



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: Santa Barbara County Planning Commission

FROM: Alex Tuttle, Deputy Director
Long Range Planning Division

DATE: February 9, 2024

RE: Agricultural Enterprise Ordinance
County Planning Commission Hearing – February 14, 2024
Case Nos. 23ORD-00005 and 23ORD-00006

To date, the County Planning Commission has held three hearings (on November 29 and December 13, 2023, and January 10, 2024) to consider making recommendations to the Board of Supervisors regarding the proposed Agricultural Enterprise Ordinance (AEO). At these hearings, the Planning Commission received an overview of the project and Environmental Impact Report (EIR), received testimony from the public, asked questions of staff, and continued the hearings.

On December 13, in response to a request of the Chair of the Agricultural Advisory Committee (AAC) for a joint hearing between the AAC and the Planning Commission, the Planning Commission continued the hearing to January 10, and directed staff to meet with AAC representatives of the different agricultural commodities produced in the county to discuss their concerns with the draft AEO and receive their recommendations.

The AAC established an ad hoc subcommittee to meet with County staff. On January 10, after receiving a presentation regarding several initial recommendations from the AAC ad hoc subcommittee, the Planning Commission directed staff and the subcommittee to continue meeting to address additional concerns, and continued the hearing to February 14, 2024.

Between December 13, 2023 and February 14, 2024, the AAC ad hoc subcommittee and County staff met eight times to discuss their concerns and receive their recommendations for revising the draft AEO. The ad-hoc subcommittee presented the draft recommendations to the full AAC on February 8, 2024 for review and concurrence. AAC's principal concerns are centered on (1) ensuring that agriculture remain the principal use on agricultural-zoned lands, and (2) proposed uses that may bring significant increases in temporary populations of the public to an agricultural premises that could affect the agricultural operations on adjacent land, in particular campgrounds, farmstays, and small-scale special events. The AAC also made several recommendations regarding the proposed permit tiers for several of the uses. The following attachment presents a summary of the AAC's recommendations, approved by the AAC at its meeting on February 8, 2024. County staff can support most of these recommendations and **highlights in yellow where staff recommendations differ.**

**Agricultural Advisory Committee (AAC) Summary of Recommendations
to Modify the Proposed Agricultural Enterprise Ordinance**

Setbacks for Uses Bringing the General Public to Agricultural Lands

Table 1 – Setbacks/Buffers (in feet) Applicable to Campgrounds, Farmstays, and Small-Scale Events Based on Agriculture on Adjacent Premises			
	Campgrounds	Farmstays	Small-Scale Events
Row Crops	1,000	1,000	1,000 ²
Orchard	400	400	500 ^{2,3}
Vineyards	400	400	500 ^{2,3}
Grazing/Range Lands	400	400 ¹	500 ^{2,3}

¹ A setback for farmstays adjacent to grazing/range lands would only apply for a “remote” farmstay location.
² Setback shall also apply to “AEO accessory structure” if permitted to support small-scale special events
³ 1,000-ft setback if adjacent to residential

- Setback is located on premises/property proposing the ag enterprise use
- Basic setback measured between the premises boundary and the ag enterprise use
- Setback is determined by the adjacent ag use e.g., if adjacent use is grazing but there is some row crop several hundred feet into the adjacent property, the ag enterprise use would still need to be at least 1,000 ft from the row crop
 - i.e., In the event that more than one commodity is grown on the adjacent premises, a minimum 400-ft setback from property line would typically apply when adjacent to grazing land, which will suffice if row crop is at least 600 ft into adjacent property providing 1,000 ft from row crop
- Recommends staff to develop some criteria for adjusting setback downward on case-by-case basis e.g., features that would prevent new agricultural activities such as intervening roadways, creeks, habitat areas, rock outcrops, etc.
- AAC recommends the use of private agreements between landowners to reduce setbacks
 - Staff recommends addressing the setback issues through standards set forth in the ordinance itself, and not through third-party agreements

Campgrounds

Table 2 – Additional Proposed Permit Tiers for Campgrounds					
Zoning Clearance¹ Low-Impact Campground²		Zoning Clearance¹		Land Use Permit	
Premises Size	Maximum # campsites	Premises Size	Maximum # campsites	Premises Size	Maximum # campsites
40 ac	2 sites	40-60 ac	4 sites	>100-320 ac	20 sites
60 ac	3 sites	60-80 ac	8 sites	> 320 ac	30 sites
80 ac	4 sites	80-100 ac	15 sites		
100 ac	6 sites				
150+ ac	9 sites				
No new structures		New structures may be allowed (e.g., restroom/shower building)			
No semi-permanent accommodations		May allow up to 30% of the campsites to have one semi-permanent accommodation ³			

¹ Land Use Permit required if located adjacent to row crops.

² Consider recommending that Board of Supervisors request Environmental Health Services pursue revisions to allow portable toilets for Low-Impact Campgrounds.

³ If there is support by PC for some semi-permanent accommodations, the AAC recommends a maximum of 30% of the sites may be allowed one semi-permanent accommodation per site.

Campground Development Standards

- On-site supervision for all campground permit levels
- Screening if semi-permanent campsites permitted
- 40-acre minimum premises for all campgrounds
- 8 persons per campsite maximum
- Stays of up 14 consecutive nights ok with up to a total of 28 nights per year maximum and at least one week between different stays
- Supports APAC recommendation regarding size of campground envelopes:
 - 1 acre on a premises of 40 to less than 100 acres
 - 2 acres on a premises of 100 to less than 320 acres
 - 3 acres on a premises of 320 acres or greater
 and would like to see an option for a second envelope on larger ranches (i.e., 1,000+ acres) such as one 2-acre envelope and a remote 1-acre envelope
- Camping and campsites to be located within the permitted campground envelope
- Consider prohibiting animals (e.g., dogs) at campgrounds adjacent to row crops
- Noise/lighting standards
- There should be a permit revocation process; bad operators should not be allowed to continue
- Defer to staff to develop definitions of low impact camping, campsite, and campground

Composting

Table 3 – Setbacks/Buffers (in feet) Applicable to Composting (small scale) Based on Agriculture on Adjacent Premises	
Row Crops	500
Orchard	500
Vineyards	500
Grazing/Range Lands	50-300 ¹
¹ Starting with a setback of 50 ft and increasing based on size of composting operation with 300 ft applicable to large composting operations that require a Conditional Use Permit	

- Larger operations may need larger setback? To be based on the volume of composing material allowed on the premises (e.g., the exempt operations that allow no more than 100 cy at one time would require the smallest setback)
- Recommends staff discuss with EHS to consider developing a standard for controlling water runoff/quality for composting operations (e.g. similar to animal waste management plan required for equestrian\animal boarding and breeding applications)

Farmstays

Setbacks – Incorporate the setbacks identified in Table 1 above into the development standards for farmstays i.e., the proposed setbacks would apply to all farmstays if located adjacent to offsite row crops, orchards, and vineyards. The setback to adjacent offsite grazing and range lands would only apply to a remotely located farmstay (which requires a Minor CUP)

Direct Edits – AAC recommends direct edits to draft ordinance text below (only the recommended amended text is depicted; all else to remain as drafted)

Zoning Clearance

- Farmstay accommodations shall be sited in the existing principal dwelling or conversion of existing permitted buildings/structures that are not otherwise prohibited under Subsection 35.42.134.B.4, in clustered proximity to the existing principal dwelling and/or permitted winery structural development...
- Maximum number of registered guests ...shall be 10 per night accommodated in no more than ~~four~~ five bedrooms.
- Length of Stay: ~~Thirty~~ Fourteen consecutive days or less.

Land Use Permit and Minor CUP

- Add similar language to allow farmstay accommodations at a permitted winery to be sited ... in clustered proximity to the existing principal dwelling and/or permitted winery structural development...

Small-scale Special Events

- 40-acre minimum premises for small-scale special events.
- Event hours:
 - Allow earlier event start times for non-motorized bike races, trail runs, equestrian endurance rides, and similar events (e.g. 8:00 a.m.?)
 - AAC discussed event ending times and finds the proposed end times acceptable, i.e., 11:00 p.m. end time or 10:00 p.m. end time if having amplified sound
- Consider new development standard requiring a parking coordinator for events attended by 100 or more persons (similar to existing standards for winery special Events)
 - "...A parking coordinator shall be present at all times during special events attended by 100 or more persons to manage and direct vehicular movement and parking."

Prime Soils Avoidance

- If reasonably feasible to avoid prime soils they should be avoided; staff to develop language

Agricultural Processing / Product Preparation Uses

- Do not include limits on the volume/quantity of products to be processed that can be grown on or off the premises
 - Exempt Tier – Current draft requires all products be grown on the premises
 - Zoning Clearance/Land Use Permit tier – Current draft requires that no more than 49% can be grown off the premises
 - Staff Recommendation: For Small-Scale Processing (beyond the raw state) exemption level, staff recommends retaining the project description requirement that all products to be processed be grown on the premises to address scale of the operation and to align the intent of the AEO that uses be incidental to the primary or principal agricultural land use.
- Do limit source of products grown off the premises to the tri-counties (Santa Barbara, Ventura, San Luis Obispo)
- Add development standards as appropriate for prime soils avoidance

“Stacking” of Uses (i.e., multiple AEO uses on one agricultural premises)

- APAC recommends for premises less than 100 acres that only one campground or one farmstay be allowed but not both. On larger premises whether to allow both can be reviewed and determined by APAC case-by-case
- AAC generally supports that stacking should be related to premises size
- **Staff Recommendation: Staff recommends that only one campground or one farmstay per premise (not both) be allowed if semi-permanent accommodations are allowed at campgrounds.**

Incidental Food Service at Winery Tasting Rooms

- Discussion focused on how to allow incidental food at winery tasting rooms and not become a restaurant (a restaurant is not an allowed use on ag-zoned lands)
- Defined hours of operation
 - Food service should be limited to tasting room hours of operations
- Tasting rooms should typically have wine and food pairings and not serve food separately
- Community and landowner concern: increased traffic during evening hours (especially after dark) on narrow rural roads
- AAC supports memorializing the food service allowances at winery tasting rooms provided for under the original Covid-19 emergency provisions
 - **Staff does not recommend relying on provisions that were meant for a temporary use and which do not provide clear guidance**

Incidental to Principal Agricultural Use

- Agriculture is the principal land use
 - Important to identify criteria to confirm agricultural land use takes precedence over hospitality uses
- Criteria may include:
 - Commercial agricultural requirements similar to Uniform Rules
 - Shall be an agricultural commodity typically found in commercial agricultural wholesale markets

Educational Experiences and Opportunities

Summary Descriptions	Exempt	<u>Zoning Clearance</u>	Zoning Clearance Land Use Permit (Inland) Coastal Development Permit (Coastal Zone)	Minor Conditional Use Permit (CUP) or CUP
<p>Educational experiences or opportunities include:</p> <ul style="list-style-type: none"> • Small guided tours of farm or ranch • Academic and technical training for farmers and ranchers in all areas of the agricultural sciences and agricultural business • Educational workshops and experiences for the general public regarding the agricultural and natural resources on the premises including: <ul style="list-style-type: none"> ○ Larger guided farm and ranch tours ○ Botany ○ Bird and wildlife viewing and studies ○ Photography ○ Astronomy ○ Other similar agricultural, natural resources, and cultural educational experiences 	<p>Small Guided Tours</p> <ul style="list-style-type: none"> • 1540 attendees max per small guided tour • Not more than 80-50 small guided tours per year <p>Other Educational Experiences or Opportunities</p> <ul style="list-style-type: none"> • ≤ 100 ac: 50 attendees max • > 100-320 ac: 75 attendees max • > 320 ac: 100 attendees max • Not more than 24 days per year <p>Annual Maximum Attendance Any combination of small guided tours and other educational experiences or opportunities may be allowed; however, the maximum annual attendance shall not exceed:</p> <ul style="list-style-type: none"> • ≤ 100 ac: 1,200 attendees • > 100-320 ac: 1,800 attendees • > 320 ac: 2,400 attendees <p>No new structures or additions requiring planning permits</p>	<p><u>Small Guided Tours</u></p> <ul style="list-style-type: none"> • <u>40 attendees max per guided tour</u> • <u>Not more than 90 small guided tours per year</u> <p><u>Other Educational Experiences or Opportunities</u></p> <ul style="list-style-type: none"> • <u>≤ 100 ac: 65 attendees max</u> • <u>> 100-320 ac: 95 attendees max</u> • <u>> 320 ac: 125 attendees max</u> • <u>Not more than 24 days per year</u> <p><u>Annual Maximum Attendance</u> <u>Any combination of small guided tours and other educational experiences or opportunities may be allowed; however, the maximum annual attendance shall not exceed:</u></p> <ul style="list-style-type: none"> • <u>≤ 100 ac: 1,560 attendees</u> • <u>> 100-320 ac: 2,340 attendees</u> • <u>> 320 ac: 3,000 attendees</u> <p><u>No new structures or additions requiring planning permits</u></p>	<p>Small Guided Tours</p> <ul style="list-style-type: none"> • 1540 attendees max per small guided tour • Not more than 128-130 small guided tours per year <p>Other Educational Experiences or Opportunities</p> <ul style="list-style-type: none"> • ≤ 100 ac: 80 attendees max • > 100-320 ac: 120 attendees max • > 320 ac: 150 attendees max • Not more than 24 days per year <p>Annual Maximum Attendance Any combination of small guided tours and other educational experiences or opportunities may be allowed; however, the maximum annual attendance shall not exceed:</p> <ul style="list-style-type: none"> • ≤ 100 ac: 1,920 attendees • > 100-320 ac: 2,880 attendees • > 320 ac: 3,600 attendees <p>One new agricultural enterprise accessory structure not to exceed 2,500 sf gross floor area</p>	<p>Educational activities that do not comply with standards for exemption or ZC/LUP/CDP may be allowed with a MCUP per existing regulations as a “similar gathering”</p> <p>(LUDC Subsection 35.42.260.F.9 and Article II CZO Subsection 35-137.3.3.a)</p>

Educational Experiences and Opportunities Additional or Revised Development Standards

- Add language to the educational experiences and opportunities subsection of the draft AEO e.g., “This Educational Experiences and Opportunities Subsection shall not apply to lands zoned AG-II with a winery on the premises.”
- No minimum premises required (APAC recommends 40-acre minimum for ag preserve contracted lands)
- Setbacks
 - In general, a standard 100 ft. minimum setback is appropriate when people congregating in a single location for the educational activity (these activities are generally guided and supervised; thus, not as concerned with adherence to stricter ag commodity setbacks)
 - Ag commodity setbacks (as proposed for special events in table of setbacks) shall also apply to “AEO accessory structure” if permitted to support educational experiences and opportunities
- Ensure current “countywide Ag events” are excluded

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AGRICULTURAL ENTERPRISE ORDINANCE

County Planning Commission – February 14, 2024

Presentation Overview

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- January 10, 2024 Hearing Summary
- Final EIR Overview
- Agricultural Preserve Advisory Committee Recommendations for Uniform Rules
- County Sheriff Meeting
- Agricultural Advisory Committee (AAC) Review and Recommendations



January 10, 2024 Hearing Summary

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- Staff and AAC Presented Initial AAC Subcommittee Recommendations
- Planning Commission Directed Staff to Continue Meeting with AAC



January 10, 2024 Hearing Summary

4

- Planning Commission Requested Staff and AAC Address Several Questions
 - ▣ Clarify how setbacks/buffers will be measured
 - ▣ Define camping/campsites/campgrounds
 - ▣ Define semi-permanent accommodations



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Final EIR Overview

Final EIR

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- Serves as the environmental document to support approval of proposed Project or its alternatives, either in whole or in part
- Provides the public and County decision-makers with an opportunity to review:
 - ▣ Comments on the draft EIR
 - ▣ Responses to those comments
 - ▣ Revisions to the draft EIR



Additions to Proposed Final EIR

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- Chapter 8 - Mitigation, Monitoring, and Reporting Program
 - ▣ Full text of the mitigation measures
 - ▣ Plan requirements and timing, including the agency which oversees the action
 - ▣ Monitoring requirements, including the entity responsible for verifying compliance



Additions to Proposed Final EIR

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- Chapter 9 - Response to Comments
 - 43 written comments submitted
 - 3 from public agencies
 - 40 from individuals and organizations
 - 6 oral testimonies received during environmental hearing



Revisions in Proposed Final EIR

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- Revisions Provided in ~~Strikeout~~ and Underline text
- Revisions address:
 - ▣ Comments received on the draft EIR
 - ▣ Grammatical or typographical errors
 - ▣ Consistency within the draft EIR
 - ▣ Updates to the regulatory setting
 - ▣ Information clarifying impact analysis
- Recirculation not required



County Sheriff Meeting

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- January 29, 2024
- AEO Uses Discussed
 - ▣ Campgrounds, events, educational experiences
- Concerns – Similar to County Fire
 - ▣ Ingress/egress
 - ▣ Mapping location
 - ▣ Number of attendees
- Sheriff Department Observations
 - ▣ Stronger enforcement to address complaints before law enforcement called
 - ▣ Unpermitted pop-up events
 - ▣ Alcohol use (often no ABC permit)
 - ▣ Large # people camping



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AAC Review & Recommendations

AAC Review and Recommendations

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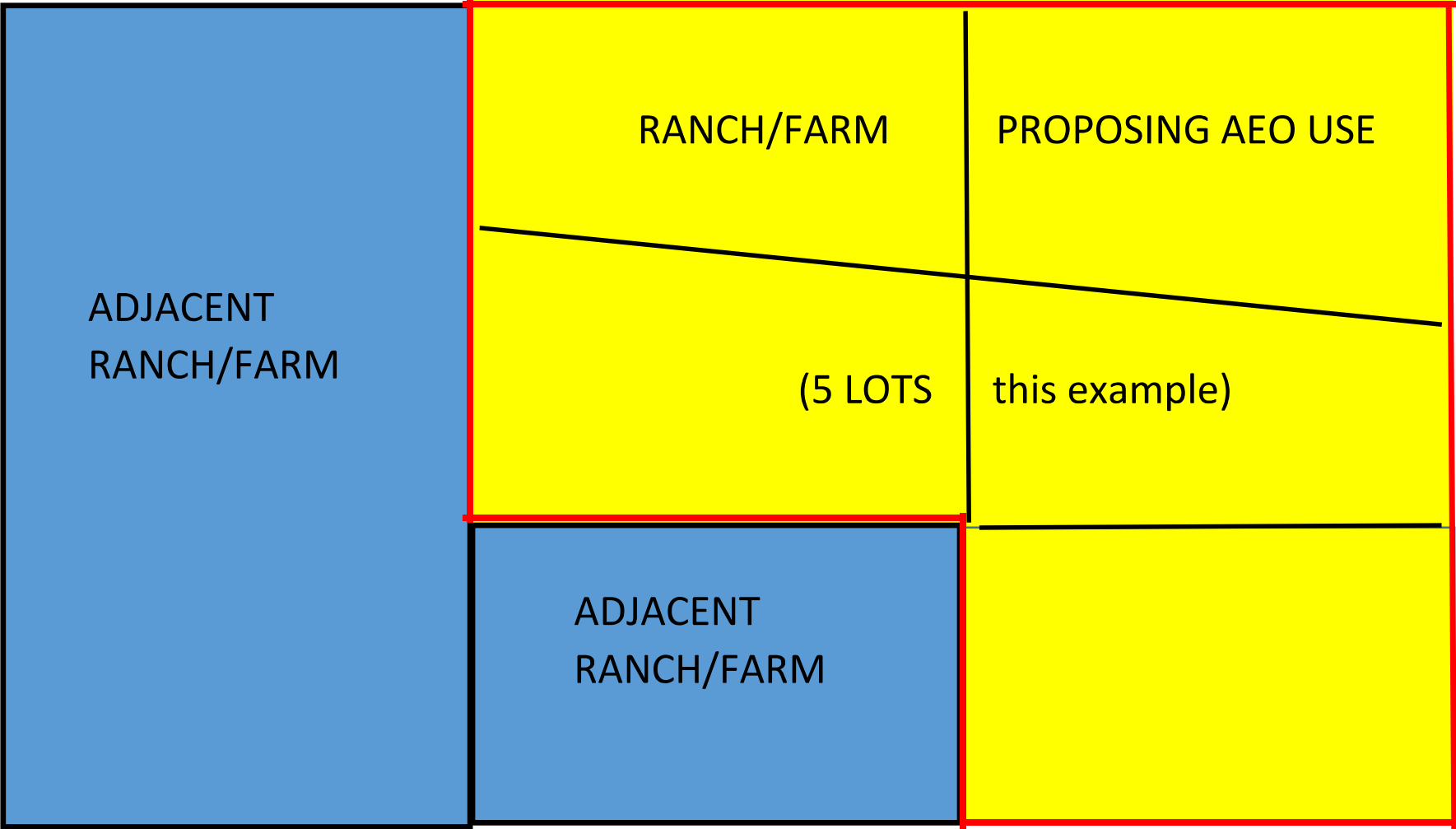
- December 13, 2023 through February 14, 2024
 - ▣ Met with County staff 8 times
- Subcommittee Recommended Changes to Draft AEO Project Description and Development Standards
- AAC Full Committee Meeting February 8, 2024
 - ▣ Moved unanimously to forward these recommendations to Planning Commission



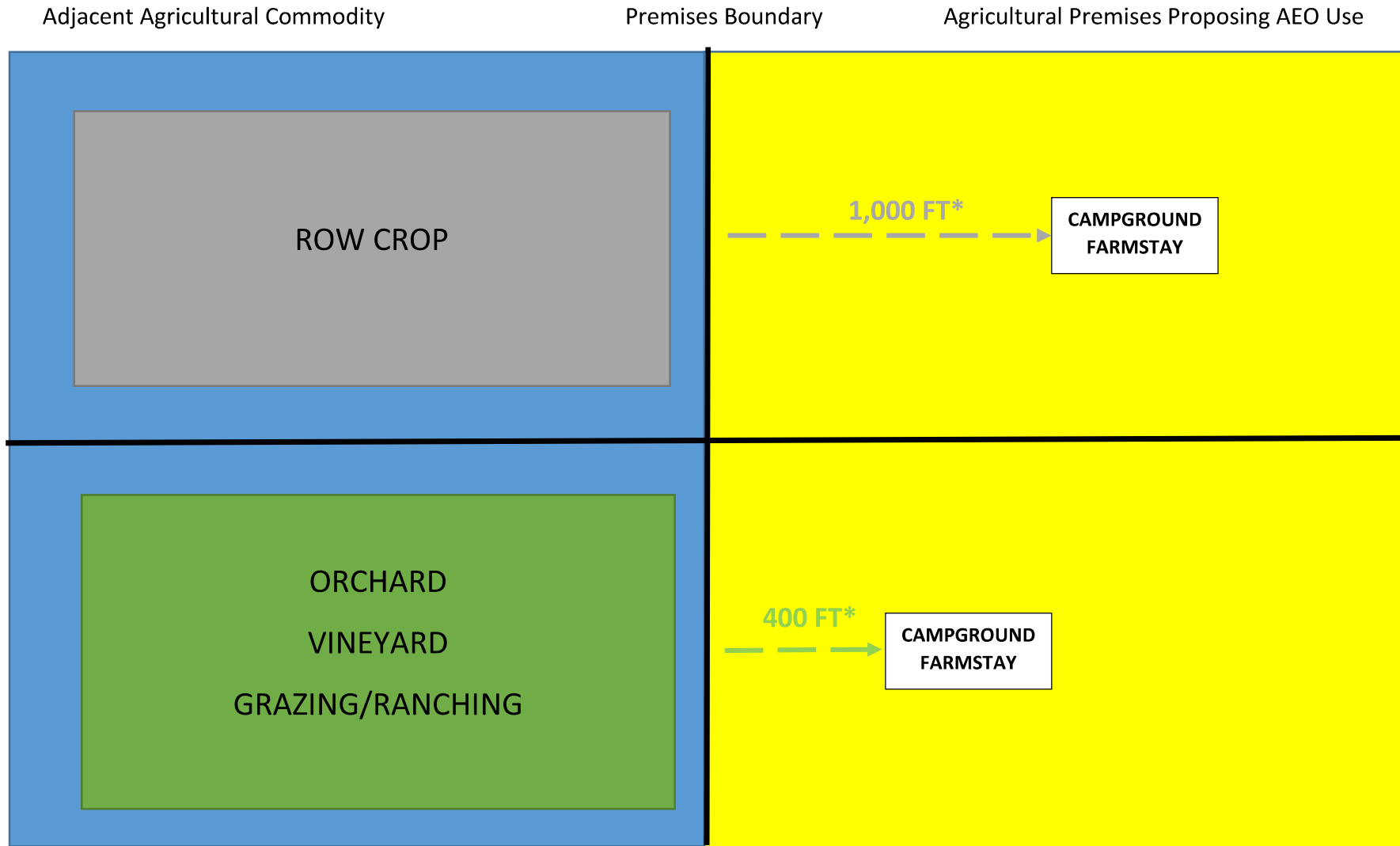
Setback/Buffer Schematics

The following slides provide several schematics to illustrate setbacks/buffers recommended by the AAC. Schematics are not drawn to scale.

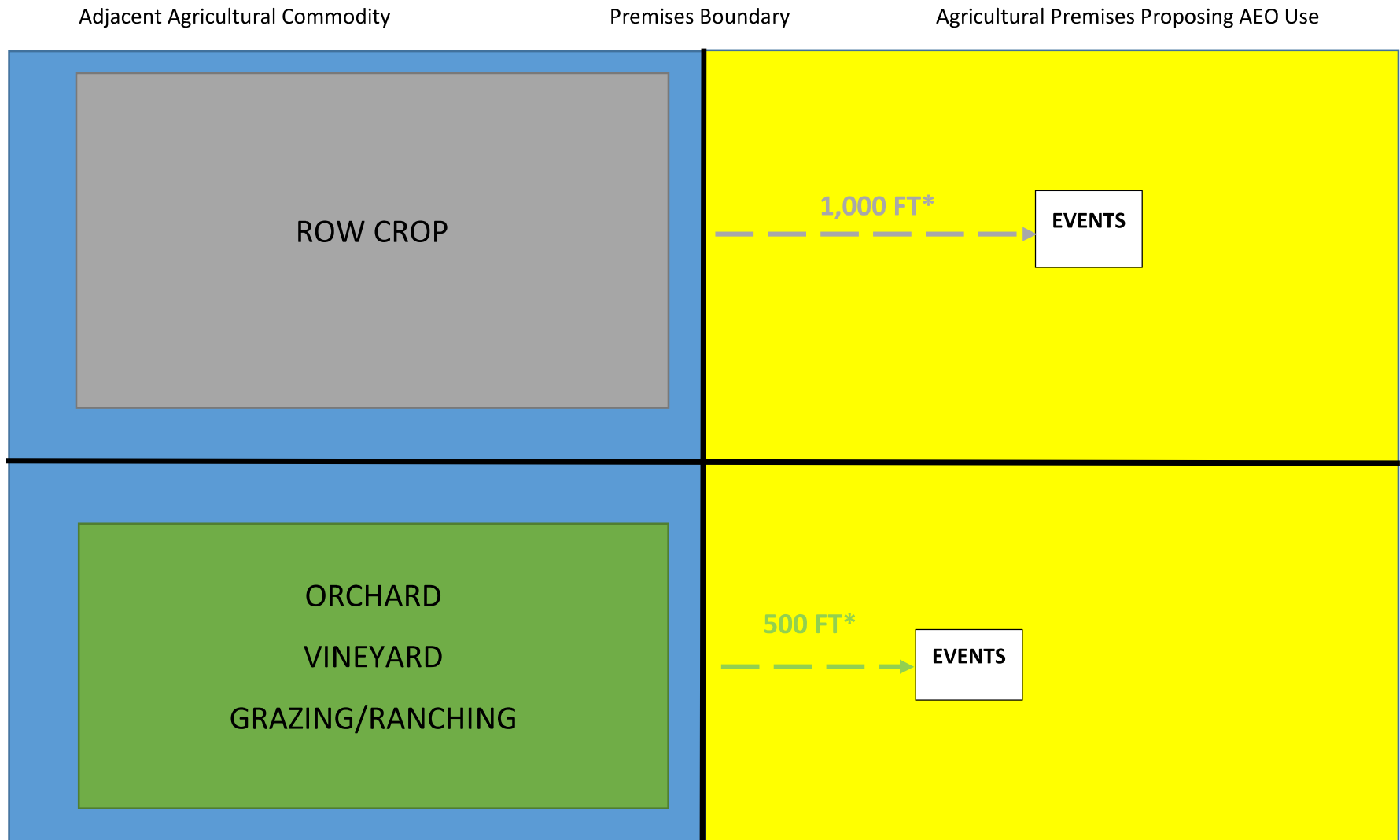
Agricultural Premises



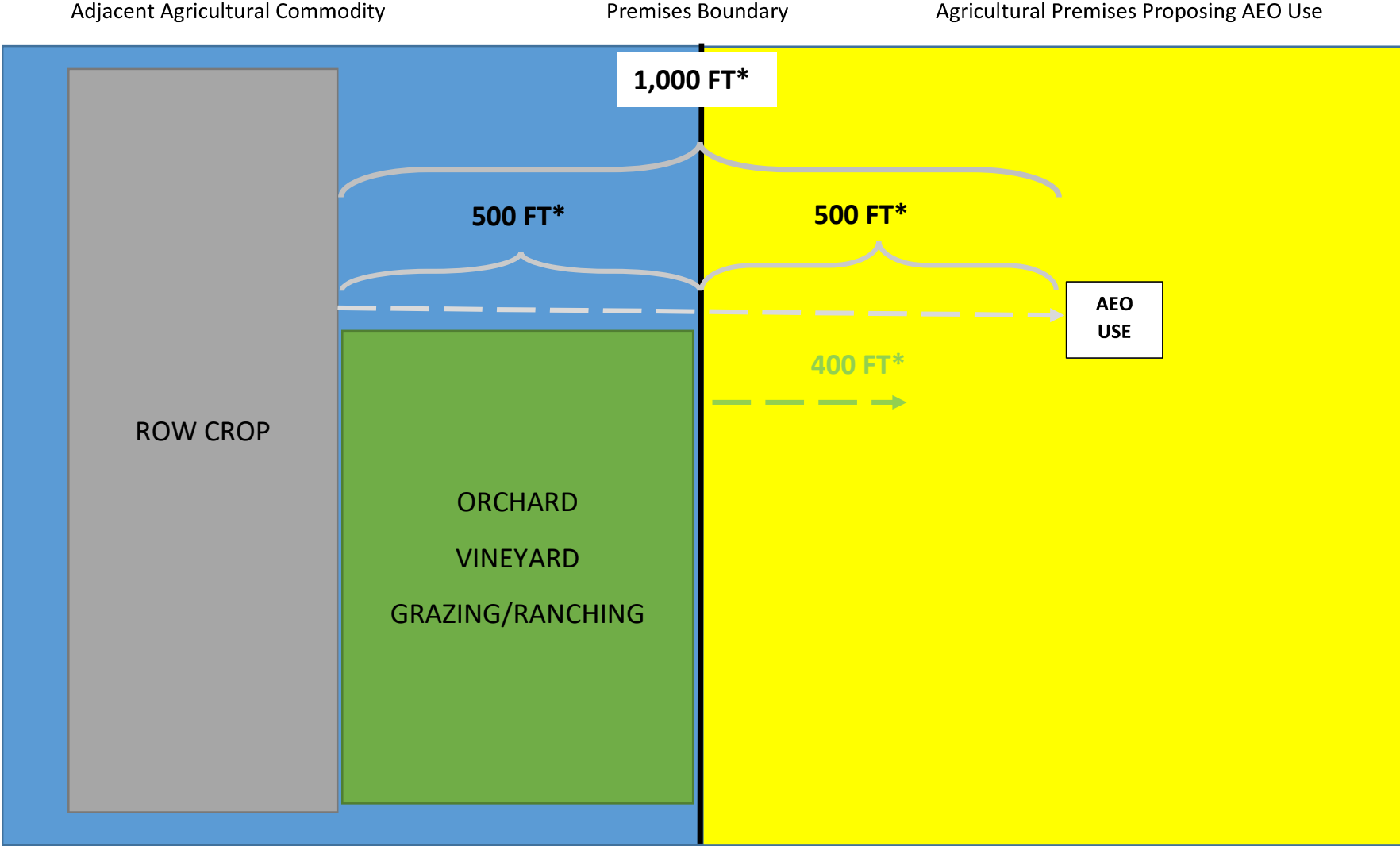
Campgrounds and Farmstays



Small-scale Special Events



Mixed Ag Commodity Setback/Buffer

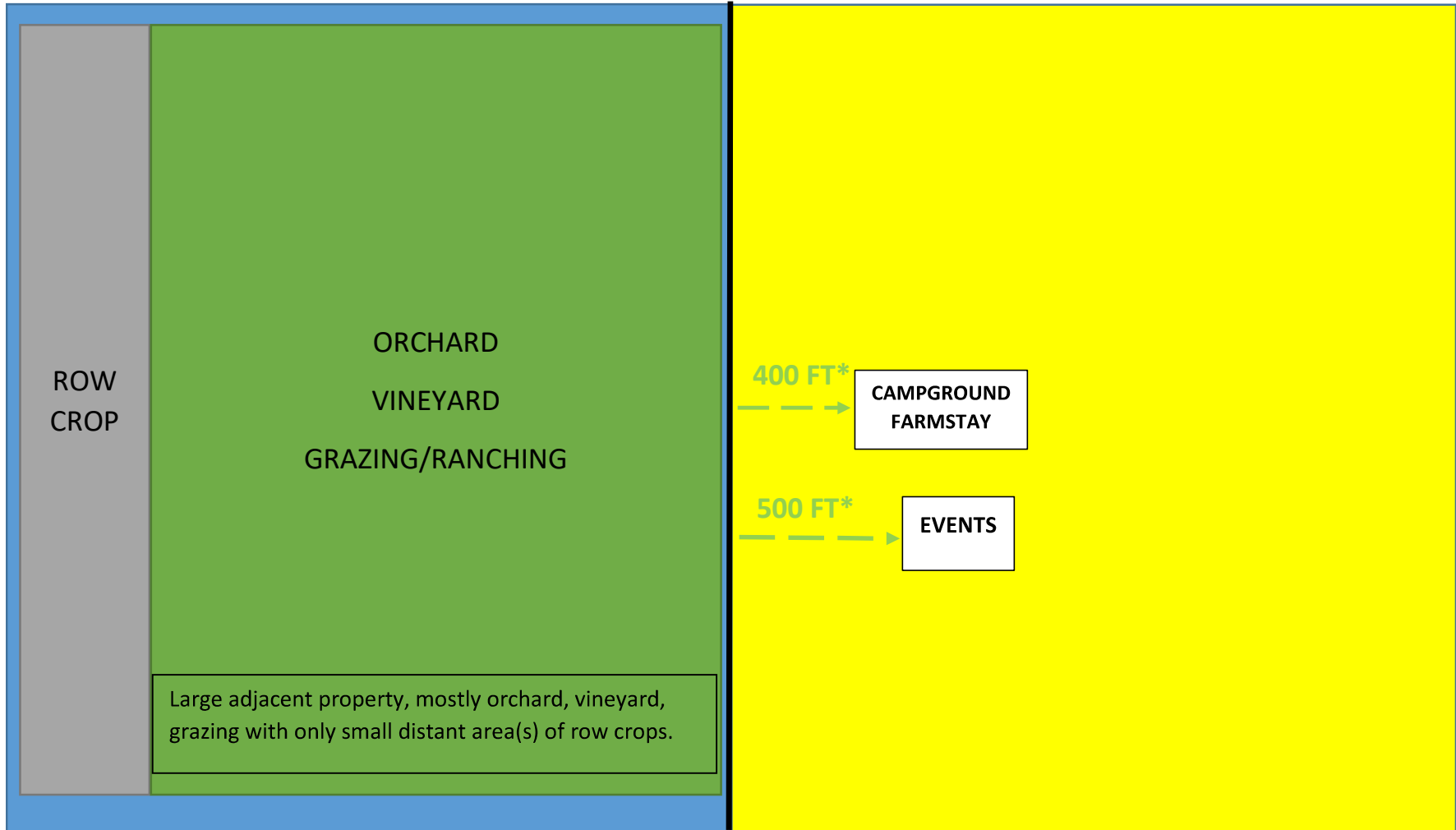


Mixed Ag Commodity Setback/Buffer – Distant Row Crop

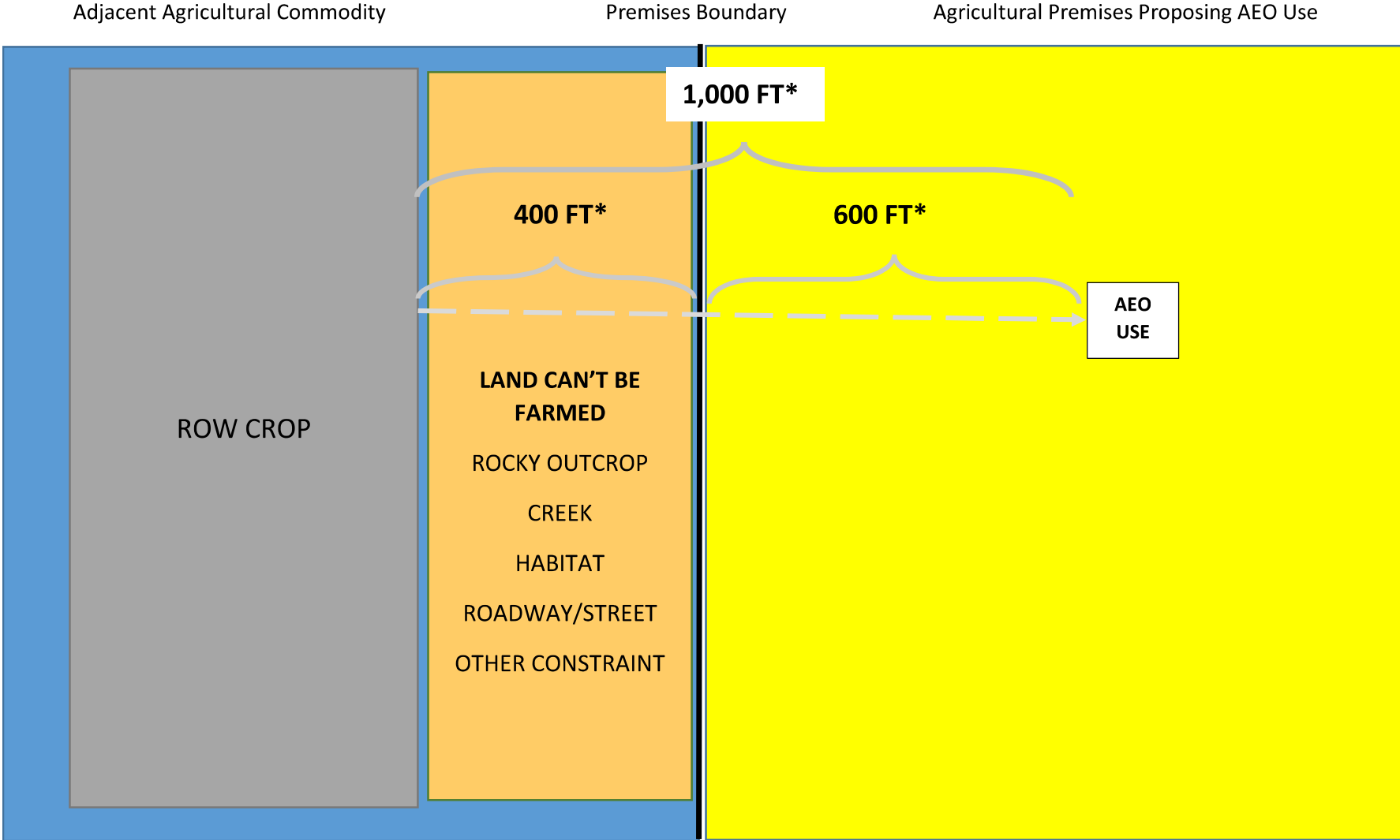
Adjacent Agricultural Commodity

Premises Boundary

Agricultural Premises Proposing AEO Use



Setback/Buffer Adjustments



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AAC Recommendations

Planning Commission Direction

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- Recommendations for Amendments
 - Appropriate permit tiers for each use
 - Appropriate intensities of use for each permit tier
 - Appropriate development standards to address land use compatibility
 - How to address multiple agricultural enterprise uses on one premises (“stacking” uses)



Review Aids

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- Attachments to Staff Report – November 29, 2023
 - A – Summary Project Description
 - C – LUDC Draft Ordinance Text
 - D – CZO Draft Ordinance Text



Proposed Instructions to Staff for Ag Enterprise Ordinance

John Parke & Roy Reed

Incidental Food Service At Wineries

- Definition of incidental food service: keep it simple
- Located with tasting room at vineyard with tasting room hours
- Must be active winery operation
- Commercial Kitchens OK

Farmstays

- Six units, 8 if possible under state law.
- May include conversion of existing buildings, new buildings and park modular trailers.
- Park modular trailers with permanent hook-ups are farmstay units.
- Can have both farmstays and small campground.
- Can be located remotely.

Small Campgrounds: Unit Types

- Park modular trailers and similar structures with permanent utility hook-ups cannot be included as campsites.
- Campsites can include tents, yurts, travel trailers and other RV's.
- Include spaces for simple tent camping
- Remote campgrounds can provide for sewage service by porta-potties

Small Campgrounds: Number of Sites

- Up to 100 acres premises: 15 campsites
- 100-320 acres premises: 25 campsites
- 320 acres or more premises: 30 campsites for 320 acres plus 5 more campsites per additional 100 acres.
- 100 campsites maximum for premises Example: formula allows 100 units on 1,700 acres but 30,000 acres limit 100
- May be split into into 2 campgrounds fr premises under 320 acres, 4 campgrounds for premises 320 acres or over

Events

- Largest tier of attendees , 200, requires 1,000 acres or more premises for commercial events
- Smaller tier of attendees, 80, requires 320 acres or more premises
- Smallest tier of attendees, 40, requires 40 acres or more