

Katherine Douglas

Public Comment

# 3



**From:** Oliveros, Catherine A. <coliveros@MullenLaw.com>  
**Sent:** Monday, December 9, 2024 2:08 PM  
**To:** sbcob  
**Cc:** Lyons, Graham M.  
**Subject:** Case Nos. 23ORD-00005, 23ORD-00006, 24RZN-00004, and 24RZN-00005-Adoption of Agricultural Enterprise Ordinance (Planning and Development Department Agenda Item # 3)  
**Attachments:** Buttonwood - County Board Letter re AEO CUP Requirement (12.6.24).pdf

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Good Afternoon,

Please see the attached letter from our office of today's date.

Thank you.

**Catherine "Cat" Oliveros** | Assistant to Graham M. Lyons, Gregory F. Faulkner, Ramón R. Gupta, Cameron T. Stowers & Lucille R. Flinchbaugh | Mullen & Henzell L.L.P.  
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December 9, 2024

Board of Supervisors  
Santa Barbara County  
105 E Anapamu Street  
Santa Barbara, CA 93101

**Re: Case Nos. 23ORD-00005, 23ORD-00006, 24RZN-00004, and 24RZN-00005-Adoption of Agricultural Enterprise Ordinance (Planning and Development Department Agenda Item # 3)**

Dear County Board of Supervisors:

We are writing to you on behalf of Buttonwood Ranch LP (“Buttonwood”) regarding the County Board of Supervisor’s (the “Board’s”) consideration of the adoption of the Agricultural Enterprise Ordinance (Case Nos. 23ORD-00005, 23ORD-00006, 24RZN-00004, and 24RZN-00005) (the “AEO”). Buttonwood is the owner of the Buttonwood Farm & Vineyard, a farm and vineyard in active operation for over 40 years, located on an estimated 107 acres in the Santa Ynez Valley.

As owners of an AG-II zoned property, Buttonwood has been highly supportive of the proposed AEO and has been actively engaged in the County’s community feedback process. Buttonwood continues to believe that the AEO presents a valuable opportunity to promote the economic viability and sustainability of the County’s agricultural resources. However, Buttonwood strongly opposes the Board’s last-minute recommendation to revise the AEO to require a Conditional Use Permit (“CUP”) for low impact camping areas and campground operations on AG-II properties fully surrounded by AG-I properties. This CUP requirement was not part of the Planning Commission’s recommendation to the Board and only affects the Buttonwood Farm & Vineyard.

As detailed below, the Board has provided no rational evidence to justify the proposed differential treatment of the Buttonwood property. The AEO, as recommended by the Planning Commission, integrates a number of site restrictions and development standards to adequately safeguard all adjacent residential properties, regardless of their zoning. If the Board wants to further protect adjacent residential properties, the Board should consider increasing the required setbacks or limiting campground uses on AG-II properties located adjacent to higher density residential or urban uses.

I. AEO Background

The AEO permits a variety of land uses on agriculturally zoned properties with the intent to support existing agricultural activities and provide new opportunities to increase revenues and enhance economic productivity. Such uses include rural recreational and agritourism uses, such as small-scale campgrounds, farmstays, educational experiences and opportunities, fishing/hunting operations, horseback riding, incidental food service, and small-scale special events. Under the AEO recommended to the Board by the Planning Commission, these rural recreational uses would be generally permitted on all properties zoned AG-II and located outside of the Limited Agricultural Enterprise Overlay Zone (“LAE”) by exemption or with the issuance of a zoning clearance.

On November 5, 2024, the Board held its first hearing to consider adoption of the AEO. During the hearing, a request was made that the AEO be revised to require a CUP for low impact camping areas and campground operations located on AG-II properties that are “completely surrounded” on all “four sides” by AG-I properties. There was very little, if any, explanation of how this revision would further the purposes of the AEO or further protect surrounding residential properties. Later in the hearing, the question was asked how many properties would be affected by this restriction. The only impacted property is the Buttonwood Farm & Vineyard.

The Board is scheduled to hold its second hearing to consider the revised AEO on December 10, 2024. Accordingly, we provide this letter to the Board to highlight several concerns with the revised AEO.

II. The AEO incorporates adequate development standards to protect all surrounding properties.

To limit any potential impacts to surrounding properties resulting from campground activities, the AEO imposes a number of use restrictions and development standards. For example, the AEO limits the campsite amenities permitted on the property, restricts the number and location of parking spaces, requires 24-hour onsite supervision, and mandates quiet hours starting at 9:00 pm, among other restrictions. (See *e.g.* LUDC Sec. 35.42.240 (D)-(E)).

The AEO further limits the permitted density and location of the low impact camping areas and campgrounds. Specifically, the AEO provides that only one campground operation is allowed per agricultural property and sets a limit on the number of campsites permitted based on the property’s total acreage (*e.g.* up to 15 campsites on properties between 40-100 acres, up to 20 campsites on properties between 100-200 acres). (LUDC Sec. 35.42.240 (E)(1)(b)(3)). Only nine campsites are permitted in low impact camping areas. (LUDC Sec. 35.42.240 (E)(1)(a)(3)). Campground

and low impact camping area operations are specifically prohibited on properties less than 40 acres. (LUDC Secs. 35.42.240 (E)(1)(a); 35.42.240 (E)(1)(b)(1)).

Additionally, no more than two campground development areas are allowed on properties of less than 320 acres. (LUDC Sec. 35.42.240 (E)(1)(b)(4)(a)). The total area of the campground development, including road improvements required to comply with County Fire Department access requirements, cannot exceed five acres of total disturbance. (LUDC Sec. 35.42.240 (E)(1)(b)(4)(d)). We note also that the AEO prohibits low impact camping areas on agricultural properties “in which at least 75 percent of the perimeter of the premises adjoins parcels that are developed with urban uses.” (LUDC Sec. 35.42.240 (E)(1)(a)(10)).

Moreover, the AEO imposes specific setbacks to ensure that low impact camping areas and campground uses are not sited too close to any incompatible uses. Specifically, all low impact camping areas and campgrounds must maintain “a minimum 100-foot setback from the lot line of the agricultural premises on which the camping and campground facilities and activities are located” (LUDC Sec. 35.42.240 (E)(1)(c)(1)(a)). All low impact camping areas and campgrounds must also “be located no closer than 400 feet from a residence that is located on an adjacent property that is not a part of the agricultural enterprise premises.” (LUDC Sec. 35.42.240 (E)(1)(c)(1)(b)). If located adjacent to a commercial farming operation, a 200-foot setback will apply provided the farming operation meets certain criteria. (LUDC Sec. 35.42.240 (E)(1)(c)(1)(c)).

Together, these development standards ensure that any low impact camping area or campground use located on an AG-II property remains small in scale and appropriately distanced from surrounding uses. Because the setback requirements described above apply regardless of the zoning of the neighboring properties, all residential uses on adjacent properties will be protected by a 400-foot setback.

III. If a CUP requirement is imposed, it should be designed to protect higher density residential or urban uses.

Although no explanation was given at the last Board hearing, we assume the reason for requiring a CUP at Buttonwood is to protect adjacent residents from possible impacts resulting from low impact camping areas. Put simply: this reasoning does not make sense. Buttonwood is surrounded by AG-I properties. Although AG-I permits limited residential uses, the AG-I zone is an agricultural zone, not a residential zone. The County’s Land Use and Development Code clearly states that the intent of the AG-I zone is “to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity.” (LUDC Sec. 35.21.020(A)). Similarly, the County’s Comprehensive Plan provides that the “purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals.” (Comprehensive Plan, Land Use Element at p. 136). If the intent of the CUP requirement is truly

to protect residential uses, the requirement should be imposed on AG-II properties that actually abut residential zones.

When a residence is located on an AG-I property, the resulting residential density is low due to the fact that only one single family dwelling is permitted per lot, with a minimum lot size requirement of at least 5 acres. (LUDC Secs. 35.21.040(B); 35.21.050(B)). Therefore, when sited on an AG-II-100 property consisting of over 100 acres, potential impacts of a campground use to any surrounding AG-I properties would be significantly limited simply based on the distance between each of the residences.

On the other hand, we have identified many AG-II properties, including smaller AG-II-40 properties, that adjoin on one or more sides properties with higher density residential uses such as 1-E-1, which has a minimum lot size of one acre, or even 7-R-1, which has a minimum lot size of 7,000 square feet. (See attached Exhibit.) Other AG-II properties abut city boundaries and designated urban areas. Arguably, siting up to 15 campsites on a 40-acre property located adjacent to a high density residential or urban use, even if adjoining on only one side, would result in significantly greater impacts to the surrounding properties. Accordingly, if the Board believes a CUP should be required for low impact camping areas and campground operations, the more rational choice would be to impose this restriction on smaller AG-II properties adjacent to high density or urban residential neighborhoods.

IV. The imposition of the CUP requirement on one property is inappropriate.

As the Board is aware, preparation of the AEO has taken over four years and has involved extensive public input collected from eight public hearings held over the course of 10 months. Throughout this process, Buttonwood has actively engaged with the County and community by submitting comments, attending hearings, and meeting with local representatives and Staff to advocate for its adoption. To Buttonwood's knowledge, at no point during this process was there any indication that the siting of campground uses on AG-II properties fully surrounded by AG-I properties would implicate any specific incompatibility issues with neighboring residences. Accordingly, the fact that this issue was raised for the first time during the Board's hearing appears to be a last-minute effort to have the CUP requirement incorporated into the AEO without any substantive public feedback or consideration.

Moreover, the fact that the CUP requirement was quickly recognized as only being applicable to one property in the entire County suggests that the requirement is more accurately characterized as a thinly veiled effort to single out Buttonwood. As explained above, there is no rational justification for singling out Buttonwood when many other AG-II properties pose a greater threat to impacting adjacent residents. The County provides no evidence to support single out Buttonwood for a CUP requirement. Similarly, the County provides no evidence to demonstrate that other AG-II properties do not create the same (or greater) potential impacts on adjacent

Board of Supervisors  
December 9, 2024  
Page 5

residents. In practice, the zoning applied to Buttonwood through the revised AEO is different than the zoning applied to all other AG-II properties and gives the appearance of spot zoning Buttonwood.

We encourage the Board to adopt the AEO as recommended by the Planning Commission and remove the Conditional Use Permit requirement for the Buttonwood property. The Planning Commission's recommendation, which treats all AG-II property's equally, is the result of countless hours of community feedback, meetings and public hearings. It represents the community's desire to provide all AG-II property owners with the ability to further the financial viability of agriculture in Santa Barbara.

Buttonwood appreciates the Board's attention to these matters. Please feel free to contact me directly with any questions.

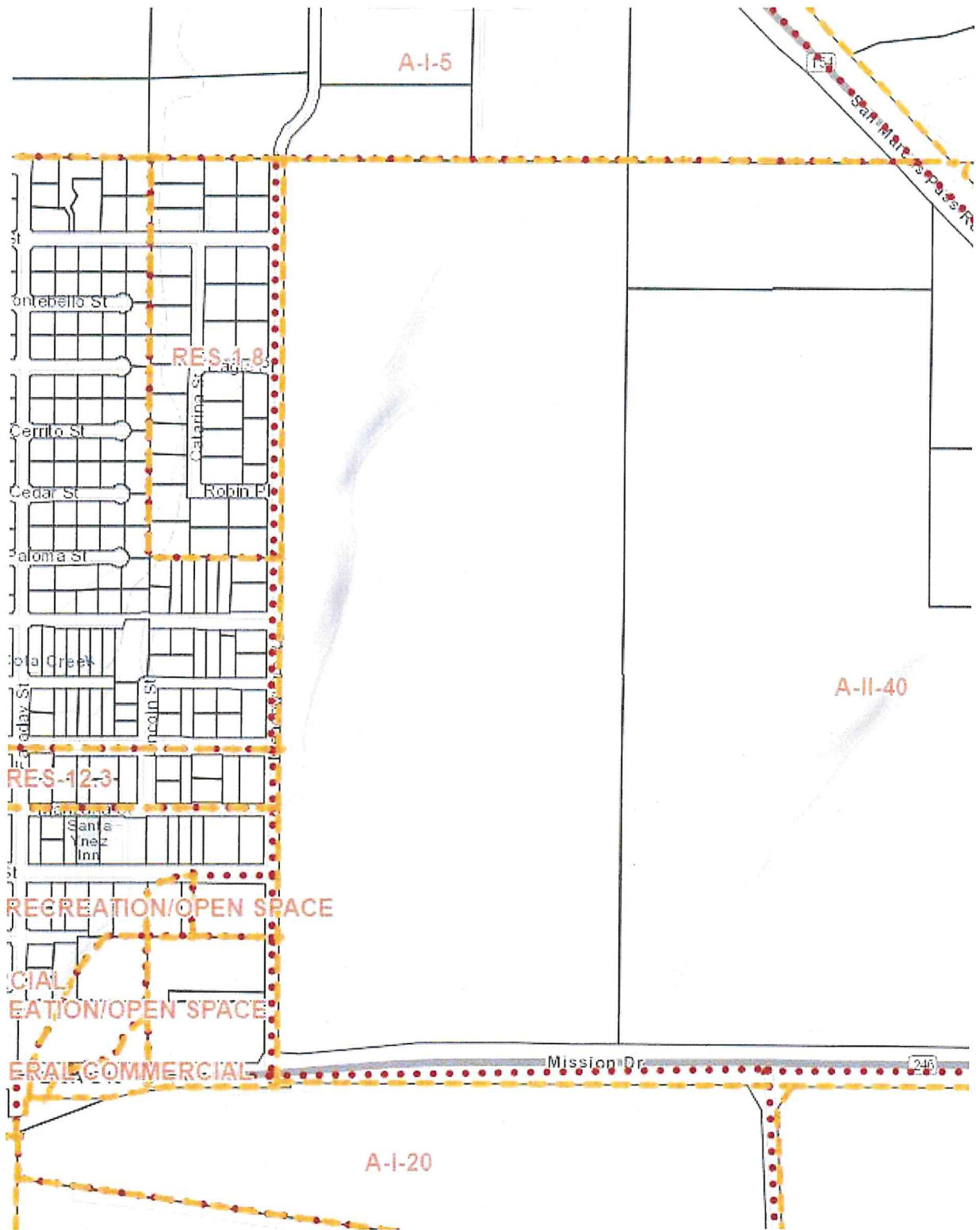
Very truly yours,

A handwritten signature in blue ink, appearing to read 'Graham M. Lyons', with a long horizontal flourish extending to the right.

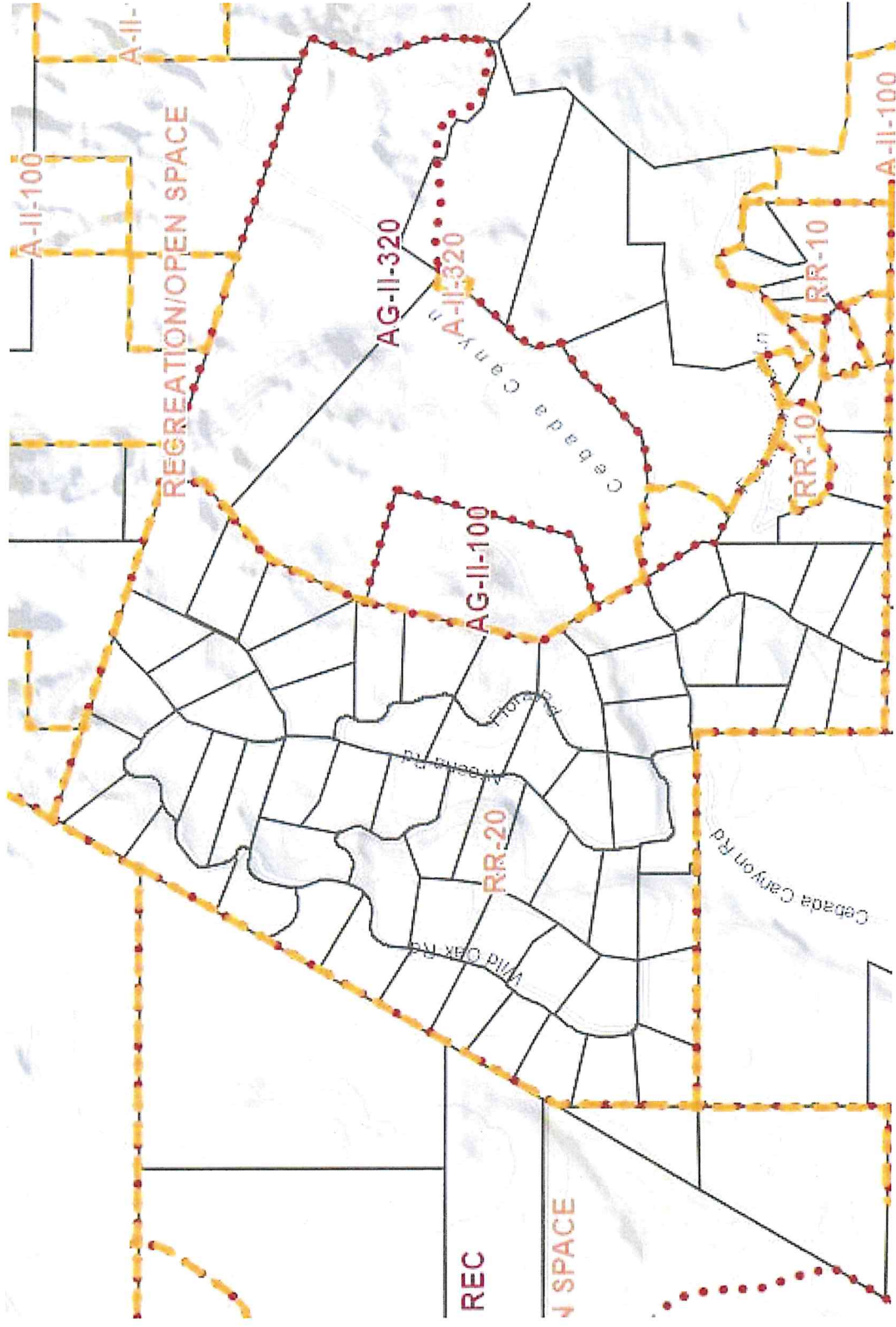
Graham M. Lyons of  
**Mullen & Henzell L.L.P.**



**EXHIBIT**

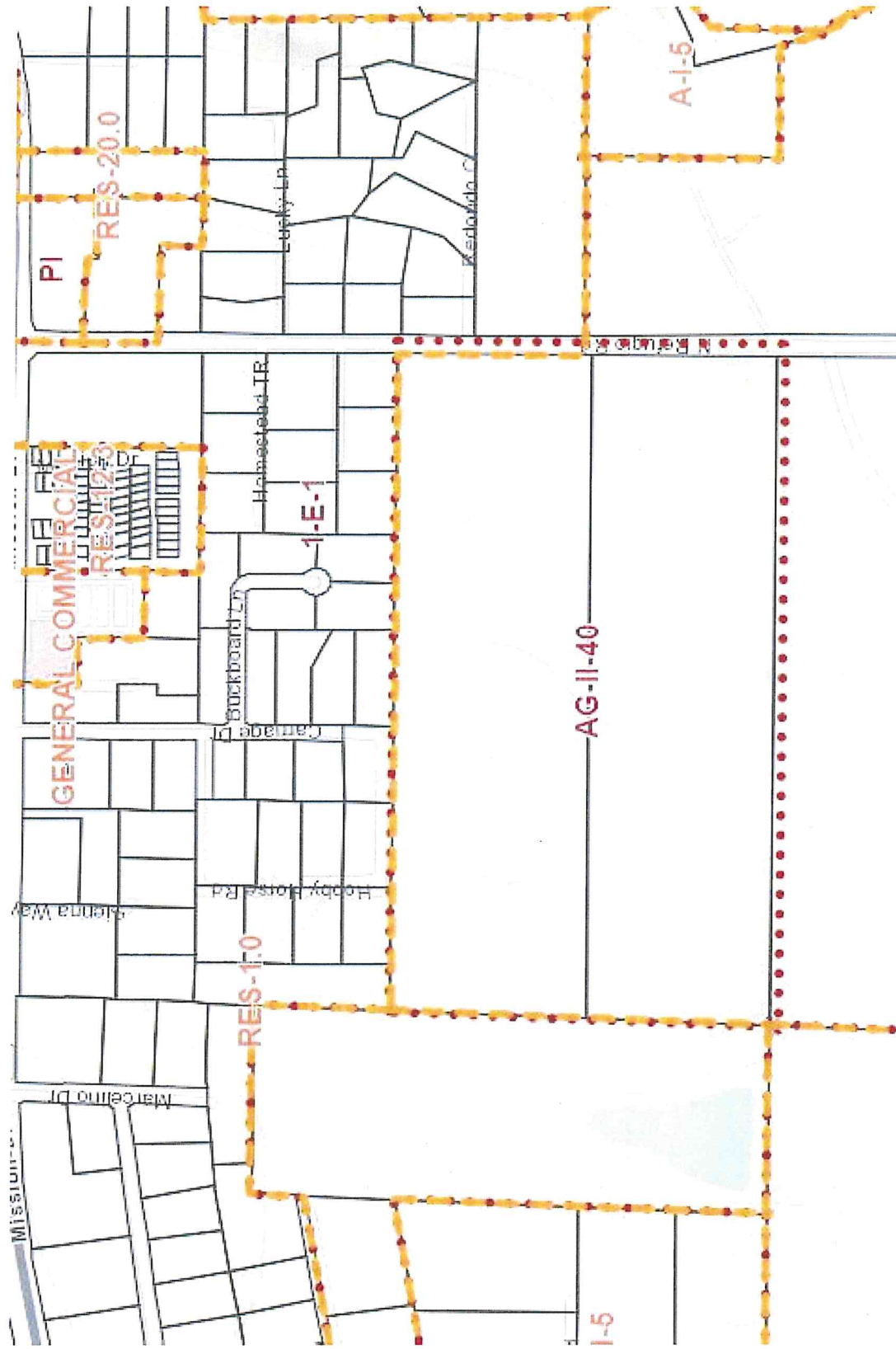


EXHIBIT





EXHIBIT



**EXHIBIT**

