

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Agricultural Permit Streamlining Ordinance Amendments

Hearing Date: February 17, 2010

Staff Report Date: January 29, 2010

Case Nos.: 09ORD-00000-00009

Development Services Director: Dianne Black

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Environmental Document: Negative Declaration, 09NGD-00000-00007

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 09ORD-00000-00009) amending the County's Land Use and Development Code (County LUDC) to streamline the permit process for certain agricultural projects on lands zoned agricultural. The proposed changes would only apply in the non-Coastal Zone area of Santa Barbara County located outside of the Montecito Planning Area (see Figure 1). The proposal includes amendments to the LUDC that would:

- a. Shift the permitting requirements for certain minor agricultural-related permits from a Land Use Permit to a Zoning Clearance or Exemption and from a Minor Conditional Use Permit to a Land Use Permit. Amendments to achieve these revisions to the permit process would be required in Article 35.2, Zones and Allowable Land Uses, Article 35.3, Site Planning and Other Project Standards, Article 35.4, Standards for Specific Land Uses, and Article 35.11, Glossary.
- b. Change the threshold for requiring the approval of a Development Plan by the Planning Commission when the combined floor area of all structures on a lot in an agricultural zone exceeds 20,000 square feet to a sliding scale based on lot area. Amendments to achieve these revisions to the permit process would be required in Article 35.2, Zones and Allowable Land Uses and Article 35.11, Glossary.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 09ORD-00000-00009 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

- Recommend that the Board of Supervisors adopt the findings, including CEQA findings, for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors approve the Final Negative Declaration 09NGD-00000-00007 (Attachment B); and,
- Recommend that the Board of Supervisors adopt Case No. 09ORD-00000-00009, an amendment to Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based upon Section 65855 of the Government Code and Section 35.104.050 of the County Land Use and Development Code. The Government Code and the County Land Use and Development Code require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside the Montecito Planning Area, review and consider proposed ordinance amendments and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND BACKGROUND

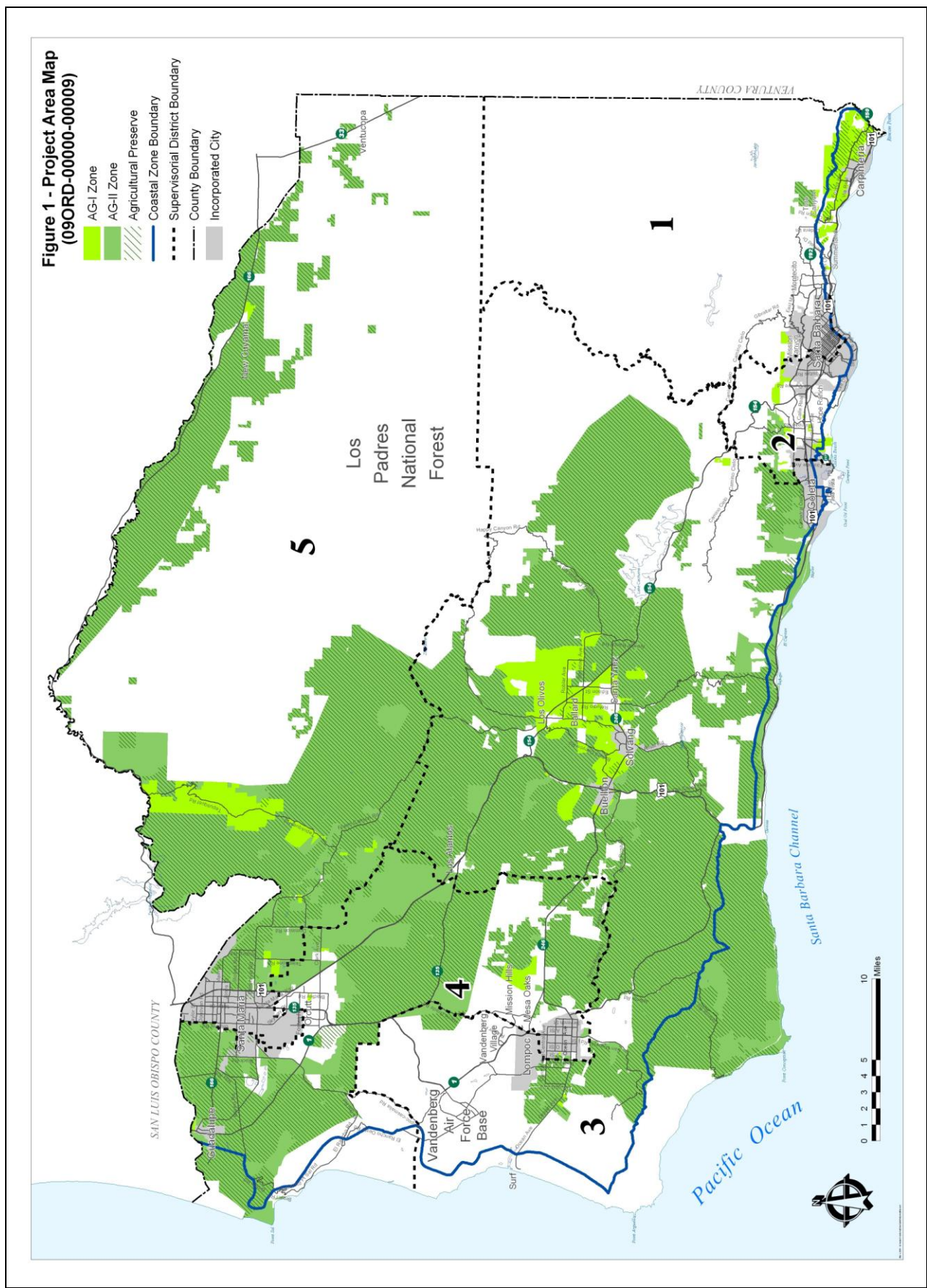
In May 2005 the Board of Supervisors directed that the Process Improvement Oversight Committee and Planning and Development staff work together to “Make the process easier to navigate, and more time efficient and collaborative, while maintaining the quality of development in the County.” The Board adopted five priorities for process improvement. One of the five priorities is:

Agriculture Permits – Streamline the process for typical agricultural activities and projects.

The discussion of ways to streamline the process for agricultural projects has involved input from the Agricultural Advisory Committee on several occasions, including at a joint workshop with the Planning Commission in January 2009. A package of ordinance amendments was developed after that meeting and, in May 2009, a Draft Negative Declaration was issued for public review. Several lengthy letters were received addressing the proposed amendments and their potential for environmental impacts. Staff met with representatives of the groups that submitted letters and with the Agricultural Advisory Committee (AAC) to discuss possible changes to the proposed ordinance amendments. A revised Draft Negative Declaration that analyzed a revised set of recommendations was released in December 2009.

The proposal involves amendments to the County Land Use and Development Code that would affect approximately 600,000 acres of land zoned AG-I and AG-II in the unincorporated portion of Santa Barbara County located outside the Montecito Planning Area and Coastal Zone. The affected areas include the Cuyama, Los Alamos, Santa Maria, Lompoc and Santa Ynez Valleys, portions of the Gaviota Coast, and the Carpinteria, Goleta and Santa Barbara foothills. The project area map is included as Figure 1. The specific proposal is a shift in permit requirements for the following types of projects:

- Shift from Land Use Permit (LUP) to Zoning Clearance for certain agricultural accessory structures up to 3,000 sq. ft. (AG-II zone);
- Shift from LUP to exemption for certain entrance gate posts, cross-members and livestock loading structures (AG-II zone);
- Shift from Minor Conditional Use Permit (MCUP) to LUP for housing for up to four farm employees (AG-I and -II zones);
- Shift from Minor Conditional Use Permit (MCUP) to LUP for certain Detached Residential Second Units (AG-I-5, -10 & -20 zones); and
- Change the Development Plan threshold for AG-II zoned lots to a higher threshold for larger lots.



5.0 SETTING

5.1 Agriculture in Santa Barbara County

Agriculture is very important to the economic vitality, health and ambience of Santa Barbara County. Table 1 shows the amount of land in the County zoned for agriculture. Agriculture continues to be the County's major producing industry with 2008 gross production valued at \$1.14 billion, a three percent increase over production values in 2007. Agriculture continues to provide a strong base for the local economy with a local impact in excess of \$2.2 billion.¹ Santa Barbara County is considered to be in the top one percent of agricultural counties in the United States.²

Table 1
Overview of Agriculture in Santa Barbara County – 2008

Agricultural Land and Value	Totals
Total land in County (excluding Channel Islands)	1,634,393 Acres
Total Private Lands (excluding Nat'l Forest and Vandenberg)	855,000 (approx)
Land Zoned Agriculture ³	760,000 Acres
Land in Ag Preserves	550,000 Acres
Prime	70,000 Acres
Non-Prime	480,000 Acres
Gross Ag Value (2008)	\$1,140,000,000

Source: County Agricultural Commissioner's Office, *Agricultural Production Report – 2008*

According to the *Santa Barbara County Agricultural Resources Environmental/Economic Assessment Study* prepared by the American Farmland Trust in 2007, most of the County's agricultural land use (85 percent) occurs on the 139 largest farms or ranches, covering about 641,000 acres. The 880 smallest farms in the County (49 acres and less) comprise a total of 10,747 acres which represents just 1.4 percent of all agriculturally zoned land in the County.

5.2 Agricultural Preserve Program (Williamson Act)

The California Land Conservation Act of 1965 (also referred to as the Williamson Act) allows cities and counties to enter into contracts with private landowners in order to restrict their land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses.

Table 2 on the following page provides information about the number of lots zoned AG-I and AG-II by acreage. It also shows the number of lots that are in Agricultural Preserves. In 2008, there were a total of 2,173 lots enrolled in the Agricultural Preserve program in Santa Barbara County, with most of those located in the AG-II Zones (1,919 lots).

¹ County Agricultural Commissioner's Office, *Agricultural Production Report – 2008*.

² US Department of Agriculture – NASS, *Census of Agriculture, 2002*.

³ This table shows a total of 760,000 acres of land zoned for agriculture which includes 658,766 acres of AG-I and –II zoned land (see Table 2 on the next page) as well as other land zoned for agriculture (e.g., under Ordinance 661).

Table 2
Agricultural Zoned Lots & Agricultural Preserve Data - 2008

Zone & Lot Size Range	All Agriculturally Zoned Lots			Williamson Act Agricultural Preserve Lots		
	# Lots	Acreage	Average Acreage	# Lots	Acreage	Average Acreage
AG-I						
0-19.99	2093	16,076	7.68	181	1,545	8.54
20-39.99	376	9,095	24.19	40	1,119	27.98
40-49.99	66	2,780	42.12	13	540	41.54
50-59.99	19	1,009	53.11	3	157	52.48
60-69.99	22	1,407	63.95	6	389	64.89
70-79.99	8	617	77.09	2	151	75.35
80-89.99	13	1,060	81.56	3	246	82.13
90-99.99	6	569	94.83	3	284	94.72
100-124.99	16	1,860	116.25	2	223	111.49
125-149.99	4	551	137.71	1	132	132.20
150-639.99	28	6,630	236.79	0	0	0.00
Subtotal AG-I	2,651	41,654 ac		254	4,786 ac	
AG-II						
0-19.99	861	4,775	5.55	198	1,769	8.94
20-39.99	297	8,919	30.03	168	5,179	30.83
40-49.99	148	6,351	42.91	96	4,146	43.19
50-59.99	72	3,906	54.25	50	2,710	54.20
60-69.99	76	4,926	64.81	58	3,748	64.62
70-79.99	103	7,796	75.69	77	5,821	75.60
80-89.99	77	6,410	83.25	57	4,749	83.31
90-99.99	56	5,348	95.50	41	3,924	95.70
100-124.99	343	37,096	108.15	315	34,063	108.14
125-149.99	121	16,651	137.61	102	14,001	137.26
150-174.99	165	26,314	159.48	128	20,381	159.23
175-199.99	63	11,847	188.04	53	9,968	188.08
200-224.99	64	13,417	209.64	58	12,164	209.73
225-249.99	47	11,241	239.17	36	8,638	239.95
250-274.99	49	12,813	261.50	39	10,163	260.59
275-299.99	32	9,189	287.17	27	7,760	287.41
300-319.99	39	12,127	310.94	33	10,276	311.38
320-639.99	355	162,084	456.57	306	139,428	455.65
640-10,518	149	255,902	1,717.46	137	244,015	1,781.13
Subtotal AG-II	3,117	617,112 ac		1,919	542,903 ac	
TOTAL – AG I/II	5,768	658,766 ac³		2,173	547,689 ac	

Source: County Assessor's and Planning & Development Department data

The Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones is the set of rules by which the County administers its Agricultural Preserve Program. The Agricultural Preserve Advisory Committee (APAC) is responsible for administering, monitoring and enforcing the County's program. By ensuring consistency with the Uniform Rules, land enrolled in the program is prevented from being readily converted to non-agricultural or urban uses.⁴ These rules also limit the amount of non-agricultural development that is possible on a lot under contract.

Agricultural Preserve contracts may cover more than one lot as long as the ownership of each contracted lot is the same. The number of lots in separate Agricultural Preserve contracts varies from one to 29. The combining of two or more lots into one contract or farming operation is consistent with the input received from Agricultural Advisory Committee members familiar with agricultural practices in Santa Barbara County. The AAC members indicated that owners tend to farm or graze more than one lot and they do not have duplicate facilities on each lot they own or control. Also, those who grow more intensely farmed crops (e.g., strawberries and broccoli) indicated that equipment is often stored off site and large storage facilities are not needed by every farmer.

Each Agricultural Preserve contract covers a "rolling" ten-year time period. Outright cancellation of contracts is very rare due to the strict findings required by state law in order to cancel contracts. Non-renewals do occur on an annual basis. Once non-renewal has been initiated, the land remains under contract for 10 more years. After that period, the tax and other advantages afforded such properties are no longer applicable.⁵

6.0 PROJECT INFORMATION AND ANALYSIS

Several amendments to existing permit procedures are proposed to simplify the review process for small agricultural projects in AG-I and AG-II Zones (see Figure 1). Each of the proposed amendments is discussed below and summarized in Table 3. The proposed ordinance amendment language is provided in Attachment C.

It is important to note that projects in agricultural zones that presently require discretionary review (e.g., Conditional Use Permit or Development Plan) would continue to require that review regardless of the proposed revisions. These projects include:

- Wineries
- Intensive agricultural processing and processing of products grown off-site
- Greenhouses and greenhouse related development that are 20,000 square feet or more in area, and all additions to greenhouses and greenhouses related developments that when added to existing development total 20,000 square feet or more.
- Aquaculture
- Recreational development
- Guest ranch or hostel
- Schools, Churches and Meeting Facilities

Architectural review would still be required if the proposed project were located in a Design Overlay Zone or in an area subject to the Ridgeline/Hillside Development Guidelines. Discretionary review may also be required pursuant to a previous condition of approval of a Conditional Use Permit,

⁴ A summary of the relevant Uniform Rules is provided in Attachment B of the Final Negative Declaration.

⁵ Data about non-renewals between 2005 and June 2009 is presented in Attachment C of the Final Negative Declaration. Generally, the reasons for non-renewals include multiple owners rather than one owner, no agricultural production or other non-conformity, lots too small or for estate planning or personal reasons

Development Plan or other discretionary approval (e.g., Parcel or Final Map).

6.1 Agricultural accessory structures (AG-II Zone only)

Description

This proposal is to shift the permit requirement from a Land Use Permit (LUP) to a Zoning Clearance for agricultural structures having a floor area of less than 3,000 sq. ft. when the following standards are met:

- The Director determines that the use of the structure is accessory to the overall agricultural use of the property and would not impact the viability of the on-site agricultural production.
- Utilities are limited to electricity and water.
- The structure is not located within 1,000 feet of a public road or public use area (e.g., public park or hiking trail) unless it can be demonstrated that the structure would not be visible from the public road or area.

Discussion

Agricultural structures up to 3,000 sq. ft. (without utilities) do not require a Building Permit. However, the same size structure currently requires the approval of a LUP. The proposed shift from a LUP to a Zoning Clearance for small agricultural accessory structures would match the Building Code exemption for these structures. A Zoning Clearance has the same application requirements and staff analysis as a LUP (including a determination that the project is consistent with the Comprehensive Plan and complies with all zoning requirements) although public notice is not required and an appeal may not be filed. If a proposed agricultural accessory structure exceeds 3,000 sq. ft. in size, or cannot comply with the standards listed above, it would be reviewed through a LUP application. Review by one of the regional Boards of Architectural Review (BAR) would be required if otherwise subject to design review (e.g., the Ridgeline/Hillside Development Guidelines apply or if located in a Design Overlay Zone).

Input from the AAC indicated that these types of small structures are typically used for storage and are integral to cattle ranching and farming operations. The AAC also indicated that they tend to be located near agricultural operations as that is most efficient. Concerns expressed during environmental review related to controls on the uses of these accessory buildings and their potential visual impact. The proposed change would only apply to small structures in AG-II Zones and not in AG-I areas such as the Santa Ynez Valley. A staff determination would be required that the use is accessory to agricultural use of the property and a limitation on utilities is proposed to forestall the conversion of such structures to unpermitted dwelling units. Finally, a development standard is proposed that would ensure that those buildings that are highly visible from a public road or place would still be noticed and subject to appeal. There is no record of any of these small buildings being appealed.

Staff Recommendation

Given the proposed development standards that address concerns about inappropriate uses and visual impacts, shifting the permit requirement for small agricultural accessory structures from a LUP to a Zoning Clearance is appropriate.

6.2 Entrance gate posts, cross-members and livestock loading ramps (AG-II Zone only)

Description

This proposal would shift the permit requirement from a LUP to an exemption for entrance gate posts and cross members, and livestock loading ramps, subject to the following standards:

- The entrance gate is located at the primary access to the lot that it is accessory to.

- The gate posts and cross members do not exceed 18 feet in height to the top of the structure.
- The footprint of each gatepost does not exceed two feet in any direction.
- The cross member does not exceed two feet in height and six inches in thickness.
- There is no lighting associated with the entrance gate, gate posts and cross-member.

Livestock loading ramps do not exceed 10 feet in height to the top of the structure (excluding railings) and 42 inches in width.

Discussion

Entrance gate posts currently require a LUP if over eight feet in height. AAC members were interested in allowing small scale gate posts and cross members at the entrance to ranches and farms without requiring a LUP. The proposed amendments would allow gate posts including a cross-member up to 18 feet in height to be exempt from a LUP requirement. This height is sufficient to allow large trucks to pass through as well as allowing a sign to hang from or be attached to the cross member. The amendment would also allow livestock loading ramps that meet the height and width standards to be exempt from a LUP requirement. If the entrance gate post, cross-member and livestock loading ramps exceed these standards, they could still be permitted with a LUP. There were not any environmental issues raised about this proposal.

Staff Recommendation

The development standards proposed would ensure that the gate posts, cross members and/or livestock loading ramps would be small in scale and would not have any lighting. They would only be allowed with an exemption in AG-II zones. There is no record of any gates being appealed and shifting from a LUP to an exemption is appropriate given the restrictions proposed.

6.3 Farm employee housing for up to four employees (AG-I and AG-II Zones)

Description

This proposal would shift the permit requirement from a Minor Conditional Use Permit (MCUP) to a LUP for projects housing up to a maximum of four agricultural employees subject to the following standards:

- Employees must work full time onsite (AG-I zone existing requirement); the majority of the time onsite and the remainder on a nearby agricultural property (AG-II zone revised requirement).
- Documentation is submitted by the applicant demonstrating that occupancy requirements are met in terms of nature of employment, number of employees housed, etc. (Existing requirement)
- A Notice to Property Owners (NTPO) is recorded by the owner against the property that notifies future owners of employment, occupancy and other requirements of the approval. (Existing requirement)
- Siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations. (New requirement).

Discussion

When an employer proposes to provide housing for up to four farm employees (and their families), approval of a MCUP by the Zoning Administrator in a noticed public hearing is required for the unit(s). Between 2007 and the end of 2009 (3 years), there were a total of 16 applications approved for a total of 18 farm employee units. Of these, eight were new units and ten were either renewals or validation of existing units (see Attachment D to Negative Declaration for data).

The MCUP requirement can serve as a deterrent to providing employee housing. In lieu of requiring a MCUP, this proposal would allow housing for up to four agricultural employees with the approval of a LUP provided the project complies with the standards shown above. Staff analysis to ensure conformance with County plans and policies and public notice would still be required. The LUP would be noticed and an appeal of the decision could be filed. There have not been any appeals of Farm Employee Dwelling approvals in the last two years.

One comment letter received on the Draft Negative Declaration expressed concern about the lack of guarantee that residents of these units are truly farm employees. Staff proposes to tighten administrative procedures relating to validation of employment to ensure that the new dwellings are actually for farm employees as intended.

Staff Recommendation

The submittal requirements, public notice, and staff analysis for a Land Use Permit and a Minor Conditional Use Permit are the same. Both can be appealed. The difference between the two is the amount of staff time required to write a Zoning Administrator staff report and time spent at a public hearing. The new finding relating to protecting agriculture, in addition to existing findings, ensure that new farm employee dwellings will be compatible and appropriate.

6.4 Detached Residential Second Units (AG-I-5, -10 & -20 Zones only)

Description

The proposal would shift the permit requirement for a detached Residential Second Unit from a MCUP to a LUP in certain AG-I zones subject to the following standards:

- The floor area of the unit does not exceed 1,200 square feet. (Existing requirement)
- The height of the unit does not exceed 16 feet. (Existing requirement)
- An additional parking space is provided for each bedroom. (Existing requirement)
- Siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations. (Revised requirement)

Discussion

Residential Second Units (RSUs) on agriculturally zoned land are only allowed in the AG-I-5, -10 and -20 zones. An attached RSU is allowed in these AG-I zones with a LUP and a detached RSU requires a MCUP. Between 2007 and 2000, a total of 27 applications for DRSUs were approved (see Attachment E of the Negative Declaration). Of these, 15 were new units, 12 were conversions of existing structures or validation of existing DRSUs.

The proposal would change the permit requirements for DRSUs from a MCUP to a LUP in the AG-I-5, -10, and -20 Zones, making the permit requirement the same for attached or detached units.⁶ The 1,200 sq. ft. maximum size and 16 foot height limitation would apply and the existing special findings required to approve a MCUP for a DRSU in an agricultural zone would apply to the LUP approval. A revised development standard regarding avoidance or minimization of impacts to agricultural and biological resources is also proposed as follows:

- (1) The development of a detached residential second unit in agricultural zone shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:

⁶ While not a part of this proposed ordinance amendment, the Agricultural Advisory Committee has voted to ask the Board of Supervisors to initiate an amendment that would also allow DRSUs in the AG-I-40 and all AG-II zones.

- (a) ~~Avoiding prime soils or where there are no prime soils be sited so as to~~ Siting structures so as to minimize impacts to ~~ongoing agriculturally related activities~~ productive agricultural land, prime soils, and adjacent agricultural operations.

This revised development standard is intended to better protect productive agricultural land, prime soils and adjacent agricultural operations which was a concern expressed during the environmental review process. There have not been any appeals of DRSU approvals in the last two years.

No change is proposed to the LUP requirement for attached RSUs.

Staff Recommendation

As discussed under Farm Employee Dwellings above, the submittal requirements, public notice, and staff analysis for a Land Use Permit and a Minor Conditional Use Permit are the same and both can be appealed. With the revision to the finding about protection of agriculture, shifting from a MCUP to LUP is appropriate and recommended.

6.5 Change to development plan requirement (AG-II Zone only)

Description

Currently, a Development Plan approved by the Planning Commission is required for any new building(s) (that don't otherwise require a Conditional Use Permit or Development Plan) once the cumulative building area on a lot exceeds 20,000 sq. ft., regardless of zoning or the size of the lot. In the AG-II Zone, there are many properties that exceed 1,000 acres in size and the same 20,000 sq. ft. threshold applies. Once the 20,000 sq. ft. threshold has been reached, all subsequent new structures require approval by the Planning Commission. Table 3 shows the proposed Development Plan thresholds for agricultural development on AG-II zoned properties based on lot size.

**Table 3
 Proposed Development Plan Thresholds – AG-II Zone only**

Lot Size (acres)	Threshold (sq. ft.)
Less than 40	20,000
40 to less than 100	25,000
100 to less than 200	30,000
200 to less than 320	40,000
320 or more	50,000

Additionally, if total onsite non-agricultural building area (primary residence, garages, pool houses, etc.) exceeds 10,000 sq. ft., the proposed amendment includes a requirement that any additional non-agricultural area would require a Development Plan. If a single agricultural building exceeds 20,000 sq. ft. the current requirement for approval of a Development Plan would still apply. Projects that are less than these thresholds would require a LUP or other approval depending on the use. Dwellings that are restricted to housing agricultural employees are considered agricultural buildings.

The proposed change in threshold would not apply to AG-I zoned properties.

Discussion

This recommendation is the most controversial aspect of the proposed amendments. Virtually everyone agrees that having the same Development Plan threshold for a 6,000 sq. ft. residential lot and a 10,000 acre agriculturally-zoned lot is not reasonable and having a graduated scale where larger lots have a higher threshold makes sense. However, opinions vary on just what those thresholds should be.

“Typical” Agricultural Operations and Associated Structures - Based on input from Agricultural Advisory Committee members, Agricultural Planning staff and planning files, the information below provides an overview of some typical farm and ranch operations in Santa Barbara County that assisted staff in its recommended thresholds for processing a Development Plan:

Example #1 – 3,000 acre cattle grazing operation in Figueroa Mountain area

- Hay barn – Approximately 20,000 sq. ft.
- Work shop – Approximately 1,500 sq. ft.
- Equipment storage – Approximately 5,000 sq. ft.
- Residences – 3,500 sq. ft.
- Total – Approximately 30,000 sq. ft. of structures

Example #2 – 1,100 acre cattle grazing in Happy Canyon area

- Residences – Primary residence is 6,500 sq. ft. and two others of 1,000 and 1,500 sq. ft.
- Two barns – Approximately 2,500 and 6,000 sq. ft.
- Garage/shops – Approximately 4,500 sq. ft.
- Equipment shed – Approximately 2,000 sq. ft.
- Miscellaneous – 5,000 sq. ft. (grain storage, chickens, etc.)
- Total – Approximately 30,000 sq. ft. of structures

Example #3 – 2,000 acre cattle grazing and irrigated avocados and lemons in Gaviota area

- Residences – Single family residence
- Agricultural structures including barns and four farm employee dwellings
- Total – Approximately 26,000 sq. ft. of structures

Example #4 – 60 acre horse farm and walnut orchard in Buellton area

- Residences – Existing 6,000 sq. ft. primary residence and agricultural unit
- Agricultural buildings – Approximately 14,000 sq. ft.
- Horse arena – New 20,000 sq. ft. covered arena proposed
- Total – Approximately 40,000 sq. ft. of structures

While these examples reflect a range of existing development on AG-II zoned lots, projects that have been submitted for Development Plan approval in the last ten years (see Attachment F of the Negative Declaration) are also illustrative of the types of uses and structures in AG-II areas:

- New 36,500 sq. ft. roof over existing arena on 943 acre lot with existing buildings of 20,000 sq. ft. on AG-II lot (total of 56,500 sq. ft.).
- New 11,600 sq. ft. round pen and barn on 101 acre lot with 21,000 sq. ft. existing development on AG-II lot (total of 22,600 sq. ft.).
- New development of 55,000 sq. ft. including main residence and 9,900 sq. ft. horse barn and 8,700 sq. ft. main residence with existing development of 20,000 sq. ft. on 4,800 acre lot zoned AG-II. (total of about 75,000 sq. ft.).
- New 20,000 sq. ft. covered horse arena on a 63 acre lot with 21,000 sq. ft. of existing buildings in the AG-II Zone.
- New 9,800 sq. ft. barn and 5,900 sq. ft. packing house on a 277 acre lot with 15,000 sq. ft. of existing buildings in the AG-II-100 Zone.

The initial recommendation to change to the Development Plan threshold would have established a threshold of 100,000 sq. ft. for the largest lots. Subsequent research about typical projects and review of the 10-year Development Plan history above, as well as comments received on the Negative Declaration issued in May 2009, resulted in reconsideration of the proposed Development Plan thresholds. After significant consultation with stakeholders and interested parties, staff is recommending revised thresholds capping at 50,000 sq. ft. This maximum threshold meets the Board’s direction to make the process simpler for typical agricultural projects and provides for appropriate discretionary review of larger projects.

Agricultural Preserves – One consideration in analyzing the proposed change in Development Plan threshold is that a large percentage of AG-II lots and acreage are in Agricultural Preserves. Table 2 in Section 5.2 describes the limitations of properties that are subject to Agricultural Preserve contracts.

- 1,919 of 3,117 or 62% of all AG-II lots are in Agricultural Preserves
- 542,903 of 617,112 acres or 88% of all land zoned AG-II is in Agricultural Preserves
- Of the 504 lots of 320 acres or more that are proposed to have the new Development Plan threshold of 50,000 sq. ft., 443 or 88% are in Agricultural Preserves.
- 92% of the acreage in AG-II zoned lots of 320-acres or more is in Agricultural Preserves.

Figure 2 in the Negative Declaration shows the location of AG-II zoned lots in the County that are 320 acres and greater. Table 4 below shows the primary uses on those lots with about 75 percent being used primarily for pasture and cattle grazing. Based on the examples given at the beginning of this section and input received, the buildings associated with pasture and grazing are not excessive in size.

Table 4
Agricultural Uses on AG-II Zoned Lots of 320 Acres & Greater In Size

Agricultural Use	Total Lots	# in Ag. Preserves	% in Ag. Preserves
Pasture & grazing	367	299	81.5%
Irrigated crops & orchards	61	49	80.4%
Other – Oil & minerals, parks & beaches, colleges, warehouse, vacant & dairy (subject to discretionary process)	13	1 (Dairy)	7.8%

Source: County Assessor’s data and P&D records

Note: Does not include lots that are owned by the Federal government and those that are in vineyards which are subject to discretionary approval.

Agricultural Preserve data indicates that often two or more lots are combined into one Agricultural Preserve contract or farming operation. The Agricultural Advisory Committee members familiar with agricultural practices in Santa Barbara County indicated that owners tend to farm or graze more than one lot and they do not have duplicate facilities on each lot they own or control. Also, those who grow more intensely farmed crops (e.g., strawberries and broccoli) indicated that equipment is often shared and large storage facilities are not needed by every farmer. Based on this input and the Development Plan permit history, the number additional structures that might be proposed with the change in Development Plan threshold is not expected to be considerable.

Appeals of types of projects proposed for revised process - Very few agricultural projects are appealed to the Planning Commission or Board of Supervisors. Between 2007 and 2009, only the following three appeals of agricultural structures/uses were filed:

- Hunsicker (08APL-00029) – Grading for horse arena in Santa Ynez area in AG-I-5 zone.

- El Encinal (08APL-00010) – As-built 1,955 sq. ft. hay barn and access on lot in Los Alamos area in AG-II-100 zone (in Agricultural Preserve)

Where appeals were filed, there tended to be an access, drainage or other issue that already existed and was resolved through the appeal process.

Staff Recommendation

A lot of time and effort has been invested in discussing what the appropriate new Development Plan thresholds should be for larger AG-II zoned lots. The initial (May 2009) maximum threshold was proposed at 100,000 sq. ft., which has since been reduced to 50,000 sq. ft. due to concerns regarding the amount of development that might occur and its potential effects on agriculture in particular. Raising the threshold for larger lots will allow for additional development to occur without requiring a Development Plan. Most new structures will require a Land Use Permit which is still subject to review for conformity with the policies of the Comprehensive Plan including agriculture, aesthetics and biology. All Land Use Permits are noticed by mail to the surrounding property owners and a visible notice is posted. The decision to approve a Land Use Permit is subject to appeal to the Planning Commission. Staff believes that the proposed change in Development Plan thresholds is a modest and reasonable step toward the Board's goal of "streamlining the process for typical agricultural activities and projects" and recommends that the new thresholds be implemented.

6.6 Summary of proposed ordinance amendments

Table 5 summarizes the current and proposed permit requirements and development standards discussed in this report.

7.0 ENVIRONMENTAL REVIEW

A Draft Initial Study and Negative Declaration was prepared for these agriculture-related amendments and released for public review on May 13, 2009. Comments received during the public comment period raised issues relating primarily to potential impacts to aesthetics, agriculture, biological resources, traffic issues and the potential for growth inducement. Based on these comments and further analysis of the initial recommendations, the proposed amendments were revised as reflected in the attached Proposed Final Negative Declaration (see Attachment B). The major changes between the May 2009 proposal and the current recommendations include:

- Requiring a Land Use Permit for new agricultural accessory structures located within 1,000 feet of any public road or public use area unless determined to not be visible from the road;
- Restricting the exemption for certain gates, cross-members and livestock loading ramps to the AG-II zone;
- Restricting the increased thresholds for requiring a Development Plan to the AG-II zone and reducing the maximum threshold for requiring a Development Plan from 100,000 sq. ft. to 50,000 sq. ft.;
- Adding a new DP threshold of 10,000 sq. ft. for non-residential building area on an AG-II lot;
- Adding a new agricultural compatibility findings for proposed farm employee dwellings (up to four employees) and revising the existing finding for Detached Residential Second Units; and
- Deleting the proposed exemption from permits for new primary single family homes of up to 3,500 sq. ft.

On December 10, 2009, a Revised Draft Negative Declaration was released for public review based on the five recommendations summarized in Table 5. Five comments letters were received raising issues related primarily to the appropriateness of the proposed Development Plan thresholds, and impacts on aesthetics, agriculture and biological resources, each of which is discussed below.

Table 5
Summary of Recommended Changes to Agricultural Permits and Processes

Type of Structure	Current permit	Proposed permit	Considerations/Issues
Agricultural Accessory Structure (AG-II Zone only)	Land Use Permit (LUP)	Zoning Clearance (ZC)	a. Size limitation of up to 3,000 sq. ft. for agriculture-related uses; otherwise LUP is required b. Demonstrate accessory to agricultural use onsite & won't affect agricultural viability c. Limited plumbing & electrical (w/ required permits) d. LUP required if w/in 1,000 feet of public road or area & visible; Zoning Clearance if demonstrated not visible
Entrance gate posts, cross-members & livestock loading ramps (AG-II Zone only)	LUP	Exempt	a. Exempt if no lighting, maximum height does not exceed 18 feet, footprint of each gate post does not exceed two feet, and the cross member does not exceed two feet in height and six inches in thickness b. Exempt if livestock loading ramp height does not exceed 10 feet (excluding railings) and width does not exceed 42 inches.
Housing for up to 4 farm employees & their families (AG-I & AG-II Zones)	Minor Conditional Use Permit (MCUP)	LUP	a. Employees must work onsite b. Documentation of employment & Notice to Property Owners required. c. Add new finding that siting of structure so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
Detached residential second units (DRSUs) (AG-I-5, -10 & -20 Zones only)	MCUP	LUP	a. 1,200 sq. ft. size and 16' height limit restrictions retained b. Change development standard to read: "...shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by: (a) Avoiding prime soils or where there are no prime soils be sited so as to <u>Siting structure so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.</u>

<p>Development Plan Threshold changes (AG-II Zone only)</p>	<p>Development Plan (if cumulative building area exceeds 20,000 sq. ft.)</p>	<p>Threshold up to 50,000 sq. ft. based on lot size</p>	<p>a. See Table 3 for proposed new thresholds based on zoning & lot size b. If non-agricultural building area onsite (primary residence, garages, etc.) exceeds 10,000 sq. ft., additional non-agricultural square footage would require a Development Plan. c. Single agricultural buildings exceeding 20,000 sq. ft. would require a Development Plan.</p>
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Proposed Development Plan thresholds – There were two issues raised in the public comments on the Negative Declaration: First, some commented that the proposed maximum threshold of 50,000 sq. ft. is too high and others felt it was too low; and second, some raised concerns about the new proposed threshold of 10,000 sq. ft. for non-agricultural structures. As discussed above under the Development Plan threshold (Section 6.5), staff believes the thresholds proposed for AG-II lots, with a maximum of 50,000 sq. ft. for lots of 320-acres and more, are appropriate.

Two reviewers raised questions about the proposed new threshold of 10,000 sq. ft. for non-agricultural buildings. Currently, regardless of zoning or lot size, a single new structure of 19,999 sq. ft. could be proposed on a vacant lot with only the approval of a Land Use Permit. As the purpose of these amendments is to promote agricultural uses and not large residential structures on agriculturally-zoned lots, the amendment includes a new threshold to limit the size of non-agricultural structures to 10,000 sq. ft. without the approval of a Development Plan.

Concern was expressed about single large agricultural buildings (e.g., barns, horse arenas, etc.) that could be 19,999 sq. ft. without requiring a Development Plan. Currently, if a lot were vacant an owner could propose a building of that size with only a Land Use Permit and that is not proposed to change.

Visual impacts along public roads – The County’s policy and ordinance standards require that development within 2,000 feet of designated Scenic Highways (e.g., portions of Highway 1 and all of Highway 154), development in Design Overlay zones and those subject to the Ridgeline/Hillside Development Guidelines be reviewed by the Board of Architectural Review (BAR) to ensure visual impacts will not occur. Some agricultural projects discussed in this report may occur near other public roads where BAR review is not required. Staff researched the possibility of using topography to identify those areas where review would be necessary to address visual concerns but that was found to be unwieldy and impractical. A far simpler approach is to require that any new agricultural accessory building that is visible and within 1,000 feet from a public road (half the Scenic Highway review standard) require a Land Use Permit (LUP) that is subject to public notice and the potential for an appeal. If the structure is not visible, a Zoning Clearance would be required in lieu of an LUP. The other proposals discussed in this report involve shifts from one level of review to another (e.g., Minor Conditional Use Permit to LUP), and review of potential visual impacts and consistency with County visual policies would be addressed in either case. The only exception is the proposed shift to an exemption for new gates, cross-members and livestock loading ramps. Stringent development standards are proposed to ensure that these would be modest structures and not raise visual issues.

Agricultural accessory buildings – Concern was expressed that exempting agricultural accessory buildings of up to 3,000 sq. ft. could result in some buildings that actually serve other uses than agriculture. Language was suggested by one reviewer to ensure that the newly proposed structure is truly accessory to agriculture. Staff reviewed the proposed language relative to the proposed development standard and concluded that additional language was not necessary and would be redundant.

Protection of Biologically Sensitive Resources - Concern was expressed that biologically sensitive resources might be impacted by agricultural development. Review of the applications filed for Farm Employee Dwellings, DRSUs and Development Plans indicated that most new structures were constructed in close proximity to existing structures, primarily as is practical, less expensive and retains the most land for production. A great majority of lots and acreage in the AG-II zone, in particular, is in Agricultural Preserves and the rules and regulations governing those limits where new construction can occur.

Any new agricultural accessory building, Farm Employee Dwelling, DRSU or project requiring a Development Plan would require a finding of conformance with the Comprehensive Plan, including resource protection policies such as Hillside and Watershed Protection Policy 2 of the Land Use Element:

All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

The Conservation Element and Environmental Resources Management Element provide guidance to protect biological resources, as do the policies and regulations of state and federal agencies such as the California Fish and Game and US Fish and Wildlife Service.

8.0 POLICY CONSISTENCY

Adoption of the proposed ordinance amendment will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and applicable community and area plans. Except for the proposed revision to shift the required permit for entrance gates and livestock loading ramps from a Land Use Permit (LUP) to an Exemption, all other revisions would still require the approval of either a LUP or Zoning Clearance. Prior to the approval of an application for a LUP or Zoning Clearance, the proposed project must be found to be consistent with the Comprehensive Plan and any applicable community or area plans.

The following discussion also demonstrates how the proposed ordinance revisions are consistent with specific policies of the Comprehensive Plan and applicable community/ area plans

Agriculture Policies

There are several Agricultural Element goals and policies that relate to the proposed ordinance amendments. As discussed above, the County also has policies relating to preserving and promoting agriculture on lots in Agricultural Preserves which comprise most of the AG-II zoned lots affected by the amendments.

- **Land Use Element – Agricultural Goal** – *In rural areas, cultivated agriculture shall be preserve and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.*
- **Agricultural Element Goal I** – *Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow (taking into account environmental impacts) expansion and intensification shall be supported.*
- **Agricultural Element Policy I.C.** - *To increase agricultural productivity, the County shall*

encourage land improvement programs.

- *Agricultural Improvement - Agricultural activities or structures on agriculturally designated land which are not subject to building, grading, or brush-clearing permits. These activities and structures may be subject to special agricultural building, agricultural grading, or special agricultural brush-clearing permits.*

Consistent –The proposed ordinance amendments are intended to promote agricultural operations and viability, consistent with the agricultural goals cited above.

Santa Ynez Community Plan

- ***GOAL LUG-SYV:*** *Maintain the Santa Ynez Valley's rural character and agricultural tradition while accommodating some well-planned growth within township boundaries that is compatible with surrounding uses.*
- ***Policy LUA-SYV-2:*** *Land designated for agriculture within the Santa Ynez Valley shall be preserved and protected for agricultural use.*
- ***Policy LUA-SYV-3:*** *New development shall be compatible with adjacent agricultural lands.*
- ***Policy VIS-SYV-1:*** *Development of property should minimize impacts to open space views as seen from public roads and viewpoints and avoid destruction of significant visual resources.*
- ***Design Overlay*** – *Certain key locations in the Valley are proposed to have the Design Overlay Zone added to require review by the Central BAR to help to preserve the rural character and beauty of the area. These areas include the Township Gateways, Valley Gateways (adjacent to Highways 101, 154 and 246), and Community Separators (e.g., between Buellton and Solvang).*

Consistent – Most of the recommendations discussed in this report relate to AG-II zoned land and there is little AG-II in the Santa Ynez Valley. Those types of projects that might be facilitated by these recommendations would be reviewed for consistency with the Santa Ynez Community Plan and revised to be consistent, if necessary. The proposed ordinance amendments are consistent with these policies.

Visual Policies

- **Visual Resource Policy #2** - In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.
- **Board of Architectural Review (BAR) approval required** - The County requires that development within 2,000 feet of designated Scenic Highways (e.g., portions of Highway 1 and all of 154), development in Design Overlay zones and those subject to the Ridgeline/Hillside Development Guidelines be reviewed by the Board of Architectural Review to ensure visual impacts will not occur.

Consistent – Adoption of the proposed amendments will not result in any inconsistencies with visual policies. New agricultural accessory structures, Farm Employee Dwellings, DRSUs and projects requiring Development Plans will be evaluated against visual policies for conformance. Where BAR approval is required, as discussed above, consistency with visual policies is ensured. Also, the requirement for Land Use Permit approval for new agricultural accessory buildings

within 1,000 feet of a public road or area will ensure compatibility with visual policies. The development standards for new (exempt) gates, cross-members and livestock loading areas will ensure visual compatibility. The proposed ordinance amendments are consistent with these policies.

Biological Resources Policies

There are numerous County policies relating to protection of biological resources. These include the Hillside and Watershed Protection Policy 2 of the Land Use Element that states, in part, that “All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and ... Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible.” The Conservation Element and Environmental Resources Management Element provide guidance to protect biological resources, as do the policies and regulations of state and federal agencies such as the California Fish and Game and US Fish and Wildlife Service.

Consistent – The Conservation Element provides guidance in terms of protection of biological resources in the County, including on agriculturally-zoned land. The Conclusions and Recommendations of that element (pages 152 – 156), along with environmental thresholds for projects that require environmental review, ensure that biological resources are protected. Moreover, the permit histories included as attachments to the Negative Declaration show that most new development has been either in existing developed areas or in previously disturbed areas. New agricultural development should be consistent with biological resources policies.

In conclusion, adoption of the proposed ordinance amendments will not result in any inconsistencies with the policies and development standards of the County’s Comprehensive Plan and applicable community and area plans. In order to approve any application, the proposal still must be found consistent with the Comprehensive Plan and any applicable community and area plans. Staff believes that the recommended ordinance amendments conform to the Comprehensive Plan, area plans and zoning ordinance.

9.0 ORDINANCE COMPLIANCE

The proposed ordinance amendment is consistent with the remaining portions of the County Land Use and Development Code that would not be revised by this amendment.

10.0 PROCEDURES

The Planning Commission may recommend approval, approval with revisions, or denial of staff’s recommendations for the proposed amendment to the County Land Use and Development Code.

11.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

12.0 ATTACHMENTS

- A. Findings
- B. Proposed Final Negative Declaration, 09NGD-00000-00007
- C. 09ORD-00000-00009