



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Stephanie Stark, Agricultural Planner (Phone: 568.2048)
David Lackie, Supervising Planner
Jeff Hunt, Deputy Director of Long Range Planning

DATE: December 6, 2012

RE: Agricultural Buffer Ordinance

At the November 14, 2012 Planning Commission hearing, Planning and Development Department staff presented revisions to the proposed Agricultural Buffer Ordinance (Case Nos. 12ORD-00000-00011 and 12ORD-00000-00013) as outlined in the November 2, 2012 memorandum. Following staff's presentation, your Commission took public testimony, and provided comments regarding potential additional revisions to the ordinance. These comments are summarized below:

- Consider additional flexibility when applying the ordinance to an application for proposed revisions to a previously approved non-agricultural discretionary development project.
- Consider additional flexibility when applying the ordinance to minor lot line adjustments.
- Define "tall" hedges and add "natural waterways" as an unrestricted use within agricultural buffers.
- Add fire resistant plants to the plant palette requirements.

PROPOSED MINOR REVISIONS

In addition to the minor revisions addressed in the November 2, 2012 memorandum, staff is recommending minor revisions in response to comments received at the November 14, 2012 Planning Commission hearing. This memorandum also includes staff's recommended revisions outlined during staff's presentation at the November 14, 2012 Planning Commission hearing. Staff's recommended revisions outlined during the November 14, 2012 presentation are summarized below:

- Amend the language to exempt modifications to existing structures.
- Address when the adjacent agricultural lot(s) contains both Production Agriculture and Rangeland or Pastureland.
- Address when the landowner and adjacent agricultural landowner are unable to consult.
- Address long term maintenance of elements within the agricultural buffer.

Staff is recommending the following sections of the ordinance be revised:

- Exceptions (Section C)
- Agricultural buffer width (Subsection D.1)

- Allowable uses within agricultural buffers (Section E)
- Landscape, Lighting and Irrigation Plan Requirements (Section F)
- Agricultural buffer maintenance requirements (Section G)
- Definition of “Rangeland and Pastureland”

The code sections referenced in Section 2.0 through Section 7.0 of this memorandum refer to the proposed amendments to the County Land Use & Development Code (“LUDC”) by the Agricultural Buffer Ordinance (Attachment B, Exhibit 1) unless otherwise noted. Similar language is also included in the proposed amendments to Article II (Attachment E, Exhibit 1).

Proposed deletions to the text are shown as ~~strikeouts~~ and proposed additions to the text are shown as underline.

1.0 RECOMMENDATION AND PROCEDURES

1.1 Case No. 12ORD-00000-00011. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 12ORD-00000-00011 as shown in Attachment B based upon the ability to make appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the required findings for approval of the proposed amendment, including CEQA findings (Attachment A); and
2. Recommend that the Board of Supervisors adopt the Final Negative Declaration 11NGD-00000-00004 (Attachment F) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, no significant effects on the environment are anticipated; and
3. Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 12ORD-00000-00011, an ordinance amending 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment B).

1.2 Case No. 12ORD-00000-00013. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 12ORD-00000-00013 as shown in Attachment E based on the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the required findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the required findings for approval of the proposed amendment, including CEQA findings (Attachment C); and
2. Recommend that the Board of Supervisors determine that the adoption of this ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Section 15265 of the Guidelines for Implementation of CEQA (Attachment D); and
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 12ORD-00000-00013, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code (Attachment E).

Please refer the matter back to staff if your Commission takes other than the recommended action for appropriate findings.

2.0 EXCEPTIONS (Section C)

2.1 Exempting modifications to existing structures.

At the October 3rd hearing, your Commission considered revisions to address potential modifications to structures (single family dwellings, residential second units and residential accessory structures) that already exist and would potentially be located within a proposed agricultural buffer. In addition to the proposed revisions contained in the November 14th staff report, staff is proposing the following revisions to Section C:

C. *Exceptions.* This Section does not apply to the following:

1. *Single-family dwellings, residential second units and residential accessory structures provided that the structure is either:*
 - a. *Proposed to be located on an existing lot, a lot existing as of [the effective date of this Ordinance] or*
 - b. *Lawfully existing as of [the effective date of this Ordinance].*

2.2 Changes to approved non-agricultural discretionary projects

During the November 14th hearing, your Commission requested staff revise the proposed ordinance to allow the review authority flexibility in applying the ordinance to changes to an approved non-agricultural discretionary project. For changes to an approved project subject to a substantial conformity determination (Subsection 35.84.040.C) or an amendment (Subsection 35.84.040.D), the Agricultural Buffer Ordinance would not apply if the review authority finds that the project changes do not result in any new or greater impacts to agriculture than those resulting from the already approved project.

Staff is proposing Section C be revised as follows:

C. *Exceptions.* This Section does not apply to the following:

3. *Non-agricultural, discretionary development approved prior [to the effective date of this Ordinance].*
4. *Changes to a non-agricultural discretionary project approved prior to [the effective date of this Ordinance], provided:*
 - a. *The review authority, in approving a change to the project in compliance with Subsection 35.84.040 C or D, shall first determine that the changes to the project do not result in any new or greater impacts to agriculture than those resulting from the already approved project.*

- b. *If the review authority cannot make the determination required in compliance with Subsection C.4.a, above, then the project shall be subject to the provisions of this Section.*

2.3 Minor lot line adjustments

During the November 14th hearing, your Commission requested staff revise the proposed ordinance to allow the review authority flexibility in applying the ordinance to projects involving minor lot line adjustments. Staff is proposing to revise Section C by adding an additional exception.

Staff is proposing Section C be revised as follows:

7. *Lot line adjustments that*
 - a. *Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot and;*
 - b. *Do not result in an increase in the number of developable lots in compliance with Section 35.30.110.B.3.c.*

3.0 AGRICULTURAL BUFFER REQUIREMENTS (Section D)

3.1 Address how to apply the ordinance when the adjacent agricultural lot contains both Production Agriculture and Rangeland or Pastureland.

During staff's presentation at the November 14th hearing, staff proposed revisions to Section D. After the November 14th hearing, staff reviewed the language and is proposing further minor revisions to Subsection D.1 of the ordinance and Section II.c of the Agricultural Buffer Implementation Guidelines.

Staff is proposing Subsection D.1 be revised as follows:

- D. ***Agricultural buffer requirements.*** *All new non-agricultural project applications identified in Subsection B. (Applicability) shall designate and maintain an agricultural buffer on the project site as provided for in this Section.*
 1. ***Agricultural buffer width.*** *The range of the agricultural buffer width shall be as follows. Ranges are provided because unique circumstances may require the buffer width to be adjusted, although no agricultural buffer width shall be adjusted below the minimum nor above the maximum. ~~If the proposed project is located immediately adjacent to both production agriculture and rangeland/pastureland, the most protective buffer range shall apply.~~ If the proposed project is located adjacent to a lot that contains both Production Agriculture and Rangeland or Pastureland, the most protective buffer:*

- a. Shall be applied to any portion of the common lot line where Production Agriculture is immediately adjacent and.
- b. May be applied to the common lot line where Production Agriculture is not immediately adjacent if the Production Agriculture is within the distance, as measured from the common lot line, of the minimum buffer width that would otherwise be applicable for the proposed non-agricultural development or use.

~~Refer to the Agricultural Buffer Implementation Guidelines (Appendix I), Section II, for clarification.~~

Staff is proposing the Agricultural Implementation Guidelines be revised as follows:

- ~~e. As stated in Subsection D1 (Agricultural buffer width), if the proposed project is located immediately adjacent to both production agriculture and rangeland/pastureland, the most protective buffer range shall apply. However such cases will be addressed during the application review process as described in the Guidelines, Section IV (Application Procedures).~~

4.0 ALLOWABLE USES WITHIN AGRICULTURAL BUFFERS (Section E)

4.1 Landowner and adjacent agricultural landowner are unable to consult.

Staff is proposing to revise Section E to address situations when the landowner on which the non-agricultural project is proposed and the adjacent agricultural landowner have been unable to consult despite best efforts. Therefore, during staff's presentation at the November 14th hearing, the following revisions were proposed to Section E:

- E. Allowable uses within agricultural buffers. The property owner shall use its best efforts to consult with the adjacent agricultural land owner(s) ~~shall be consulted~~ to address food safety and agricultural production concerns with regard to landscape, lighting, and vegetative screening design and siting.

4.2 Specify "tall" hedges and include natural waterways.

Based on comments from your Commission at the November 14th hearing, staff is proposing Subsection E.1.c and e be revised as follows:

1. Unrestricted uses within agricultural buffers. Notwithstanding any other provision of this Section, or other provisions of the Santa Barbara County Code, the following uses shall be allowed within a designated agricultural buffer:
 - a. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.

- b. *Fences and walls.*
- c. *Low-lying landscaping and vegetative screening that does not include trees or ~~tall~~ hedges exceeding 3 feet in height.*
- d. *Oil and gas, wind energy and cogeneration facilities that are either permitted in compliance with Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities) or are operated in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).*
- e. *Rivers, creeks, lakes, ponds, ~~and~~ flood plains, and other natural waterways.*
- f. *Signage*
- g. *Solar energy systems permitted in compliance with Section 35.30.160 (Solar Energy Systems).*
- h. *Telecommunication facilities permitted in compliance with Chapter 35.444 (Telecommunication Facilities).*
- i. *Utility lines and facilities.*
- j. *Any other use determined by the review authority to be consistent with the purpose and intent of the buffer requirement.*
- k. *Modifications or additions to structures legally existing as of [insert date of adoption] 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.*

5.0 AGRICULTURAL BUFFER LANDSCAPE, LIGHTING, AND IRRIGATION PLAN REQUIREMENTS (Section F)

5.1 Add fire resistant plants to the plant palette requirements.

Based on comments from your Commission at the November 14th hearing, staff is proposing to revise Subsection F.2.c as follows:

- 2. *Landscaping, lighting and irrigation are not required within the agricultural buffer. However, if vegetation is included within the buffer, the plant ~~palette~~ palette shall meet the following requirements:*
 - a. *The plants are compatible with agriculture.*
 - b. *Minimize shade spill over upon adjacent agricultural crops.*
 - c. *The plants are fire resistant and, drought-tolerant or low water use.*
 - d. *The plants are not considered noxious according to Section 4500 of the California Code of Regulations or considered invasive by the California Invasive Plant Council (Cal-IPC).*

6.0 AGRICULTURAL BUFFERS MAINTENANCE REQUIREMENTS (Section G)

6.1 Ensure long term maintenance of elements within the buffers.

Staff is proposing to revise Section G.1 to ensure the long term maintenance of elements that

may be required within an agricultural buffer.

Staff is proposing Subsection G.1.e be revised as follows:

G. Agricultural buffer maintenance requirements.

1. *A Maintenance Plan shall be required that provides for the maintenance of the agricultural buffer for the life of the project. The Maintenance Plan shall:*
 - a. *Include provisions for managing agricultural pests such as vertebrate pests, invasive weeds, and crop threatening insects. Integrated Pest Management practices shall be used to the extent feasible.*
 - b. *Include provisions for removing weeds, trash and debris.*
 - c. *Provide for regular fuel management and removal of accumulated plant matter within the agricultural buffer so as to minimize fire risk.*
 - d. *Be consistent with the requirements in Section F (Agricultural Buffer Landscape, Lighting and Irrigation Plan requirement).*
 - e. *Provide for the regular maintenance of the elements as described in Section F (Agricultural Buffer Landscape, Lighting and Irrigation Plan requirements).*

7.0 DEFINITION OF “RANGELAND OR PASTURELAND” (Definitions)

7.1 Horse operations.

During the October 3rd hearing, your Commission asked staff to consider how to address commercial horse operations in the ordinance. Staff proposed revisions described in the November 14th staff report and the November 14th staff presentation.

Staff is proposing the definition of “Rangeland or Pastureland” be revised as follows:

Rangeland or Pastureland.

~~*A commercial agricultural operation that supports grazing animals, forage for grazing animals, or land which is limited in its potential use, as defined by soils or other constraining factors, from supporting production agriculture. See the Agricultural Buffer Implementation Guidelines (Appendix I) for details.*~~

1. *Land that is not currently used for agricultural production but is used for the grazing or pasturing of livestock, such as cattle and horses, which may also include facilities for confining animals, but not involving a commercial livestock feed or sales yard or dairy.*

2. Land which is limited in its potential use, as defined by soils or other constraining factors, from supporting production agriculture. See the Agricultural Buffer Implementation Guidelines (Appendix I) for details.

9.0 ATTACHMENTS

- A. 12ORD-00000-00011 Findings
- B. 12ORD-00000-00011 Resolution and Ordinance
- C. 12ORD-00000-00013 Findings
- D. 12ORD-00000-00013 Notice of Exemption
- E. 12ORD-00000-00013 Resolution and Ordinance
- F. Final Negative Declaration (copy available at http://longrange.sbcountyplanning.org/programs/ag_buffer/AgBufferordinance.php)
- G. White Paper on Agricultural Buffers
- H. Map of Santa Barbara County Rural Agricultural Interface Areas
- I. Map of Rural Agriculture Zone Interface for the Cuyama Area
- J. Map of Rural Agriculture Zone Interface for the Los Alamos Area
- K. Map of Rural Agriculture Zone Interface for the Orcutt Area
- L. Map of Rural Agriculture Zone Interface for the Santa Ynez Area