

ORDINANCE NO. NS-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA AMENDING APPENDIX I, ZONING, OF THE COUNTY OF SANTA CLARA ORDINANCE CODE TO MODIFY AGRICULTURAL EMPLOYEE HOUSING REGULATIONS

Summary

This ordinance amends Appendix I, Zoning, of the County of Santa Clara Ordinance Code to modify definitions, use classifications, and permitting requirements for agricultural employee housing, and to establish requirements and standards for developing and maintaining agricultural employee housing.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1. Section 1.30.030 of Chapter 1.30, Article 1 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§1.30.030 Definition of Terms

Accessory structure: A structure or building that is auxiliary and subordinate to the main structure or building on a lot, except as otherwise provided herein. Any building that is incidental to the conduct of any agricultural use shall be considered to be an agricultural accessory building. For purposes of this zoning ordinance, no building designed, intended or used for dwelling purposes shall be considered to be an accessory structure.

Accessory use: A use related to, but auxiliary and subordinate to the primary use on a lot.

Agriculture-serving use: A use that supports the agricultural industry including but not limited to shipping and trucking operations, manufacturing and sales of farm and nursery equipment and supplies, large animal hospitals, and other service providers catering specifically to the agriculture industry.

Alley: Any public thoroughfare, not exceeding 30 feet in width, for the use of pedestrians or vehicles, or both, that affords only a secondary means of access to abutting property.

Animal, large: Animals characterized by their relative size to other animals and including but not limited to horses, cattle, bison and donkeys. Variants of species (e.g. miniature horses) may be reclassified as medium or small animals at the discretion of the zoning administrator.

Animal, medium: Animals characterized by their relative size to other animals and including but not limited to sheep, goats, pigs, ostriches, emus, llamas and alpacas.

Animal, small: Animals characterized by their relative size to other animals and including but not limited to chickens, ducks, geese, turkeys, pheasants, mink and rabbits.

Architectural value: Representing one (1) or more periods or styles of architecture typical of one (1) or more eras in the history of the county.

Attic: The unconditioned part of a building immediately below the roof situated wholly within the roof framing (see “story, half” for conditioned “attic” space).

Basement: That portion of a building that is partially or entirely below grade, that is so situated where both of the following apply:

1. The finish floor level immediately above such under-floor space shall not be more than six (6) feet above grade for more than 50 percent of the under-floor area; except that on lots where the “-n₁” combining designation applies, a basement threshold of four (4) feet (instead of six (6) feet) shall apply (see §3.40.030). Window wells, as defined and required for egress by the California Building Code (CBC) and California Residential Code (CRC), shall be limited to 10% above the minimum dimensions required by the CBC and CRC.
2. The finish floor level above such under-floor space shall not be more than 12 feet above grade at any point.

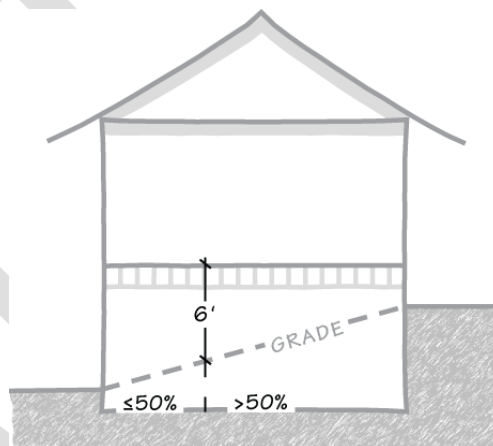


Fig. 1.30-1
Basement Threshold

For the purpose of this definition, “grade” shall be final grade at the building’s perimeter, and shall be projected through the subject basement space when appropriate.

Bay window: A window or series of windows jutting out from the wall of a building and forming an alcove within.

Boarding house: Any residential building used for the renting of rooms or providing of table board, or both, for three (3) to six (6) persons over the age of 16 years who are not related by blood or marriage to the resident-operator thereof.

Breezeway: A covered passageway open on two (2) or more sides, joining two (2) or more detached buildings.

Building: Any structure having a roof supported by columns or walls, or both, and intended for the shelter, housing or enclosure of any person, animal or personal property. When any portion of a structure is completely separated from every other portion of the structure by a masonry division or firewall without any window, door or other opening and the masonry division or

firewall extends from the ground to the upper surface of the roof at every point, such portion shall be deemed to be a separate building.

Building envelope: The three-dimensional space within which a building or structure may be built, as defined by setbacks and height regulations. Building envelopes may also be delineated for portions of lots on an approved subdivision map, cluster subdivision approval, or conditions of the subdivision or other land use approval. In such cases, the line segments delineating the building envelope shall function as setback lines for residences, and may confine the location of certain other buildings or structures if so stated on the approved map, or as a condition of subdivision approval that more specifically defines the purposes of the building envelope.

Building footprint: That portion of a property vertically below the maximum extensions of the enclosed structure(s) thereon, including covered decks, uncovered decks over 30 inches above grade, and carports, but excluding roof projections of two and one-half (2.5) feet or less.

Building, main: A building or buildings in which the lot's principal use is conducted.

Centerline: The centerline of a street as established by the County Surveyor of the County or by the city engineer of any city within the county or by the California Department of Transportation. If no such center line has been established, the center line of a street shall be a line midway between the side lines of the right-of-way thereof; provided, however, that if only a part-width right-of-way exists for any portion of any street, the center line for such part-width portion shall be determined by prolonging the center lines on each side of such part-width portion parallel to the side lines of such part-width portion. If the foregoing method of establishing the centerline is not feasible, the zoning administrator shall designate the centerline.

Development area: That portion of a property within which buildings, accessory structures, and associated improvements are proposed and delineated on site plans or subdivision maps in accordance with applicable policies of the general plan or the zoning ordinance. Associated improvements include, but are not limited to driveways, parking areas, turnarounds, septic systems, patios, pools and recreational facilities.

Dwelling purposes: The use of a building for human habitation, which is designed, intended or used for sleeping, cooking, eating, and sanitation.

Dwelling unit: A building or portion thereof that is designed, intended or used for dwelling purposes for one family, as defined in this section.

Family: One or more persons occupying a premises and living as a single, nonprofit household, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary domestic help.

Fee access corridor: That portion of a flag lot used for access that is owned in fee simple.

Floor area, gross: The sum of the gross horizontal areas of the several floors of a building, as measured from the rough exterior faces of the exterior walls, or (if applicable) from the centerline of a common wall between two attached buildings.

“Floor area, gross” also includes the total area of any attached garage, and includes any carport, porch or similar attached structure or feature that is both: (a) covered, and (b) greater than 50% enclosed by perimeter walls. It includes the horizontal area of an interior stairway at each of the two or more stories to which the stairway provides access. Any attic space that has a minimum clearance of seven (7) feet in each of three (3) dimensions for at least 70 contiguous square feet shall be included. Basement space that has a minimum clearance of seven (7) feet in each of three (3) dimensions for at least 70 contiguous square feet shall be included in floor area when determining: (a) required nonresidential parking spaces as stipulated in §4.30.040; (b) floor area limitations applicable to accessory dwelling units; (c) cumulative floor area that may be subject to building site approval (Ordinance Code Division C12, Chapter II); and (d) floor area that may be subject to regulations of the Department of Environmental Health, County Fire Marshal, or other government department or agency.

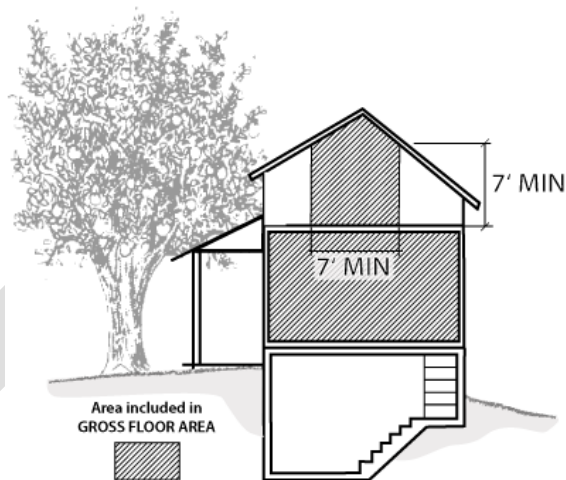


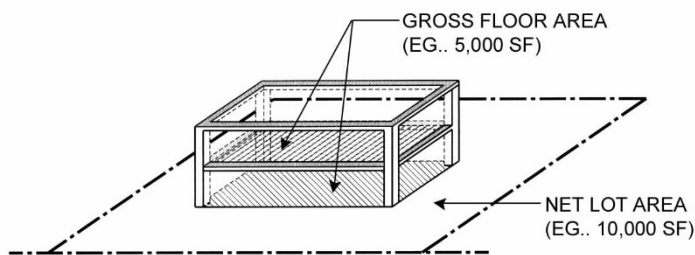
Fig. 1.30-2
Gross Floor Area

Where the vertical distance between any floor and the ceiling above exceeds 15 feet, floor area shall be counted twice.

Except where the provisions of § 3.40.030 apply, basements shall be excluded when calculating residential floor area or floor area ratio where provisions are intended to either: (a) stipulate maximum building size, or; (b) categorize a project under the provisions of §3.20.030, 5.50.050 or 5.50.060 for procedural purposes.

Floor-area ratio (FAR):

Determined by dividing the gross floor area of a specified building(s) on a lot by the net lot area; provided, however, that on flag lots, all portions of fee access corridors which are less than 25 feet in width shall be excluded from floor area calculations.



$$\text{FAR} = \frac{\text{GROSS FLOOR AREA}}{\text{NET LOT AREA}}$$

$$(\text{EG: } \frac{5,000}{10,000} = \text{FAR } 0.5)$$

Fig. 1.30-3
Floor Area Ratio

Future width line: A line representing the maximum planned width of a right-of-way, as shown on maps included in any officially adopted report or ordinance. This includes the 1971 Ruth and Going Future Width Line Study.

Group living quarters: A group of structures, or a single structure such as a boarding house or dormitory, consisting of either individual or shared facilities for living, sleeping, eating, cooking, and sanitation.

Guest room: A room within a dwelling which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but in which there are no cooking facilities.

Hedge: Plants that are cultivated to result in a dense linear form that functions as a fence, wall or barrier.

Height: The dimension measured by the vertical distance from the final grade to the top building or structure. On sloping lots or lots irregular topography, height shall be measured vertically upward from a hypothetical surface representing the final grade as projected through the structure site (see Figure 1.30-4b measurement details).

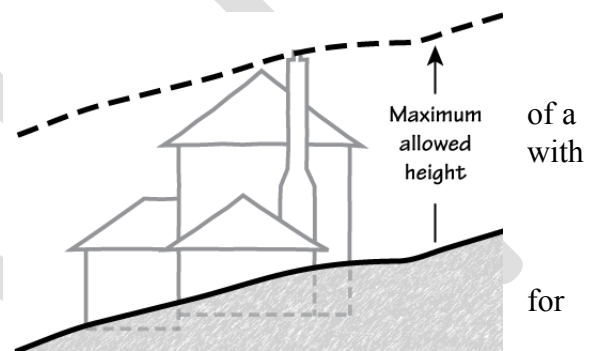
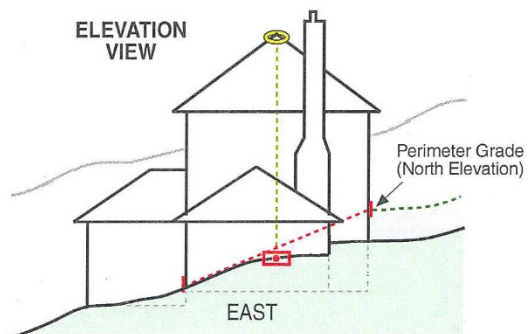
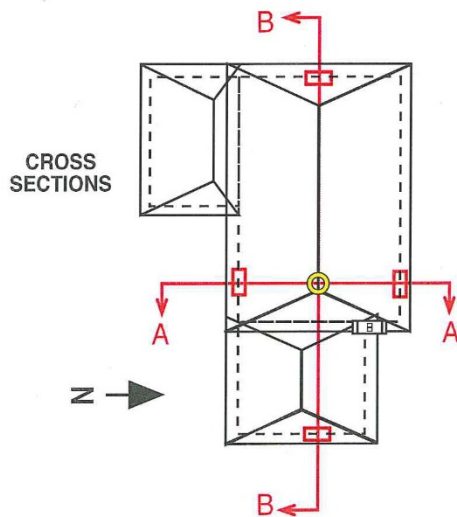
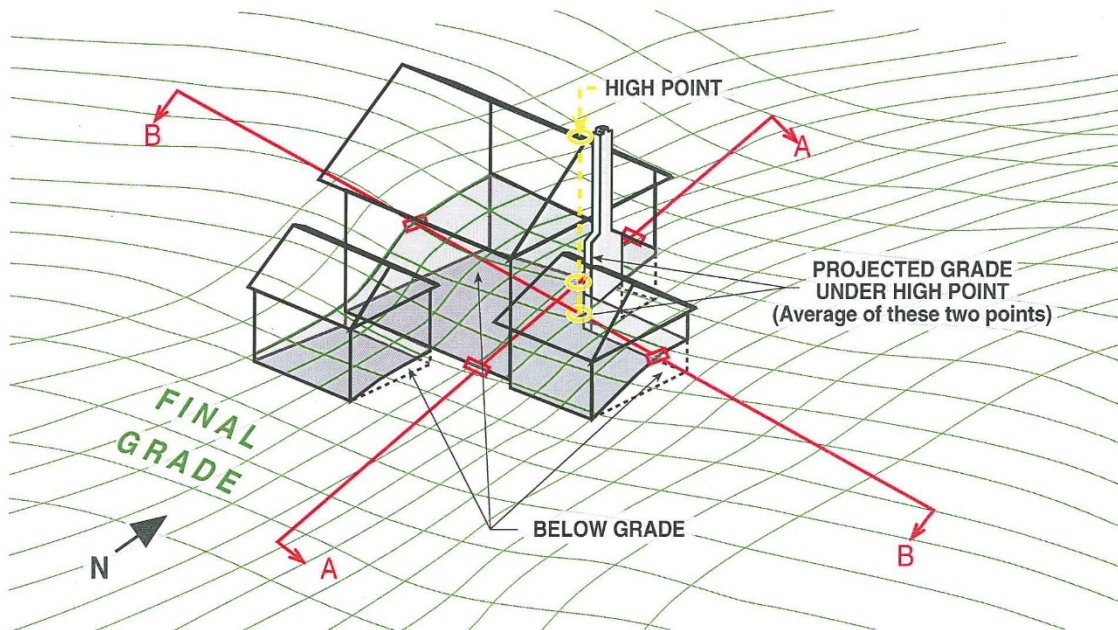


Fig. 1.30-4a
Building Height

Fig. 1.30-4b
HEIGHT MEASUREMENT
 (Irregular Topography)



Legal-nonconforming use, lot, or structure: A use, lot, building or structure that was lawful when brought into existence, but does not comply with the currently effective use provisions, permitting requirements or development standards of this zoning ordinance. See Chapter 4.50.

Livestock: Domestic animals kept on a farm or ranch and raised for sale and profit.

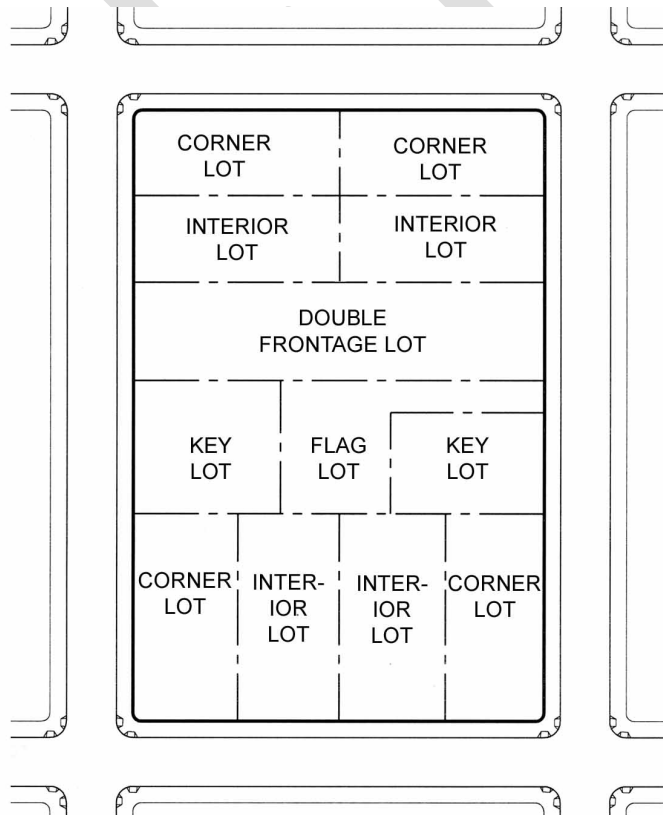
Lot: A fundamental unit of land that may be lawfully sold as a separate parcel in conformance with the applicable lot-legality provisions of Division C12 of the County Ordinance Code and the applicable subdivision and lot-legality provisions of state law.

Lot area, gross: The area specified as gross lot area on a recorded parcel map, tract map or record of survey. Also, the total area of any lot whose deed contains a legal description that includes land underlying public or private rights-of-way as fee-title portions of the lot.

Lot area, net: The net area of a lot specified as such on a recorded parcel map, tract map or record of survey, or the total land area of any lot exclusive of land underlying public or private rights-of-way.

Lot, corner: A lot situated at the intersection of two (2) or more streets, or bounded on two (2) or more adjacent sides by street lines. If the interior angle of the intersecting street lines is 135 degrees or wider, the lot shall not be deemed a corner lot.

Fig. 1.30-5
Classification of Lots



Lot coverage: The footprint of all buildings and structures over 30 inches in height. Covered patios, carports, arbors, and similar structures are counted in lot coverage. Eaves are excluded provided they do not project more than two and one-half feet.

Lot depth: The average distance from the front property line (or edge of right-of-way) to the rear line measured in the general direction of the side lines of the lot.

Lot frontage: The boundary of a dedicated public or private road right-of-way as it fronts along a lot. To determine the front lot line for setback purposes, see “lot lines.”

Lot, flag: A lot, generally located to the rear of another lot, whose frontage to a street is provided by a fee access corridor, or whose access is provided by an easement through the parcel with actual frontage along such street. [See Fig. 1.30-5]

Lot, interior: A lot with street frontage and whose side lot lines are the side lot lines of adjacent lots that front on the same street. [See Fig. 1.30-5]

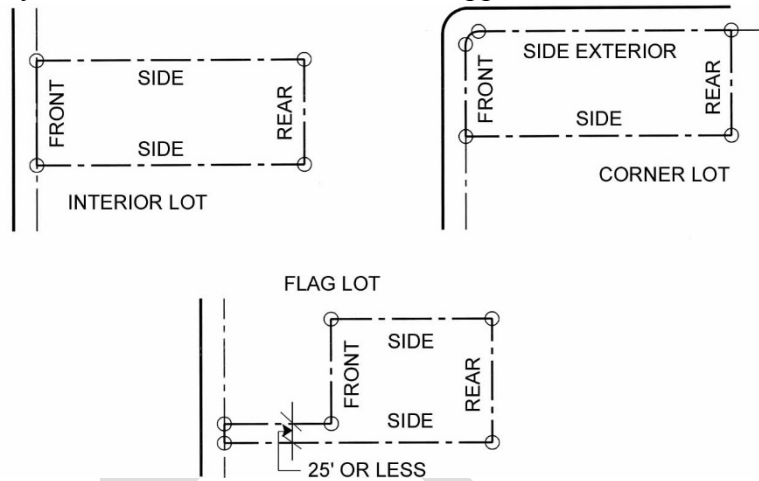
Lot, key: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts. [See Fig. 1.30-5]

Lot lines: The lines bounding a lot as defined herein, with the following specific classifications and criteria for determining setbacks. For purposes of this definition, "street" shall mean “right-of-way,” as defined herein.

1. The **front lot line** is normally the line that abuts a street.
2. The **front lot line of a corner lot** is normally the shorter line (representing the narrower lot dimension) of the two lines abutting a street. If a corner lot's overall depth-to-width dimensions are more strongly representative of the lot's orientation such that an alternate frontage determination would yield a larger building envelope, the right-of-way line that corresponds to the lot width (longer line in that case) shall be deemed the front lot line for setback purposes. In the case of a curved corner, a determination may be made by the zoning administrator that an appropriately situated point along that curve shall demarcate the front lot line from the exterior side lot line.
3. The **front lot line of a flag lot** shall be based on the lesser dimension (width/length) of the main portion of the lot (portion that excludes access corridor). The line abutting the interior terminus of the access corridor that corresponds to that lesser lot dimension shall be deemed the front lot line. When a fee access corridor exceeds 25 feet in width, the front lot line shall be the street frontage at the access corridor. For a variable-width access corridor the front lot line shall be considered the width line at the point at which the access corridor exceeds 25 feet.
4. The **side lot line** is the line that intersects the front lot line, the rear lot line, and any other side lot line.
5. The **side exterior lot line** of a corner lot is the (generally) longer of the two lines abutting a street (see Paragraph 2 above).

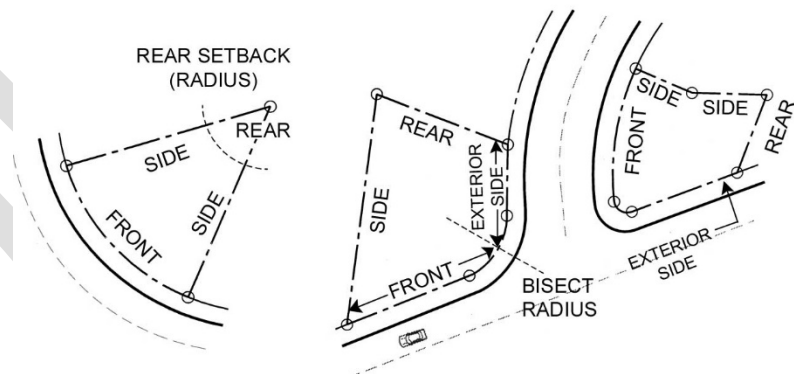
6. The **rear lot line** is generally the line that is most distant and opposite the front lot line.

On a triangular lot or other lot where no logical rear lot line exists, the rear setback may be taken as a radius from the point of intersection of side lines most distant and opposite the front lot line. Multiple line segments that logically fit the intent of this definition may also be considered rear lot lines



Where the above provisions are inadequate to address an unusually configured lot, the zoning administrator shall classify the lot lines on that lot. The determination shall consider in the following order of importance: (a) the general depth-to-width orientation of the lot and the establishment of a practical and reasonable building envelope, (b) the orientation of the lot and orientation of the determined building envelope as it would most harmoniously concur with development and/or building envelopes on the adjacent lots, (c) the existing development on the subject lot and the degree to which it may conform to more than one possible determination, and (d) other factors specific to the lot that would affect the practicality and reasonableness of a determined building envelope. See § 4.20.020 for additional lot-line and setback criteria for accessory buildings on lots with unusual configurations.

Fig. 1.30-6
Lot Lines and
Lot Frontage



Manufactured home: A factory-built single-family structure as defined in Section 19971 of the California Health and Safety Code or a manufactured home as defined in Section 18007 of the California Health and Safety Code. Mobilehomes, which are structures transportable in one or more sections, designed to be used as a residential dwelling unit and not having wheels or axles permanently attached to their body or frame, are considered manufactured homes if they are built in conformance with the National Manufactured Housing Construction and Safety Standards Act

of 1974 (42 USC Section 5401) and located on a foundation system pursuant to Section 18551 of the California Health and Safety Code. Manufactured homes or mobilehomes do not include recreational vehicles, or commercial coaches, as defined in Section 19971 of the California Health and Safety Code.

Marginal agricultural lands: Lands that may be considered unsuitable for agricultural use because of proximity to incompatible non-agricultural uses, inadequate water availability; or marginal soil type such as Class III or poorer.

Mine, idle: A mining operation that is curtailed for one (1) or more year(s) by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Mobilehome: See "manufactured home."

Movable tiny home: A structure on wheels used for dwelling purposes that provides complete independent living facilities for one or more persons and is located on the same lot as the primary dwelling (single-family or multifamily) to which it is an accessory use. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling to which it is accessory. It complies with all State of California requirements, is constructed in compliance with American National Standards Institute (ANSI) 119.5 standard, cannot move under its own power, is licensed and registered with the California Department of Motor Vehicles, is no larger than allowed by state law for movement on public highways, and has at least 100 square feet of enclosed space (see Sections 2.10.020 and 4.10.015).

Nonconforming use, lot, or structure: The term "nonconforming" shall mean legal-nonconforming. See "legal-nonconforming use, lot or structure."

Official plan line: A line representing the maximum planned width of a right-of-way, including future right-of-way, as defined in Section C12-700 of the County Ordinance Code.

Open land historic: The unimproved or undeveloped portion of the land on which the historic buildings or structures exist and which is essential to the integrity of the historical site or place.

Open space land: Any parcel(s) or portion of a parcel that is essentially unimproved and devoted to an open space use. This term includes land(s) designated for permanent open space preservation as shown on a recorded subdivision map, approved site plan, or other development plan, and which may be the subject of an easement or other permanent conveyance of development rights restricting the use and development potential of the open space in accordance with applicable general plan policies, zoning regulations, mitigations, or conditions of approval.

Person: Any individual, firm, association, corporation, organization or partnership, or any city, county, district or state, or any public entity or department or agency thereof.

Public water supply: Water service furnished by a public utility, a county water company or district, a municipal water company or district, a community service district or other public water district.

Reclamation: The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining uses so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and pose no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization, or other measures.

Reclamation plan: A plan providing for reclamation of lands upon which surface mining operations either have been or will be conducted.

Registered historic cultural resource: A registered historic cultural resource is any building, site, structure, object, or district which is registered in the National Register of Historic Places, California Historical Landmarks Program, California Register of Historical Resources, California Points of Historical Interest Program, or formally designated as such by a resolution of the Santa Clara County Board of Supervisors.

Right-of-way: The total (improved and unimproved) area of land within the bounds of a dedicated public or private road. Also includes any ingress-egress easement that provides the right to pass over one property to access another.

Riparian: That area within and adjacent to waterways, water bodies and areas with special underground wetness characteristics which support a special type or lush condition of vegetation not found in the general area.

Sanitary sewers: Sanitary sewers shall mean those sewer systems operated and maintained by a county, a municipality, or a sanitary sewer district.

Sanitation facilities: Sanitation facilities shall mean a toilet, sink, and bathing facilities (tub or shower) serving a dwelling unit that comply with all requirements of state law and the Ordinance Code.

Setback: The horizontal separation required between lot lines (and/or rights-of-way, see below), and the nearest point of a building or structure, including below-grade walls. The setback line shall be deemed to mean a line parallel to the lot line separated by the required setback distance.

The measurement shall be taken from the rough exterior building walls (structural wall components; excluding trim, exterior siding, stucco or other such finishing materials), or other vertical structural components, to the nearest lot line, exclusive of those architectural features listed in Section 4.20.110 as exempt. Setbacks shall also be taken from the edge of any right-of-way that abuts or passes through the subject lot. In situations where the property line lies within the right-of-way, the setback shall be taken from the edge of such right-of-way. However, if an official plan line or future width line has been established for the abutting right-of-way, setback measurement shall be taken from such official plan line or future width line.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

An attic, regardless of its interior dimensions, shall not be considered a story provided it remains unconditioned space, is accessible by nothing more substantial than a pull-down stairway or ladder, and contains no dormers with the exception of minimal vent features.

A basement shall not be considered a story.

Determination of a building's number of stories shall be based on qualifying floor area being situated directly above other qualifying floor area.

Story, half: A portion of a building within a hip, gable or similar sloping roof containing space that meets the dimensional criteria for habitable space (70 square feet or larger with a minimum seven (7) feet clearance in each of three (3) dimensions), but is limited such that the wall plates on at least two (2) opposite exterior (vertical) walls, which constitute at least 50 percent of the perimeter wall area at that floor level, are not more than two (2) feet above rough floor level.

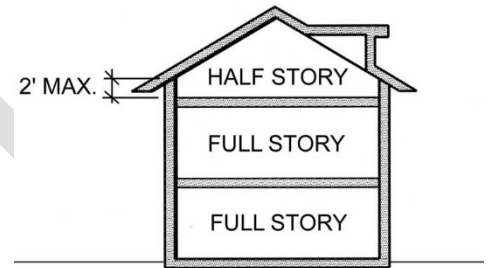


Fig. 1.30-7
Half Story

Structural alterations: Any change in the supporting members of a building, such as bearing walls, foundation, roof, columns, beams or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term “structure” includes “building.”

Urban service area: Land within the sphere of influence of a particular city, which is served by urban facilities, utilities and services, or which is proposed to be served by urban facilities, utilities and services through a city-adopted capital improvement program. In addition to being regulated by the County zoning ordinance, unincorporated land within a city's urban service area is subject to the land use policies of that city's general plan. The urban service area boundary shall be established by the Santa Clara County Local Agency Formation Commission in accordance with the applicable provisions of Sections 56300, 56301 and 56425 of the California Government Code.

Use: The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained. When used as a verb, standard dictionary definitions of “use” shall apply.

Watercourse: A running stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction (though it need not flow continuously) in a definite channel, having a bed or banks and usually discharging into some stream or body of water.

Yard: An open space, adjacent to a dwelling or other main building, that is generally unoccupied and unobstructed from the ground upward, except as otherwise provided in Chapter 4.20. The following are types of yards:

1. The front yard extends across the full width of the lot lying between the front lot line and the nearest line of the dwelling.
2. The side yard lies between the side lot line and the side wall(s) of the dwelling and extends from the front yard to the rear yard.
3. The rear yard extends across the full width of the lot lying between the rear lot line and the nearest line of the primary dwelling.

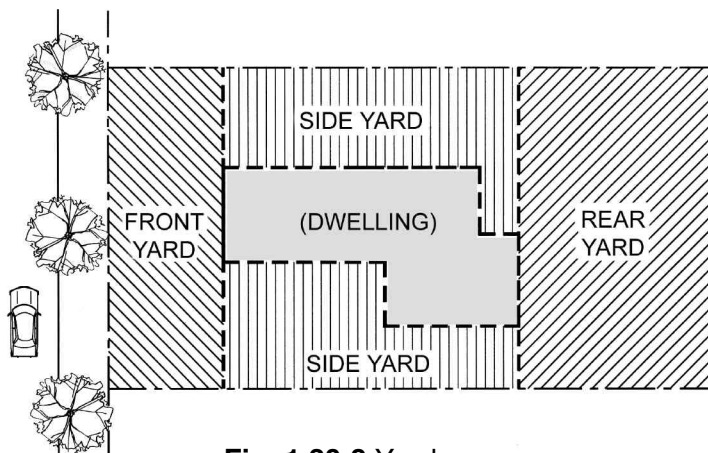


Fig. 1.30-8 Yards

SECTION 2. Section 2.10.030 of Chapter 2.10, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§ 2.10.030 Residential Use Classifications

Residences. This classification includes primary residences and excludes other types of residences separately defined within this section. This classification also includes the renting of rooms and provision of meals within a dwelling by the resident family or household to not more than two other individuals (for rooming houses, see *Rooming Houses, Fraternities & Sororities*). It also includes employee housing that provides exclusive accommodation for six (6) or fewer employees, pursuant to California Health and Safety Code-Section 17021.5, and emergency, supportive, and transitional housing for six (6) or fewer clients.

All uses within this classification shall fit within one of the following subcategories:

1. **Single-Family.** One dwelling unit on a single lot, completely detached from any other dwelling unit. This classification includes a manufactured home.
2. **Two-Family.** Two dwelling units within the same structure, each having its own kitchen and bathroom facilities.
3. **Multi-Family.** Three or more dwelling units within the same structure, each having its own kitchen and bathroom facilities.

Residential Accessory Structures and Uses. This classification includes detached buildings and structures whose use is entirely incidental to the primary residential use, and which do not contain living space or sleeping quarters. Residential accessory uses consist of activities customarily associated with (or otherwise reasonably associated with) the primary residential use, and include such activities when they occur on private communal open space within a residential development. Private, noncommercial gatherings hosted by residents or property owner(s) shall be considered residential accessory uses.

On lots with no legally established residential use, certain limited structures ancillary to maintenance and security of the land (e.g. fences, gates, well or irrigation hardware) shall be considered permitted accessory structures under this classification.

On lots with no legally established residential use, one limited storage building per lot is permitted under this classification in rural base zoning districts. The floor area of such storage buildings is restricted to 120 square feet maximum. Height shall not exceed 10 feet in height at any point, and such buildings shall comply with all other applicable provisions of Section 4.20.020. Such storage buildings may not include plumbing or electricity in their construction. Any such building in an –sr combining district shall be subject to the scenic roads provisions of Section 3.30.030.

Accessory buildings shall be limited to two (2) internal plumbing fixtures except as provided by subsection 4.20.020(I).

Accessory dwelling unit–ADU. A residential dwelling unit that provides independent living facilities and is located on the same lot as the primary dwelling (single-family or multifamily) to which it is an accessory use. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling to which it is accessory. Accessory dwelling units include standard ADUs, movable tiny homes, and Junior ADUs. ADUs include an efficiency unit as defined in Health and Safety Code section 17958.1, and a manufactured home as defined in Health and Safety Code section 18007. This use classification is intended to be consistent with Government Code section 65852.2 and all other state laws as those laws are amended from time to time. If there is any conflict between this use classification and state law, state law shall prevail. [Criteria/Findings § 4.10.015]

1. **Standard ADU.** A standard accessory dwelling unit that provides complete independent living facilities. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation. It may be attached or detached. [Criteria/Findings § 4.10.015]
2. **Movable Tiny Home.** A detached structure on wheels used for dwelling purposes that provides complete independent living facilities for one or more persons and is located on the same lot as the primary dwelling (single-family or multifamily) to which it is an accessory use. See Section 1.30.030 “Movable tiny home.”
3. **Junior ADU.** A dwelling unit that is no more than 500 square feet in size, and is contained entirely within a primary single-family residence or a detached accessory dwelling unit, and both shall have independent entrances. It includes permanent

provisions for living, sleeping, eating, cooking, and sanitation facilities on the same parcel as the primary dwelling to which it is accessory. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing dwelling unit. The junior accessory dwelling unit must contain either a full kitchen or an efficiency kitchen consisting of cooking facilities with appliances, food preparation counters, and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit. This use classification is intended to be consistent with Government Code sections 65852.2 and 65852.22 and all other state laws as those laws are amended from time to time. If there is any conflict between this use classification and state law, state law shall prevail. [Criteria/Findings § 4.10.015]

Agricultural Employee Housing. ~~Dwellings occupied by employees engaged primarily in direct agricultural operations on land owned or rented by the agricultural operator. Family members of such agricultural employees may also live in the same unit. All uses within this classification shall fit within one of the following subcategories: Housing occupied by individuals who are primarily engaged in an agricultural operation, as defined in § B29-2(b) of the Ordinance Code. Family members of such individuals may also live in the same unit. Agricultural employee housing is not required to be located on the same property as an agricultural operation.~~ [Criteria/Findings § 4.10.040]

4. ~~All uses within this classification shall fit within one of the following subcategories:~~

1. **Small-scale permanent.** Permanent housing facilities that include no more than six (6) dwelling units or eighteen (18) beds in group living quarters. This may include mobilehomes and manufactured homes. Complete individual or shared living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom, shall be provided on the same lot. Where agricultural employee housing consists of a combination of both individual dwelling units and group living quarters, each dwelling unit shall count as three (3) beds toward the maximum of eighteen (18) beds in group living quarters. [Criteria/Findings § 4.10.040]
2. **Large-scale permanent.** Permanent housing facilities that include more than six (6) dwelling units or eighteen (18) beds in group living quarters, or housing that does not meet the supplemental use regulations for small-scale agricultural employee housing. Complete individual or shared living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom, shall be provided on the same lot. [Criteria/Findings §§ 3.80.050, 4.10.040]
3. **Seasonal.** Temporary housing that is present on site for no more than 180 days per year and is not subject to the Special Occupancy Parks Act, Health & Safety Code § 18860 et seq. Complete individual or shared living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom, shall be provided on the same lot. This housing is limited to movable tiny homes which for seasonal agricultural residences may be located on a lot without a primary residence. The property owner shall declare the specific occupancy period dates for each housing unit annually and submit that information to the Planning Director by January 31 of each year. All such housing shall

be removed from the site outside of the declared occupancy period dates.
[Criteria/Findings § 4.10.040]

~~**Short Term.** One or more mobile homes or manufactured homes located on land in agricultural use. A time limit for use of short term agricultural worker housing will be specified on a case-by-case basis at the time of permit issuance. [Criteria/Findings § 4.10.040]~~

~~2. **Long Term.** Permanent structures located on land owned by an agricultural operator used by agricultural workers employed by such operator and the families of the workers. [Criteria/Findings § 4.10.040]~~

Caretaker's Residences. Dwelling units incidental and subordinate to a significant nonresidential use established by issuance of a use permit. Such units must be necessary for the practical operation of the primary use, and the occupancy of such units shall be limited to owners or employees of the primary use and their families.

Domestic Animals. The keeping of domesticated animals for use or enjoyment within the home or premises by the resident occupants, including non-commercial equestrian activities. All uses within this classification shall fit within one of the following subcategories:

1. **Dogs & Cats.** The keeping of dogs and cats.
2. **Small Animals–Limited.** Includes the following small animals: rabbits, guinea pigs, chicken and fowl (but excluding roosters, peafowl, guinea fowl, geese or quacking ducks), and similar species as approved by the zoning administrator.
3. **Horses.** The keeping of horses.

Home Occupations. Businesses conducted incidental to the residential use of a property, generally within a dwelling by resident occupants. All uses within this classification shall fit within one of the following subcategories:

1. **General.** Uses conducted exclusively within the dwelling by the resident, with allowance for one (1) nonresident employee. [Criteria/Findings § 4.10.180]
2. **Expanded.** Uses conducted in the dwelling or accessory building by the resident, with allowance for one (1) nonresident employee, limited outdoor storage of materials, and not more than two vehicles. [Criteria/Findings § 4.10.180]

Residential–Communal Institutional. A facility containing rooms or apartments (or both) but having communal dining facilities and lounges, and communal services, such as housekeeping, organized social and recreational activities, and support services appropriate for the residents. Includes college dormitories, monasteries and other such communal living facilities related to permitted institutional use classifications. Excludes nursing homes and similar uses (see *Community Care Facilities*). Also excludes rooming houses (see *Rooming Houses, Fraternities & Sororities*). [Criteria/Findings § 4.10.300]

Rooming Houses, Fraternities & Sororities. Includes fraternity and sorority housing for students, boarding houses, and similar group residential uses. Also includes single-room occupancy residential facilities where secure rooms are individually rented to a one- or two-person household. Excludes those uses classified as *Residential–Communal Institutional*.

Temporary Residences during House Construction. Mobile homes, recreational vehicles, or existing homes occupied during the construction, repair, or remodel of a permanent dwelling on the same property. The temporary residence may remain on the property for no longer than 90 days from the date of occupancy of the permanent dwelling, or for two years from the date of either initial building permit issuance or the date of any casualty that rendered the primary residence uninhabitable, whichever occurs first. The provisions of subsection 4.20.090(B) shall apply to emergency housing following casualty. [Criteria/Findings § 4.10.380]

Temporary Agricultural Residence. A recreational vehicle or movable tiny home that provides temporary housing to a person engaged in an on-site agricultural operation, as defined in § B29-2(b) of the Ordinance Code, and their family members. For the purposes of temporary agricultural residences, a movable tiny home or recreational vehicle may be located on a property without a primary residence on-site. [Criteria/Findings § 4.10.385]

SECTION 3. Section 2.20.020 of Chapter 2.20, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

§ 2.20.020 Use Regulations

The following tables, Tables 2.20-1 and 2.20-2, specify the allowable land uses for the rural base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. Compliance with zoning standards will be confirmed during the building permit process, where applicable. See subsection 1.20.040(D) for applicability of other rules and processes.
- “C” designates use classifications that require an administrative planning clearance from the Planning Office. Planning clearances are for uses that require adherence to the Zoning Ordinance but for which no discretionary permit from the Planning Office is required.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.

“_” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the tables. Use classifications not listed in the tables are prohibited in the rural base districts.

Table 2.20-1 RESIDENTIAL USES IN RURAL BASE DISTRICTS					
				R	Permitted by Right
				C	Planning Clearance
				S	Special Permit (Ch 5.60)
				A	ASA (Ch 5.40)
				U	Use Permit/ ASA (Ch 5.65, 5.40)
				—	Not Permitted
USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Residences: Single-Family	R	R	R	R	Note 1
Residential Accessory Structures & Uses	R	R	R	R	§ 4.20.020
Accessory Dwelling Units					
Standard ADUs	R	R	R	R	§ 4.10.015
Movable tiny homes	C	C	C	C	§ 4.10.015
Junior ADUs	R	R	R	R	§ 4.10.015, Note 9
Agricultural Employee Housing					
<u>Small-Scale Permanent</u> Short-Term	C	S	S	C	§ 4.10.040, Notes 2, 3 (AR), 10, 11
<u>Large-Scale Permanent</u> Long-Term	S	S	S	S	§§ 4.10.040, 3.80.050, Note 2, Note 3 (AR)
<u>Seasonal</u>	S	S	S	S	§ 4.10.040
Community Care					
Limited	R	R	R	R	§ 4.10.090, Note 4
Expanded	U	U	U	U	§ 4.10.090, Note 5
Domestic Animals					
Dogs & Cats	R	R	R	R	Note 6
Other (see Ag: Livestock, Table 2.20-2)					
Home Occupations					
General	R	R	R	R	§ 4.10.180
Expanded	S	S	S	S	§ 4.10.180, Note 7
Residential – Communal Institutional	U	U	U	U	§ 4.10.300, Note 8
Temporary Residences Construction during House Construction	R	R	R	R	§ 4.10.380

Table 2.20-1

**RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Temporary Agricultural Residence	C	C	C	C	§ 4.10.385, Notes 11, 12

NOTES:

1. Single-family dwellings, including certain additions, may be subject to the building site approval provisions of § C12-300 et seq. of the Ordinance Code.
2. Agricultural employee housing may, on a limited basis, be used to accommodate overnight tourist stays as part of a winery (see § 4.10.395 for criteria and permitting requirements) or be used for emergency shelter in the Public Services and Supportive Housing Combining District (see § 3.80.050 for criteria and permitting requirements). ~~or for emergency shelter. See §§ 3.80.050, 4.10.040, and 4.10.395(C)(2) for criteria and permitting requirements.~~
3. On lots 10 acres or larger in AR districts, a second one-family dwelling for agricultural employee housing is allowed by right. Such agricultural employee housing unit shall not be subject to the supplemental use regulations of § 4.10.040.
4. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the Ordinance Code.
5. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
6. Not to exceed two (2) dogs and five (5) cats over four months of age on parcels less than five acres, or three (3) dogs and five (5) cats over four months of age on parcels five acres or more, unless the required permit is secured pursuant to Division B31 of the Ordinance Code.
7. Expanded home occupations permitted on lots one-acre or larger. For additional applicable criteria, see § 4.10.180.
8. In rural districts, the floor area of Residential–Communal Institutional uses shall be limited to 10,000 square feet or less.
9. Owner-occupancy of one unit is required in any single-family residence that contains a junior accessory dwelling unit. The owner may reside in either the single-family residence or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
10. There shall be a cumulative cap of 100 new dwelling units or 120,000 square feet, whichever occurs first, of small-scale permanent agricultural employee housing developed after May 1, 2020 in the Exclusive Agriculture and Rural Residential Zoning Districts combined.
11. Building site approval per Ordinance Code § C12-300 et seq. is not required for small-scale permanent agricultural employee housing or a temporary agricultural residence. Compliance with all other applicable federal, state, and County laws, regulations, and ordinances is required.
12. There shall be a cumulative cap of 50 temporary agricultural residences installed after May 1, 2020 in all zoning districts combined. When one such unit has been removed from a property, it shall no longer count toward the cumulative cap.

Table 2.20-2

**NON-RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Agriculture					
General	R	R	R	R	
Livestock	R	R	R	R	Note 1 (HS)
Agricultural Accessory Structures/ Uses	R	R	R	R	§ 4.20.020
Agricultural Equipment Sales/ Services	A	—	—	—	
Agricultural Processing					
Small Scale	R	R	R	R	§ 4.10.030
Medium Scale	A	—	—	—	§ 4.10.030
Large Scale	U	—	—	—	§ 4.10.030
Agricultural Research	A	—	—	—	
Agricultural Sales					
Limited	R	R	R	R	§ 4.40.110 (Signs)
Farmers' Markets	U	U	—	—	
Agriculturally Related Entertainment & Commercial Uses	U	—	—	—	§ 4.10.050
Aircraft Landing Strips—Private	U	U	—	—	Note 2
Antennas—Commercial					
Minor	A	A	A	A	
Major	U	U	U	U	
Bed & Breakfast Inns	U	U	U	U	§ 4.10.060, Note 3
Butcheries	U	U	—	—	
Camps & Retreats	U	U	U	U	§ 4.10.070, Note 4
Cemeteries	U	U	U	U	§ 4.10.080, Note 4
Churches [See “Religious Institutions”]					
Clubs—Private & Nonprofit	U	U	U	U	§ 2.20.090
Community Care					
Limited	R	R	R	R	§ 4.10.090, Note 6
Expanded	U	U	U	U	§ 4.10.090, Note 4
Dairies	U	U	—	—	§ 4.10.110

Table 2.20-2

**NON-RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Entertainment—Seasonal Outdoor	—	—	U	—	§ 4.10.120
Emergency Shelters					
Small-Scale	—	—	—	R	§ 4.10.115
Large-Scale	—	—	—	U	§ 4.10.115, Note 20
Feed Lots	U	U	—	—	§ 4.10.130
Golf Courses & Country Clubs	U	—	U	U	§ 4.10.140, Note 4
Golf Driving Ranges	U	—	—	U	§ 4.10.150, Note 4
Helipads	—	—	U	—	§ 4.10.160
Historic Structures—Use Conversion	A	A	A	A	§ 4.10.170
Hospitals & Clinics	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.190 (A Districts), Note 4
Hunting & Fishing Preserves	U	R	—	—	Note 7
Informational Displays					
Small	R	—	—	—	
Large	U	—	—	—	
Kennels—Commercial	U	U	U	U	§ 4.10.200
Laboratories and Testing Services (Limited)	U	—	—	—	
Livestock Auction Yards	U	U	—	—	§ 4.10.210
Manufacturing: Small Scale Rural	A	U	—	—	§ 2.20.090
Museums	U	U	U	U	Note 8
Mushroom Farms	U	U	—	U	§ 4.10.220
Nonprofit Institutions	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.230 (A Districts), Notes 4 & 19
Nurseries					
Retail	U	U	U	U	Note 9
Wholesale	R	R	R	U	Note 9
Offices (Limited)	U	—	—	—	Note 10

Table 2.20-2

**NON-RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
–	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Oil & Gas Extraction	U	U	U	U	
Poultry and Egg Farms–Commercial	U	U	–	U	§ 4.10.240
Radio-Controlled Model Aircraft Facilities	U	–	–	–	§ 4.10.250
Reception Facilities	U	U	U	U	§ 4.10.260
Recreational Playgrounds & Sports Fields	U	U	U	U	§ 4.10.270 (A Zoning District)
Recreational Vehicle Parks	–	–	U	U	§ 4.10.280
Recycling Facilities					
Collection Facilities–Consumer Recycling	R	R	R	R	§ 4.10.285
Recycling/ Processing Facilities–Consumer Waste	–	–	–	–	
Concrete, Asphalt & Soil Recycling	U	U	U	U	Note 11
Composting & Wood Recycling	U	U	U	U	
Hazardous Materials	–	–	–	–	
Religious Institutions	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.290 (A Districts), Notes 4 & 19
Restaurants & Bars					
Limited-Service Eating Places	–	U	U	–	Note 12
Full-Service Eating Places	–	U	U	–	Note 12
Drinking Places	–	U	U	–	Note 12
Retail Sales & Services: Local-Serving	–	U	U	–	§ 4.10.310
Rodeos and Equestrian Event Facilities	U	U	–	–	§ 4.10.320
Schools	U	U	U	U	§ 2.20.090 (AR, HS, RR Districts), § 4.10.330 (A Districts), Note 4
Solar Energy Conversion Systems–Commercial					
Minor	A	U	U	A	§ 4.10.345, Notes 4 & 13
Major	U	U	U	U	§ 4.10.345, Notes 4 & 13

Table 2.20-2**NON-RESIDENTIAL USES
IN RURAL BASE DISTRICTS**

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
Sport Shooting	—	U	U	—	§ 4.10.350
Stables – Commercial	U	U	U	U	§ 4.10.360
Surface Mining	U	U	U	U	§ 4.10.370
Swim & Tennis Clubs	—	—	U	U	
Timber Harvest – Commercial	—	U	U	—	Note 14
Truck Sales & Services: Storage (Limited)	U	—	—	—	Note 15
Underground Mining	U	U	U	U	
Utilities and Public Facilities					Note 16
Minor	A	A	A	A	
Major	U	U	U	U	
Veterinary Clinics & Hospitals	U	U	U	U	Note 17
Well-Drilling Operations	A	—	—	—	
Wind Energy Conversion Systems – Commercial	U	U	U	U	§ 4.10.390
Wineries					
Small-Scale	R	R	R	R	§ 4.10.395, § 4.40.110 (Signs)
Medium-Scale	S	S	S	S	§ 4.10.395, § 4.40.110
Large-Scale	U	U	U	U	§ 4.10.395, § 4.40.110
Wireless Telecommunication Facilities					Note 5
Collocation/Modification – Minor	R	R	R	R	
Collocation/Modification – Major	A	A	A	A	§ 4.10.400
New Facilities	A	A	A	A	§ 4.10.400

NOTES:

1. Livestock breeding, raising and keeping is limited in HS districts as follows: Not more than three (3) large animals or six (6) medium animals per acre as a matter of right, or a proportional combination totaling three (3) animal units where each large animal constitutes one (1) animal unit, and each medium animal constitutes 0.5 animal unit. Special permit required for numbers of large and medium animals exceeding these limits. There are no specified numerical limits for small animals.
2. Landing strip, including approach and departure zones, shall be located a safe distance from residential development to prevent significant hazard.

3. Bed and breakfast inns ancillary to on-site wineries, agricultural sales operations or other agriculturally related uses shall be subject to a special permit, in lieu of a use permit, provided they are situated within the primary residence on the property. Bed and breakfast inns are prohibited within the Los Gatos Hillside Specific Plan area, except as provided under the classification Historic Structures–Use Conversion.
4. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
5. Wireless telecommunications facilities are exempt from the development standards listed in Table 2.20-3.
6. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
7. The minimum lot size for hunting preserves shall be one hundred sixty (160) acres.
8. Museums in rural districts shall be limited in scale and must relate to the locally significant cultural, historical or social themes of the rural area.
9. The size of buildings for on-site sales and ancillary office associated with nurseries shall be kept to a minimum.
10. Offices ancillary to a permitted agricultural activity in A districts that contain no more than 2,400 square feet of floor area are allowed as a matter of right. Offices larger than 2,400 square feet are subject to a use permit.
11. Concrete, asphalt and soil recycling within rural districts is a permitted use only in association with an existing quarry operation in any rural base zoning district.
12. Restaurants and bars in rural districts shall be limited in scale, with a maximum publically accessible floor area of 1,200 square feet (measured from outer surfaces of enclosing walls, includes bathrooms).
13. Not a permitted use in areas with the –d1 (Santa Clara Valley Viewshed) or –d2 (Milpitas Hillside) Design Review combining zoning districts.
14. Timber harvest of commercial tree species as defined by the County Tree Preservation and Removal Ordinance, Division C16 of the County Ordinance Code, including but not limited to Redwood and Douglas Fir, may be subject to the regulatory and permitting authority of the California Department of Forestry and Fire Protection (CDF). No County permit shall be required if CDF has approved a *Timber Harvest Plan* or *Non-Industrial Timber Management Plan* for the activity.
15. Truck storage uses in rural districts shall be limited to agriculture-related tractors, trucks, trailers, and similar equipment.
16. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
17. The minimum lot size for veterinary clinics and hospitals shall be two and one-half (2.50) acres.
18. Wireless telecommunications facilities are exempt from the development standards listed in Table 2.20-3.
19. Established *Religious Institutions* and *Nonprofit Institutions* may include *Emergency Shelters: Small-Scale* as an ancillary use by right.
20. Emergency Shelters are a permitted use only within the –sm San Martin Use Permit Areas Combining District, as depicted in Chapter 3.90 of the Zoning Ordinance.

SECTION 4: Section 2.50.020 of Chapter 2.50, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows (additions are underlined, deletions ~~overstruck~~):

§ 2.50.020 Use Regulations

The following table, Table 2.50-1, specifies the allowable land uses for the special purpose base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. Compliance with zoning standards will be confirmed during the building permit process, where applicable. See subsection 1.20.040(D) for applicability of other rules and processes.
- “C” designates use classifications that require an administrative planning clearance from the Planning Office. Planning clearances are for uses that require adherence to the Zoning Ordinance but for which no discretionary permit from the Planning Office is required.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit, and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “—” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the table. Use classifications not listed in the table are prohibited in the special purpose base districts.

Table 2.50-1					
USES IN SPECIAL PURPOSE BASE DISTRICTS					
					R Permitted by Right
					C Planning Clearance
					S Special Permit (Ch 5.60)
					A ASA (Ch 5.40)
					U Use Permit/ ASA (Ch 5.65, 5.40)
					— Not Permitted
USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Accessory Dwelling Units					
Standard ADUs	R	R			§ 4.10.015
Movable tiny homes	C	C			§ 4.10.015
Junior ADUs	R	R			§ 4.10.015, Note 19

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
–	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Adult Uses	U	–	–	–	§ 4.10.020
Agriculture	R	R	R	R	Note 1 (OS/F and SCA)
Agricultural Accessory Structures & Uses	R	R	A	–	§ 4.20.020, Note 2 (OS/F)
Agricultural Employee Housing <u>Small-Scale Permanent/Short-Term</u>	S	–	–	–	§ 4.10.040, Notes 16, 20
<u>Large-Scale Permanent/Long-Term</u>	U	–	–	–	§§ 4.10.040, 3.80.050, Notes 16, 20
Agricultural Equipment Sales & Services	U	–	–	–	
Agricultural Processing Small Scale	R	–	A	–	§ 4.10.030; Notes 2, 3 (OS/F)
Medium Scale	A	–	–	–	§ 4.10.030
Large Scale	U	–	–	–	§ 4.10.030
Agricultural Research	A	–		A	
Agricultural Sales Limited	R	R	A	–	§ 4.40.110 (Signs), Notes 2, 3 (OS/F)
Farmers' Markets	U	U	–	–	
Agriculturally Related Entertainment & Commercial Uses	U	U	–	–	§ 4.10.050
Antennas—Commercial Minor	A	A	A	–	
Major	U	U	A	–	
Auction Houses	U	–	–	–	

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Automotive Sales & Services					
Limited Repair	U	—	—	—	
General Repair	U	—	—	—	
Sales & Rentals	U	—	—	—	
Service Stations	U	U	—	—	
Storage	U	—	—	—	
Washing	U	—	—	—	
Banks	U	—	—	—	
Bed & Breakfast Inns	U	U	—	—	§ 4.10.060
Billboards	U	—	—	—	
Broadcasting	U	—	—	—	
Business Services	U	—	—	—	
Butcheries	U	—	—	—	
Camps & Retreats	—	—	—	—	
Caretaker's Residences	U	—	A	—	Note 4 (OS/F)
Cemeteries	U	—	—	—	
Churches (See "Religious Institutions")					
Clubs—Private & Nonprofit	U	—	—	—	
Colleges & Vocational Schools	U	—	—	—	
Community Care					
Limited	R	R	—	—	§ 4.10.090, Note 5
Expanded	U	U	—	—	§ 4.10.090
Contractors' Facilities	U	—	—	—	
Dairies	U	—	—	—	
Domestic Animals	R	R	—	—	
Emergency Shelters					
Small-Scale	R	R	—	—	§ 4.10.115
Large-Scale	U	—	—	—	§ 4.10.115
Feed Lots	U	—	—	—	

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Field Research	R	R	R	R	Note 2 (OS/F & SCA)
Food Preparation & Catering Services	U	—	—	—	
Funeral & Cremation Services	U	—	—	—	
Golf Courses & Country Clubs	U	—	—	—	§ 4.10.140(B)
Golf Driving Ranges	U	—	—	—	§ 4.10.150(B)
Health & Fitness Clubs	U	—	—	—	
Helipads	U	—	—	—	§ 4.10.160
Historic Structure—Use Conversion	A	A	—	—	§ 4.10.170
Home Occupations					
General	R	R	—	—	§ 4.10.180
Expanded	S	S	—	—	§ 4.10.180
Hospitals & Clinics	U	—	—	—	
Hotels & Motels	U	U	—	—	
Kennels	U	—	—	—	§ 4.10.200
Laboratories & Testing Services	U	—	—	—	
Laundries—Commercial	U	—	—	—	
Livestock Auction Yards	U	—	—	—	§ 4.10.210
Machinery & Equipment Services					
Limited	U	—	—	—	
General	U	—	—	—	
Maintenance & Repair Services	U	—	—	—	
Manufactured-Home Sales & Rentals	U	—	—	—	
Manufacturing					
Limited	U	—	—	—	
General	U	—	—	—	
Intensive	U	—	—	—	
Massage Establishments	U	—	—	—	Note 8
Museums	U	—	—	—	
Mushroom Farms	U	—	—	—	§ 4.10.220

Table 2.50-1**USES IN SPECIAL PURPOSE BASE DISTRICTS**

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Nonprofit Institutions	U	—	—	—	Notes 18
Nurseries					
Retail	U	—	—	—	
Wholesale	U	—	—	—	
Offices	U	—	—	—	
Oil and Gas Extraction	U	—	—	—	
Parking Services & Facilities	U	—	—	—	
Personal Services	U	—	—	—	
Petroleum Products Distribution	U	—	—	—	
Poultry & Egg Farms	U	—	—	—	§ 4.10.240
Radio-Controlled Model Aircraft Facilities	U	—	—	—	§ 4.10.250
Reception Facilities	U	—	—	—	§ 4.10.260
Recreation – Commercial	U	—	—	—	
Recreational Playgrounds & Sports Fields	U	—	—	—	
Recreational Vehicle Parks	U	U	—	—	§ 4.10.280
Recycling Facilities					
Collection Facilities – Consumer Recycling	R	—	—	—	§ 4.10.285
Recycling/ Processing Facilities – Consumer Waste	U	—	—	—	
Concrete, Asphalt, & Soil Recycling	U	—	—	—	
Composting & Wood Recycling	U	—	A		Notes 2, 9 (OS/F), 19
Hazardous Materials	U	—	—	—	
Religious Institutions	U	—	—	—	Notes 18
Residential					
Single-Family	R	U	—	—	Note 10
Two-Family	U	—	—	—	
Multi-Family	U	—	—	—	

Table 2.50-1

USES IN SPECIAL PURPOSE BASE DISTRICTS

R	Permitted by Right
C	Planning Clearance
S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Residential Accessory Structures & Uses	R	R	—	—	§ 4.20.020
Residential – Communal Institutional	U	—	—	—	
Restaurants and Bars					
Limited-Service Eating Places	U	U	—	—	
Full-Service Eating Places	U	U	—	—	
Drinking Places	U	U	—	—	
Retail Sales & Services					
General	U	U	—	—	Note 6 (RS)
Outdoor Sales & Storage	U	—	—	—	
Rodeos & Equestrian Events	U	—	—	—	
Rooming Houses, Fraternities, & Sororities	U	—	—	—	
Schools	U	—	—	—	
Solar Energy Conversion Systems – Commercial					
Minor	A	—	—	—	§ 4.10.345
Major	U	—	—	—	§ 4.10.345
Sport Shooting	U	—	—	—	§ 4.10.350
Stables – Commercial	U	—	—	—	§ 4.10.360
Stanford – Specialized Facilities and Installations	—	—	A	—	Note 11 (OS/F)
Studios – Arts & Crafts	U	—	—	—	
Surface Mining	U	—	—	—	§ 4.10.370
Swim & Tennis Clubs	U	—	—	—	
Taxidermy	U	—	—	—	
Temporary Residences / Construction	R	R	—	—	§ 4.10.380
Theaters	U	—	—	—	
Timber Harvest Operations – Commercial	U	—	—	—	
Truck & Railroad Terminals	U	—	—	—	

Table 2.50-1**USES IN SPECIAL PURPOSE BASE DISTRICTS**

R	Permitted by Right
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S	Special Permit (Ch 5.60)
A	ASA (Ch 5.40)
U	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A1	RS	OS/F	SCA	
Truck Sales & Services					
Repair	U	—	—	—	
Sales	U	—	—	—	
Storage	U	—	—	—	
Underground Mining	U	—	—	—	
Utilities and Public Facilities					Note 14
Minor	A	A	A	A	Notes 12, 13 (OS/F & SCA)
Major	U	U	A	A	Notes 12, 13 (OS/F & SCA)
Veterinary Clinics & Hospitals	U	—	—	—	
Warehousing & Storage					
Indoor	U	—	—	—	
Outdoor	U	—	—	—	
Well-Drilling Operations	U	—	—	—	
Wholesaling & Distribution	U	—	—	—	
Wind Energy Conversion Systems—Commercial	U	U	—	—	§ 4.10.390
Wineries					
Small-Scale	R	R	—	—	§ 4.10.395, § 4.40.110 (Signs)
Medium-Scale	S	S	—	—	§ 4.10.395, § 4.40.110
Large-Scale	U	U	—	—	§ 4.10.395, § 4.40.110
Wireless Telecommunication Facilities					
Co-location	A	A	A	—	§ 4.10.400, Note 15
Minor	A	A	A	—	§ 4.10.400
Major	U	U	A	—	§ 4.10.400

NOTES:

1. Within the OS/F district, tree farm operations that grow trees in containers or in the ground are consistent with the “Agriculture” use classification. Within the SCA district, agricultural uses shall be limited to non-

riparian areas and areas outside of conservation easements and California tiger salamander (CTS) reserve areas managed pursuant to the Stanford Habitat Conservation Plan (HCP), except for grazing for vegetation management as specifically provided in the Stanford HCP. Within the riparian areas and conservation easement/CTS reserve areas of the SCA district, use of pesticides and herbicides shall be prohibited; however, this does not prohibit weed abatement activities, non-native wildlife or plant abatement activities (including the use of pesticides, biocides, and herbicides or other agricultural chemicals) conducted in accordance with the Stanford HCP or Stanford Special Conservation Areas Plan (SCAP).

2. Within the OS/F district, structures ancillary to any allowed use or activity are permitted subject to the requirements of ASA (Chapter 5.40 and subsection 2.50.040(B)). Within the SCA district, no new permanent development in the form of buildings or structures is allowed, except for the construction, modification, and maintenance of improvements to support conservation efforts; structures or improvements that are necessary for safety reasons; small markers or other identifiers indicating the presence of sensitive resources (such as Native American remains); new signs, bridges, utilities, erosion control improvements; and fences; provided that they are constructed in accordance with the terms of the Stanford HCP and SCAP. This provision shall not prohibit maintenance of existing structures or improvements or prohibit the replacement of structures or improvement with new structures or improvements that serve the same purpose as the existing structures or improvements, provided any new or modified structures or improvements located within the HCP conservation easement/CTS reserve areas are approximately the same size as the existing structures or improvements.
3. Within the OS/F district, agricultural processing is limited to low intensity processing and agricultural sales activities that would not significantly impact local transportation patterns. For example, activities such as packaging products for off-site shipping and allowing limited on-site purchase of agricultural commodities are consistent with allowable uses for this district. Activities such as a canning operation, or establishing a commercial outlet for sale of multiple agricultural commodities, would exceed the intensity allowed in this district. Prior to establishment of any use or activity, the Planning Office must determine that such use or activity is of low intensity and consistent with the General Use Permit requirements for the OS/F district.
4. Within the OS/F district, caretaker's residences, as defined in § 2.10.030, are allowed as follows: A cumulative total of five caretaker's residences is allowed to the extent they are consistent with all provisions of the Stanford General Use Permit and the zoning ordinance. This cumulative total includes all legal existing residential structures within the OS/F district, including any that may be legal nonconforming uses. Any existing legal nonconforming caretaker's residences that existed on December 12, 2000 and have not been subsequently abandoned may continue to be utilized as caretaker residences. Stanford University bears the burden of establishing that any existing structure and use is legal or legal nonconforming. Consistent with all other provisions of the zoning ordinance, any legal structure that has been converted to a caretaker's residence may be relocated, replaced, or modified, so long as there is no cumulative increase in the overall square footage of all residential structures. Caretaker's residences are subject to ASA (Chapter 5.40 and subsection 2.50.040 (B)). Cumulative building area (square footage and building footprint) for the five caretaker's residences shall not exceed the total square footage of documented building area for all legal or legal nonconforming residential structures that existed in the OS/F district on December 12, 2000.
5. Facilities qualifying as "Large-Family Day-Care Homes," serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
6. In Roadside Services (RS) districts, general retail sales uses must be limited in scale and ancillary to a permitted use that is primarily oriented toward serving the needs of the motoring public, consistent with the general plan.
7. The existing Stanford University Golf Course may be modified or reconfigured within its boundaries as they existed on December 12, 2000, but the Golf Course footprint may not be expanded. Modification or replacement of the golf course clubhouse or ancillary support facilities is permitted if consistent with all applicable provisions of the Community Plan, General Use Permit, and the zoning ordinance.
8. Massage establishments shall comply with the provisions of Division B22 of the County Ordinance Code.

9. Within the OS/F district, composting facilities are limited to those servicing Stanford University purposes, and no other communities, jurisdictions or uses (e.g., Stanford Shopping Center).
10. Single-family dwellings, including certain additions, may be subject to the building site approval provisions of Division C12-300-399 of the County Ordinance Code. In Roadside Services districts, single-family residential use is permitted only if incidental to and necessary to support a permitted non-residential use, as defined by the land use approval and conditions of that primary non-residential use.
11. Within the OS/F district, Stanford specialized facilities and installations are limited to those structures or facilities that require a remote setting, including but not limited to facilities for astronomical or atmospheric research. Only those structures or facilities that require isolation from sources of interference (such as noise, vibration, electromagnetic fields, or similar impediments) are allowed.
12. Within the OS/F and the SCA districts, existing utilities may be replaced if there is no increase in size or scale of aboveground structures. Above-ground disturbance resulting from the maintenance or replacement of such structures shall be restored to pre-disturbance condition. Within the SCA district, existing utilities may be replaced with utilities that serve the same purpose as the existing structures or improvements (provided the new or modified structures or improvements located within the HCP conservation easement/ CTS reserve areas are approximately the same size as the existing structures or improvements) and utilities are constructed in accordance with the terms of the Stanford HCP or SCAP.
13. Within the OS/F and the SCA districts, new utilities may be constructed that serve either Stanford or other lands if such facilities reasonably minimize degradation to the natural environment and maintain the predominantly natural appearance and habitat values of the setting. In addition, within the SCA district, new utilities may be constructed consistent with the purposes of the SCA district, provided they are in accordance with the terms of the Stanford HCP where covered by the Stanford HCP.
14. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
15. Co-location of wireless telecommunication facilities may be eligible for an ASA administrative review and approval (§ 5.40.050), where consistent with the provisions of this ordinance. Where the proposed co-location meets the criteria in Government Code § 65850.6(b) relating to previously approved facilities permitted by a means of a discretionary permit issued on or after January 1, 2007, and either a negative declaration, mitigated negative declaration, or environmental impact report was prepared and adopted, the co-location shall be reviewed for consistency with the approved plans, mitigation requirements, and conditions imposed on the existing facility, and if found consistent, will be subject only to a building permit or other applicable permits required by Title C of the County Ordinance Code.
16. Agricultural employee housing may, on a limited basis, be used to accommodate overnight tourist stays as part of a winery (see § 4.10.395 for criteria and permitting requirements) or be used for emergency shelter in the Public Services and Supportive Housing Combining District (see § 3.80.050 for criteria and permitting requirements). ~~16. — Agricultural employee housing units may, on a limited basis, be used to accommodate overnight tourist stays. See subsection 4.10.395(C)(2) for criteria and permitting requirements.~~
17. Bed and breakfast inns ancillary to on-site wineries, agricultural sales operations or other agriculturally related uses shall be subject to a special permit, in lieu of a use permit, provided they are situated within the primary residence on the property.
18. Established *Religious Institutions* and *Nonprofit Institutions* may include *Emergency Shelters: Small-Scale* as an ancillary use by right.
19. Owner-occupancy of one unit is required in any single-family residence that contains a junior accessory dwelling unit. The owner may reside in either the single-family residence or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.
20. Small-scale permanent agricultural employee housing is allowed with a planning clearance (“C”) instead of a special permit (“S”) in the A1 zone where the General Plan designation is Agriculture or Rural Residential.

SECTION 5. Section 3.80.050 of Chapter 3.80, Article 3 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows (additions are underlined, deletions ~~overstruck~~):

§ 3.80.050 Agricultural Employee Housing: Large-Scale Permanent

Large-scale agricultural employee housing facilities meeting all criteria of Section 4.10.040, and the following additional criteria, shall be allowed by right.

- A. **Capacity:** Total capacity shall not exceed 140 ~~clients~~occupants.
- B. **Emergency Shelter Component:** For facilities with a total capacity of 40 or more occupants, at least 20 beds shall be made available for emergency shelter use during seasonal periods where the absence of agricultural employees results in vacancies of agricultural employee beds.
- ~~B. **Emergency Shelter Component:** For facilities with a total capacity of 40 or more clients, at least 20 client beds shall be dedicated for emergency shelter use. During seasonal periods where farmworker migration results in vacancies of farmworker beds, those beds can be temporarily used to function as emergency shelter beds.~~

Facilities with larger capacity, or facilities otherwise not meeting the criteria of this section, may be allowed with a use permit.

SECTION 6: Section 4.10.040 of Chapter 4.10, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows (additions are underlined, deletions ~~overstruck~~):

§ 4.10.040 Agricultural Employee Housing

This section refers to uses classified as *Agricultural Employee Housing* as described in § 2.10.030. Such uses shall comply with all requirements of this section. ~~be subject to all of the following provisions, depending on the applicable subcategory:~~

- A. **Definitions:** For purposes of this section the following words and phrases have the following meanings:
 - 1. *Agricultural employee* means an agricultural employee, operator, or owner primarily engaged in an agricultural operation, as verified through the provisions of subsection 4.10.040(D); and
 - 2. *Agricultural operation* means farming and ranching in all their forms and has the same definition as in § B29-2(b) of the Ordinance Code.

B. Requirements for Seasonal Agricultural Employee Housing:

1. All seasonal agricultural housing shall include on-site access to either individual or shared living, sleeping, eating, cooking, and sanitation facilities, including a full kitchen and bathroom;
2. All seasonal agricultural housing facilities that generate wastewater shall be directly connected to approved water and wastewater systems that comply with the Ordinance Code; and
3. All seasonal agricultural employee housing shall be occupied exclusively by agricultural employees and their family members for no more than a total of 180 days per calendar year. Compliance with these occupancy requirements shall be verified annually in accordance with subsection 4.10.040(D).

C. Requirements for Small-Scale Permanent Agricultural Employee Housing:

1. Individual dwelling units shall not exceed 1,200 square feet;
2. Group living quarters and supporting facilities shall not exceed 400 square feet per agricultural employee;
3. Residential setbacks and all other development standards of the zoning district shall apply;
4. All development shall occur on a legally established lot with legal access to a public road; and
5. All small-scale permanent agricultural employee housing shall be occupied exclusively by agricultural employees and their family members for at least a total of 180 days per calendar year. Compliance with these occupancy requirements shall be verified annually as provided in this subsection 4.10.040(D).

D. Annual Verification: The owner of each parcel containing agricultural employee housing shall submit a completed annual verification form to the Department of Planning and Development no later than January 31 of each year. The Department shall prepare and maintain a verification form for this purpose. The completed verification form and supporting documentation shall require the property owner to meet all of the following requirements:

1. Verify and provide substantial evidence that any permanent agricultural employee housing was occupied by agricultural employees for a minimum of 180 days during the preceding calendar year;
2. Declare that any permanent agricultural employee housing will be occupied by agricultural employees for a minimum of 180 days during the current calendar year;

3. Designate the specific days (not exceeding 180) that any seasonal agricultural employee housing will be occupied during the calendar year, and verify that the units will be removed from the property outside of the designated occupancy dates;
 4. Verify and provide substantial evidence, through a site plan or map, of the location of all proposed seasonal agricultural employee housing and any shared facilities such as ~~kitchens~~cooking facilities, showers, and restrooms, adequate to support the proposed occupancy; and
 5. Provide evidence of a permit to operate (or exemption) from the California Department of Housing and Community Development, if required by state law.
- E. **Recordation of Notice:** For permanent agricultural employee housing, a notice shall be recorded pursuant to § 5.20.125 that such housing shall be used only for agricultural employee housing and the conditions and requirements applicable to such use. A property owner shall also provide written disclosure of all such conditions and requirements before any sale, lease or financing of the property.
- F. **State and Federal Requirements:** Any owner or operator of agricultural employee housing shall comply with all state and federal requirements applicable to such housing, including but not limited to the following:
1. Where required by state law, a person intending to operate agricultural employee housing shall obtain and maintain a permit to operate (or exemption) from the California Department of Housing and Community Development pursuant to the Employee Housing Act (Health & Safety Code § 17000 et seq.) and regulations promulgated thereunder (California Code of Regulations, Title 25, § 600 et seq.).
 2. Where mobilehomes and movable tiny homes are used for agricultural employee housing, additional state permitting requirements may apply under the Mobilehome Parks Act (Health & Safety Code § 18200 et seq.) or the Special Occupancy Parks Act (Health & Safety Code § 18860 et seq.) and regulations promulgated thereunder.
- G. **Discontinuance of Use:** If permanent agricultural employee housing ceases to be occupied by agricultural employees for more than two consecutive calendar years then such housing and ancillary facilities shall be removed from the property within six months and the property owner may be subject to administrative citations, administrative fines, or other enforcement measures until the property is brought into full compliance. In the case of an emergency or other extenuating circumstance such as drought or wildfire, which may temporarily impede ongoing agricultural operations, discontinuance of agricultural employee housing use for longer than two consecutive calendar years may be allowed subject to approval by the Planning Director.
1. ~~Where required by state law, a person intending to operate agricultural employee housing shall obtain and maintain a permit to operate (or exemption) from the California Department of Housing and Community Development pursuant to the Employee Housing Act (Health & Safety Code § 17000 et seq.) and regulations promulgated thereunder (California Code of Regulations, Title 25, § 600 et seq.).~~

A. ~~**Discontinuance of Use:** If permanent agricultural employee housing ceases to be occupied by agricultural employees for more than two consecutive calendar years then such housing and ancillary facilities shall be removed from the property and the property owner may be subject to administrative citations, administrative fines, or other enforcement measures until the property is brought into full compliance. In the case of an emergency or other extenuating circumstance such as drought or wildfire, which may temporarily impede ongoing agricultural operations, discontinuance of agricultural employee housing use for longer than two consecutive calendar years may be allowed subject to approval by the Director.~~ **Agricultural Employee Housing: Short Term.** Mobile homes for use as temporary agricultural employee housing may be established on properties within those zoning districts where such uses are permitted, as set forth in Article 2, subject to all of the following:

1. The primary use of such property shall be agriculture, as defined by the use classification within Chapter 2.10;
2. The occupants of such homes shall be engaged in significant agricultural pursuit on land owned, leased or rented by the agricultural operator. If the home(s) are not located on the same parcel as the principal dwelling, that portion of the parcel of land not occupied by the home(s) shall be used for agricultural purposes;
3. Once the agricultural use of the property has ceased, the agricultural mobile home shall be removed;
4. A time limit shall be imposed;
5. May include one (1) or more living units as approved by the zoning administrator; and
6. Residential setbacks and other development standards of the base district shall apply.

B. **Agricultural Employee Housing: Long Term.** Dwellings for use as long term agricultural employee housing may be established on properties within those zoning districts where such uses are permitted, as set forth in Article 2, subject to all of the following:

1. There shall be a demonstrated need to provide long term residences for bonafide agricultural employees based on the nature and intensity of the agricultural operation;
2. The occupants of such units shall be individuals or families engaged in significant agricultural pursuit from actual farming practices including growing, harvesting, tilling, cultivating, and post harvesting of crops, or the raising of animals, fowl or bees;
3. The occupants of such homes shall be engaged in an agricultural pursuit on land owned, leased or rented by the agricultural operator;
4. The units shall be of an appropriate size and design for the intended use;
5. Residential setbacks and other development standards of the base district shall apply; and
6. Once the agricultural use has ceased, the units must either be demolished, removed from the premises, or converted into a different authorized use.

SECTION 7. Section 4.10.385 is added to Chapter 4.10, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, to read as follows:

§ 4.10.385 Temporary Agricultural Residence

This section refers to uses classified as *Temporary Agricultural Residence* as described in § 2.10.030. One temporary agricultural residence may be located on a property with an on-site

agricultural operation, including an agricultural operation that is under development, subject to all of the following provisions:

- A. **Occupancy:** At least one occupant shall be primarily engaged in an on-site agricultural operation or the development of an on-site agricultural operation. Family members of the person engaged in the on-site agricultural operation may also live in the residence
- B. **On-site operations:** The applicant shall demonstrate to the satisfaction of the Planning Director the existence of an on-site agricultural operation, or an acceptable plan to establish an agricultural operation, and the need for on-site employee housing in support of the existing or planned agricultural operation.
- C. **Cash Deposit:** The applicant shall post financial security with the Planning Office in the amount of \$2,500 to ensure timely removal of the temporary agricultural residence.
- D. **Termination:** The temporary agricultural residence shall be removed from the property no later than five years after the planning clearance is issued for the residence.
- E. **Water and Wastewater Treatment:** All temporary agricultural residences shall be directly connected or have on-site access to approved water and wastewater treatment systems that comply with the Ordinance Code.
- F. **Siting Requirements:** The applicant shall provide a site plan as detailed in the planning clearance form. All seasonal temporary agricultural housing residences shall comply with all of the following requirements:
 - 1. All structures and improvements shall be located outside of a floodway, as designated by the Federal Emergency Management Agency and as delineated in the Flood Boundary and Floodway Map (see Ordinance Code § C12-804);
 - 2. All development shall occur on a legally established lot with legal access to a public road; and
 - 4.3. There shall be safe and adequate access for fire and emergency vehicles.

SECTION 8. Section 4.20.090 of Chapter 4.20, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows (additions are underlined, deletions ~~overstruck~~):

§ 4.20.090 Recreational and Similar Vehicles

- A. **Storage of Recreational Vehicles.** The following provisions apply to recreational vehicles (RVs) and similar vehicles parked or stored on residential lots, and shall apply in all zoning districts. They do not apply to approved commercial or industrial RV storage uses, RV parks, temporary agricultural residences (§ 4.10.385), temporary emergency housing following casualty dwellings provided under subsection (§ 4.20.090(B)).

temporary residences during house construction ~~Section~~ (§ 4.10.380), or movable tiny homes ~~as defined in Section~~ (§ 1.30.030) that have been permitted by the County.

1. No RV, camper, trailer, boat or similar vehicle may be parked or stored within a front or side yard for a period of more than 72 hours within any one (1) calendar month; however, this provision shall not preclude such RV storage on portions of a front or side yard that are at least 75 feet from the front property line.
2. An RV, camper, trailer, boat or similar vehicle may be stored within a rear yard. On a corner lot abutting a key lot, such vehicles must additionally be set back from the side right-of-way a distance equal to the front yard setback of the adjacent key lot.
3. Any RV, camper, trailer, boat or similar vehicle stored on a lot must be registered to a resident of that lot.
4. No RV may be used for dwelling purposes while being parked or stored on the premises. Utility connections are not allowed except when necessary for limited maintenance activity.
5. Storage of RVs, campers, trailers, boats or similar vehicles in a manner inconsistent with the limitations of this section shall not be allowed, regardless of when such storage may have been established. This provision shall supersede any contrary provision of Chapter 4.50: Nonconforming Uses and Structures.

B. **Use as Emergency Housing Following Casualty.** A mobile home or recreational vehicle, including travel trailer, may be temporarily occupied on property where a fire, earthquake or other casualty has rendered the primary residence non-habitable. All of the following requirements shall apply:

1. The temporary dwelling must be removed from the premises within 90 days after the date of occupancy of the repaired or replacement dwelling, or two years following the date the casualty occurred, whichever occurs first.
2. Temporary mobile homes or travel trailers must be connected to a sanitary sewer or septic system approved by the Department of Environmental Health for the temporary occupancy use.

SECTION 9: Section 4.30.030 of Chapter 4.30, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows (additions are underlined, deletions ~~overstruck~~):

§ 4.30.030 Parking Spaces Required—Residential Uses

Table 4.30-1 sets forth the number of parking spaces required for each residential use.

Table 4.30-1**Parking Spaces Required
RESIDENTIAL USES**

USE CLASSIFICATIONS	SPACES REQUIRED
Residences	
Single-Family	2 per unit (1 shall be covered)
Two-Family	2 per unit (1 per unit shall be covered)
Multi-Family	1.5 per unit
Accessory dwelling unit	
Standard (attached or detached)	1 per unit [Section 4.10.015(I)]
Movable tiny home	1 per unit [Section 4.10.015(I)]
Junior ADU	None
Agricultural Employee Housing (all)	1 per unit or 1,200 square feet of group living quarters, whichever is greater bedroom
Caretaker's Residences	2 per residence
Home Occupations	
General	None
Expanded	1 in addition to total residential requirement
Residential–Communal Institutional	1 for each guest room, plus 1 for each employee (may be reduced if occupants normally do not have cars)
Rooming Houses, Fraternities & Sororities	1 for each guest room, plus 1 for each employee

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CINDY CHAVEZ, President
Board of Supervisors

Signed and certified that a copy of this
document has been delivered by electronic
or other means to the President, Board of Supervisors.
ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

LIZANNE REYNOLDS
Deputy County Counsel