

Attachment A:

**Resolution Submitting Article II Coastal Zoning Ordinance Amendments to the
California Coastal Commission**

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RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF SUBMITTING TO THE)
CALIFORNIA COASTAL COMMISSION)
AMENDMENTS TO THE TEXT OF THE)
ARTICLE II COASTAL ZONING ORDINANCE, OF)
CHAPTER 35, ZONING, OF THE SANTA BARBARA)
COUNTY CODE, A PORTION OF THE SANTA)
BARBARA COUNTY LOCAL COASTAL PROGRAM,)
REGARDING AGRICULTURAL BUFFERS,)
COTTAGE FOOD OPERATIONS, AND PUBLIC)
UTILITY NATURAL GAS STORAGE.)

RESOLUTION NO: 13 - _____
CASE NO: 12ORD-00000-00013
CASE NO: 13ORD-00000-00004
CASE NO: 08ORD-00000-00018

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Land Use Plan; and
- B. On July 19, 1982, by Ordinance No. 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. On April 9, 2013, by Ordinance No. 4852, the Board of Supervisors, having found it to be in the interest of the general community welfare, consistent with the County's Comprehensive Plan, Coastal Land Use Plan, Coastal Zoning Ordinance and the requirements of State planning and zoning law, and consistent with good zoning and planning practices, amended the Local Coastal Program by adopting:

12ORD-00000-00013: Agricultural Buffers Ordinance Amendment, attached as Exhibit 1

An Ordinance (Case No. 12ORD-00000-00013), amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 2, Definitions, and Division 7, General Regulations, and by adding a new Appendix H, to implement new agricultural buffer regulations.

- D. On June 4, 2013, by Ordinance No. 4858, the Board of Supervisors, having found it to be in the interest of the general community welfare, consistent with the County's Comprehensive Plan, Coastal Land Use Plan, Coastal Zoning Ordinance and the requirements of State planning and zoning law, and consistent with good zoning and planning practices, amended the Local Coastal Program by adopting:

13ORD-00000-00004: Cottage Food Operations Ordinance Amendment, attached as Exhibit 2:

An Ordinance (Case No. 13ORD-00000-00004), amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 2,

Definitions and Division 7, General Regulations, to implement new regulations for home occupations that qualify as cottage food operations and specify that in-home retail sales are regulated as home occupations.

- E. On June 25, 2013, by Ordinance No. 4860, the Board of Supervisors, having found it to be in the interest of the general community welfare, consistent with the County's Comprehensive Plan, Coastal Land Use Plan, Coastal Zoning Ordinance and the requirements of State planning and zoning law, and consistent with good zoning and planning practices, amended the Local Coastal Program by adopting:

08ORD-00000-00018: Public Utility Natural Gas Storage Ordinance Amendment, attached as Exhibit 3:

An Ordinance (Case No. 08ORD-00000-00018), amending the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, by amending Division 4, Zoning Districts, to revise existing regulations regarding the use of Public Utility (PU) zoned property for public utility natural gas storage.

- F. **12ORD-00000-00013 (Agricultural Buffers Ordinance Amendment) & 13ORD-00000-00004 (Cottage Food Operations Ordinance Amendment):** Public officials and agencies, civic organizations, and citizens have been consulted with and have advised the County and the Montecito Planning Commissions on the proposed amendments in duly noticed public hearings pursuant to Section 65353 and Section 65854 of the Government Code, and the County and Montecito Planning Commissions have sent their written recommendations to the Board of Supervisors pursuant to Section 65354 and Section 65855 of the Government Code.

08ORD-00000-00018 (Public Utility Natural Gas Storage Ordinance Amendment): Public officials and agencies, civic organizations, and citizens have been consulted with and have advised the County Planning Commission on the proposed amendment in duly noticed public hearings pursuant to Section 65353 and Section 65854 of the Government Code, and the County Planning Commission has sent their written recommendation to the Board of Supervisors pursuant to Section 65354 and Section 65855 of the Government Code. This amendment was not reviewed by the Montecito Planning Commission as there is no property within the Montecito Community Plan Area that would be affected by the amendment.

- G. The Board of Supervisors has held duly noticed public hearings, as required by Section 65355 and Section 65856 of the Government Code, on the proposed amendment, at which hearings the amendments were explained and comments invited from the persons in attendance.
- H. These amendments to the Local Coastal Program are consistent with the provisions of the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, and the requirements of state planning and zoning laws as amended to this date.
- I. The Board of Supervisors now wishes to submit these amendments to the California Coastal Commission for certification.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.

2. Pursuant to the provisions of Section 65356 and Section 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes have been previously adopted as amendments to the Santa Barbara County Local Coastal Program.
3. The Board of Supervisors certifies that these amendments are intended to be carried out in a manner fully in conformity with said California Coastal Act.
4. The Board submits these Local Coastal Program amendments to the California Coastal Commission for review and certification.
5. The Chair and the Clerk of this Board are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this Resolution to reflect the above described action by the Board of Supervisors.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 9th day of July, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SALUD CARBAJAL, CHAIR
Board of Supervisors, County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By: _____
Deputy County Counsel

EXHIBITS:

1. Case No. 12ORD-00000-00013: Agricultural Buffers Ordinance Amendment
2. Case No. 13ORD-00000-00004: Cottage Food Operations Ordinance Amendment
3. Case No. 08ORD-00000-00018: Public Utility Natural Gas Storage

EXHIBIT 1:
Agricultural Buffers Ordinance Amendment
(Case No. 12ORD-00000-00013)

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EXHIBIT 1

ORDINANCE NO. 4853

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS AND ADD A NEW APPENDIX H TITLED “AGRICULTURAL BUFFER IMPLEMENTATION GUIDELINES”, TO IMPLEMENT A NEW AGRICULTURAL BUFFER REGULATION.

Case No. 12ORD-00000-00013

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to add the following definitions of “Buffer, Agricultural”, “ Production Agriculture”, “Rangeland or Pastureland”, “Sensitive Non-agricultural Uses” and “Small Lot” to read as follows:

Buffer, Agricultural. A designated width of land used to minimize potential land use conflicts between non-agricultural development/uses and adjacent agricultural uses. The following terms are defined for the purposes of Section 35-144M (Agricultural Buffers).

1. **Production Agriculture.** A commercial agricultural operation that excludes rangeland or pastureland operations. Production agriculture allows for a change of crop or fallow periods.
2. **Rangeland or Pastureland.**
 - a. 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.
 - b. 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 H) for details.
3. **Sensitive Non-agricultural Uses.** Child care facilities, educational facilities, medical facilities, schools, student dormitories, senior housing, and other similar uses.
4. **Small Lot.** A lot equal to or smaller than one-half acre that is located adjacent to an Urban Boundary Line as designated on the Comprehensive Plan maps.

SECTION 2:

DIVISION 7, GENERAL REGULATIONS, of the Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add Section 35-144M, titled “Agricultural Buffers” to read as follows:

35-144M – AGRICULTURAL BUFFERS

- A. **Purpose and intent.** The purpose of agricultural buffers is to implement adopted Coastal Land Use Plan policies that assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County through establishing development standards that provide for the creation of buffers between agricultural uses and new non-agricultural development and uses. The intent of agricultural buffers is to minimize potential conflicts between agricultural and adjacent land uses that result from

noise, dust, light, and odor incidental to normal agricultural operations as well as potential conflicts originating from residential and other non-agricultural uses (e.g., domestic pets, insect pests and invasive weeds).

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) Is subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

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

1. Single-family dwelling, residential second units and residential accessory structures.
2. Farm employee dwellings and farm labor camps.
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 that prior to an action by the decision-maker to approve an application in compliance with Subsections 35-172.11.1, 35-172.11.2, 35-174.10.1 and 35-174.10.2, the decision-maker shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project:
 - a. If the decision-maker cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
5. **Non-commercial agricultural uses.** An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
6. State and County roadway projects.
7. Lot line adjustments and modifications to 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 Subsection 35-134.A.3.a(3).

D. Agricultural buffer requirements. All applications subject to this Section shall designate and maintain an agricultural buffer on the project site in compliance with this Section.

1. **Agricultural buffer width.** The width of the agricultural buffer shall be in compliance with the range of agricultural buffer widths as shown in the following table (Range of Agricultural Buffer Widths). Ranges are provided because unique circumstances may require the buffer width to be

adjusted; however, the agricultural buffer width as adjusted shall neither be less than the minimum buffer width nor greater than the maximum buffer width shown in the following table (Range of Agricultural Buffer Widths). If the proposed project is located adjacent to a lot that contains both Production Agriculture and Rangeland or Pastureland, then the most protective buffer:

- a. Shall be applied adjacent to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is immediately adjacent; and
- b. May be applied to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is not immediately adjacent, if Production Agriculture is located on the adjacent lot within the distance, as measured from the common lot line, that is equal to the width of the required buffer that would otherwise be applicable to the project site.

Refer to Section II.C. (Agricultural Buffer Width Adjustment) of the Agricultural Buffer Implementation Guidelines (Appendix H) for guidance.

Range of Agricultural Buffer Widths

Project Land Use or Zoning	Project Location	Minimum Buffer Width (feet)	Maximum Buffer Width (feet)
Commercial or Industrial	Adjacent to production agriculture	100	300
	Adjacent to rangeland or pastureland	100	150
Residential, not located on a Small Lot located within an Urban Area	Adjacent to production agriculture	200	300
	Adjacent to rangeland or pastureland	100	150
Residential, located on a Small Lot located within an Urban Area	Adjacent to production agriculture	100	200
	Adjacent to rangeland or pastureland	100	150
Sensitive Non-agricultural Uses	Adjacent to production agriculture	300	400
	Adjacent to rangeland or pastureland	100	150

2. **Agricultural buffer location.** The agricultural buffer shall be located:
 - a. On the lot on which the non-agricultural project is proposed.
 - b. Adjacent to the common lot line between the project site and the adjacent agriculturally zoned lot.
3. **Agricultural buffer width measurement.** The agricultural buffer width shall be measured from the common lot line between the project site and the adjacent agriculturally zoned lot. The agricultural buffer shall be coterminous with the length of said common lot line.
4. **Agricultural buffer width adjustment.** The following factors shall be considered when determining the agricultural buffer width in compliance with Subsection D.1 (Agricultural buffer width), above. See the Agricultural Buffer Implementation Guidelines (Appendix H) for guidance in determining the appropriate agricultural buffer width.
 - a. **Site-specific factors.** The following factors shall be considered when determining the agricultural buffer width:
 - (1) Crop type/agricultural practices.
 - (2) Elevation differences and topography.

- (3) Extent and location of existing non-agricultural development.
 - (4) Location of existing roads or naturally occurring barriers.
 - (5) Historical land use on the agricultural lot.
 - (6) Future farming potential of the agricultural lot.
 - (7) Site design of the non-agricultural proposal.
 - (8) Non-agricultural lot size/configuration.
 - (9) Prevailing wind direction.
- b. Vegetative screening adjacent to production agriculture.** Vegetative screening may be used to offset an increase in the buffer width for projects adjacent to Production Agriculture, as it may be adjusted in compliance with Subsection D.4.a (Site-specific factors). See Subsection F.3 for vegetative screening criteria and the Agricultural Buffer Implementation Guidelines (Appendix H) for guidance.
- c. Constrained agricultural areas.** If the adjacent lot is used for production agriculture and contains land areas that are constrained by physical features or easements such that those land areas cannot be used for agriculture, then the agricultural buffer width may be reduced on the project site by an amount equal to the width of the constrained land area located on the adjacent agricultural lot, provided:
- (1) The physical feature is permanently part of the landscape (e.g., a protected riparian area, or rock out-cropping); and
 - (2) The physical feature or easement must preclude any kind of agricultural use and be located adjacent to the non-agricultural project site.
- 5. Coastal Land Use Plan consistency.** Where Coastal Land Use Plan policies and this Section both address agricultural buffer requirements, the most protective agricultural buffer requirement shall prevail.
- 6. Reasonable use.** This Section is not intended, and shall not be construed as authorizing the decision-maker acting in compliance with this Section to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States or under this Article.
- 7. Buffer recordation.**
- a. Notice to Property Owner required.** Prior to the approval of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) following the approval of a discretionary planning permit, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this Section. Said Notice shall include:
- (1) An exhibit showing the location of the agricultural buffer by metes and bounds description or surveyor's description.
 - (2) The uses that are allowed within the agricultural buffer in compliance with Section 35-144M.E (Allowable uses within agricultural buffers).
 - (3) The Landscape, Lighting and Irrigation Plan in compliance with Section 35-144M.F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements).
 - (4) The Maintenance Plan in compliance with Section 35-144M.G (Agricultural buffer

maintenance requirements).

- b. The requirement to record said Notice in compliance with this Subsection D.7 shall be included as a condition of approval of an application for a discretionary planning permit subject to this Section.

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.

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:

- 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 hedges exceeding three feet in height.
- d. 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.
 - g. Roads and transportation infrastructure.
3. **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. **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. 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.

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.
 - 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.
- 2. Landscaping, lighting and irrigation are not required within the agricultural buffer. However, if vegetation is included within the buffer, the plant palette shall meet the following requirements:
 - a. The plants shall be compatible with agriculture.
 - b. Shading of adjacent agricultural crops shall be minimized.
 - c. To the maximum extent feasible, the plants shall be fire resistant and drought- tolerant or low water use.
 - d. The plants shall not be considered noxious according to Section 4500 of the California Code of Regulations or considered invasive by the California Invasive Plant Council (Cal-IPC).
- 3. If a vegetative screen is used to offset an agricultural buffer width increase for production agriculture as described in Subsection D.4.b (Vegetative screening adjacent to production agriculture), the vegetative screen shall be consistent with the requirements in this Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements) and shall be in compliance with the following additional criteria:

- a. The vegetative screen shall consist of two staggered rows of vegetation consisting of a layered canopy with evergreen trees and shrubs with foliage extending from the base to the crown.
- b. The plants shall thoroughly screen the agricultural use from the non-agricultural use within five years from time of installation.
- c. The minimum height of trees at maturity shall be 15 feet.
- d. The vegetative screen shall be at least 25 feet deep.
4. The Landscape, Lighting and Irrigation Plan shall be compatible with the requirements in Subsection E (Allowable uses within agricultural buffers).
5. The applicant shall provide a signed and notarized agreement and a performance security acceptable to the Director that guarantees the installation of landscaping, lighting and irrigation and provides for the successful establishment of the agricultural buffer for a minimum of five years. The performance security shall be released upon approval by the Director.

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 Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirement).
 - f. Provide for the regular maintenance of the elements as described in Subsection F (Agricultural Buffer Landscape, Lighting and Irrigation Plan requirements).

H. Future conversion of adjacent agricultural land. If the underlying purpose for the agricultural buffer no longer exists, the decision-maker, upon application for permit revision in compliance with Division 11 (Permit Procedures), may remove agricultural buffer requirements originally required in compliance with this Section.

I. Findings. In addition to other findings that may be required, the decision-maker shall not approve or conditionally approve any application subject to the requirements of this Section for which an agricultural buffer is required unless it first makes all of the following findings:

1. The design and configuration of the agricultural buffer minimizes, to the maximum extent feasible, conflicts between the adjacent agricultural and non-agricultural uses which are the subject of the permit application.
2. The Landscape, Lighting, Irrigation and Maintenance Plans are compatible with the character of the adjacent agricultural land and the rural setting.

SECTION 3:

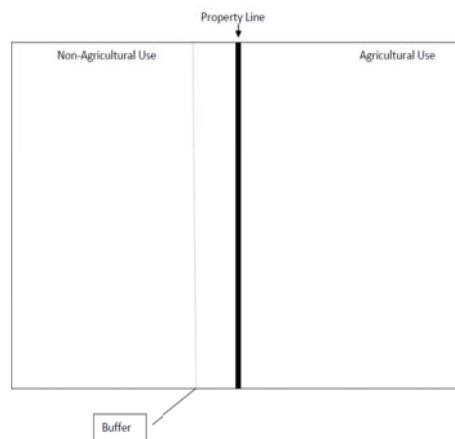
Article II Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Appendix H titled “Agricultural Buffer Implementation Guidelines” to read as follows:

Appendix H - Agricultural Buffer Implementation Guidelines

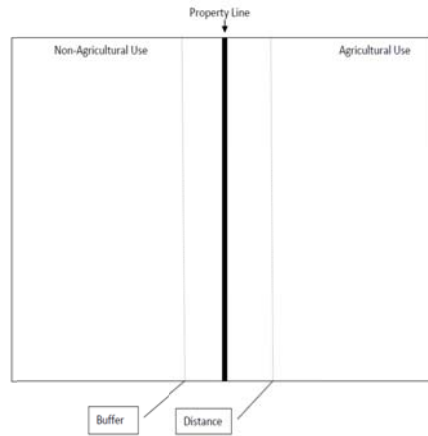
- I. Purpose and Intent.** The Agricultural Buffer Implementation Guidelines (Guidelines) are intended to assist planners and the decision-maker in implementing the requirements contained in Section 35-144M (Agricultural Buffers). Specifically, the guidelines assist with (1) determining buffer widths for a proposed project, (2) identifying locations of proposed development and land uses allowed within the agricultural buffer (3) clarifying the process and, (4) incorporating site design concepts that are compatible with agriculture.
- II. Agricultural Buffer Width Adjustment.** The Agricultural Buffer Width table in Section 35-144M.D (Agricultural Buffer Requirements) contains ranges for the buffer width. The minimum buffer width minimizes potential land use conflicts to a reasonable, typical level. However, ranges are provided because circumstances may require the buffer width to be adjusted.
 - A.** The following site specific factors may warrant an increase in the width of the required buffer:
 - 1. Crop type/agricultural practices.** Crop type influences agricultural practices. Rotational crops such as strawberries and vegetables require intensive farming practices that generate substantial amounts of dust, odors, noise and other irritants. Crops that utilize intensive farming practices may warrant an increase in the buffer.
 - 2. Elevation differences and topography.** Elevation differences and topographical features, such as a valley or hill, affect air flow and may separate agriculture and non-agricultural development and uses. Projects located on terrain that provides no natural separation between agricultural and non-agricultural development and uses may warrant an increase in the buffer width.
 - 3. Location of existing roads or naturally occurring barriers.** An increase in buffer width may be warranted if such features are absent or ineffective because of wind direction, terrain or other reasons.
 - 4. Historical land use on the agricultural lot.** The agricultural lot may currently be fallow, in between plantings, planted with a temporary crop (such as a cover crop) or may have supported crops in the past. Therefore, if the agricultural lot is not currently used for agriculture, a buffer may still be warranted if the lot was used for agriculture within the last 10 years. If the project applicant claims a buffer is not required due to existing lack of agriculture on the agriculturally zoned lot, the project applicant must prove the land was not used for agriculture within the last 10 years. The Planning and Development Department of Conservation's Important Farmland Maps and aerial imagery can provide historical agricultural use information.
 - 5. Future farming potential of the agricultural lot.** A buffer width increase may be warranted if the current agricultural use is rangeland/pastureland or not currently used for agriculture but the soils have the potential to support higher value crops and there is a source for agricultural water. For the purposes of these Guidelines, land has future farming potential if its predominant soil type has an irrigated land capability classification of Class I, Class II, Class III or Class IV as defined by the Natural Resource Conservation Service (NRCS) soil survey maps for Santa Barbara County. Land has limited farming potential if its predominant soil type has an irrigated land capability classification of Class VI, Class VII, or Class VIII. Santa Barbara County does not have Class V soils.
 - 6. Site design of the non-agricultural proposal.** Non-agricultural projects with site design features that contribute toward potential land use conflicts may warrant a buffer width increase. See Section V (Site Design) of these Guidelines for a discussion on site design.
 - 7. Prevailing wind direction.** Consider a buffer width increase if the prevailing wind blows from the agricultural lot toward the non-agricultural lot.
 - B.** If an increase in the width of the buffer is warranted based on site specific factors, the following

additional factors may offset a buffer width increase:

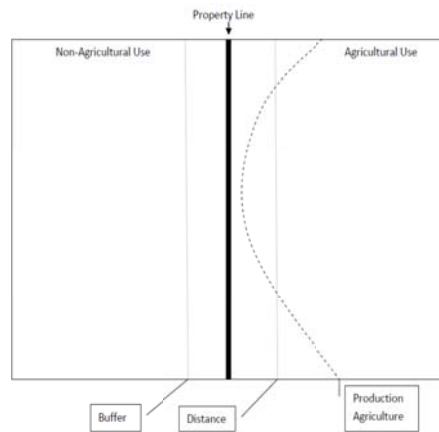
1. **Non-agricultural lot size and configuration.** If a lot cannot reasonably accommodate a buffer increase because of lot size or configuration, consider redesigning the project or applying the minimum buffer width. Refer to Section 35-144M.D.6 (Reasonable use) of this Article.
 2. **Extent and location of existing non-agricultural development.** An increase in buffer width may not be warranted if the project applicant can demonstrate that the agricultural lot has already been severely impacted by existing non-agricultural development and uses adjacent to the agricultural lot.
 3. **Vegetative screening adjacent to Production Agriculture.** In compliance with Section 35-144M.D.3.b of this Article, if the project is adjacent to production agriculture and site specific factors warrant a buffer width increase, vegetative screening may be used to offset an increase in the buffer width. For example, a commercial development proposed adjacent to production agriculture would require a minimum 100 foot buffer as per Section 35-144M.D.1 of this Article. The Planning and Development Department and Agricultural Commissioner's Office may recommend a buffer width increase due to site specific factors (e.g. increase an additional 50 feet or 100 feet). The Planning and Development Department and Agricultural Commissioner's Office may also recommend the use of a vegetative screen and reduce the buffer width increase. The vegetative screen may mitigate only a portion of the buffer width increase (e.g. offset 50 feet of a 100 feet buffer width increase).
- C. If the agricultural lot contains both Production Agriculture and Rangeland or Pastureland and the Production Agriculture is not immediately adjacent to common lot line between the project site and the adjacent agriculturally zoned lot where the Production Agriculture is located, Section 35-144M.D.1.b (Agricultural buffer width) of this Article describes how to determine the buffer width. The following steps and diagrams illustrate how to determine the buffer width for those scenarios.
- Step 1.** Determine the buffer width required for the proposed use for the adjacent Rangeland or Pastureland.



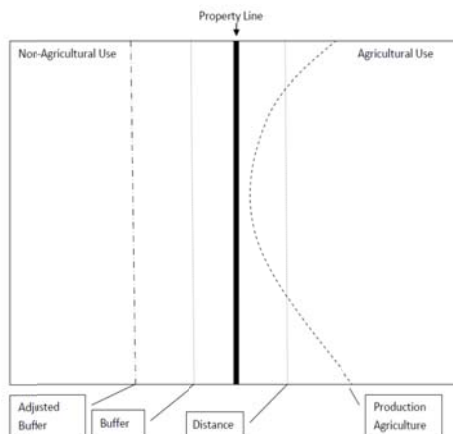
Step 2. Take the distance determined in Step 1 and apply it to the agricultural use side of the property line.



Step 3. Determine if the production agriculture is within the distance as determined in Step 2.



Step 4. If the Production Agriculture is within the distance as determined in Step 2, then the adjusted buffer is the buffer width that would be applied for Production Agriculture. For example, if the Agricultural Buffer width is 200 feet for the proposed use when adjacent to Production Agriculture, the adjusted buffer width would be 200 feet.



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 visitors, do not require

frequent maintenance, and do not attract wildlife. Uses that invite visitors or attract wildlife may conflict with agriculture and the location of such uses is restricted within the buffer.

- B. Restricted Use Modification.** The Planning and Development Department, in consultation with the Agricultural Commissioner's Office, may recommend that the decision-maker modify a restricted use within the agricultural buffer if it can be determined that strict compliance with Section 35-144M.E (Allowable uses within Agricultural Buffers) is not required to minimize conflicts with adjacent agriculture. To determine if the restricted use modification is warranted, the Planning and Development Department may consider site specific factors, agricultural practices and input from adjacent agricultural land owners/ property operators.

IV. Application Procedures.

- A. Prior to application submittal.** It is recommended the applicant meet with the Planning and Development Department, the Agricultural Commissioner's Office, and adjacent landowners (in conjunction with property operators) to discuss the non-agricultural project's compatibility with adjacent agriculture and application of proposed agricultural buffer requirements. Applicants are encouraged to include site planning and project design features that are compatible with adjacent agriculture.
- B. Project review.** During the application review process, the Planning and Development Department should consult adjacent agricultural landowners (in conjunction with property operators) whenever possible to discuss the proposed non-agricultural development.
- C. Recommendations.** For all discretionary development applications subject to the provisions of Section 35-144M (Agricultural Buffers) of this Article, the Planning and Development Department in consultation with the Agricultural Commissioner shall review the permit application and make recommendations to the decision-maker concerning buffer width, uses within the buffer, the Landscape, Lighting and Irrigation Plan, and the Buffer Maintenance Plan.

V. Site Design. Urban development that is "agriculturally friendly" can play a significant role in promoting compatibility between agricultural and non-agricultural uses. Projects can achieve compatibility by incorporating creative site planning and project design concepts such as:

- A.** Locating outdoor use areas such as backyards, patios, and playgrounds away from agricultural areas.
- B.** Terminating roads away from agricultural areas to reduce trespassing on agricultural land.
- C.** Including the use of sound proof construction materials such as double pane windows. See *Guide to Edge Planning - Promoting Compatibility Along Urban-Agricultural Edges*, British Columbia, Ministry of Agriculture and Lands, June 2009.
- D.** Clustering of buildings to maximize buffering between residences and agriculture.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Division 2 and Division 7 and the Appendix section of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 9th day of April, 2013, by the following vote:

AYES:	Supervisor Carbajal, Wolf, Farr, Adam & Lavagnino
NOES:	None
ABSTAINED:	None
ABSENT:	None

(signed copy on file)

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By (signed copy on file)
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By (signed copy on file)
Deputy County Counsel

EXHIBIT 2:

**Cottage Food Operations Ordinance Amendment
(Case No. 13ORD-00000-00004)**

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EXHIBIT 2

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, AND DIVISION 7, GENERAL REGULATIONS, TO IMPLEMENT NEW REGULATIONS FOR HOME OCCUPATIONS THAT QUALIFY AS COTTAGE FOOD OPERATIONS AND SPECIFY THAT IN-HOME RETAIL SALES ARE REGULATED AS HOME OCCUPATIONS.

Case No. 13ORD-00000-00004

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-58, Definitions, to add the following new definition of “Cottage Food Employee,” “Cottage Food Operation,” “Cottage Food Operator,” “Cottage Food Products,” “Direct Sale,” “Indirect Sale,” “In-home Retail Sales,” “Private Home” and “Registered or Permitted Area” to read as follows:

Cottage Food Employee. An individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

Cottage Food Operation. A commercial enterprise conducted within the registered or permitted area of a dwelling unit where the cottage food operator, as defined by California Health and Safety Code Section 113758, resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers in compliance with California Health and Safety Code Section 113758.

Cottage Food Operator. An individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

Cottage Food Products. Nonpotentially hazardous foods, including foods that are described in California Health and Safety Code Section 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.

Direct Sale. A transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. Direct sales include transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers’ markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.

Indirect sale. An interaction between a cottage food operation, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the cottage food operation from a third-party retailer that holds a valid permit issued pursuant to California Health and Safety Code Section 114381. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

In-home Retail Sales. A type of direct sales occurring within a dwelling in which sellers operate either from their primary residence or the homes of customers.

Private Home. A dwelling, including an apartment or other leased space, where individuals reside.

Registered or Permitted Area. The portion of a private home that contains the private home’s kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage.

SECTION 2:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-121, Home Occupations, to read as follows:

Section 35-121. Home Occupations.

Section 35-121.1 Purpose and Intent.

The purpose of this section is to provide permit regulations and processing requirements for home occupations. The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.

Section 35-121.2 Applicability.

The provisions of this section shall apply to all home occupations which include Cottage Food Operations and In-home Retail Sales. Home occupations may be permitted in any dwelling in any zoning district including nonconforming dwellings.

Section 35-121.3 Processing.

1. Before the commencement of a home occupation within a dwelling or artist studio, a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or, where the Coastal Commission approves the Coastal Development Permit, a Land Use Permit in compliance with Section 35-178 (Land Use Permits) shall be issued for the home occupation unless the occupation qualifies for an exemption as stated in Section 35-121.5 (Exceptions to Permit Requirements for Home Occupations) below.
 - a. **Special processing requirements for applications for cottage food operations located outside of the Montecito Community Plan area.** The following special processing requirements apply to applications for Coastal Development Permits and Land Use Permits for home occupations that qualify as cottage food operations.
 - (1) **Appealable development.** The following shall apply to applications for home occupations that may be appealed to the Coastal Commission in compliance with Section 35-182 (Appeals).
 - (a) The Zoning Administrator shall approve, conditionally approve, or deny the application in compliance with Section 35-169.4.2 (Coastal Development Permit for development that is appealable to the Coastal Commission in compliance with Section 35-182 (Appeals) and is not processed in conjunction with a Conditional Use Permit or Development Plan).
 - (2) **Development that is not appealable.** The following shall apply to applications for home occupations that may not be appealed to the Coastal Commission in compliance with Section 35-182 (Appeals).
 - (a) **Notice.** Notice of the submittal of the application and pending decision of the Zoning Administrator shall be given in compliance with Section 35-181.3 (Coastal Development Permit and Land Use Permit Noticing).
 - (b) **Hearing not required.** The Zoning Administrator shall review the application for compliance with the Comprehensive Plan and any applicable community or area plan, this Article, and other applicable conditions and regulations, and approve, conditionally approve, or deny the Coastal Development Permit or Land Use Permit. A public hearing shall not be required.
 - (c) **Appeal.** The action of the Zoning Administrator is final subject to appeal in compliance with Section 35-182 (Appeals).
2. Prior to the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) for a home occupation within a dwelling or artist studio, a Notice to Property Owner certifying that the home

occupation will be conducted in compliance with the development standards of Section 35-121.4 (Development standards), below, and any other conditions as may be made part of the Coastal Development Permit or Land Use Permit shall be recorded by the property owner.

Section 35-121.4 Development Standards.

- 1. Home occupations other than cottage food operations.** A home occupation shall comply with all of the following development standards, except that if the home occupation qualifies as a cottage food operation then the development standards of Subsection 2 (Cottage food operations), below, shall apply instead.
 - a. Only one home occupation shall be allowed on any one lot. The home occupation shall be conducted either entirely within not more than one room of the dwelling not including garages or entirely within an artist studio. A home occupation may not be conducted outside of the dwelling or the artist studio.
 - b. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no internal or external alterations to the dwelling that are not customarily found in such structures, and the existence of the home occupation shall not be discernible from the exterior of the dwelling unit.
 - c. The home occupation shall be conducted solely by the occupant(s) of a dwelling located on the lot that contains the home occupation. No employees other than the dwelling occupant(s) shall be permitted for business purposes on the lot that contains the home occupation. The home occupation may have off-site employees or partners provided they do not report for work at the lot that contains the home occupation.
 - d. No displays or signs naming or advertising the home occupation shall be permitted on or off the lot that contains the home occupation. All advertising for the home occupation, including but not limited to telephone directories, newspaper or other printed material, or on equipment or vehicles associated with the home occupation shall not divulge the location of the home occupation. Business cards and letterhead may list the address of the home occupation.
 - e. There shall be no more than five customers, patients, clients, students, or other persons served by said home occupation upon the lot that contains the home occupation at any one time.
 - f. A home occupation shall not use any electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise audible beyond the boundaries of the lot that contains the home occupation. Noise levels associated with the home occupation shall not exceed 65 dBA outside the dwelling that contains the home occupation.
 - g. No smoke or odor shall be emitted that occurs as a result of the home occupation.
 - h. There shall be no outdoor storage of materials related to the home occupation.
 - i. No vehicles or trailers except those incidental to the residential use and those allowed under Section 35-71.11 shall be kept on the lot that contains the home occupation.
 - j. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, the lot that contains the home occupation, or the neighborhood.
 - k. Where a home occupation will be conducted within a dwelling or artist studio that relies on a septic system, written clearance from the Santa Barbara County Public Health Department will be required prior to approval.
 - l. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Such materials and equipment shall be limited to quantities that do not constitute a fire, health or safety hazard.
 - m. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries are exempted from this limitation.
 - n. A home occupation shall not create vehicular or pedestrian traffic that changes the residential

character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated on-site or on the street frontage abutting the lot that contains the home occupation.

2. **Cottage food operations.** A cottage food operation shall comply with all of the following development standards.
 - a. **Allowed locations.**
 - (1) No more than one cottage food operation shall be allowed within any one dwelling unit.
 - (2) Only one cottage food operation may be allowed on a lot.
 - b. **Allowed location within the dwelling and the lot containing the cottage food operation.** All food preparation, packaging, sales, storage and handling of cottage food products and related ingredients, and equipment, shall be located within the registered or permitted area consisting of the dwelling's private kitchen and one or more attached rooms within the dwelling in which the cottage food operation is operated that are used exclusively for storage.
 - (1) No portion of the cottage food operation including sales and storage shall occur within any parking area required in compliance with Division 6 (Parking Regulations).
 - c. **Cottage food operators and cottage food employees.**
 - (1) The cottage food operation shall be conducted by the cottage food operator within the dwelling where the cottage food operator resides as their primary residence. Said dwelling shall be a legally established dwelling.
 - (2) One full-time equivalent employee as defined by California Health and Safety Code Section 113758(b)(1) may participate in a cottage food operation in addition to those individuals residing within the dwelling as their primary residence.
 - d. **Parking.** All parking of vehicles and trailers associated with the cottage food operation on the lot on which the cottage food operation occurs shall be maintained in compliance with Division 6 (Parking Regulations).
 - (1) Customers and non-resident cottage food employees shall not park their vehicles within or upon a parking space that is required to satisfy the parking requirement for the primary use of the lot.
 - (2) On residentially-zoned lots, the overnight parking of commercial vehicles on the lot shall be in compliance with Section 35-71.11 (Parking).
 - e. **Sales.**
 - (1) Within the Montecito Community Plan area, food items may only be sold, or offered for sale, from the dwelling to customers present at the dwelling between the hours of 9:30 a.m. to 3:30 p.m.
 - (2) Outside of the Montecito Community Plan area, food items may only be sold, or offered for sale, from the dwelling to customers present at the dwelling between the hours of 9:00 a.m. to 6:00 p.m.
 - f. All waste containers shall be in compliance with Section 17-8 (Containers) of Chapter 17 (Solid Waste Services) of the County Code.
 - g. A cottage food operation shall not create vehicular or pedestrian traffic or other public nuisance that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot on which the home occupation occurs.
 - h. The cottage food operation shall at all times be conducted in compliance with:
 - (1) The conditions and limitations of this Subsection 2 (Cottage food operations) and any other conditions and/or limitations that may be part of the Coastal Development Permit or Land Use

Permit issued to allow the cottage food operation.

- (2) California Health and Safety Code Section 113758.
- (3) All other applicable State and County laws, regulations and requirements.
- i. The cottage food operation shall be registered or permitted by the County Public Health Department in compliance with Section 114365 of the California Health and Safety Code. Prior to the issuance of a Coastal Development Permit or Land Use Permit for a cottage food operation the cottage food operator shall present proof of receipt of registration or permit for the cottage food operation from the County Public Health Department.

Section 35-121.5. Exception to Permit Requirement for Home Occupation.

A Coastal Development Permit or Land Use Permit shall not be required for home occupations that are in compliance with all of the following criteria:

1. The development standards of Section 35-121.4.1 or Section 35-121.4.2, above, as applicable to the specific home occupation except that:
 - a. Clients or customers shall not be served at the lot that contains the home occupation except for in-home retail sales provided that these sales do not exceed four times within a calendar year and that there are no more than 25 customers at each sales event.
 - b. Business advertisements, except for business cards and letterhead, shall not list the address of the artist studio or dwelling in which the home occupation occurs.
 - c. All business transactions occurring on the lot that contains the home occupation shall occur by internet, telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.

Section 35-121.6. Violations of Home Occupation Regulations.

1. It shall be unlawful for a person, firm, or corporation, to establish, cause, allow, or maintain a type of business, profession or other commercial occupation (collectively to be referred to as a "home occupation") within a dwelling before the issuance of a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35-178 (Land Use Permits) allowing the home occupation unless the home occupation does not require the issuance of a Land Use Permit in compliance with Section 35-121.5 (Exceptions to Permit Requirements for Home Occupations), above.
2. The home occupation shall at all times be conducted in compliance with the conditions and limitations of Section 35-121.4 (Development Standards), above, any other conditions and/or limitations that may be part of the Coastal Development Permit issued in compliance with Section 35-169 (Coastal Development Permits) or Land Use Permit issued in compliance with Section 35-178 (Land Use Permits) to allow the home occupation, and it shall be unlawful for a person to conduct a home occupation for which a Coastal Development Permit or Land Use Permit has been issued without complying with all conditions attached to the permit.
3. Failure to comply with conditions and limitations of the Land Use Permit shall be cause for revocation of the Land Use Permit in compliance with Section 35-169.8 (Revocation).
4. Occupations that cannot comply with all of the development standards listed in Section 35-121.4 (Development Standards), above, shall not be permitted as home occupations. Examples of prohibited occupations include:
 - a. Automotive repair or service.
 - b. Painting of vehicles, trailers, boats or machinery.

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised

and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this Ordinance, Division 2 and Division 7 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 4th day of June, 2013, by the following vote:

AYES:	Supervisor Farr, Adam & Lavagnino
NOES:	Supervisor Carbajal & Wolf
ABSTAINED:	None
ABSENT:	None

(signed copy on file)

SALUD CARBAJAL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By (signed copy on file)
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By (signed copy on file)
Deputy County Counsel

EXHIBIT 3:

**Public Utility Natural Gas Storage Ordinance Amendment
(Case No. 08ORD-00000-00018)**

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EXHIBIT 3

ORDINANCE NO. 4860

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 4, ZONING DISTRICTS, TO REVISE EXISTING REGULATIONS REGARDING THE USE OF PU-ZONED PROPERTY FOR PUBLIC WORKS UTILITIES AND PRIVATE SERVICE FACILITIES.

Case No. 08ORD-00000-00018

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-88.4.5, of Section 35-88.4, Permitted Uses, of Section 35-88, PU - Public Works Utilities and Private Services Facilities, to read as follows:

5. Underground gas storage and related facilities, e.g., compressor stations, gas wells and pipelines, owned and operated by a public utility and subject to the provisions of Section 35.88-11.

SECTION 2:

DIVISION 4, Zoning Districts, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35-88.11, Underground Gas Storage), of Section 35-88, PU - Public Works Utilities and Private Services Facilities, to read as follows:

Section 35-88.11 Underground Gas Storage

The provisions of this section shall apply to the fixed surface installation of facilities designed, constructed, installed and maintained primarily for the injection, storage and withdrawal of natural gas in and from sub-surface strata including the drilling of new wells and the reconditioning of existing wells, exploration and production of native sweet gas for the purpose of expanding natural gas storage capacity, and structures, facilities and operations incidental thereto. For the purposes of this subsection, native sweet gas is defined herein as produced gas that contains no more than four parts per million of hydrogen sulfide.

1. The provisions of DIVISION 9 - OIL AND GAS FACILITIES shall not apply to underground gas storage or related facilities used solely for such purposes.
2. The landscaping requirements set forth in Section 35-88.10 shall not apply to underground gas storage or related facilities.
3. Derricks and major items of equipment shall be soundproofed in accordance with applicable safety regulations and standards.
4. Fixed equipment shall be fenced and screened and the site landscaped in a manner approved by the Planning Commission.
5. Permanent structures and equipment shall be painted a neutral color so as to blend in with natural surroundings.
6. Reasonable fire-fighting equipment shall be maintained on the premises at all times during drilling operations.
7. Except in an emergency, no materials, equipment, tools or pipe shall be delivered to or removed from the site between the hours of 7 p.m. and 7 a.m. of the following day.
8. All roads shall be paved with asphaltic concrete and parking areas may be surfaced with gravel.

9. Within 120 days after the drilling of each well has been completed, the derrick and all other drilling equipment shall be removed from the site.
10. All lights shall be shielded so as not to directly shine on adjacent properties.

SECTION 3:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 4:

Except as amended by this Ordinance, Division 4 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to California Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 25th day of June, 2013, by the following vote:

AYES:	Supervisor Wolf, Farr, Adam & Lavagnino
NOES:	None
ABSTAINED:	None
ABSENT:	Supervisor Carbajal

(signed copy on file)

STEVE LAVIGNINO
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By (signed copy on file)
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By (signed copy on file)
Deputy County Counsel