and provide conceptual direction to staff regarding the project scope-of-work, constitute administrative activities that do not have the potential to create a significant environmental impact, or create a physical change to the environment, either directly or indirectly. See Attachment 1 (Notice of Exemption) for additional information regarding the CEQA exemption.

Performance Measure:

N/A

Contract Renewals and Performance Outcomes:

N/A

Fiscal and Facilities Impacts:

Funding for this project is budgeted in the Planning and Development Department’s Permitting Budget Program on page D-294 of the County of Santa Barbara FY 2020-2021 adopted budget. There are no facilities impacts.

Special Instructions:

N/A

Attachments:

1. Notice of Exemption
2. Excerpt of current Farmstay Ordinance applicable to Gaviota Coast Plan inland area (Section 35.42.240, LUDC)

Authored by:

Steven Counts Imara, Planner, Long Range Planning Division, (805) 884-8060