

- E. Findings.** The review authority shall approve a Land Use Permit in compliance with Subsection [35.82.110.E](#) (Findings required for approval) or a Conditional Use Permit in compliance with Subsection [35.82.060.E](#) (Findings required for approval of Conditional Use Permits other than Conditional Use Permit applications submitted in compliance with [Chapter 35.38 \(Sign Standards\)](#)) for a residential agricultural dwelling only if, in addition to these required standard findings, the following findings can also be made:
1. The residential agricultural dwelling is incidental and subordinate to the primary agricultural use of the lot.
 2. The residential agricultural dwelling is compatible with and does not substantially alter the rural, agricultural character of the area.
 3. The residential agricultural dwelling does not adversely affect the onsite or adjacent agricultural operations.
- F. Expiration.** The Residential Agricultural Unit program is to be implemented on a temporary basis limited to nine years. Within nine years of July 6, 1999, the Department shall prepare and present a report to the Commission and Board for their consideration of the effects of the Residential Agricultural Unit program and the public's participation in the program. The Board may consider modification, extension, or repeal of the existing Residential Agricultural Unit program if the report indicates a need to modify or abandon the program. Prior to presenting the report to the Commission, the Agricultural Advisory Committee and the Agriculture Preserve Advisory Committee may review the report and provide their recommendation to the Commission and the Board. If the Board fails to take the necessary action to modify or extend the program, the Residential Agricultural Unit program shall expire nine years from July 6, 1999 (i.e., July 6, 2008) and this [Section 35.42.210 \(Residential Agricultural Units\)](#) shall be of no further force and effect.

35.42.220 - Residential Project Convenience Facilities

- A. Purpose and applicability.** This Section provides standards for residential project convenience facilities where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. DR and PRD zones.** In the DR and PRD zones the following residential project convenience facilities may be allowed for the exclusive use by residents of the development:
1. Laundromat.
 2. Meeting rooms.
 3. Accessory uses and structures customarily incidental and subordinate to the residential project.
- C. MHP zones.** In MHP zones accessory uses and structures that are customarily incidental and subordinate to the residential project may be allowed.

35.42.230 - Residential Second Units

- A. Purpose.** This Section establishes procedures and standards for attached and detached residential second units in compliance with California Government Code Section 65852.2 where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#). The intent is to encourage a more efficient use of specified residential and agricultural zones, where because of the decrease in household size as a result of changing social patterns, homes are being underutilized. Residential second units provide housing opportunities for elderly, low-income and other economic groups. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site development to preserve the integrity of these zones.

- B. Applicability.** Residential second units may be located within AG-I-5, AG-I-10, AG-I-20, EX-1, OT-R, R-1/E-1 and RR zones only.
- C. Allowed density.** In compliance with Government Code Section 65852.2(b)(5) residential second units shall not count toward the allowable density for purposes of determining consistency with the Comprehensive Plan and zone density standards.
- D. Application requirements.** A permit application for a residential second unit shall include the following information in addition to that information required within [Chapter 35.80 \(Permit Application Filing and Processing\)](#):
1. A floor plan drawn to scale of the principal dwelling and the residential second unit.
 2. Documentation verifying the principal dwelling is owner-occupied.
 3. The proposed method of water supply and sewage disposal for the residential second unit.
- E. Exclusion areas.** Because of the adverse impacts on the public health, safety, and welfare, residential second units shall not be allowed in Special Problem Areas designated by the Board except as provided in Subsections E.1 or E.2 below, based upon the finding that Special Problem Areas by definition are areas having present or anticipated flooding, drainage, grading, soils, geology, road width, access, sewage disposal, water supply, location, or elevation problems.
1. Within a designated Special Problem Area, an attached residential second unit may be approved within the Coastal Zone and an attached or detached residential second unit may be approved within the Inland area, if the Director can make all of the following findings:
 - a. The project application involves two contiguous legal lots under one-ownership, at least one of which is vacant.
 - b. The owner has submitted an offer to dedicate a Covenant of Easement in compliance with Article VII (Covenants of Easement) of Chapter 35 of the County Code over the vacant lot so long as a residential second unit is maintained on the developed lot.
 - c. The vacant lot is determined to be residentially developable in compliance with the following criteria:
 - (1) The lot was legally created, it is not a fraction lot and the documents reflecting its creation do not preclude the lot from being used for residential purposes or designate the lot for a nonresidential purpose including well sites, reservoirs, and roads.
 - (2) The lot has adequate water resources to serve the estimated interior and exterior needs for residential development as evidenced by:
 - (a) A letter of service from the appropriate district or company that documents that adequate water service is available to the lot and that the service is in compliance with the company's Domestic Water Supply Permit, or
 - (b) The owner demonstrates that the lot could be served by a Public Health Department or State approved water system.
 - (3) The lot:
 - (a) Is served by a public sewer system and a letter of available service can be obtained from the appropriate public sewer district, or
 - (b) Can be served by an onsite wastewater treatment system that meets all septic

system requirements of the Public Health Department.

- (4) The lot:
 - (a) Is currently served by an existing private road that meets applicable fire agency roadway standards that connects to a public road or right-of-way easement, or
 - (b) Can establish legal access to a public road or right-of-way easement meeting applicable fire agency roadway standards.
 - (5) The Special Problems Committee has reviewed the lot and has determined that site conditions would not cause the Committee to recommend denial of the site for residential purposes.
2. The Director may approve a residential second unit within a designated Special Problem Area where all of the development standards in Subsection G. (Development Standards) below can be met and the project has been reviewed by the Special Problems Committee.

F. Lot area and floor area requirements.

1. Minimum net lot area.

- a. **Attached residential second units.** The minimum net lot area on which an attached residential second unit may be located shall be 7,000 square feet; however, for lots legally created before June 2, 1966 this minimum net lot area shall be 6,000 square feet.
- b. **Detached residential second units.** The minimum net lot area on which a detached residential second unit may be located shall be 10,000 square feet.

2. **Maximum gross floor area.** The maximum residential second unit gross floor area shall not exceed the standards for the specified net lot area shown in Table 4-9 (Maximum Gross Floor Area) below:

Table 4-9 - Maximum Gross Floor Area

Type of Residential Second Unit	Lot Area	Maximum 2 nd Unit Size
Attached	6,000 -9,999 square feet	600 square feet
Attached and Detached	10,000 - 19,999 square feet	800 square feet
Attached and Detached	20,000 square feet or more	1,200 square feet

3. **Gross floor area for residential second units.** The gross floor relates only to directly accessible appurtenant interior spaces and does not include any existing floor area not contained within the second unit, nor the floor area of storage or other accessory structures or spaces not directly accessible from the living area of the second unit.
4. **One residential second unit per lot.** A lot may contain only one attached residential second unit or one detached residential second unit.

G. Development standards.

1. **Standards applicable to all residential second units.** A permit for a residential second unit shall not be approved unless it complies with the following development standards.
- a. The lot shall contain an existing one-family dwelling at the time an application for an attached or detached residential second unit is submitted, or the application for the second unit shall be submitted in conjunction with the application for the principal dwelling.

- b. The owner of the lot shall reside on said lot, in either the principal dwelling or in the residential second unit except when a) disability or infirmity require institutionalization of the owner, or b) the Director approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause. Before the issuance of a Coastal Development Permit in compliance with [Section 35.82.050 \(Coastal Development Permits\)](#) or a Land Use Permit in compliance [Section 35.82.110 \(Land Use Permits\)](#) or a Zoning Clearance in compliance with [Section 35.82.210 \(Zoning Clearances\)](#), the owner shall sign and record an agreement with the County requiring that the owner reside on the property.
- c. Upon resale of the property, the new owner shall reside on the property or the use of the residential second unit shall be discontinued and the residential second unit shall be:
 - (1) If attached, converted into a portion of the principal dwelling; or,
 - (2) If detached, removed or converted into a legal accessory structure.
- d. The gross floor area of a residential second unit shall be a minimum of 300 square feet.
- e. The total gross floor area of all covered structures, including a residential second unit, shall not exceed 40 percent of the gross lot area of the lot on which the residential second unit is located.
- f. A residential second unit shall not be allowed on a lot in addition to a guesthouse, dwellings other than the principal dwelling determined to be nonconforming as to use, or farm employee housing (unless the residential second unit is proposed to be located on a lot zoned AG-I located in the Inland area). If a residential second unit has been approved on a lot, a guesthouse or similar structure shall not subsequently be approved unless the residential second unit is removed.
- g. The residential second unit shall contain its own kitchen and bathroom facilities.
- h. A residential second unit shall comply with the setback regulations that apply to the principal dwelling as identified in the applicable zone.
- i. In addition to the required parking for the principal dwelling, a minimum of one off-street parking space shall be provided on the same lot that the residential second unit is located on for a) each bedroom in the residential second unit or b) each studio unit. The additional parking shall be provided as specified in the base zone and in [Chapter 35.36 \(Parking and Loading Standards\)](#). The review authority may grant modifications to allow the additional parking required by this provision to be located within the setbacks, excluding the front setback, based on a finding that, because of the topography of the site and the location of the principal dwelling on the site, the setback requirements cannot be met. The number of additional parking spaces required for residential second units shall not be reduced.
- j. Where public water service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public water district or an existing mutual water company, not subject to moratorium for new connections, the residential second unit shall be served by the appropriate district or mutual water company. If the principal dwelling is currently served by a water district or an existing mutual water company subject to a moratorium for new connections, or the existing service is by a water system and if the property is not located in an overdrafted water basin, the residential second unit may be served by a water system subject to review and approval by the Public Health Department or State as applicable.
- k. A residential second unit proposed to be served by an onsite wastewater treatment system

shall not be allowed in addition to the principal dwelling on a lot less than two gross acres in size unless soil and other constraints for sewage disposal are determined to be particularly favorable by the Public Health Department. If determined to be particularly favorable, the minimum lot area may be reduced to one gross acre. In order to be determined to be particularly favorable, all of the criteria as found in Appendix D, *Development Standards for Residential Second Dwelling Units On Lots Less Than Two Acres in Size Served by Onsite Sewage Disposal Systems*, shall be satisfied. Appendix D is hereby incorporated by reference.

- l. Where public sewer service is available, the residential second unit shall be required to be served by the appropriate district. If the principal dwelling is currently served by a public sewer district not subject to a moratorium for new connections, the residential second unit shall be served by the public sewer district. If the principal dwelling is currently served by a public sewer district subject to moratorium for new connections, or if the existing service is by a onsite wastewater treatment system, the residential second unit shall be served by an onsite wastewater treatment system subject to Public Health Department review and approval.
- m. Upon approval of a residential second unit on a lot, the lot shall not be subdivided unless there is adequate land area to divide the lot consistent with the applicable Comprehensive Plan designation and in compliance with Article 35.2 (Zones and Allowable Land Uses).
- n. The residential second unit shall not be sold or financed separately from the principal dwelling.
- o. Where there are conflicts between the standards in this Section, the standards in [Section 35.42.020 \(Accessory Structures and Uses\)](#), and the standards in the specific zone regulations (Article 35.2 Zones and allowable Land Uses), the provisions of this Section shall prevail.
- p. In compliance with ordinances and resolutions adopted by the County, the applicant will be required to pay development impact mitigation fees before approval of the Coastal Development Permit or Land Use Permit or Zoning Clearance, or prior to issuance of a Zoning Clearance, or before final building permit inspection, as determined by the adopted ordinances. The amount of the required fee shall be based on the fee schedules in effect when paid.
- q. Within the Coastal Zone the following development standards shall also apply to residential second units.
 - (1) In residential zones, all development associated with the construction of residential second units shall be located no less than 50 feet from the outer edge of a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from the outer edge of a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zone overlay map is determined by the County not to be located on the particular lot during application review, this development standard shall not apply.
 - (2) All development associated with the construction of residential second units shall be located a minimum of 100 feet from the periphery of wetlands consistent with the requirements of Section 35.28.090 (Environmentally Sensitive Habitat Area Overlay).
 - (3) Residential second units shall not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

- (4) Residential second units shall not obstruct public access to and along the coast, or public trails.
- (5) Residential second units shall be consistent with the provisions of the applicable zone and the policies and development standards of the certified Local Coastal Program.

2. Standards applicable only to attached residential second units. In addition to the development standards listed in Subsection G.1 (Standards applicable to all residential second units) above, an attached residential second unit shall comply with all of the additional development standards below.

- a. An attached residential second unit shall be located within the living area of the principal dwelling, or if an increase in floor area is requested, the increase in floor area shall not exceed 30 percent of the existing living area. The floor area of the garage attached to the principal dwelling may be included in the calculation of existing living area provided the garage is to be converted to living area of the principal dwelling as part of the same permit to allow the attached residential second unit. In the event that an application proposes an addition to the living area of the existing principal dwelling and an attached residential second unit concurrently, the proposed additional living floor area for the principal dwelling shall be used to calculate existing living area of the principal dwelling.
- b. An attached residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof that covers the residential second unit. An exception to this height limit may be granted when the portion of a proposed residential second unit that would exceed this height limit is wholly contained within an existing structure.
- c. An attached residential second unit shall have a separate entrance. Any entrance to an attached residential second unit shall be structurally shielded so that the entrance is not visible when viewed from any street abutting the lot on which the residential second unit is located. This standard may be waived by the Director if it would prohibit the construction of an attached residential second unit on the lot.

3. Standards applicable only to detached residential second units. In addition to the development standards listed in Subsection G.1 (Standards applicable to all residential second units) above, a detached residential second unit shall comply with all of the additional development standards below.

- a. A detached residential second unit that is not connected by any means to another structure shall not exceed a building height of 16 feet. A detached residential second unit connected to a detached accessory structure may be permitted provided:
 - (1) The height of the residential second unit shall not exceed a height of 16 feet as measured from the lowest finished floor of the residential second unit to the bottom of the support system of the floor above, or, if there is no floor above, to the highest points of the coping of a flat roof or to the mean height of the highest gable of a pitch or hip roof of the roof that covers the residential second unit, and
 - (2) The height of the entire structure does not exceed 25 feet.
- b. A detached residential second unit proposed on a lot of one acre or less in gross lot area located within a residential zone shall not be located closer to the principal abutting street than the principal dwelling unless (a) the detached residential second unit is to be located in

- a permitted structure existing on July 1, 2003 and no exterior alterations are proposed, or (b) other provisions of this Development Code, such as setback requirements, prohibit construction of the second unit further from the principal abutting street than the principal dwelling.
- c. A detached residential second unit proposed on a lot of one acre or less in gross lot area located within a residential zone shall reflect the exterior appearance and architectural style of the principal dwelling and shall use the same exterior materials, roof covering, colors and design for trim, windows, roof pitch and other exterior physical features unless the proposed detached residential second unit is to be located in a permitted structure existing on July 1, 2003, and no exterior alterations are proposed.
 - d. For detached residential second units in agricultural zones the review authority may add other conditions, consistent with general law and applicable State and County standards, as necessary to preserve the health, safety, welfare and character of the residential neighborhood provided that such conditions do not conflict with applicable policies and provisions of the Comprehensive Plan.
 - e. The following development standards shall also apply to detached residential second units located within the Inland area;
 - (1) The development of a detached residential second unit in agricultural zone shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:
 - (a) Avoiding prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.
 - (b) Including buffers from sensitive areas.
 - (c) Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.
 - (2) In residential zones, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.
- H. Public notice.** Notice of approved or conditionally approved Coastal Development Permits or Land Use Permits for attached residential second units in all zones and detached residential second units in residential zones, shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- I. Findings of approval (detached residential second units in agricultural zones).** In addition to the findings under [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), before the approval of all detached residential second units in the AG-I-5, AG-I-10 or AG-I-20 zones the review authority shall make all of the following findings:
1. The detached residential second unit is compatible with the design of adjacent residences and the surrounding neighborhood and shall not cause excessive noise, traffic, parking, or other disturbance to the existing neighborhood.
 2. Provisions for onsite parking are adequate for existing and proposed uses.

3. The detached residential second unit shall not substantially change the character, or cause a concentration of residential second units sufficient to change the character of the neighborhood in which it is located.
 4. The detached residential second unit does not significantly infringe upon the privacy of the surrounding residents.
 5. The proposal complies with the standards in Subsection G. (Development standards) above.
- J. Appeals.** An action of the review authority to approve, conditionally approve, or deny any application for a residential second units shall be final subject to appeal in compliance with [Chapter 35.102 \(Appeals\)](#).
- K. Revocation.** Revocation of a Coastal Development Permit, Land Use Permit or Zoning Clearance for a Residential Second Unit shall be in compliance with [Section 35.84.060 \(Revocations\)](#).

35.42.240 - Rural Recreation

- A. Purpose and applicability.** This Section provides standards for rural recreation, where allowed in compliance with [Article 35.2 \(Zones and Allowable Land Uses\)](#).
- B. Allowable uses and permit requirement.**
1. **Coastal Zone.** Low-intensity recreational development (e.g., hiking trails, public riding stables, recreational camps, hostels, campgrounds, retreats, and guest ranches) may be allowed subject to a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) provided the development complies with the standards included in Subsection C below.
 2. **Inland area.** Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle range, and duck shooting farm) may be allowed subject to a Conditional Use Permit in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) provided the development complies with the standards included in Subsection C. (Standards) below.
- C. Standards**
1. Is in character with the rural setting.
 2. Does not interfere with agricultural production on or adjacent to the lot on which it is located.
 3. Does not include commercial facilities open to the general public who are not using the recreational facility.
 4. Does not require an expansion of urban services that shall increase pressure for conversion of the affected agricultural lands.
 5. Groups assembled for periods of not to exceed 21 days.
 6. When retreats are located within Rural Areas designated on the Comprehensive Plan maps, the retreat must require or benefit from a location surrounded by open land and the facility development shall be limited and subordinate to the character of the surrounding natural environment.

35.42.250 - Small Animal Hospitals

Where allowed by [Article 35.2 \(Zones and Allowable Land Uses\)](#), small animal hospitals shall be designed,