



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Board of Supervisors

FROM: Lisa Plowman, Director, Planning and Development Department
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STAFF CONTACT: Alex Tuttle, Deputy Director, Long Range Planning (805) 568-2072

DATE: November 26, 2024

HEARING DATE: December 10, 2024

RE: Agricultural Enterprise Ordinance
Case Nos. 23ORD-00005, 23ORD-00006, 24RZN-00004, and 24RZN-00005

BACKGROUND

On November 5, 2024, the Board of Supervisors (Board) held a hearing regarding the proposed Agricultural Enterprise Ordinance (AEO), considered the County Planning Commission’s (PC) recommendation of approval, and received public comments on various aspects of the project. A complete discussion of the proposed project is provided in the Board Agenda Letter for the November 5, 2024, hearing.

PROPOSED REVISIONS AND REQUEST FOR CLARIFICATION

The Board discussed 11 potential revisions to the AEO and one revision to the Uniform Rules and directed staff to return with draft language for the Board’s consideration before making a final decision on the project. Each potential revision is listed in the tables below.

Table 1 – Summary of Proposed Revisions to Ordinance Amendments for Specific Uses

Use/Provision	Proposed Revision
<i>Assumed Consensus or Majority Support</i>	
Small-scale Campgrounds	Require CUP on AG-II premises surrounded by AG-I zone
Small-scale Campgrounds	Number of campsites per premises size – split middle tier (100-320 acres) into two tiers as follows: > 100-200 ac: up to 20 sites > 200-320 ac: up to 25 sites
Small-scale Campgrounds	Incorporate Transient Occupancy Tax requirement (collected by TTC) for landowner-provided accommodations (as in farmstays)

Use/Provision	Proposed Revision
<i>Confirmation of Consensus or Majority Support Needed</i>	
Small-scale Campgrounds	Allow landowner-provided accommodations on 80% instead of 60% of total campsites in the campground
Small-scale Composting	Increase setbacks for composting operations adjacent to agricultural commodities- as follows: <ul style="list-style-type: none"> • 1,000 ft from food/row crops • 400 ft from orchards or vineyards
Educational Experiences and Opportunities, Small-scale Special Events, and Farmstays	Apply campground quiet hours, commencing at 9:00 p.m., to Educational Experiences, Small-scale Special Events, and Farmstays
Farmstays	Add a new permit tier or tiers to allow up to 9 and/or 15 guest rooms (i.e., bedrooms)
Small-scale Special Events	To create a registry of event sites, require a formal exemption from P&D and periodic renewal (e.g. every 1, 2 or 3 years)
Revocations - Limit Reapplications if Permit/Clearance is Revoked	If a Permit/Clearance is revoked, prohibit reapplication for the same use within 12 months of permit revocation date
Setbacks from Adjacent Premises	Consider adjustment of the minimum 100-foot setback to 50 ft with neighbor agreement
Limited Agricultural Enterprise Overlay	Consider modifying the boundaries of the overlay for the Santa Maria Valley East area to remove several assessors parcels
Uniform Rules Small-scale Campgrounds Compatible Use Requirements	Revise the rule regarding the number and size of campground development envelopes to better align with PC recommendation

Each proposed revision described in Table 1 is discussed briefly below with proposed draft language for the Board’s consideration. Staff requests that the Board confirm whether each revision is to be included in the final AEO amendments. Where necessary, staff requests additional clarification or direction regarding the proposed draft language.

1. Small-scale Campgrounds: Require Conditional Use Permit (CUP) on AG-II Premises Surrounded by AG-I Zone

The Board directed staff to include a provision in the ordinance amendments to require a Conditional Use Permit for campgrounds on premises zoned AG-II if they are entirely surrounded by lands zoned AG-I. Draft language to be incorporated into the AEO reads as follows:¹

(3) A low-impact camping area or campground operation proposed on a premises that is surrounded on all sides by lands zoned AG-I may be allowed with a Conditional Use

¹ Draft text for the AEO amendments is shown underlined and deleted text as ~~struck-out~~. Draft text proposed to address the Board’s proposals on November 5, 2024, is shown in **red**.

Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

It was unclear whether the Board was requesting a CUP or Minor CUP to be the permit type. A CUP is a discretionary permit reviewed and approved by the Planning Commission, and may be appealed to the Board. A Minor CUP is reviewed and approved by the Zoning Administrator, and may be appealed to the Planning Commission, which could, in turn, be appealed to the Board.

2. Small-scale Campgrounds: Number of Campsites per Premises Size

The Board directed staff to modify the number of campsites per premises that would be allowed for the middle tier premises (100-320 acres). The current AEO proposes to allow a maximum of 20 campsites on a premises larger than 100 acres up to 320 acres in size. The Board's proposal would split this tier into two new tiers. Draft revisions to be incorporated into the AEO reads as follows:

- (3) Only one campground operation shall be allowed per agricultural premises. The following number of campsites may be allowed in one campground operation per agricultural premises:
 - (a) Up to 15 campsites on premises of 40 acres or more up to 100 acres.
 - (b) Up to 20 campsites on premises larger than 100 acres up to ~~200~~ 320-acres.
 - (c) Up to 25 campsites on premises larger than 200 acres up to 320 acres.
 - (d)~~(e)~~ Up to 30 campsites on premises larger than 320 acres.
 - (e)~~(d)~~ One additional campsite may be allowed per premises for each additional 200 acres over 320 acres, not to exceed a total of 60 campsites.

3. Small-scale Campgrounds: Incorporate Transient Occupancy Tax (TOT) requirement for landowner-provided accommodations (as in farmstays)

The Board expressed interest in ensuring that the County was collecting TOT on campgrounds where applicable. TOTs are collected by the Treasurer-Tax Collector. Staff has proposed to add a TOT requirement for certain accommodations at campsites, similar to the requirement currently drafted for farmstays, in order to ensure that it is clear TOT applies. Draft revisions to be incorporated into the AEO reads as follows:

- (11) Transient Occupancy Tax (TOT). If required based on the type of accommodations provided, the campground owner/operator shall maintain a TOT license and remain current on all required TOT reports and payments.

4. Small-scale Campgrounds: Landowner-provided Accommodations

A Supervisor suggested increasing the quantity of landowner-provided accommodations that a landowner might provide at a small-scale campground from 60% of the total campsites in the campground to 80%. Staff is seeking Board confirmation on the percent of landowner provided accommodations to include in the AEO amendments.

5. Small-scale Composting: Increase Setbacks from Adjacent Commodities

A Supervisor suggested that setbacks for small-scale composting operations adjacent to commercial farming operations be increased to 1,000 feet for commercial food crops and to 400 feet for commercial orchards and vineyards. Relevant draft revisions to the setback in the AEO would read as follows:

- (a) A minimum ~~200-1,000~~ feet from the lot line of the agricultural premises on which the composting operation is located when a commercial food crop, ~~orchard, or vineyard~~ farming operation is located on the adjacent agricultural premises, ~~or a minimum 400 feet from the lot line of the agricultural premises on which the composting operation is located when a commercial orchard or vineyard farming operation is located on the adjacent premises.~~ For the ~~200-foot~~ setback to apply, the adjacent food crop, orchard, or vineyard farming operation must comply with all of the following:

6. Apply Campground Quiet Hours to other AEO Uses

A Supervisor suggested that the evening quiet hours currently proposed for campgrounds be applied to other AEO uses with time limitations to address noise so there is a uniform standard in place. In the proposed AEO, campground quiet hours begin at 9:00 p.m. Other AEO uses that include time limitations include educational experiences, small-scale special events, and farmstays, as follows:

- Educational Experiences – outdoor amplified sound allowed from 10:00 a.m. to 10:00 p.m.
- All Special Events - outdoor amplified sound allowed from 10:00 a.m. to 10:00 p.m.
 - Hours of operation include an ending time of 11:00 p.m. except for non-motorized bike races, trail runs, equestrian endurance rides, and similar activities.
- Farmstays – quiet hours from 10:00 p.m. to 8:00 am (sound generated by the farmstay not to exceed 45 dBA or existing ambient levels, whichever is greater, at premises boundary)

Staff understands this proposal potentially changes the ending time of outdoor amplified sound from 10:00 p.m. to 9:00 p.m. and a change to the farmstay quiet hours to from 10:00 p.m. to 9:00 p.m., corresponding to evening campground quiet hours. If directed by the Board, relevant draft revisions to the hours would read as follows:

- (a) Outdoor amplified sound shall only be allowed from 10:00 a.m. to ~~10:00-9:00~~ p.m.

- 17. Noise.** The volume of sound generated by the farmstay shall not exceed 65 dBA or existing ambient levels, whichever is greater, at the premises boundary, except that between the hours of ~~10:00-9:00~~ p.m. and 8:00 a.m., the volume of sound generated by the farmstay shall not exceed 45 dBA or existing ambient levels, whichever is greater, at any point beyond the premises boundary.

Staff requests further clarification on the following item:

- If campground quiet hours are applied to outdoor amplified sound (to end at 9:00 p.m.), is it the Board's intent to end all special events, with or without amplified sound, earlier than 11:00 p.m.?

7. Farmstays: Add New Permit Tier(s) to allow up to 9 or 15 Guest Rooms

The current proposal for the AEO would allow a maximum of 6 guest rooms and 15 guests with a Zoning Clearance. These numbers align with the state law for farmstays (i.e., agricultural homestays). Compliance with the state law grants relief from certain food safety requirements for the proprietors of the farmstay operation when the operation meets these criteria. A Supervisor suggested that additional permit tiers be added to allow farmstays with up to 9 and/or 15 guest rooms. Several options for this request are available:

- Up to 9 guest rooms with LUP and up to 15 guest rooms with Minor CUP
- Up to 9 guest rooms with Minor CUP
- Up to 15 guest rooms with Minor CUP

Draft AEO language to allow the first option (both 9 and 15 guest rooms) would read as follows:

b. A farmstay operation may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the operation complies with the requirements pursuant to Subsections 35.42.134.C.1.a through 35.42.134.C.1.g, above, except Subsection 35.42.134.C.1.e, the standards in Subsection 35.42.134.D (Development standards), below, and the following:

(1) The maximum number of registered guests that can be accommodated shall be 23 per night and they shall be accommodated in no more than 9 guest rooms.

c. A farmstay operation may be allowed with a Minor Conditional Use Permit issued in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the operation complies with the requirements pursuant to Subsections 35.42.134.C.1.a through 35.42.134.C.1.g, above, except Subsection 35.42.134.C.1.e, the standards in Subsection 35.42.134.D (Development standards), below, and the following:

(1) The maximum number of registered guests that can be accommodated shall be 38 per night and they shall be accommodated in no more than 15 guest rooms.

Staff requests direction from the Board regarding which option to include in the AEO amendments. In addition, if the Board increases the allowed number of guest rooms with a higher permit tier, staff suggests using the same occupancy rate of 2.5 guests per room.

Staff also seeks Board direction on an appropriate permit level to allow up to 9 or 15 guest rooms in the Coastal Zone. In the Coastal Zone, a maximum of 6 guest rooms and 15 guests is proposed currently to be allowed at all permit tiers. The different permit tiers are based on whether the accommodations would be located within existing structures (Coastal Development Permit (CDP)), or would be located within new structures or park trailers (Appealable CDP, which

requires a hearing with the Zoning Administrator). Permit tier options to allow more guest rooms include either expanding the maximum number of guest rooms allowed with a CDP or requiring a Minor CUP or CUP to increase up to 9 and/or 15 guest rooms.

8. Small-scale Special Events: Create a Registry of Event Sites/Require a Formal Exemption from the Planning and Development (P&D) Department and Periodic Review

A Supervisor suggested that there needs to be some mechanism to ensure that agricultural landowners pursuing small-scale events are aware of, and comply with, the applicable ordinance requirements and development standards, and that the County is able to monitor and track special event activities. Options discussed included (1) requiring a Zoning Clearance for the lowest levels of use currently proposed to be exempt, or (2) requiring a formal exemption be obtained from P&D followed by periodic (e.g. every 1, 2, or 3 years) renewals of the exemption.

Draft language for a formal exemption requirement (Option 2) would read as follows:

- c. Permit requirements.** Small-scale special events may be exempt from the requirements to obtain a permit or may be allowed with a permit in compliance with the permit requirements identified in Table 4-3 below. Applicants for exempt small-scale special events shall register the exempt use with the Department by first obtaining a formal exemption determination from the Department prior to commencing the use.

Table 4-3 ...

- (1) Renewal of exemption.** An exemption determination for a small-scale special events operation shall be valid for [time frame] and shall be renewed on an [time frame] basis. Commencing or continuing the use without first obtaining the exemption determination or renewal shall constitute a violation of the provisions of this Development Code.

Staff requests confirmation regarding direction for the small-scale special events and the frequency of renewal.

9. Permit Revocation: Limit Reapplications if Permit/Clearance is Revoked

A Supervisor suggested there should be some ability to revoke a permit and limit reapplications. Permits can already be revoked and procedures for revoking permits are found in Section 35.84.060 of the Land Use and Development Code. Exemptions cannot be revoked because exemptions are not permits.

However, reapplications for a use for which a permit has been issued and subsequently revoked can be accomplished, if the Boards directs the incorporation of a new paragraph 3 to Subsection 35.84.060.A, to read as follows:

- A. Revocation of Land Use Permits and Zoning Clearances.** Issuance of a Land Use Permit or Zoning Clearance is contingent upon compliance with all conditions imposed as part of the project approval and with all applicable provisions of this Development Code. If it is determined that development activity is occurring in violation of any or all such conditions or provisions, the Director may revoke the permit or clearance and all authorization for development.
- 1. Notification.** Written notice of such Revocation shall be provided to the permittee.

2. **Appeal.** The action of the Director to revoke a Land Use Permit or Zoning Clearance is final subject to appeal in compliance with Chapter 35.102 (Appeals).
3. **Reapplication.** An application for a use for which a permit has been revoked pursuant to Section 35.42.035.D.6 (Small-scale Special Events), Section 35.42.134 (Farmstays), and Section 35.42.240.E.1 (Campgrounds), shall not be accepted or acted upon within the 12 months following the date of revocation of the permit.

A similar revocation process exists within the Coastal Zone, applicable to Coastal Development Permits. If your Board chooses to incorporate this limitation on reapplications, staff would add it to the revocation process of Coastal Development Permits.

10. Setbacks from Adjacent Premises: Allow Adjustment of the Minimum 100-foot setback to 50 feet with Neighbor Agreement

A Supervisor suggested there should be an allowance to adjust the minimum 100-foot setback from adjacent premises proposed to apply to small-scale special events, education experiences and opportunities, campgrounds, composting, and farmstays if there is an agreement between neighbors. A setback reduction can be accomplished with the following revisions that identify land use criteria that can be considered in determining whether a setback reduction is appropriate (only relevant subsection provided):

- #. **Setbacks from adjacent premises.** Agricultural enterprise uses shall comply with the following setbacks.
 - a. A minimum 100-foot setback from the lot line of the agricultural premises on which the facilities or activities are located.
 - (1) As part of a permit to be reviewed and approved by the Department, the 100-foot setback may be adjusted downward to 50 feet in the following circumstances:
 - (a) Where intervening topography, vegetation, roads, protected habitats, or other features provides a sufficient buffer to reduce land use conflicts (e.g. noise, visual, agricultural trespassing, etc.) and protect an adjacent premises.
 - (b) Where the facilities or stationary activities are separated from an adjacent premises by a four-lane highway.

In determining whether the criteria to reduce the 100-foot setback to 50 feet has been met, the Department may consider any mutual agreement between the applicant and the adjacent premises owner regarding the need for a 100-foot setback.

...

Be advised that with this revision, it is conceivable that a setback could be reduced if the land use criteria are met, regardless of whether a neighbor agreement is reached.

11. Limited Agricultural Enterprise (LAE) Overlay: Consider modifying the boundaries of the overlay for the Santa Maria Valley East

A Supervisor indicated a willingness to consider modifying the boundaries of the proposed overlay for the Santa Maria Valley East (Exhibit 2 of Attachment 6) based on a request by certain property owners. The potential modification discussed at the November 5, 2024 hearing included removal of parcels along the western edge of the Garey township and the Cottonwood Canyon Winery. The Board requested additional information on the implications of such boundary modifications. Given their locations, removal of some of these parcels could result in the creation of a “donut” in the midst of the overlay. The Department would recommend adjusting the boundaries further to avoid the creation of a donut hole. Staff prepared an exhibit depicting these parcels for the Board’s consideration at the hearing on December 10, 2024, included as Attachment 11.

Changes to the overlay to remove these parcels would result in new boundaries adjacent to active historical food crop growing areas in the overlay. If the Board removes these parcels, should any additional setback requirements be included to protect adjacent agricultural commodities?

12. Uniform Rules: Small-scale Campgrounds Compatible Use Requirements

The Board discussed options for addressing the differences between the Planning Commission’s recommended ordinance amendments for small-scale campgrounds and certain Uniform Rule requirements that campgrounds would need to comply with for premises to remain compatible with their agricultural preserve contracts. The compatibility rule was required by Mitigation Measure MM AG-2 in the Final PEIR. During the hearing staff suggested a compromise that would modify MM AG-2 by retaining the proposed compatibility criteria for small-scale campgrounds on lands qualifying as prime land (i.e., up to 100 acres), while the compatibility criteria for lands qualifying as non-prime land would be modified to align more closely with the AEO ordinance allowances for campgrounds on larger premises. Additionally, non-prime agricultural preserve contracts are typically grazing operations conducted on much larger premises. The Uniform Rule amendments for small-scale campgrounds on non-prime contract premises provide greater flexibility to appropriately site campground development areas and would not significantly displace or impair agricultural operations on contracted premises or adjacent agricultural operations. The proposed new language for this uniform rule to bring it into closer harmony with the PC recommendations is presented below for the Board’s consideration. In addition, the Agricultural Preserve Advisory Commission’s recommended amendments to the Uniform Rules for other AEO uses have been revised to align more closely with the AEO zoning ordinance allowances.

Uniform Rule 2-4.B ...

3. On contracted land qualifying as prime land, small-scale camping may be deemed a compatible recreational use provided the following criterion is met:
 - a. Campground development area – limited to one campground development area per premises, not to exceed two acres.

4. On contracted land qualifying as non-prime land, small-scale camping may be deemed a compatible recreational use provided the following criteria are met:
 - a. Campground development area(s)
 - (1) On premises of 320 acres or less
 - (a) Up to two campground development areas may be allowed.
 - (b) Total disturbance of the area(s) not to exceed three acres.
 - (c) Remote campground development area(s) not to exceed one acre each.
 - (2) On premises larger than 320 acres
 - (a) Up to four campground development areas may be allowed.
 - (b) Total disturbance of the area(s) not to exceed five acres (Note: exclude counting roads as part of the total disturbance area on premises larger than 320 acres).
 - (c) Remote campground development area(s) not to exceed one acre each.

ENVIRONMENTAL REVIEW

As discussed in the Board Letter dated November 5, 2024, the County prepared a Program Environmental Impact Report (PEIR). A discussion of the PEIR is provided in the previous Board Letter. On November 5, 2024, the Board considered several additional revisions to the AEO amendments, as discussed above. Staff prepared a Revision Document (RV 02) to the Final PEIR to evaluate these proposed changes along with the Planning Commission's recommended changes previously analyzed in RV 01. EIR Revision Document RV 02 is included as Attachment 3 to this staff memo. As discussed therein, recirculation of the Final PEIR is not required.

RECOMMENDED ACTIONS:

That the Board of Supervisors consider the recommendations of the County Planning Commission, follow the procedures outlined below, and approve Case Nos. 23ORD-00005, 23ORD-00006, 24RZN-00004, and 24RZN-00005 to adopt the Agricultural Enterprise Ordinance, and take the following actions:

- a) Make the required findings for approval, including the California Environmental Quality Act findings and Statement of Overriding Considerations (Attachment 1).
- b) Certify the Agricultural Enterprise Ordinance Program Environmental Impact Report (EIR) (County Environmental Document No. 23EIR-00003, State Clearinghouse No. 2021110353), dated February 2024 (Attachment 2), as modified by the EIR Revision Document (RV 02), dated November, 2024 (Attachment 3).
- c) Approve the Agricultural Enterprise Ordinance by taking the following actions:
 - i) Adopt an ordinance amending the zoning regulations of the County Land Use and Development Code (Case No. 23ORD-00005), Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment 4), as revised at the hearing of December 10, 2024;

- ii) Adopt an ordinance amending the zoning regulations of the Article II Coastal Zoning Ordinance (Case No. 23ORD-00006) of Chapter 35, Zoning, of the Santa Barbara County Code (Attachment 5), as revised at the hearing of December 10, 2024;
 - iii) Adopt an ordinance amending the County Zoning Map (Case No. 24RZN-00004) of the County Land Use and Development Code, Section 35-1 of Chapter 35, Zoning, of the Santa Barbara County Code, by adding a new Limited Agricultural Enterprise (LAE) Overlay Zone (Attachment 6), as revised at the hearing of December 10, 2024; and
 - iv) Adopt an ordinance amending Article II Coastal Zoning Ordinance of Chapter 35, Zoning of the Santa Barbara County Code (Case No. 24RZN-00005) by amending the Guadalupe Dunes/Point Sal Coastal Plan Zoning Overlay by adding a new Limited Agricultural Enterprise (LAE) Overlay District (Attachment 7).
- d) Adopt a resolution to amend the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Attachment 8), as revised at the hearing of December 10, 2024.
 - e) Adopt a resolution authorizing submittal of the Agricultural Enterprise Ordinance amendments to the California Coastal Commission for certification as an amendment to the Santa Barbara County Local Coastal Program (Attachment 9).

Attachments:

1. Findings for Approval and Statement of Overriding Considerations
2. Final Environmental Impact Report (23EIR-00003)
3. EIR Revision Document (RV 02)
4. County Land Use and Development Code Ordinance Amendment BOS Revisions (Case No. 23ORD-00005)
5. Article II Coastal Zoning Ordinance Amendment BOS Revisions (Case No. 23ORD-00006)
6. County Land Use and Development Code Zoning Map Ordinance Amendment (Case No. 24RZN-00004)
7. Article II Coastal Zoning Ordinance Guadalupe Dunes/Point Sal Coastal Plan Zoning Overlay Ordinance Amendment (Case No. 24RZN-00005)
8. Resolution Amending the Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones
Exhibit 1 – Proposed Amended Uniform Rules
9. Resolution Authorizing Submittal of the Article II Agricultural Enterprise Ordinance Amendments to the California Coastal Commission
10. Policy Consistency Analysis
11. Potential LAE Overlay Exclusion