



**BOARD OF SUPERVISORS  
AGENDA LETTER**

Agenda Number:

**Clerk of the Board of Supervisors**  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning & Development  
**Department No.:** 053  
**For Agenda Of:** January 6, 2015  
**Placement:** Administrative  
**Estimated Tme:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director Glenn Russell, Ph.D. (805) 568-2085  
Contact Info: Dianne Black, Assistant Director (805)568-2086  
**SUBJECT:** Coastal Commission's conditional certification of amendment to the Local Coastal Program regarding Agricultural Buffers Ordinance Amendment.

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Receive notice of the California Coastal Commission's conditional certification of the County's amendment to the County's Local Coastal Program (Coastal Commission Case No. LCP-4-STB-13-0211-1-Part A Agricultural Buffers Regulation) with suggested modifications (Attachment A);
- B. Adopt a Resolution acknowledging receipt of the California Coastal Commission's conditional certification with modifications, accepting and agreeing to the modifications, agreeing to issue Coastal Development Permits for the total area included in the conditionally certified Local Coastal Program, and adopting the Local Coastal Program Amendment with the suggested modifications (Attachment B);
- C. Determine that the Board's action is not subject to the California Environmental Quality Act pursuant to Public Resources Code Section 21080.9. The County relied upon Negative Declaration 11NGD-00000-00004 for the CEQA review of Case No. 12ORD-00000-00013, Agricultural Buffers Ordinance Amendment.
- D. Authorize the Chair of the Board of Supervisors to sign a letter transmitting the Resolution to the California Coastal Commission (Attachment C); and
- E. Authorize the Planning and Development Department to transmit the adopted Resolution and Board letter to the California Coastal Commission.

## **1. Background.**

On April 9, 2013, the Board of Supervisors adopted the Agricultural Buffers Ordinance Amendment (Ordinance No. 4853, Case No. 12ORD-00000-00013) that amended the definitions, general regulations, and administrative procedures of the Article II Coastal Zoning Ordinance. The amendment implements new regulations that require the provision of agricultural buffers in certain non-agricultural development projects located adjacent to agricultural lands in order to minimize land use conflicts between agricultural and new non-agricultural uses and development.

On July 9, 2013, the Board of Supervisors, by Resolution 13-192, submitted Ordinance No. 4853 to the Coastal Commission as a proposed amendment to the County's certified Local Coastal Program. The Coastal Commission considered this amendment at their November 13, 2014 hearing and conditionally certified the amendment with suggested modifications as shown in Attachment A (Coastal Commission letter dated December 3, 2014). In their letter, language added by the Coastal Commission is shown as underlined, and language deleted by the Commission is struck-through. The suggested modifications are also summarized in the analysis section of this Board letter. The Coastal Commission's conditional certification with suggested modifications will expire on May 13, 2015, six months from the date of the Coastal Commission's action on November 13, 2014, unless prior to that date your Board acts to accept the modifications.

Your Board may choose to accept all or none of the suggested modifications. If your Board chooses to accept the modifications, then after receipt of the resolution acknowledging and accepting the Coastal Commission's suggested modifications, the Coastal Commission's Executive Director will make a determination in writing that the County's action is legally adequate to satisfy any specific requirements set forth in the Coastal Commission's certification order and report this determination to the Coastal Commission at its next regularly scheduled public meeting. If the Coastal Commission does not object to the Executive Director's determination, then notice of the certification will be filed with the Secretary of the Resources Agency and the certification will be deemed final and effective. If, for some reason, a majority of the Coastal Commission members object to the Executive Director's determination and find that the County's action does not conform to the provisions of the Coastal Commission's action to certify the amendment to the County's Local Coastal Program, then the Coastal Commission will review the County's action in another public hearing as if it were a re-submittal.

Once the amendment receives final certification from the Coastal Commission, the amendment as modified will be incorporated into the Article II Coastal Zoning Ordinance.

If your Board decides to not accept any or all of the suggested modifications, then your Board has the following options:

- Adopt amendments to the language suggested by the Coastal Commission and re-submit the Agricultural Buffer Ordinance Amendment for certification.
- Reject the modification without adopting any amendments to the language as modified by the Coastal Commission, and request that the Coastal Commission not certify the proposed amendment to the Local Coastal Program.
- Let the Coastal Commission's conditional certification with the suggested modification expire by taking no action prior to May 13, 2015.

## **2. Recommendation.**

The Planning and Development Department reviewed the Coastal Commission's suggested modifications and, based on the analysis in the following section, recommends that your Board approve the attached Resolution (Attachment B) acknowledging receipt of the Coastal Commission's

certification with suggested modifications and adopting the Local Coastal Program Amendment with the suggested modifications.

### 3. Analysis.

The sections of Ordinance No. 4853 (Agricultural Buffers Ordinance Amendment) as submitted by the County that are suggested to be modified by the Coastal Commission are shown below in italics. The complete Ordinance as suggested to be modified by the Coastal Commission is included as Attachment D (suggested modifications are highlighted). Suggested modifications to the language are shown as either underlined text, which represents text that is suggested to be added by the Coastal Commission, or text that is struck-through, which represents text that is suggested to be deleted by the Coastal Commission. The use of an ellipsis denotes text that is not included for the sake of brevity. Discussion of the proposed revisions follows each suggested modification. Suggested modifications that merely correct document and section references, and typographical errors, are not discussed.

#### Suggested Modification 1:

##### *Section 35-144M - Agricultural Buffers*

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**B. *Applicability.*** *This Section applies to all discretionary applications for non-agricultural development and uses (project) which satisfy all of the following criteria:*

1. *The project site is located within an Urban, ~~Inner-Rural~~, or Rural Neighborhood Area, as designated on the Coastal Land Use Plan maps; or located on property zoned industrial that is located in the Rural Area as designated on the Coastal Land Use Plan maps.*
2. *The project site is located immediately adjacent to land that is:*
  - a. *Located in a Rural Area as designated on the Coastal Land Use Plan maps, and*
    - (1) *Excluding state or federally owned land, has an agricultural zone designation as identified in Section 35-52 (Zoning District Designations and Applicability); or if the project site is located outside of the Coastal Zone, as identified in:*
      - (a) *Section 35.014.020 (Zoning Map and Zones) of Section 35-1, the County Land Use and Development, of Chapter 35, Zoning, of the Santa Barbara County Code; or*
      - (b) *Article V of Ordinance No. 661.*
    - (2) *Or ~~is~~ subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.*

**Discussion:** Suggested Modification 1 makes minor revisions to Subsection B to:

1. Delete the reference in Subsection B.1 to Inner-Rural Areas as there is no such designation in the Coastal Zone; and
2. Correct Subsection B.2.a.(2) to clarify that in order for the buffer regulations to apply the location of the non-agricultural development must satisfy either Subsection B.2.a.(1) or Subsection B.2.a.(2) and not both.

## Suggested Modification 2:

### *Section 35-144M - Agricultural Buffers*

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- E. Allowable uses within agricultural buffers.** *The property owner shall use his best efforts to consult with the adjacent agricultural land owner(s) to address food safety and agricultural production concerns with regard to landscape, lighting, and vegetative screening design and siting. See the Agricultural Buffer Implementation Guidelines (Appendix H) for information on the purpose and intent of restricting uses within agricultural buffers and how to incorporate site design and other features that are compatible with agriculture. The agricultural buffers may include natural waterways including rivers, creeks, lakes, ponds, and flood plains.*
- 1. Unrestricted uses within agricultural buffers.** *Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within a designated agricultural buffer, if consistent with all other applicable provisions of this Article:*
- a. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.*
  - b. Fences and walls.*
  - c. Habitat restoration.*
  - d. Low-lying landscaping and vegetative screening that does not include trees or hedges exceeding three feet in height.*
  - ~~e.~~ Oil and gas, wind energy and cogeneration facilities that are:
    - (1) Permitted in compliance with Division 9 (Oil and Gas Facilities), or*
    - (2) Operated in compliance with Division 10 (Nonconforming Structures and Uses).**
  - ~~e.~~ Natural waterways including rivers, creeks, lakes, ponds, and flood plains.*
  - f. Signs.*
  - g. Solar energy systems allowed as an accessory use to the principal use of the lot.*
  - h. Telecommunication facilities permitted in compliance with Chapter 35-144F (Commercial Telecommunication Facilities).*
  - i. Utility lines and facilities.*
  - j. Any other use determined by the decision-maker to be consistent with the purpose and intent of the buffer requirement.*
  - k. Modifications or additions to structures legally existing as of [the effective date of this ordinance] provided that any addition to a structure that is located within a buffer required by this Section shall not extend further towards the immediately adjacent agricultural lot.*
- 2. Restricted uses within agricultural buffers.** *Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within the agricultural buffer provided they are not located any closer to the common lot line between the project site and the adjacent agriculturally zoned lot than half the width of the buffer. This requirement may be modified by the decision-maker when it is determined that strict compliance with this section is not required to minimize*

*conflicts with adjacent agriculture.*

- a. *Industrial or commercial loading docks and rear service areas.*
  - b. *Landscaping and vegetative screening.*
  - c. *Lighting.*
  - d. *Non-habitable structures such as those used for storage.*
  - e. *Parking areas including carports and garages.*
  - f. *Public and private open space areas with limited passive recreational uses such as trails, bike paths and walking paths, except as allowed in compliance with Subsection E.3, below.*
  - g. *Roads and transportation infrastructure.*
3. *Regardless of the use restrictions of Subsection E.2, above, passive public recreational uses such as trails, bike paths and walking paths, may be located within an agricultural buffer provided that it complies with the buffer to the extent feasible and strict compliance with Subsection E.2, above, would significantly diminish or result in adverse effects to public access or recreation.*
- 3 4.** ***Prohibited uses within agricultural buffers.** Recreational uses such as parks, picnic areas, playgrounds and ball fields shall not be allowed in an agricultural buffer.*
- 4 5.** ***Open space credit.** The agricultural buffer may be counted toward open space requirements as long as the limits on allowed uses are consistent with the requirements of this Section and Article II.*
- 5 6. *The unrestricted uses, restricted uses and prohibited uses within the designated agricultural buffer shall be included as a condition of approval of the approved project.*

**Discussion:** Suggested Modification 2 revises the text of Subsection E to:

1. Delete the reference to natural waterways including rivers, creeks, lakes, ponds, and flood plains from Subsection E.1 and add the same reference to the opening paragraph of Subsection E to clarify that such naturally-occurring features are not considered to be a “use” and are allowed to be located within an agricultural buffer area.
2. Add language to the opening paragraph of Subsection E.1 to reinforce that any of the unrestricted uses listed in Subsection E.1 must still be consistent with all other applicable provisions of the Article II Coastal Zoning Ordinance in order to be located within the agricultural buffer.
3. Add “habitat restoration” as a potentially allowed use within an agricultural buffer.
4. Amend the language of Subsection E.2 and add a new Subsection E.3 to allow passive public recreational uses such as trails, bike paths and walking paths to be located within an agricultural buffer in the situation where strict compliance with the separation requirement in Subsection E.2 would significantly diminish or result in adverse effects to public access or recreation.

As submitted by the County, passive public recreational areas could be allowed within an agricultural buffer only as a restricted use such that the recreational area could not be located any closer to the adjacent agricultural operation than half the width of the buffer. For example, if the buffer were 200 feet wide, then the recreational area could be located no closer than 100 feet to the agricultural operation. The effect of the suggested modification

approved by the Coastal Commission would be to delete this restriction in the circumstance where the County determines that imposing the restriction would significantly diminish or result in adverse effects to public access or recreation. The location of the recreational area would still have to comply with separation requirement to the extent feasible.

On September 5, 2014, the Santa Barbara County Agricultural Advisory Committee, by a unanimous vote, adopted a motion opposing this suggested modification. In their letter of November 6, 2014 (Attachment E), they urge your Board to reject the suggested modification. The Planning and Development Department understands the Agricultural Advisory Commission's opposition to the suggested modification as it could allow passive public recreational uses in portions of the buffer located closer to the agricultural use than otherwise would be allowed. This could have the potential to create land use conflicts that the buffer is supposed to mitigate.

However, the Department recommends that your Board accept this suggested modification along with all the other modifications approved by the Coastal Commission. If your Board does not accept the suggested modification, then the Agricultural Buffers Ordinance Amendment will not be certified by the Coastal Commission and will not be in effect in the Coastal Zone. Also, the potential impact of this suggested modification is extremely limited given that there are only very few areas within the Coastal Zone where the provision of an agricultural buffer might be required in the future. These areas are shown on the three maps attached to this Board Letter (Attachments F, G and H). Only the areas shown on these maps that are located south of the Coastal Zone boundary (which is shown as a blue line) would be affected by this modification. These areas are more fully described as follows:

- The approximately 56 acre Gaviota Oil Heating Facility (formerly known as the Chevron Processing Plant) located at the Mariposa Reina exit north of Highway 101. A portion of this industrially-zoned site (shown with a purple line on Attachment F) abuts a rural agricultural area.

In order for an agricultural buffer to be required on this property, a new development proposal would have to be submitted which is unlikely in the near-term given its existing use. Also, allowing a public recreational area on this property may not be appropriate given the property's industrial zoning.

- The Rancho Embarcadero residential subdivision located along Tecolote Creek at the western end of the City of Goleta. This residentially-zoned area (shown with a brown line on Attachment G) abuts a rural agricultural area located north of Highway 101.

All of the lots adjacent to the rural agricultural lands are currently developed with single-family dwellings. The Agricultural Buffers Ordinance does not apply to single family dwellings, residential second units, and residential accessory structures.

- The Santa Barbara Polo and Racquet Club and adjacent condominiums, and several residentially developed rural neighborhoods zoned for single-family residential development, located in the Carpinteria and Summerland areas. These areas are shown with brown and red lines on Attachment H.

A development proposal to change the use of the existing polo facility would have to be approved in order for a buffer to be applied on this property. The adjacent condominium complex is fully developed and would not be subject to an agricultural buffer requirement.

The great majority of the remaining residential lots located adjacent to the agricultural

lands are developed with existing single-family dwellings. As mentioned previously, the Agricultural Buffers Ordinance does not apply to single family dwellings, residential second units, and residential accessory structures, such that an application to construct a single-family dwelling on a vacant lot would not be subject to an agricultural buffer requirement.

5. Amend the language of Subsection E.4 (formerly numbered as Subsection E.3) to clarify that recreational uses that are prohibited within agricultural buffers are active, and not passive, recreational uses. This is consistent with the examples of prohibited uses listed in the subsection (parks, picnic areas, playgrounds and ball fields).

### **Suggested Modification 3:**

#### ***Section 35-144M - Agricultural Buffers***

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#### ***F. Agricultural buffer Landscape, Lighting and Irrigation Plan requirements.***

1. *A Landscape, Lighting and Irrigation Plan (Plan) shall be required for all agricultural buffers. The Plan shall:*
  - a. *Graphically depict and label the agricultural buffer.*
  - b. *Graphically depict and label the following elements within the agricultural buffer:*
    - 1) *Erosion control measures.*
    - 2) *Hardscape.*
    - 3) *Irrigation systems.*
    - 4) *Landscaping, vegetation, and materials.*
    - 5) *Lighting.*
  - c. *Incorporate Low Impact Development (LID) measures to maximize runoff retention and groundwater infiltration on-site.*
  - d. *Incorporate a fence or other barrier that complies with Article II, with a minimum height of six feet, that discourages trespassing and domestic animals from crossing the common lot boundary between the project site and the adjacent agricultural land. However, the fence or other barrier shall be sited as close as possible to the approved development project as feasible and shall avoid adverse impacts to scenic resources, sensitive habitats, and potential wildlife corridors.*
  - e. *Prohibit the planting or installation of turf within 50 feet of the adjacent agricultural land unless required by County, State or Federal regulations.*
  - f. *Be compatible with the surrounding land uses and rural character of the agricultural area.*

**Discussion:** As submitted, Subsection F.1.d requires that the Landscape, Lighting and Irrigation Plan that is approved as part of the non-agricultural development project shall incorporate a fence or other barrier between the development and the adjacent agricultural lands to discourage trespassing and domestic animals from entering the agricultural land from the project site. Suggested Modification 3 revises the text of Subsection F.1.d to specify that the fence shall be located as close to the non-agricultural development project as feasible and avoid adverse impacts to sensitive coastal resources such as scenic resources, sensitive habitats, and potential

wildlife migration corridors.

#### **Suggested Modification 4:**

##### *Appendix H - Agricultural Buffer Implementation Guidelines*

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**III. Allowable Uses Within Agricultural Buffers.** Section 35-144M.E (Allowable uses within Agricultural Buffers) specifies unrestricted uses and restricted uses within the buffer.

A. *Unrestricted uses are compatible with agriculture because they ~~do not invite~~ minimize potential conflicts between visitors and agricultural operations, do not require frequent maintenance, and do not attract wildlife. Restricted Uses that invite visitors or attract wildlife may conflict are less compatible with agriculture and the locations of such uses ~~is~~ are restricted within the buffer.*

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**Discussion:** Suggested Modification 4 revises the text of Subsection III.A of Appendix H to clarify why non-agricultural uses are considered either compatible or less compatible with adjacent agricultural operations.

#### **Fiscal Analysis:**

Funding for this ordinance amendment work effort is budgeted in the Administration & Support program on page D-212 of the adopted Planning and Development Department's budget for fiscal years 2014 - 2015.

#### **Special Instructions:**

1. Clerk of the Board will transmit to Planning and Development (attention Noel Langle) a minute order of the hearing, signed resolution (Attachment B) and signed Board letter (Attachment C).
2. Planning and Development will transmit the Resolution and signed Board letter to the Coastal Commission and other interested parties.

#### **Attachments:**

- A. December 3, 2014 Coastal Commission Certification Letter, Santa Barbara Local Coastal Program Amendment Coastal Commission Case No. LCP-4-STB-13-0211-1-Part A (Agricultural Buffer Regulation).
- B. Board of Supervisors Resolution to accept the Coastal Commission's certification of the Local Coastal Program amendments with modifications.
- C. Letter from the Board of Supervisors transmitting the Resolution to the Coastal Commission.
- D. Agricultural Buffers Ordinance No. 4853 with Coastal Commission Suggested Modifications
- E. November 6, 2014 Agricultural Advisory Committee Letter.
- F. Santa Barbara County Rural Agriculture Zone Interface - Gaviota Area
- G. Santa Barbara County Rural Agriculture Zone Interface - Goleta Area
- H. Santa Barbara County Rural Agriculture Zone Interface - Summerland/Carpinteria Area

#### **Authored by:**

Noel Langle, Senior Planner (805) 568-2067