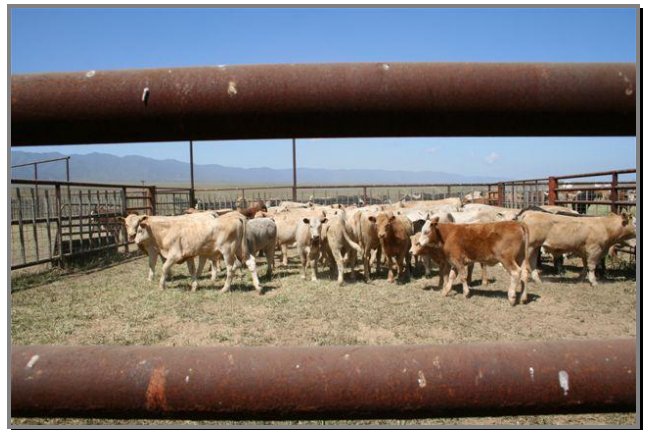


FINAL NEGATIVE DECLARATION

**Agricultural Permit Streamlining
County Land Use & Development Code Ordinance Amendment
09ORD-00000-000009
09NGD-00000-000007**

May 11, 2010



**Santa Barbara County
Planning and Development**

**123 East Anapamu Street
Santa Barbara, CA 93101**

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SUMMARY OF PROPOSED PROJECT AND INITIAL STUDY

1. **Project title:** Agricultural Permit Streamlining Ordinance Amendments
(09ORD-00000-000009)
2. **Lead agency** County of Santa Barbara
Planning and Development Department
123 East Anapamu Street
Santa Barbara, CA 93101
3. **Contact Person & Phone Numbers:** Noel Langle (805) 568-2067
Pat Saley (805) 969-4605
4. **Project location:** The project involves amendments to the County Land Use and Development Code that would affect approximately 600,000 acres of land zoned AG-I and AG-II in the unincorporated portion of Santa Barbara County located outside the Montecito Planning Area and Coastal Zone. The affected areas include the Cuyama, Los Alamos, Santa Maria, Lompoc and Santa Ynez Valleys, portions of the Gaviota Coast and the Carpinteria, Goleta and Santa Barbara foothills. The project area map is included as Figure 1.
5. **Project's sponsor:** Same as Lead Agency.
6. **General Plan designations:** A-I (Agriculture) and AG-II (Rural Agriculture)
7. **Zoning designations:** Agricultural I (AG-I) and Agricultural II (AG-II)
8. **Project description:** Shift in permit requirements for AG-I and AG-II zoned lots including:
 - Shift from Land Use Permit (LUP) to Zoning Clearance for certain agricultural accessory structures up to 5,000 sq. ft. (AG-II zone);
 - Shift from LUP to exemption for certain entrance gate posts, cross-members and livestock loading structures (AG-II zone);
 - Shift from Minor Conditional Use Permit (MCUP) to LUP for housing for up to four farm employees (AG-I and -II zones);
 - Shift from Minor Conditional Use Permit (MCUP) to LUP for certain Detached Residential Second Units (AG-I-5, -10 & -20 zones); and
 - Change the Development Plan threshold for AG-II zoned lots to a higher threshold for larger lots (with certain exemptions).
9. **Necessary public process:** The proposed ordinance amendments require adoption by the Santa Barbara County Board of Supervisors. There are no other responsible agencies.

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1. Proposed Revisions to the County Land Use and Development Code
2. Uniform Rules for Agricultural Preserves
3. Agricultural Preserve contract Non-Renewals – January 2005 through June 2009
4. Farm Employee Housing Permit History –2007 through 2009
5. Detached Residential Second Unit Permit History –2007 through 2009
6. Development Plan Required Due to Total Development Greater than 20,000 sq. ft Permit History - 2000 – 2009
7. 2-17-2010 Summary of Public Comments Received and Staff Responses
8. Comments Letters Received on Negative Declaration

1.0 PROJECT DESCRIPTION

PROJECT OVERVIEW

The County of Santa Barbara Planning and Development Department proposes to amend the County's Land Use and Development Code (County LUDC) to streamline the permit process for agricultural projects on lands zoned agricultural. The proposed changes would only apply in the non-Coastal Zone area of Santa Barbara County located outside of the Montecito Planning Area (see Figure 1). The proposal includes amendments to the LUDC that would:

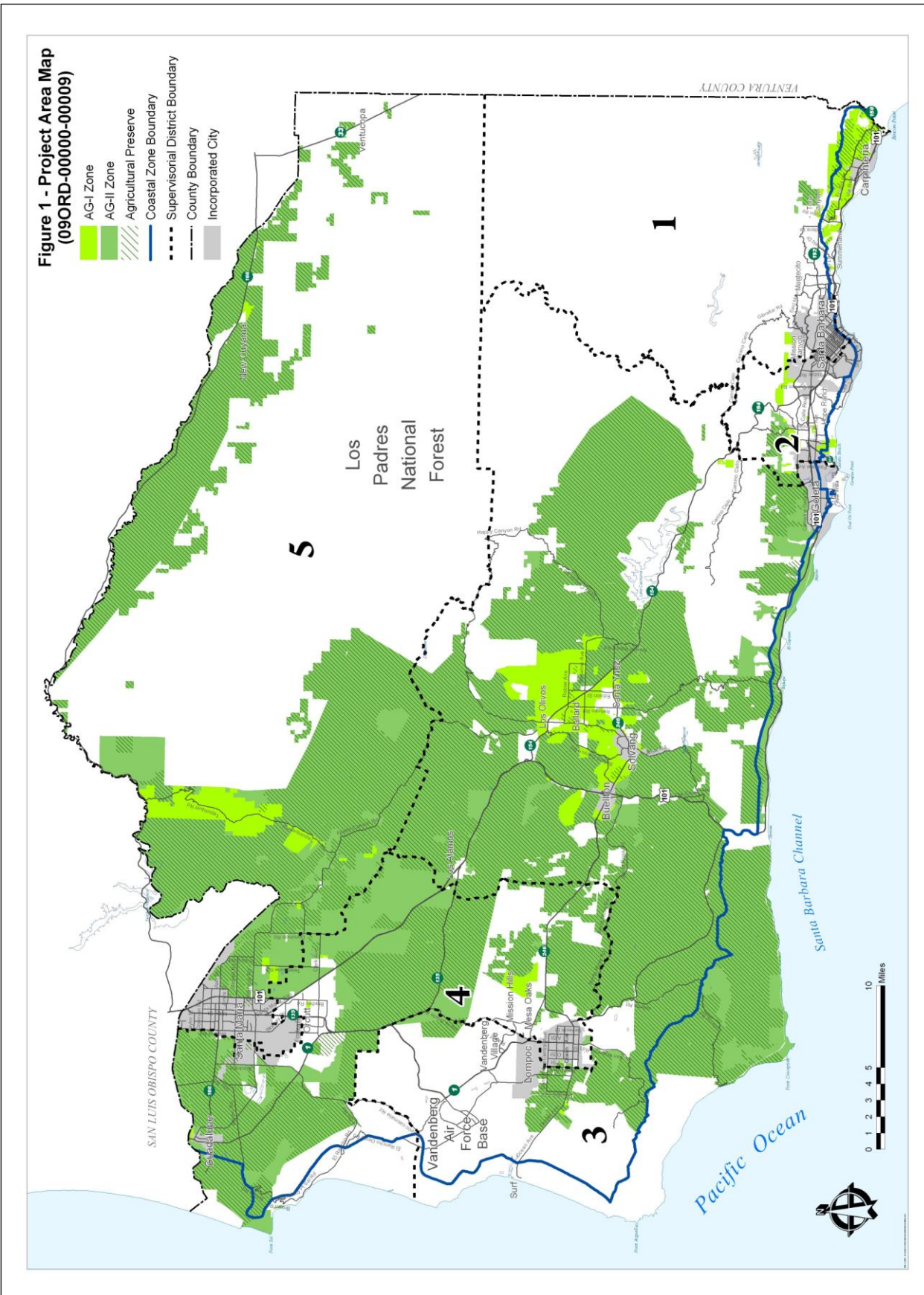
- a. Shift the permitting requirements for certain minor agricultural-related permits from a Land Use Permit to a Zoning Clearance or Exemption and from a Minor Conditional Use Permit to a Land Use Permit. Amendments to achieve these revisions to the permit process would be required in Article 35.2, Zones and Allowable Land Uses, Article 35.3, Site Planning and Other Project Standards, Article 35.4, Standards for Specific Land Uses, and Article 35.11, Glossary.
- b. Change the threshold for requiring the approval of a Development Plan by the Planning Commission when the combined floor area of all structures on a lot in an agricultural zone exceeds 20,000 square feet (County LUDC Section 35.21.030) to a sliding scale based on lot area.

A Draft Initial Study and Negative Declaration was prepared on these agriculture-related amendments and released for public review on May 13, 2009. Public comments received during the public comment period raised issues relating primarily to potential impacts to aesthetics, agriculture, biological resources, traffic issues and the potential for growth inducement. Based on these comments and further analysis of the initial recommendations, the proposed amendments were revised and are analyzed in the December 17, 2009 version of the revised Negative Declaration. On April 7, 2010, the Planning Commission made recommendations to the Board that modified the staff recommendations and this Negative Declaration has been revised to reflect their changes. The major changes to the recommendations initially studied in May 2009 include:

- Shifting from a Land Use Permit to Zoning Clearance for new agricultural accessory structures up to 5,000 sq. ft. unless located within 1,000 feet of and visible from any public road or public use area;
- Exempting certain gates, gateposts and cross-members, and livestock loading ramps in the AG-II zone;
- Restricting the increased thresholds for requiring a Development Plan on property zoned AG-II and reducing the maximum threshold for requiring a Development Plan from 100,000 sq. ft. to 50,000 sq. ft. with certain exemptions from the threshold calculation;
- Adding a new Development Plan threshold of 15,000 sq. ft. for non-agricultural building area on an AG-II lot;
- Reducing the Development Plan threshold. for a single agricultural buildings on an AG-II lot from 20,000 sq. ft. to 15,000 sq. ft.;
- Adding a new agricultural compatibility findings for proposed farm employee dwellings (up to four employees) and revising the existing finding for Detached Residential Second Units; and
- Deleting the proposed exemption from permits for new primary single family homes of up to 3,500 sq. ft.
- Adding new aesthetic and biological resources development standards to the permits discussed in this document.

PROPOSED LAND USE AND DEVELOPMENT CODE REVISIONS

Several amendments to existing permit procedures are proposed to simplify the review process for small agricultural projects in AG-I and AG-II Zones (see Figure 1). Each of the proposed amendments is discussed below and summarized in Table 2. The proposed ordinance amendment language is provided in Attachment A.



1. Agricultural accessory structures (AG-II Zone only)

Shift the permit requirement from a Land Use Permit (LUP) to a Zoning Clearance for agricultural structures having a floor area of less than 5,000 sq. ft. when the following standards are met:

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

Agricultural structures up to 3,000 sq. ft. (without utilities) do not require a Building Permit. However, the same size structure currently requires the approval of a LUP. The proposal is to shift the permit requirement from a LUP to a Zoning Clearance for agricultural accessory structures of up to 5,000 gross sq. ft. unless it is located within 1,000 feet of a public road and is visible. A Zoning Clearance has the same application requirements and staff analysis as a LUP (including a determination that the project is consistent with the Comprehensive Plan and complies with all zoning requirements) although public notice is not required and an appeal may not be filed. If a proposed agricultural accessory structure exceeds 5,000 sq. ft. in size, or cannot comply with the standards listed above, it could still be permitted with a LUP.

Review by one of the regional Boards of Architectural Review (BAR) would be required if otherwise subject to design review (e.g., the Ridgeline/Hillside Development Guidelines apply or if located in a Design Overlay).

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

Shift the permit requirement from a LUP to an exemption for entrance gates, gateposts and cross-members subject to the following:

- The gateposts and cross-members do not exceed 18 feet in height to the top of the structure;
- The footprint of each gatepost above eight feet does not exceed two feet in any direction;
- Signs are allowed if compatible with the style and size of the entrance gate;
- Ornamentation is allowed if appurtenant to the gate, gateposts and cross-member;
- The lighting associated with the entrance gate is for safety only and meets light development standards; and
- Aesthetic and biological resource development standards are met.

Entrance gateposts currently require a LUP if over eight feet in height. The proposed amendments would allow gateposts including a cross-member up to 18 feet in height which is sufficient to allow large trucks to pass through as well as allowing a sign to hang from or be attached to the cross member. If an entrance gate post and cross-member exceeds these standards, it could still be permitted with a LUP.

The amendment would also exempt livestock loading ramps from permits.

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

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

- Employees must work onsite if located in the AG-I zone (existing requirement) and the majority of the time if located in the AG-II zone (revised requirement);
- Aesthetic and biological resource development standards are met;
- Documentation is submitted by the applicant demonstrating that occupancy requirements are met in

terms of nature of employment, number of employees housed, etc. (Revised requirement);

- A Notice to Property Owners (NTPO) is recorded by the owner against the property that notifies future owners of employment, occupancy and other requirements of the approval. (Existing requirement); and
- The location of the proposed farm employee units will minimize impacts to the viability of onsite agriculture, prime soils, or adjacent agricultural operations. (New requirement).

When an employer proposes to construct housing for up to four farm employees (and their families), approval of a MCUP by the Zoning Administrator in a noticed public hearing is required for the unit(s). This requirement can serve as a deterrent to providing employee housing. In lieu of requiring a MCUP, this proposal would allow housing for up to four agricultural employees with the approval of a LUP provided the project complies with the standards shown above. Staff analysis to ensure conformance with County plans and policies and public notice would still be required. The LUP would be noticed and an appeal of the decision could be filed.

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

Shift the permit requirement from a MCUP to a LUP subject to the following standards:

- The floor area of the unit does not exceed 1,200 square feet. (Existing requirement);
- The height of the unit does not exceed 16 feet. (Existing requirement);
- An additional parking space is provided for each bedroom. (Existing requirement);
- The structure is sited so as to minimize impacts to productive agricultural land, prime soils, or adjacent agricultural operations. (Revised requirement); and
- Aesthetic and biological resource development standards are met;

Residential Second Units (RSUs) are only allowed in AG-I-5, -10 and -20 Zones. They are not allowed in the AG-I-40 zone or in any of the AG-II zones. An attached RSU is allowed in these AG-I zones with a LUP and a detached unit requires a MCUP. The proposal would change the permit requirements for detached RSUs from a MCUP to a LUP in the AG-I-5, -10, and -20 Zones.¹ The 1,200 sq. ft. maximum size and 16 foot height limitation would apply and the existing special findings required to approve a MCUP for a detached RSU in an agricultural zone would apply to the LUP approval. Revised development standards regarding avoidance or minimization of impacts to agricultural and biological resources are also proposed including:

- (1) The development of a detached residential second unit in agricultural zone shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:
 - (a) ~~Avoiding prime soils or where there are no prime soils be sited so as to~~ Siting structure so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.

The development standards are intended to better protect productive agricultural land, prime soils and adjacent agricultural operations as well as aesthetic and biological resources.

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

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

Revise the existing 20,000 square foot threshold for agricultural development in the AG-II Zone for requiring a Development Plan as shown in Table 1 below.

Currently, a Development Plan approved by the Planning Commission is required for any new building(s) once the cumulative building area on a lot exceeds 20,000 sq. ft., regardless of zoning or the size of the lot. In the AG-II Zone, there are many properties that exceed 1,000 acres in size and the same threshold applies. Once the 20,000 sq. ft. threshold has been reached, all subsequent new structures require approval by the Planning

¹ While not a part of this proposed ordinance amendment, on June 4, 2008, the Agricultural Advisory Committee voted to ask the Board of Supervisors to initiate an amendment that would also allow RSUs in the AG-I-40 and all AG-II zones.

Commission. Table 1 shows the proposed Development Plan thresholds for agricultural development on AG-II zoned properties based on lot size.

Table 1
Proposed Development Plan Threshold Changes – AG-II Zone only

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

The determination of whether a Development Plan approval is required is based on cumulative square footage on the lot with the proposed new project or addition of square footage. The following agricultural structures are excluded from the cumulative square footage calculation:

- The floor area of exempt structures (e.g., pole barns less than 500 sq. ft., buildings less than 120 sq. ft., structures valued at less than \$2,000); and
- Up to 10,000 sq. ft. of agricultural structures having only three sides (with no individual building exceeding 3,000 sq. ft.).

A Development Plan is required if non-agricultural building area (primary residence, garages, etc.) exceeds a gross floor area of 15,000 sq. ft. Single agricultural buildings exceeding 15,000 sq. ft. would require a Development Plan; any subsequent building exceeding 10,000 sq. ft. would also require a Development Plan. Projects that are less than these thresholds would require a LUP or other approval depending on the use. Dwellings that are restricted to housing agricultural employees are considered agricultural buildings.

Finally, new agricultural, aesthetic and biological resource development standards are proposed to ensure that new projects are compatible with their surroundings and County policies.

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

6. Projects requiring discretionary and architectural review

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

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

Architectural review would still be required if the proposed project were located in a Design Overlay District or in an area subject to the Ridgeline/Hillside Development Guidelines. Discretionary review may also be required pursuant to a previous condition of approval on a Development Plan or other discretionary approval.

Table 2

Summary of Recommended Changes to Agricultural Permits and Processes

Revisions made in response to PC recommendations from March 3, 2010 meeting are in ~~strikeout~~ or underlined

Type of Structure	Current permit	Proposed permit	Considerations/Issues
Agricultural Accessory Structure (AG-II Zone only)	Land Use Permit (LUP)	Zoning Clearance (ZC)	a. Size limitation of up to <u>5,000</u> sq. ft. for agriculture-related uses; otherwise LUP is required b. Demonstrate accessory to agricultural use onsite & won't affect agricultural viability c. Limited plumbing & electrical (w/ required permits) d. LUP required if w/in 1,000 feet of public road or area & visible; Zoning Clearance if beyond 1,000 feet or demonstrated not visible e. New visual and biological development standards apply f. If cannot comply with standards may be allowed with LUP.
Entrance gate posts, cross-members & livestock loading ramps (AG-II Zone only)	LUP	Exempt	a. Exempt if lighting for safety only, maximum height does not exceed 18 feet, footprint of each gate post above 8 feet does not exceed two feet in width, and the cross member does not exceed two feet in height and thickness b. Ornamentation allowed if appurtenant to gate e. Signs may be allowed if compatible with the style and size of the entrance gate d. Livestock loading ramps (no size restrictions) e. New visual and biological development standards apply (entrance gates only) f. If cannot comply with standards may be allowed with LUP (entrance gates only)
Housing for up to 4 farm employees & their families (AG-I & AG-II Zones)	Minor Conditional Use Permit (MCUP)	LUP	a. Employees must work onsite; full time in AG-I zone and at least half-time in AG-II zone b. Documentation of employment & Notice to Property Owners required c. Add new finding that siting of structure so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations d. New visual and biological development standards apply e. If cannot comply with development standards may be approved with a minor CUP
Detached residential second units (DRSUs) (AG-I-5, -10 & -20 Zones only)	MCUP	LUP	a. 1,200 sq. ft. size and 16' height limit restrictions retained b. Change development standard to read: "...shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by: (a) Siting structure so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations. c. New visual and biological development standards apply d. If cannot comply with development standards may be approved with a minor CUP

Type of Structure	Current permit	Proposed permit	Considerations/Issues
Development Plan Threshold changes (AG-II Zone only)	Development Plan (if cumulative building area exceeds 20,000 sq. ft.)	Threshold up to 50,000 sq. ft. based on lot size	<ul style="list-style-type: none"> • See table for proposed new thresholds based on zoning and lot size (maximum of 50,000 sq. ft.). Threshold excludes exempt structures (e.g., pole barns less than 500 sq. ft., buildings less than 120 sq. ft., structures valued at less than \$2,000) and up to 10,000 sq. ft. of agricultural structures (with up to 3 sides) provided no individual building exceeds 3,000 sq. ft. • If non-agricultural building area onsite (primary residence, garages, etc.) exceeds 15,000 sq. ft., additional non-agricultural square footage would require a Development Plan. • Single agricultural buildings exceeding 15,000 sq. ft. would require a Development Plan; any subsequent building exceeding 10,000 sq. ft. would also require a Development Plan. • New visual and biological development standards apply to agricultural structures that do not require a Development Plan • If cannot comply with development standards may be approved with a Development Plan

PROJECT BACKGROUND

Process Improvement

On May 24, 2005, the Board of Supervisors directed that Planning and Development staff work with the Agricultural Commissioner, Agricultural Advisory Committee and other departments to streamline the development review process for small agricultural properties to encourage continued agricultural productivity. Staff has worked with these groups and the Process Improvement Oversight Committee to identify typical small projects that would be appropriate to shift to a lesser permit or an exemption from permits and to address the development plan threshold to address varying lot sizes. In discussions with the Agricultural Advisory Committee (AAC), concern was expressed about the requirement that cumulative development of 20,000 square feet on a lot, regardless of its zoning or size, requires approval of a Development Plan by the County Planning Commission. Some agriculturally-zoned properties exceed 5,000 acres in size and the same 20,000 sq. ft. threshold applies which allows little flexibility for the property owner.

Agriculture in Santa Barbara County

Agriculture is very important to the economic vitality, health and ambience of Santa Barbara County. Table 3 shows the amount of land in the County zoned for agriculture, areas in production and leading crops. Agriculture continues to be the County's major producing industry with 2008 gross production valued at \$1.14 billion, a three percent increase over 2007. Agriculture continues to provide a strong base for our local economy with a local impact in excess of \$2.2 billion.² Santa Barbara County is considered to be in the top one percent of agricultural counties in the United States.³

According to the *Santa Barbara County Agricultural Resources Environmental/Economic Assessment Study* prepared by the American Farmland Trust in 2007, most of the County's agricultural land use (85 percent) occurs on the 139 largest farms or ranches, covering about 641,000 acres. The 880 smallest farms in the County (49 acres and less) comprise a total of 10,747 acres as shown in Table 4. This represents just 1.4 percent of all agriculturally zoned land in the County.

² County Agricultural Commissioner's Office, *Agricultural Production Report – 2008*.

³ US Department of Agriculture – NASS, *Census of Agriculture, 2002*.

Table 3
Overview of Agriculture in Santa Barbara County – 2008

Aspect of Agriculture	Totals
Agricultural Land	
Total land in County (excluding Channel Islands)	1,634,393 Acres
Total Private Lands (excluding National Forest and Vandenberg)	855,000 (approx)
Land Zoned Agriculture ⁴	760,000 Acres
Land in Ag Preserves	550,000 Acres
Prime	70,000 Acres
Non-Prime	480,000 Acres
Gross Ag Value (2007)	\$1,103,322,033
Leading Crops	
Strawberries	\$309,278,000
Broccoli	\$159,818,000
Head & Leaf Lettuce	\$112,472,000
Wine Grapes	\$86,148,000
Cauliflower	\$47,377,000
Avocados	\$37,714,000
Lemons	\$15,567,000
Nursery Products (Total)	\$176,513,000
Production Areas	
Santa Maria Valley – Vegetables, Wine Grapes & Cattle	290,000 acres
Santa Ynez Valley - Wine Grapes, Cattle, Field Crops & Vegetables	231,000 acres
Lompoc Valley – Vegetables, Seed Crops, Wine Grapes & Cattle	136,000 acres
Cuyama Valley - Carrots, Alfalfa, Wine Grapes & Cattle	113,000 acres
South Coast – Nursery Crops, Avocados & Lemons	106,000 acres
Los Alamos Valley - Vegetables (west), Wine Grapes & Cattle (east)	79,000 acres
Gaviota Coast - Avocados, Cattle, Lemons	51,000 acres
North Gaviota Coast - Cattle	43,000 acres

Source: County Agricultural Commissioner’s Office, *Agricultural Production Report – 2008; Production Area data from Agricultural Commissioner.*

Table 4
Number of Farms and Acres of Farmland by Farm Size in Santa Barbara County – 2002

Size Category	Number of Farms	Acres of Farmland
1 – 9 acres	463	1,529
10 – 49 acres	417	9,198
50 – 179 acres	236	23,264
180 – 499 acres	123	37,022
500 – 999 acres	66	44,923
1,000 or more	139	640,981
Totals	1,444	756,937

Source: US Department of Agriculture – NASS, *Census of Agriculture*, 2002.

Properties enrolled in the Agricultural Preserve Program (Williamson Act)

The California Land Conservation Act of 1965 (also referred to as the Williamson Act) allows cities and counties to enter into contracts with private landowners in order to restrict their land to agricultural or related

⁴ This table shows a total of 760,000 acres of land zoned for agriculture which includes 658,766 acres of AG-I and –II zoned land (see Table 5) as well as other land zoned for agriculture (e.g., under Ordinance 661).

open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to the full market value of the property.

Table 5 on the following page provides information about the number of lots zoned AG-I and AG-II by acreage. It also shows the number of lots that are in Agricultural Preserves. In 2008, there were a total of 2,173 lots enrolled in the Agricultural Preserve program in Santa Barbara County, with most of those located in the AG-II Zones (1,919 lots).

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

Agricultural Preserve contracts may cover more than one lot as long as the ownership of each contracted lot is the same. The number of lots in separate Agricultural Preserve contracts varies from one to 29. One Agricultural Preserve contract includes five lots near Lake Cachuma that total about 30,000 acres. While technically they represent five separate legal lots, they are managed as one with facilities and structures that are shared. Most of the five lots are used for cattle operations and only one of the five lots has residential uses.

The combining of two or more lots into one contract or farming operation is consistent with the input received from Agricultural Advisory Committee members familiar with agricultural practices in Santa Barbara County. They indicated that owners tend to farm or graze more than one lot and they do not have duplicate facilities on each lot they own or control. Also, those who grow more intensely farmed crops (e.g., strawberries and broccoli) indicated that equipment is often shared and large storage facilities are not needed by every farmer.

Each Agricultural Preserve contract covers a "rolling" ten-year time period. Outright cancellation of contracts is very rare due to the strict findings to allow cancellations that are required by the State although non-renewals do occur every year. Once non-renewal has been initiated, the land remains under contract for 10 more years. After that period, the tax and other advantages afforded such properties is no longer applicable. Data about non-renewals between 2005 and June 2009 is presented in Attachment C. The reasons for non-renewals include:

- Multiple owners rather than one owner
- No agricultural production or other non-conformity
- Lots too small
- Estate planning or personal reasons

2.0 PROJECT LOCATION

Santa Barbara County is located in the central coast portion of California, bounded on the north by the Santa Maria River, Rincon Creek and the Sierra Madre Mountains to the east and the Pacific Ocean to the south and west. The proposed ordinance amendment would only affect property designated for agricultural uses and zoned AG-I and AG-II located within the unincorporated areas of the County outside the Coastal Zone and the Montecito Planning Area (see Figure 1 on Page 2). The primary areas that could be affected include:

- Carpinteria foothills – non-coastal portions
- Cuyama Valley
- Gaviota Coast – non-coastal portions
- Goleta foothills
- Lompoc Valley
- Los Alamos
- Santa Barbara foothills
- Santa Maria Valley
- Santa Ynez Valley

No changes to ordinance or development standards are proposed for the Coastal Zone therefore new projects in this area would still require, at a minimum, a Coastal Development Permit. This applies to projects along the

railroad corridor, the western portion of Jalama Road, adjacent to US 101 along the Gaviota Coast, the Carpinteria Valley, portions of the Goleta Valley and most of Toro Canyon.

3.0 ENVIRONMENTAL SETTING

The inland (non-Coastal Zone) agriculturally zoned areas of Santa Barbara County are characterized by diverse topography and geology ranging from the floodplains of the Santa Maria and Santa Ynez Rivers, the rolling hills of the Los Alamos and Santa Ynez Valleys to the steep terrain of the Santa Ynez and San Rafael Mountains. The mild coastal climate and the east-west orientation of mountains creates a host of microclimates that supports a wide diversity of plant and animal species. These same conditions result in excellent growing conditions that contribute to the County's great agricultural diversity.

Agriculture is Santa Barbara County's leading production industry with gross production valued at \$1.14 billion in 2009.⁵ Santa Barbara County agriculture ranks in the top one percent of all U.S. agricultural counties and its total economic impacts ripple through the local economy in many ways.⁵ Food processing and farm support businesses combine with agricultural production to contribute about \$2 billion annually to Santa Barbara's economy.⁶ Nearly 90 percent of the privately owned land under the County's jurisdiction is zoned for agricultural use.⁷ Additional information about agriculture in Santa Barbara County is provided in the Project Background in Section 1.0.

⁵ County of Santa Barbara Agricultural Commissioner's Office, *Agricultural Production Report – 2008*.

⁶ US Department of Agriculture – NASS, *Census of Agriculture*, 2002.

⁷ County of Santa Barbara, *Status of Agriculture in Santa Barbara County*, April 1997 (note does not include Channel Is.)

Table 5
Agricultural Zoned Lots & Agricultural Preserve Data - 2008

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

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

4.0 SCOPE OF ANALYSIS FOR CEQA PURPOSES

The “project” assessed in this document pertains to the proposed revisions to the permit process only. There are no specific projects proposed as part of this ordinance amendment. The locations and impacts of any future specific development projects are unknown and speculative at this time.

This environmental analysis focuses on the following proposals:

- **Agricultural accessory structures of up to 5,000 sq. ft. (AG-II Zone)** – Shift from a Land Use Permit (LUP) to Zoning Clearance for agricultural accessory buildings up to 5,000 sq. ft.
- **Entrance gates, gateposts and crossmembers, and livestock loading ramps (AG-II Zone)** – Shift from LUP to exemption for gate posts and cross-members that meet certain standards; all livestock loading ramps would be exempt from permits.
- **Housing for up to 4 agricultural employees (AG-I & AG-II Zones)** – Shift from a Minor Conditional Use Permit to a Land Use Permit which is subject to public notice and may be appealed.
- **Detached Residential Second Units (AG-I-5, -10 & -20 Zones)** – Shift from a Minor Conditional Use Permit to a Land Use Permit.
- **Development Plan threshold changes (AG-II Zone)** – Increase the Development Plan threshold for larger lots as listed in Table 1 with certain agricultural structures excluded from cumulative square footage calculations.

The County proposes to amend Chapter 35.21, Agricultural Zones, Chapter 35.42, Standards for Specific Land Uses, Chapter 35.82, Permit Review and Decisions, and Chapter 35.110, Definitions of the County Land Use and Development Code to streamline the review process for certain agricultural projects. These changes would not increase the amount of development allowed in agricultural zones, per se, but would make it easier for farmers and ranchers to run their businesses as less time and money would be spent on the permit review process. Also, by making the process easier, fewer structures would be constructed without benefit of permits. The net change resulting from the proposed ordinance amendments is that agricultural viability would be supported by simplifying the process, allowing farmers and ranchers greater flexibility to address changing agricultural trends and requirements while still providing for protection of offsite agriculture, community aesthetics, and biological and other natural resources.

Other considerations relating to the review of proposed agricultural projects that would be affected by the ordinance amendment include the permit and appeal history discussed in the following sections.

PERMIT HISTORY

The recent permit history of farm employee housing, Detached Residential Second Units and Development Plan approvals where the 20,000 sq. ft. threshold would be exceeded is provided below.

New Farm Employee Housing

Attachment D lists the 15 approved Farm Employee Dwelling applications from 2007 through 2009. Nine of these approvals validated existing farm dwellings or were renewals. The other six applications involved new construction for a total of eight new units in three years.

The proposal is to shift from a Minor Conditional Use Permit (MCUP) to a Land Use Permit (LUP) for these projects. The review process and staff analysis for a LUP is similar to that for a MCUP terms of zoning and Comprehensive Plan review, including finding consistency with the Agricultural and Conservation Elements and, where enrolled in the Agricultural Preserve Program, the County’s Uniform Rules. Public notice of the application is provided and appeals may be filed. The change in permit requirements would remove the requirement for a public hearing unless an appeal is filed. This downshift in permit requirements is expected to increase the number of new farm employee units slightly over existing levels. No appeals of farm employee

housing projects have occurred since 2000.⁸

Detached Residential Secondary Units (DRSUs)

Attachment E lists the 19 DRSUs approved between 2007 and 2009. Of these, ten were new structures of which six were proposed near the main residence. Nine other approvals were for the conversion of existing structures into DRSUs and one was a minor addition to an existing structure. The proposal calls for shifting the permit requirement from a MCUP to a LUP. This downshift in permit requirements is expected to increase the number of DRSUs slightly over existing levels.

Development Plan where 20,000 sq. ft. threshold would be exceeded

The change in threshold for when a Development Plan is required could effectively shift some projects from discretionary review that requires CEQA to ministerial review (Land Use Permit). The following are a representative sample of projects approved between 2000 and 2009 that required a Development Plan because the 20,000 sq. ft. threshold was exceeded (see Attachment F for complete list):

- New 36,500 sq. ft. roof over existing arena on 943 acre lot with existing buildings of 20,000 sq. ft. on AG-II lot.
- New 11,600 sq. ft. round pen and barn on 101 acre lot with 21,000 sq. ft. existing development on AG-II lot.
- New 37,000 sq. ft. residential and agricultural buildings on a 38 acre lot in the AG-I-10 Zone.
- New development of 55,000 sq. ft. including main residence and 9,900 sq. ft. horse barn with existing development of 32,000 sq. ft. on 4,800 sq. ft. lot zoned AG-II.
- New 20,000 sq. ft. covered horse arena on a 63 acre lot with 21,000 sq. ft. of existing buildings in the AG-II Zone.
- New 9,800 sq. ft. barn and 5,900 sq. ft. packing house on a 277 acre lot with 15,000 sq. ft. of existing buildings in the AG-II-100 Zone.

On average, there has been about one Development Plan application (required because the 20,000 sq. ft. threshold was exceeded) approved in each of the last ten years. With the proposed threshold change, a project may or may not require an application for a Development Plan depending on the size of the subject lot and total building square footage existing onsite. Input from the Agricultural Advisory Committee and County agricultural planners indicates that the requirement for a Development Plan for new structures once the existing 20,000 sq. ft. threshold has been triggered is somewhat of a deterrent to construction.

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

Appeals of types of projects proposed for revised process

Very few agricultural projects are appealed to the Planning Commission or Board of Supervisors. In 2007 and 2008, only the following three appeals of agricultural structures/uses were filed:

- Hunsicker (08APL-00029) – Grading for horse arena in Santa Ynez area in AG-I-5 zone.
- El Encinal (08APL-00010) – As-built 1,955 sq. ft. hay barn and access on lot in Los Alamos area in AG-II-100 zone (in Agricultural Preserve)
- Mass (08APL-00009) – 308 sq. ft. storage barn in Carpinteria area in AG-I-10 zone – Appeal was withdrawn.

There were six other appeals filed in that two year period for projects on land zoned AG-I and AG-II but these

⁸ County Planning and Development Department appeal data.

projects involved residential uses, wind energy, mining and dog kennels that would not be affected by the proposed ordinance amendments.

5.0 CUMULATIVE PROJECTS

The cumulative project setting considered in this environmental document includes both County programs and permit processes and private development projects proposed by individuals. Two recent County initiatives that relate to agricultural uses are the Ordinance 661 Consistency Rezone and the adoption of the Santa Ynez Community Plan.

ORDINANCE 661 CONSISTENCY REZONE

The Ordinance 661 Consistency Rezone Project involved Comprehensive Plan and Zoning Map amendments that rezoned properties that were previously subject to the old Ordinance 661 zoning ordinance to a comparable agricultural zone district under the jurisdiction of the new Land Use and Development Code. The amendments, approved in October 2007, affected rural lands located in the Santa Maria Valley and San Antonio Creek rural regions. The benefits of the consistency rezone include simplifying the zoning and permitting process and reducing permitting costs and time delays for applicants.

UNIFORM RULES

The Board of Supervisors adopted the “Uniform Rules for Agricultural Preserves and Farmland Security Zones” in late 2007. There are six rules that address agricultural properties enrolled in the Agricultural Preserve Program under the Williamson Act. Three of these rules (#1, 2 and 6 - See Attachment B for more discussion) pertain to eligibility, permitted uses and administrative matters on lots under Agricultural Preserve contracts which is many of the properties discussed in this document.

Properties enrolled in the Agricultural Preserve Program comprise less than half of all AG-I and AG-II zoned lots but account for about 83 percent of agriculturally-zoned property in the County (see Table 5). The Agricultural Preserve Advisory Committee reviews proposed projects for consistency with the Williamson Act and the County’s Uniform Rules, thereby preventing land enrolled in the program from being readily converted to non-agricultural or urban uses.

SANTA YNEZ COMMUNITY PLAN

The Proposed Final Environmental Impact Report (EIR) for the Santa Ynez Community Plan was released for public comment in April 2009. That document analyzes the potential impacts from proposed policies, rezoning, etc., in the Santa Ynez area including:

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

These policies and rezoning would help to mitigate any potential impacts to aesthetics and agriculture in the Santa Ynez Valley.

6.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST

The following checklist indicates the potential level of impact:

Known Significant: The project may result in known significant environmental impacts.

Unknown Potentially Significant: The project may result in unknown potentially significant impacts which need further review to determine significance level.

Potentially Significant and Mitigable: The project may result in potentially significant impacts which can be mitigated to less than significant levels.

Not Significant: The project may result in impacts which are not considered significant.

Reviewed Under Previous Document: The analysis contained in a previously adopted/certified environmental document addresses this issue adequately for use in the current case. Discussion should include reference to the previous documents, a citation of the page or pages where the information is found, and identification of mitigation measures incorporated from those previous documents. **NOTE:** Where applicable, this box should be checked in addition to one indicating the significance of the potential environmental impact.

6.1 AESTHETICS/VISUAL RESOURCES

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. The obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive site open to public view?				X	
b. Change to the visual character of an area?				X	
c. Glare or night lighting which may affect adjoining areas?				X	
d. Visually incompatible structures?				X	

Impact Discussion:

(a, b and d) The entire length of State Highway 154 (San Marcos Pass) and the portion of State Highway 1 located between Las Cruces (interchange with U.S. Highway 101) and the Lompoc city limit are designated State Scenic Highways. U.S. Highway 101 is eligible for State Scenic Highway designation in the State's master plan. In addition, the Open Space Element also classifies a number of highways and roads as scenic corridors. Those roadways carrying a Level One or Two scenic classification that could be affected by new agricultural-related development include U.S. Highway 101, State Highway 176/Foxen Canyon Road, State Highway 246, Santa Rosa Road and State Highway 135. The primary views are of grazing and agricultural lands (including agricultural buildings, grasslands and vineyards and other cultivated field crops) and dispersed residences with a backdrop of rolling hills and mountains of chaparral and oak woodlands.

Agricultural structures are thought by many to be aesthetically pleasing, but have the potential to result in significantly adverse visual effects in some contexts. In rural, open settings, structures of imposing height, scale, design or color might create an incompatible disruption of a scenic public view.

The Santa Barbara County Environmental Thresholds and Guidelines Manual indicates that a project will normally be considered to have a potentially significant visual impact if it has the potential to create a significantly adverse aesthetic impact through obstruction of public views, incompatibility with surrounding land uses, structures, or intensity of development, removal of significant amounts of vegetation, loss of important open space, substantial alteration of natural character, lack of adequate landscaping or extensive grading visible from public areas.

Any agricultural development requiring Board of Architectural Review approval, a Land Use Permit (LUP) or discretionary approval would be analyzed for compatibility with visual policies and to ensure aesthetic impacts would not occur. The policies and rezoning of properties to add the Design Overlay Zone in the adopted Santa

Ynez Community Plan, discussed in Section 5.0, would help to mitigate any potential impacts by applying the Design Overlay to sensitive visual corridors and gateways in the Santa Ynez Valley planning area.

Also, the following development standards are proposed to protect visual resources (See Section 4 of proposed ordinance):

“The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.

- a. Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (1) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (2) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
- b. Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.”

Agricultural accessory structures - New agricultural accessory structures up to 5,000 sq. ft. in AG-II zones are proposed to shift from a LUP to Zoning Clearance. Both LUPs and Zoning Clearances require the same submittal materials and staff analysis for conformance with County plans and policies, including visual policies. A development standard is proposed that requires a LUP if a new agricultural accessory building is proposed within 1,000 feet of any public road or area to ensure that public notice is provided and an appeal may be filed. If it can be determined that the new structure within 1,000 feet of the road is not visible, then a Zoning Clearance is all that is required. These provisions and the new development standard would ensure that visual impacts from new agricultural accessory buildings would not occur.

Entrance gates, cross-members and livestock loading ramps - The proposed amendments include small-scale entrance gates, gateposts and cross-members that would shift from LUP to exemption in AG-II zones. Standards must be met relating to the footprint of the entrance gates and the size of the gate posts and cross-members to ensure compatibility. New visual and biological resource development standards would also help to ensure visual impacts will not occur. Livestock loading ramps are considered to be minimal in scale. If entrance gates and cross-members are located along one of the Design Overlay corridors, especially in the Santa Ynez Valley, review would be required by the appropriate regional Board of Architectural Review. Visual impacts are not expected.

Farm Employee Dwellings – The proposal is to shift farm employee dwellings for up to four employees from MCUP to LUP. Attachment D lists the 15 approved Farm Employee Dwelling applications from 2007 through 2009. Four of these approvals validated existing farm dwellings and two were renewals. The other six applications involved new construction for a total of 8 new units. The proposed shift from a MCUP to LUP would still require staff analysis and a finding of conformity with County visual policies and the new aesthetic and biological resources development standards, along with public notice and the opportunity for appeal. Visual impacts are not expected to occur.

Detached Residential Second Units – The proposals would shift from MCUP to LUP for new DRSUs in AG-I, -10 and -20 zones. Attachment E lists the 19 DRSUs approved between 2007 and 2009. Of these, Ten were new structures of which six were proposed near the main residence where visual impacts wouldn't be expected to occur. Seven other approvals were for the conversion of existing structures into DRSUs and one was a minor addition to an existing structure. The proposed shift from a MCUP to LUP would still require staff analysis and a finding of conformity with County visual policies and the new aesthetic and biological resources development standards, along with public notice and the opportunity for appeal. Visual impacts are not expected to occur.

Change in Development Plan Threshold – The proposed change in the Development Plan threshold would allow larger lots zoned AG-II to have more building area without requiring Planning Commission approval. Another change is the new requirement that non-agricultural development (e.g., primary single family home, garage for personal vehicles, residential accessory buildings, etc.) be limited to no more than 15,000 sq. ft. (with certain exceptions) without approval of a DP. If the non-agricultural area is proposed to exceed 15,000 sq. ft., a DP would be required. Any subsequent agricultural structure that exceeds 10,000 sq. ft. would also require a DP.

Currently, a single structure of up to 20,000 sq. ft. could be constructed on a vacant lot without approval of a DP. As proposed, the threshold for single new agricultural or non-agricultural buildings would be lowered to 15,000 sq. ft. which would reduce potential visual impacts. If a single agricultural structure of 15,000 sq. ft. has been proposed and built, then the threshold for future single agricultural buildings is lowered to 10,000 sq. ft. per structure, further reducing potential visual impacts.

The proposed change to the Development Plan threshold is intended to make it easier to build agricultural support buildings on larger lots zoned AG-II without requiring a public hearing before a discretionary body. A LUP would still be required and that review would include an analysis of potential visual effects including these new development standards intended to mitigate potential visual effects of new development:

“The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.

- a. Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (1) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (2) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
- b. Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.”

As shown in Attachment F, over the last 10 years there has been about one proposal per year that, because of the existing 20,000 sq. ft. Development Plan threshold, required Planning Commission review. Of the eight projects reviewed over the last 10 years, all but two of those projects would still require a Development Plan with the proposed threshold change. The increase in the DP threshold may result in more agricultural buildings being constructed however a LUP or Zoning Clearance would still be required, including analysis of visual issues. If a new agricultural accessory building of up to 5,000 sq. ft. is proposed near a public road or area, a LUP would be required. If the new accessory building is greater than 1,000 feet from the public road, it would not be expected to have a visual impact. New aesthetic and biological resource protection development standards are proposed for the types of projects discussed in this ND that will ensure that any new development will not result in aesthetic impacts. Increases in areas designated Design Overlay in the Santa Ynez Community Plan, Hillside/Ridgeline requirements for BAR review and limitations provided by the Uniform Rules on Agricultural Preserve contracted lands all combine to ensure that the scope and scale of new development on AG-II lands will be compatible and not result in significant visual impacts.

(c) Glare or night lighting could result with the development of DRSUs, farm employee housing or agricultural projects that would not require a Development Plan. These projects may include installation of exterior lighting although new development would likely be in close proximity to existing development and impacts from any new lighting would be minimal and would be addressed during the Zoning Clearance or LUP review process. The adopted Santa Ynez Community Plan also includes development standards relating to outdoor lighting to ensure that impacts due to night lights will not occur. New aesthetic and biological resource protection development standards

are proposed for the types of projects discussed in this ND that will ensure that any new development will not result in aesthetic impacts.

Mitigation and Residual Impact: Given the limited number of applications in recent years for DRSUs, farm employee units and new structures that would not require a Development Plan, along with the requirement that such projects be found consistent with the new aesthetic development standards, existing Comprehensive Plan policies, Design Overlays, and Ridgeline/Hillside Development Guideline requirements, no further mitigation measures are required.

6.2 AGRICULTURAL RESOURCES

Will the proposal:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Convert prime agricultural land to non-agricultural use, impair agricultural land productivity (whether prime or non-prime) or conflict with agricultural preserve programs?				X	
b. An effect upon any unique or other farmland of State or Local Importance?				X	

Background:

As noted under “Project Background” in Section I, agriculture is very important to the economic vitality, health and ambience of our County. Over forty percent of Santa Barbara County is in agricultural zones and agriculture represents over \$1 billion in revenue annually.

The proposed ordinance amendments are intended to give farmers and ranchers more flexibility in their agricultural operations while still protecting the environment and ensuring compatibility with the surrounding area. In the AG-I Zone, there are two proposed changes to the permit process relating to Farm Employee Housing and Detached Residential Second Units (DRSUs) as discussed below. There are 2,651 lots zoned AG-I in the County totaling about 42,000 acres (see Table 5). Most of the proposed changes analyzed in this document, however, relate to land zoned AG-II. Table 5 shows that there are 3,117 lots zoned AG-II in the County totaling about 617,000 acres.

“Typical” Agricultural Operations and Associated Structures - In order to analyze potential impacts to agriculture due to the proposed amendments, information is needed about “typical” agricultural operations in Santa Barbara County. Based on input from Agricultural Advisory Committee members, Agricultural Planning staff and planning files, below is an overview of some typical farm and ranch operations in Santa Barbara County:

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

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

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

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

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

- Residences – Single family residence

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

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

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

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

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

Agricultural Preserves

As discussed under “Project Background” above, many of the AG-I and AG-II zoned properties in the County are enrolled in the Agricultural Preserve Program pursuant to the Williamson Act. These contracts require that private landowners restrict their land to agricultural or related open space use. In return, they receive property tax assessments which are much lower than normal because they are based upon farming and open space uses. The Agricultural Preserve Advisory Committee (APAC) uses the County’s Uniform Rules to review proposed projects on land under contract to ensure that agricultural land enrolled in the program is prevented from being readily converted to non-agricultural or urban uses. Non-renewal of contracts also occur at a nominal rate (see Attachment C) and, even when non-renewed, the land remains under contract for ten more years.

Agricultural Preserve contracts may cover more than one lot as long as the ownership of each contracted lot is the same. The combining of lots into one contract or farming operation is fairly common as owners tend to farm or graze more than one lot and they do not have duplicate facilities on each lot they control. Also, where more intensely farmed crops (e.g., strawberries and broccoli) are grown, equipment is often shared and large storage facilities are not needed by every farmer. Therefore, while some of the proposed ordinance changes are theoretically applicable on each agricultural lot, that is not the reality of how farmers and ranchers manage land.

Conservation easements and other limitations on development potential on agricultural lots

There are several lots zoned AG-I or AG-II that are subject to conservation, development rights restrictions or other easements that severely limit future development. Examples of protected lands include the Freeman Ranch (660 acres), Rancho Las Cruces (900 acres), Rancho Dos Vistas (1,406 acres), La Paloma Ranch (750 acres) and El Capitan Ranch (650 acres) in the Gaviota area all managed by the Land Trust of Santa Barbara County. In the Santa Ynez area, Great Oak Ranch (1,129 acres) and Rancho Felicia (314 acres) are managed by the Land Trust and the Sedgwick Reserve (5,900 acres) is managed by UC Santa Barbara. Bixby Ranch is zoned AG-II and

Comprehensive Plan

Any project requiring a Zoning Clearance, Land Use Permit, Minor CUP or Development Plan approval requires a finding of conformity with the Comprehensive Plan, including the Land Use, Conservation, Agriculture and other elements. These policy documents include goals, policies and actions that directly and indirectly protect agriculture.

Impact Discussion:

(a,b) The following development standards are proposed for any project that would shift from one permit to another, e.g., from MCUP to Land Use Permit or from Development Plan to LUP as shown in the proposed ordinance.

The development shall avoid or minimize significant impacts to agricultural to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.

Small agricultural accessory structures - Currently, agricultural accessory buildings of up to 3,000 sq. ft. do not require a building permit, although a Land Use Permit is required along with electrical or plumbing permits if utilities are included in the structure. The proposal is shift the permit requirement for small agricultural buildings up to 5,000 sq. ft. from LUP to a Zoning Clearance. These small agricultural accessory structures are anticipated to house farm and ranch equipment, animal feed, and provide storage for hay and other items related to the agricultural operation onsite. During the staff review of the application for the Zoning Clearance, the structure and its use must be demonstrated to be accessory to the agricultural use and consistent with the Agricultural Element. A finding must also be made that the project is would not affect agricultural viability and that it would meet visual and biological resource development standards. Given these considerations and the cost-effectiveness and practicality of locating these small structures near other buildings, potential impacts to viable agricultural operations are not expected to occur.

Entrance gates, cross-members and livestock loading ramps - The proposed amendments include small-scale entrance gates, cross-members and livestock loading ramps that would shift from LUP to exemption. Standards must be met relating to footprint of the entrance gates and the size of the gate posts and cross-members to ensure compatibility. Livestock loading ramps are considered to be minimal in scale and not detrimental to agricultural operations. Gates and ramps are located at the road right-of-way and are not placed in a manner to impede agricultural operations. Impacts to agriculture are not expected to occur due to the proposed changes.

Farm Employee Housing - The proposed ordinance amendments are intended to make the process simpler to provide farm employee housing by requiring a LUP rather than a MCUP. There were 15 applications for Farm Employee Dwellings approved in three years from 2007 through 2009 (see Attachment D). Of these, only six new units were approved with the remainder renewals or validation of existing farm employee units. The shift from a hearing before the Zoning Administrator to a LUP is intended to make it easier to provide housing for workers. The submittal materials for a MCUP and LUP are similar and staff performs the same analysis of consistency with existing County plans and policies, including the Agricultural Element. Based on input from the Agricultural Advisory Committee and agricultural planning staff in Planning and Development, new farm units are generally located near existing buildings and infrastructure. A development standard is proposed that the "Location of new units will not affect the viability of onsite agriculture, prime soils or adjacent agricultural operations." The finding of consistency with the County's goals and policies and new development standard would ensure that impacts to agriculture would not occur with the proposed shift in farm employee dwelling permit requirements.

Detached Residential Second Units – Similar to farm employee dwellings, the proposed shift in permit for DRSUs from MCUP to LUP is intended to facilitate providing housing for family and staff on farms and ranches. There were a total of 19 MCUP applications approved for DRSUs between 2007 and 2009 (see Attachment E). All of these applications were determined to be categorically exempt from CEQA due to the lack of anticipated impacts. An existing development standard that must be met to approve a DRSU is proposed to be strengthened, thereby offering more protection of agricultural resources than currently exists:

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

feasible by:

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

The staff analysis of a proposed LUP and MCUP is the same in terms of finding conformity with the Comprehensive Plan. As part of the analysis of consistency with the Comprehensive Plan policies, the potential for impacts to agricultural operations and productivity will be analyzed. The strengthened development standard will also help to ensure that future DRSUs do not impact productive agricultural land or operations. Significant impacts to agriculture are not expected to occur with the proposed change in the DRSU approval process.

Change in Development Plan threshold - The amendment proposes changing the threshold for requiring a Development Plan for agricultural structures on an AG-II zoned lot as shown in Table 6:

**Table 6
 Proposed AG-II Development Plan Threshold**

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

The amendment also proposes to limit non-agricultural development on a lot to 15,000 sq. ft. without the approval of a Development Plan. This limitation would apply to all non-agricultural space whether in a single building or several structures. Single agricultural structures would be limited to 15,000 sq. ft. without a Development Plan with subsequent buildings that exceed 10,000 sq. ft. also requiring a Development Plan..

Figure 2 on the following page shows the location of AG-II zoned lots in the County that are 320 acres and 640 acres and greater. As shown in Table 6 above, those large lots would have a new DP threshold of 50,000 sq. ft. Table 7 below shows the primary uses on those lots with about 75 percent being used primarily for pasture and cattle grazing. Based on the examples given at the beginning of this section and input received, the buildings associated with pasture and grazing are not excessive in size.

**Table 7
 Agricultural Uses on AG-II Zoned Lots of 320 Acres & Greater In Size**

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

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

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

Attachment F shows eight Development Plan applications where the 20,000 sq. ft. threshold required approval from 2000 to 2009. The types of new buildings proposed in those Development Plan applications included:

- New 36,500 sq. ft. cover over existing private horse arena
- Total of 23,756 sq. ft. of development including modular residence, 14,720 sq. ft. horse barn, 3 farm employee units and a 1,966 sq. ft. cover over an existing pen
- Cover over existing pen and new barn totaling 11,600 sq. ft.
- As-built approval of 8,072 sq. ft. residence, three farm employee dwellings for a total of 15,940 sq. ft. in addition to existing development comprising almost 26,000 sq. ft. of agricultural buildings

These are the types of buildings that would be expected to be added to lots. The purpose of the proposed buildings is primarily agricultural and, if large non-agricultural buildings are proposed, the 10,000 sq. ft. threshold would trigger the Development Plan requirement. If a single large agriculture-related structure (e.g., 36,500 sq. ft. cover for existing horse arena) over 20,000 sq. ft. is proposed, it would require a Development Plan.

The proposed changes to agricultural permits are sufficiently limited in scope and the required finding of consistency with County plans and policies as well as new development standards would ensure that significant impacts to agriculture will not occur.

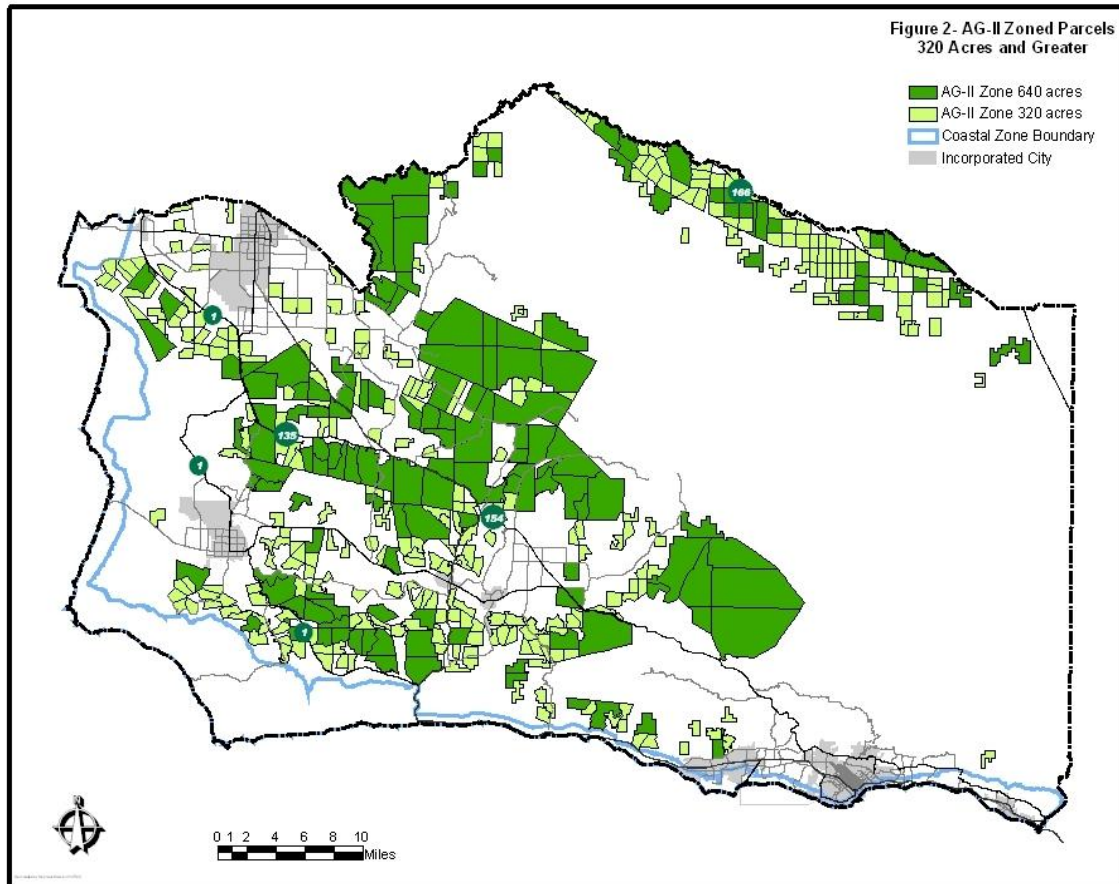


Figure 2 - AG-II Zoned lots of 320 and 640 acres and greater

Projects requiring discretionary and architectural review

As discussed in Section, 1, there are several types of projects that may be proposed on AG-I or AG-II zoned land that are subject to discretionary review including wineries, greenhouses, intensive agricultural processing of products grown off-site, meeting facilities, etc. Architectural review would still be required if the proposed project were located in a Design Overlay District or in an area subject to the Ridgeline/Hillside Development Guidelines. The proposed changes discussed in this document would not change those review processes.

Mitigation and Residual Impact: Based on recent permit activity and input from farmers and ranchers, the number of new DRSUs, farm employee dwellings and buildings that might be constructed without requiring a Development Plan is not expected to increase significantly. These new structures would still need to be found consistent with County policies relating to agricultural viability and compatibility and are not expected to result in significant agricultural impacts. No mitigation is required.

6.3 AIR QUALITY

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. The violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation including, CO hotspots, or exposure of sensitive receptors to substantial pollutant concentrations (emissions from direct, indirect, mobile and stationary sources)?				X	
b. The creation of objectionable smoke, ash or odors?				X	
c. Extensive dust generation?				X	
Greenhouse Gases	Significant		No classification		
d. Emissions equivalent to or greater than 25,000 metric tons of CO ₂ per year from both stationary and mobile sources during long-term operations?				X	

Impact Discussion:

(a) Vehicle trips associated with employees, their families and construction workers associated with new agricultural support structures is expected to be minimal and dispersed throughout the County. The proposal to simplify the review process for new Farm Employee Dwellings would decrease overall miles travelled as workers would reside on the farm or ranch where they work. Simplifying the process for DRSUs is expected to result in a slight increase in the number of these dwellings in locations dispersed throughout the AG-I zone. The increase in vehicle trips and associated decreases in air quality would be very small and not significant. Permit histories for DRSUs and Farm Employee Dwellings (see Attachments D and E) indicate that the increase in new units is small and impacts would not be expected.

(c) The amount of new construction throughout the AG-I and AG-II Zones associated with the proposed amendments is expected to be minimal and to be dispersed throughout the AG-I and –II zoned areas of the County. The County’s existing requirements relating to minimizing dust generation during construction would ensure that significant dust-related impacts would not occur.

(d) Greenhouse gases (GHGs) include water vapor, carbon dioxide, methane, nitrous oxide and other compounds. The amount of new development that could possibly result from the proposed agricultural process changes is expected to be minimal and dispersed throughout the AG-I and AG-II zoned areas of the County. Any direct or indirect emissions from this new development are not expected to be significant.

Mitigation and Residual Impact: Since the air quality impact, if any, is expected to be minimal, no mitigation is required.

6.4 BIOLOGICAL RESOURCES

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
Flora					
a. A loss or disturbance to a unique, rare or threatened plant community?				X	

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
b. A reduction in the numbers or restriction in the range of any unique, rare or threatened species of plants?				X	
c. A reduction in the extent, diversity, or quality of native vegetation (including brush removal for fire prevention and flood control improvements)?				X	
d. An impact on non-native vegetation whether naturalized or horticultural if of habitat value?				X	
e. The loss of healthy native specimen trees?				X	
f. Introduction of herbicides, pesticides, animal life, human habitation, non-native plants or other factors that would change or hamper the existing habitat?				X	
Fauna					
g. A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened or endangered species of animals?				X	
h. A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?				X	
i. A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?				X	
j. Introduction of barriers to movement of any resident or migratory fish or wildlife species?				X	
k. Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?				X	

Existing Plant and Animal Communities/Conditions:

The inland (non-Coastal Zone) rural areas of Santa Barbara County are characterized by a diverse mosaic of habitat types supporting a corresponding diversity in plant and animal species. The terrain is characterized by rolling hills studded with grassland, valley oak savanna and woodland, chaparral and coastal sage scrub and coast live oak woodlands to steeply sloping foothills and mountains. Numerous streams and creeks flow through the area and several notable rivers (Santa Ynez, Santa Maria, Cuyama and Sisquoc) providing a network of riparian habitats. Low development density has maintained a relative undisturbed native habitat and while residential and agricultural development has fragmented this habitat, there remain large expanses of native vegetation, rare and sensitive plant and animal species and key habitat linkages.

These habitats support a variety of wildlife species, including gray fox, coyote, mule deer, bobcat, and black bear and mountain lion in the mountains. Commonly occurring birds include sparrow, scrub jay, acorn woodpecker, Anna's hummingbird, California quail and a number of sensitive species such as southwestern willow flycatcher, yellow warbler, grasshopper sparrow, purple martin, yellow-breasted chat, and tri-colored blackbirds. Raptors include red-tailed hawk, golden eagle, Cooper's hawk, white-tailed kite and bald eagle, which winter at Cachuma Lake. Reptiles and amphibians include western fence lizard, horned lizard, gopher snake, common king snake, rattlesnake, frogs and turtles.

A number of species in the inland rural areas of Santa Barbara County have been designated either threatened or endangered under the federal Endangered Species Act, including but not limited to the California Tiger Salamander, California red-legged frog, steelhead trout, southwestern pond turtle, fairy shrimp, bald eagle, least Bell's vireo and southwestern willow flycatcher. The Fish and Wildlife Service (F&WS) has designated critical habitat for the California tiger salamander, California red-legged frog and fairy shrimp. Future development that could result in take of the species or its habitat must be reviewed by the F&WS.

Impact Discussion:

(a through k) As discussed above, there is a broad range of sensitive plant and animal species and large stands of native vegetation in the inland rural areas of Santa Barbara County. These areas include unique, rare or threatened animal and plant species, native vegetation, non-native vegetation of habitat value and healthy native specimen trees. These habitats tend to occur outside cultivated agricultural areas although they could be impacted by the development of agricultural structures that might be permitted through these ordinance amendments.

Agricultural Advisory Committee members and agricultural planning staff in Planning and Development have indicated that new structures are typically constructed adjacent to existing structures to minimize the need for extension of infrastructure such as roads, utilities, etc., and to avoid impacting productive agricultural land. Attachment E lists the 15 DRSUs approved in 2007 and 2008. Of these, six were new structures that were constructed near the main residence or previously disturbed area. Seven other approvals were for the conversion of existing structures into DRSUs. One was a minor addition to an existing structure. In two and one-half years, there were eight new farm employee units or less than four a year.

Most of the changes proposed in the ordinance amendments relate to AG-II zoned lots. As most of the AG-II zoned lots are in Agricultural Preserves (see Table 3), the Uniform Rules limitation of a building envelope of no more than two acres or three percent of the preserve (whichever is smaller) would help to ensure that new construction would occur in proximity to existing buildings. All new structures on agricultural land are reviewed for consistency with policies in the Agriculture and Conservation Elements of the Comprehensive Plan. Both elements acknowledge the need to encourage agriculture while protecting biological resource values. There are numerous other County policies relating to protection of biological resources. These include the Hillside and Watershed Protection Policy 2 of the Land Use Element that states, in part, that "All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and ... Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible." The Conservation Element and Environmental Resources Management Element provide guidance to protect biological resources, as do the policies and regulations of state and federal agencies such as the California Fish and Game and US Fish and Wildlife Service.

A similar analysis would occur for new structures on property that is not enrolled in the Agricultural Preserve Program.

To ensure that impacts to biological resources will not occur, the following development standards are proposed to protect biological resources. These standards apply to any project that is proposed to shift from one permit to another (see proposed ordinance):

- "1. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.
 - a. Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - b. Native Woodlands and Forests.
 - c. Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (1) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.
 - (2) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - d. Plant communities known to contain Rare, Endangered, or Threatened species.
 - e. Streams, riparian areas, vernal pools, and wetlands.

- f. Any designated Environmental Sensitive Habitat Areas.
- 2. The development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.”

Individual permit review by Planning and Development staff includes a determination that the project is consistent with the Land Use and Development Code, Comprehensive Plan, and State and Federal Regulations. Upon review of the individual applications for DRSUs, farm employee housing or agricultural accessory structures, further studies and/or analysis may be required to determine if a project has the potential to impact biological resources which may result in the relocation of a proposed structure or the redesign, modification or restriction of a project’s design, configuration or operations. Biological resources are not expected to be adversely impacted as a result of the ordinance amendment.

Mitigation and Residual Impact: Impacts to biological resources resulting from the proposed ordinance amendments would be less than significant with the incorporation of a new development standard relating to siting new structures a minimum of 50/100 feet from any designated ESHA. No mitigation is required.

6.5 CULTURAL RESOURCES

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
Archaeological Resources					
a. Disruption, alteration, destruction, or adverse effect on a recorded prehistoric or historic archaeological site (note site number below)?				X	
b. Disruption or removal of human remains?				X	
c. Increased potential for trespassing, vandalizing, or sabotaging archaeological resources?				X	
d. Ground disturbances in an area with potential cultural resource sensitivity based on the location of known historic or prehistoric sites?				X	
Ethnic Resources					
e. Disruption of or adverse effects upon a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group?				X	
f. Increased potential for trespassing, vandalizing, or sabotaging ethnic, sacred, or ceremonial places?				X	
g. The potential to conflict with or restrict existing religious, sacred, or educational use of the area?				X	

Impact Discussion:

(a-g) Cultural resources can be found throughout the County given the many communities of Chumash who lived in the area. Prehistoric resources have also been found within the County. Any potential cultural resource impacts associated with agricultural development are unknown at this time given the location of new projects is speculative. Individual permit review will require Planning and Development staff to find that the project is consistent with the Land Use and Development Code, Comprehensive Plan, and State and Federal Regulations. Comprehensive Plan policies require the protection of known archaeological sites and that all work to be stopped if resources are found during grading or construction. Upon review of the individual applications, further studies and/or analysis may be required to determine if a project has the potential to impact archaeological resources.

Mitigation and Residual Impact: Impacts to cultural resources as a result of the proposed ordinance amendments would be less than significant. No mitigation is required.

6.6 ENERGY

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Substantial increase in demand, especially during peak periods, upon existing sources of energy?				X	
b. Requirement for the development or extension of new sources of energy?				X	

Impact Discussion:

(a, b) Typically, specific types of large scale developments such as oil refineries or major health care facilities that require large amounts of energy are the types of projects that may impact energy resources. The size and scale of DRSUs, farm employee housing and/or new agricultural buildings would not be large enough to significantly affect energy demand or require the development of new energy sources. The types of agricultural-related uses that might require large amounts of energy (e.g., agricultural processing facilities) would still require discretionary review where that issue would be addressed.

Mitigation and Residual Impact: Impacts to energy as a result of the proposed ordinance amendments would be less than significant. No mitigation is required.

6.7 FIRE PROTECTION

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Introduction of development into an existing high fire hazard area?				X	
b. Project-caused high fire hazard?				X	
c. Introduction of development into an area without adequate water pressure, fire hydrants or adequate access for fire fighting?				X	
d. Introduction of development that will hamper fire prevention techniques such as controlled burns or backfiring in high fire hazard areas?				X	
e. Development of structures beyond safe Fire Dept. response time?				X	

Impact Discussion:

(a-e) The types of projects that would benefit from the proposed ordinance amendments are relatively small in scale: farm employee dwellings, DRSUs and agricultural structures. Some of these projects may be located in an existing high fire hazard area as a majority of the County is designated as a high fire hazard area. Structures requiring a building permit would have to meet the requirements of the County's High Fire Hazard ordinance regarding allowed building materials and design. All new development is required to be reviewed by the Fire Department prior to the issuance of building permits to ensure conformance with their requirements. Based on review of permit approvals (see Attachments D – F), most structures are sited in close proximity to existing buildings and infrastructure. Assuming the same would occur in the future, encroachment into vegetated areas is expected to be minimal. Future development under the proposed amendments would not adversely impact fire protection due to the likely siting of new structures and the required review by the Fire Department.

Mitigation and Residual Impact: Impacts to fire protection as a result of the proposed ordinance amendments would be less than significant. No mitigation is required.

6.8 GEOLOGIC PROCESSES

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Exposure to or production of unstable earth conditions such as landslides, earthquakes, liquefaction, soil creep, mudslides, ground failure (including expansive, compressible, collapsible soils), or similar hazards?				X	
b. Disruption, displacement, compaction or overcovering of the soil by cuts, fills or extensive grading?				X	
c. Permanent changes in topography?				X	
d. The destruction, covering or modification of any unique geologic, paleontologic or physical features?				X	
e. Any increase in wind or water erosion of soils, either on or off the site?				X	
f. Changes in deposition or erosion of beach sands or dunes, or changes in siltation, deposition or erosion which may modify the channel of a river, or stream, or the bed of the ocean, or any bay, inlet or lake?				X	
g. The placement of septic disposal systems in impermeable soils with severe constraints to disposal of liquid effluent?				X	
h. Extraction of mineral or ore?				X	
i. Excessive grading on slopes of over 20%?				X	
j. Sand or gravel removal or loss of topsoil?				X	
k. Vibrations, from short-term construction or long-term operation, which may affect adjoining areas?				X	
l. Excessive spoils, tailings or over-burden?				X	

Impact Discussion:

(a-e, i, j, l) The County contains some areas that are affected by landslides and other unstable geological conditions. Prior to the issuance of a Land Use Permit or Zoning Clearance for development, a project must be determined to be consistent with the Comprehensive Plan which contains polices that pertain to geological conditions. Specifically, the following Hillside and Ridgeline policies and Seismic Safety Element policies would apply to all future agricultural development in the AG-I and AG-II Zones:

Hillside and Watershed Protection Policy #1: Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

Hillside and Watershed Protection Policy #2: All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, native vegetation, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

Seismic Safety Element Policy #1: Avoid construction of buildings of all types and most structures on or across historically active or active faults. The appropriate setback distance from the trace of the fault would be variable, depending on the conditions, but normally would be a minimum of at least 50 feet on either side of the sheared zone.

Seismic Safety Element Policy #3: Because active fault zones are not suitable for construction sites, they should be developed for non-structural uses or left in an undeveloped natural state. In view of the normally narrow width of the zone (100 feet minimum) in which building should be avoided, the zone would be a suitable location for trails or narrow green belts, possible adjacent to residential or commercial areas.

Adherence to these policies would ensure that new agricultural development would not be located on land with unstable geological conditions, would limit project grading and would protect natural topography and any potential unique landforms or terrain. Consistency with these policies would result in less than significant environmental impacts to geological resources. Additionally, areas of known geologic hazards are designated as Special Problems Areas which require additional review by the Special Problems Committee.

A Development Plan, Land Use Permit or Zoning Clearance would be required for the types of agricultural projects discussed in this document and thus conformance with geologic policies would be required. The only type of project that would be exempt from review is new entrance gates and livestock loading ramps. These structures are small in scale and would not be expected to propose changes that could result in geologic or soil impacts.

(f) The Inland (non-Coastal Zone) area of the County contains streams and rivers that could potentially be impacted by agricultural development. The Comprehensive Plan contains policies which protect waterways from erosion, sedimentation, and pollutants. Any Land Use Permit or Zoning Clearance approval requires consistency with all the of the Comprehensive Plan policies, therefore, any future project will be required to demonstrate that it will not adversely impact any river or stream.

Hillside & Watershed Protection Policy #6: Provisions shall be made to conduct surface water to storm drains or suitable water courses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.

Hillside & Watershed Protection Policy #7: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

Stream and Creeks Policy #1: All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

(g) The amount of development facilitated by the proposed amendments is expected to be minimal and to not impact wastewater systems to a significant level.

Mitigation and Residual Impact: Since the ordinance amendment is expected to result in minimal increases in agricultural-related development and findings and development standards are required to be met, potentially significant impacts are expected to be less than significant. Mitigation is not required.

6.9 HAZARDOUS MATERIALS/RISK OF UPSET

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. In the known history of this property, have there been any past uses, storage or discharge of hazardous materials (e.g., fuel or oil stored in underground tanks, pesticides, solvents or other chemicals)?				X	
b. The use, storage or distribution of hazardous or toxic materials?				X	
c. A risk of an explosion or the release of hazardous substances (e.g., oil, gas, biocides, bacteria, pesticides, chemicals or radiation) in the event of an accident or upset conditions?				X	
d. Possible interference with an emergency response plan or an emergency evacuation plan?				X	
e. The creation of a potential public health hazard?				X	

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
f. Public safety hazards (e.g., due to development near chemical or industrial activity, producing oil wells, toxic disposal sites, etc.)?				X	
g. Exposure to hazards from oil or gas pipelines or oil well facilities?				X	
h. The contamination of a public water supply?				X	

Impact Discussion:

(a, d, f, g) Santa Barbara County has been developed with oil and gas facilities in the past and currently has facilities in operation. These facilities typically have been scrutinized during the permitting process and setbacks from other uses are required. Where there is a potential for future agricultural structures to be located near these existing or previous facilities, the established setbacks would ensure that impacts do not occur.

(b, c, e, h) Some agricultural operations involve the use of pesticides. New DRSUs, agricultural buildings and farm employee dwellings are likely to occur in existing developed areas that are at some distance from areas where these chemicals are applied. Also, the application of pesticides is strictly regulated by the Agricultural Commissioner’s office to minimize any hazard to nearby human populations. The amount of new development as a result of the ordinance amendment is expected to be minor and significant public safety hazards are not expected to occur.

Mitigation and Residual Impact: Impacts to hazardous material/risk of upset as a result of the proposed ordinance amendment would be less than significant. No mitigation is required.

6.10 HISTORIC RESOURCES

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Adverse physical or aesthetic impacts on a structure or property at least 50 years old and/or of historic or cultural significance to the community, state or nation?				X	
b. Beneficial impacts to an historic resource by providing rehabilitation, protection in a conservation/open easement, etc.?				X	

Impact Discussion:

(a, b) Santa Barbara County contains numerous documented and undocumented historical structures. It is possible that new agricultural uses could be located within or adjacent to a structure with some historical significance. Since the proposed project is an ordinance amendment and does not involve individual properties or specific structures it would be impossible to analyze every possible impact resulting from the amendment. By raising the threshold before a Development Plan approval is required, fewer older potentially historic buildings onsite would be demolished. Moreover, future applications would be subject to review and would be required to be consistent with the Land Use and Development Code, Comprehensive Plan and all State and Federal regulations. Standard County practice is to require review and approval of a proposed project that involves a known or potential historically important property or structure by the Historical Landmark Advisory Commission and if necessary further research regarding the historical significance of the structure by other professional historians. This practice would remain in place and would ensure that any impacts to historical resources would be avoided or reduced the least significant levels possible.

Mitigation and Residual Impact: No impact to historic resources would occur as a result of the ordinance amendment, therefore, no mitigation is necessary.

6.11 LAND USE

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Structures and/or land use incompatible with existing land use?				X	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	
c. The induction of substantial growth or concentration of population?				X	
d. The extension of sewer trunk lines or access roads with capacity to serve new development beyond this proposed project?				X	
e. Loss of existing affordable dwellings through demolition, conversion or removal?				X	
f. Displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	
g. Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	
h. The loss of a substantial amount of open space?				X	
i. An economic or social effect that would result in a physical change? (i.e. Closure of a freeway ramp results in isolation of an area, businesses located in the vicinity close, neighborhood degenerates, and buildings deteriorate. Or, if construction of new freeway divides an existing community, the construction would be the physical change, but the economic/social effect on the community would be the basis for determining that the physical change would be significant.)				X	
j. Conflicts with adopted airport safety zones?				X	

Impact Discussion:

(a) The amended ordinance applies to properties zoned AG-I and AG-II in the inland (non-Coastal Zone) area of the County. Agricultural accessory buildings, DRSUs and farm employee housing are considered to be compatible and allowed uses in an agricultural land use designation. Given the development standards proposed relating to agricultural viability and visibility and the required finding of consistency with County plans and policies, impacts are not expected to occur. The required findings, particularly for new DRSUs and farm employee units, would ensure that compatibility is maintained and no conflicts with the land use designation or existing allowed uses would occur. As discussed in the Aesthetics and Agriculture Sections above (6.1 and 6.2 respectively), development standards and findings are incorporated into the proposed ordinance amendments to address potential land use and other incompatibilities in order to avoid impacts.

(b) The agricultural and related uses analyzed in this document would be required to be found consistent with all adopted polices of the Comprehensive Plan prior to the issuance of a Land Use Permit or Zoning Clearance in addition to all State and Federal regulations.

(c,d,h) The ordinance amendments analyzed in this document relate primarily to the AG-II zone where most lots are subject to Agricultural Preserve contracts. The simplified process to build agricultural accessory buildings, DRSUs and farm employee dwellings may result in more development, but these uses are incidental to the primary

agricultural use and would not affect overall land use. Where in Agricultural Preserves, review by agricultural planning staff and the Agricultural Preserve Advisory Committee ensures that the development is appropriate. Allowing up to 50,000 sq. ft. on lots of 320 acres and more may result in more construction, but any new structures would require a MCUP, LUP or Zoning Clearance. The analysis associated with those applications includes a finding of conformance with the County’s agricultural, visual, biological and other plans and policies. Changes in land use and growth patterns are not expected to occur.

(e, f, g) The amended ordinance applies to AG-I and AG-II zone districts. High density affordable housing is not an allowed use in these zone districts. The simplified process to allow DRSUs and farm employee dwellings will increase the supply of housing, much of it in the affordable income range, therefore no impacts will occur.

(i, j) The size, scale and nature of future agricultural development would not be significant enough to cause a social or economic effect that would result in a physical change, nor would it be expected to impact any public or private airport or airport safety zones so impacts are not expected to occur.

Mitigation and Residual Impact: No impact to land use would occur as a result of the ordinance amendment, therefore, no mitigation is necessary.

6.12 NOISE

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Long-term exposure of people to noise levels exceeding County thresholds (e.g. locating noise sensitive uses next to an airport)?				X	
b. Short-term exposure of people to noise levels exceeding County thresholds?				X	
c. Project-generated substantial increase in the ambient noise levels for adjoining areas (either day or night)?				X	

Impact Discussion:

(a,b,c) The County Environmental Thresholds Manual identifies noise sensitive uses to include: residential development, transient lodging, facilities for long term medical care and public or private educational facilities, libraries, churches and places of public assembly. Agriculture is not considered a noise-sensitive use and is not considered to be long term excessive noise producing type of use, therefore, long term exposure of people to noise levels exceeding County thresholds would not occur. The amount of new agriculture-related construction is expected to be minimal and noise impacts should not occur. Up to 15,000 sq. ft. cumulative square feet may be constructed on an AG-II zoned lot without a DP and the LUP and building permit processes would address noise mitigation as required on a site specific basis. Noise impacts are not expected to be significant.

Mitigation and Residual Impact: The amended ordinance would not create significant noise impacts. No mitigation is necessary.

6.13 PUBLIC FACILITIES

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. A need for new or altered police protection and/or health care services?				X	
b. Student generation exceeding school capacity?				X	
c. Significant amounts of solid waste or breach any national, state, or local standards or thresholds relating to solid waste disposal and generation (including recycling facilities and existing landfill capacity)?				X	

d. A need for new or altered sewer system facilities (sewer lines, lift-stations, etc.)?				X	
e. The construction of new storm water drainage or water quality control facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	

Impact Discussion:

(a,c,d,e) The increase in new agriculture-related construction as a result of the ordinance amendment is expected to be minimal. There would not be an appreciable increase in demand for increases in police protection, health care services, solid waste, sewer systems or storm water systems.

(b) The increase in the number of new DRSUs and farm employee dwellings is expected to be small and would not significantly impact any public schools. Additionally, all new residential construction is required to pay school impact mitigation fees to address potential impacts.

Mitigation and Residual Impact: The amount of new development and resulting waste is not expected to be significant and mitigation measures are not required.

6.14 RECREATION

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Conflict with established recreational uses of the area?				X	
b. Conflict with biking, equestrian and hiking trails?				X	
c. Substantial impact on the quality or quantity of existing recreational opportunities (e.g., overuse of an area with constraints on numbers of people, vehicles, animals, etc. which might safely use the area)?				X	

Impact Discussion:

(a, b,c) The increase in new agriculture-related construction as a result of the ordinance amendment is expected to be minimal. The location of any new development is speculative and any potential conflicts with established recreational areas, trails or other recreational opportunities would be evaluated during the review process. The staff analysis as a part of the LUP or Zoning Clearance process would address consistency with recreation goals and policies such that significant impacts are not expected to occur.

Mitigation and Residual Impact: No impact to recreation would occur as a result of the ordinance amendments, therefore, no mitigation is necessary.

6.15 TRANSPORTATION/CIRCULATION

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Generation of substantial additional vehicular movement (daily, peak-hour, etc.) in relation to existing traffic load and capacity of the street system?				X	
b. A need for private or public road maintenance, or need for new road(s)?				X	
c. Effects on existing parking facilities, or demand for new parking?				X	
d. Substantial impact upon existing transit systems (e.g. bus service) or alteration of present patterns of circulation or movement of people and/or goods?				X	

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
e. Alteration to waterborne, rail or air traffic?				X	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians (including short-term construction and long-term operational)?				X	
g. Inadequate sight distance?				X	
ingress/egress?				X	
general road capacity?				X	
emergency access?				X	
h. Impacts to Congestion Management Plan system?				X	

Impact Discussion:

(a,f) There may be an increase in the amount of agriculture-related construction and new structures as a result of the proposed ordinance amendment, although the amount is expected to be very small and dispersed throughout the AG-I and AG-II areas of the County. The new residents of proposed farm employee dwellings would be required to work onsite, thus avoiding impacts to traffic patterns in agricultural areas and significant generation of vehicular traffic should not occur as a result of the amended ordinance. Any site-specific issues such as concerns about sight distance, ingress/egress, etc., would be addressed through the development review process and would not be expected to be significant. All new residential construction, except for farm employee dwellings, are required to pay appropriate mitigation fees.

(b) The development of future agricultural buildings would not increase the need for additional public roadway maintenance due to their limited size, scale and vehicle trip generation. New private roads or driveways may be required to access future structures although most, if not all, are expected to be proposed in close proximity to existing roads to minimize the loss of productive agricultural land and the reduce the cost of the project. New driveways would be required to meet Road Division and Fire Department standards for width, sight distance and construction material per standard County development requirements. This requirement would ensure that any new driveways or access roads would not cause a potentially significant environmental impact to traffic or circulation.

(c) The possible increase in new agricultural buildings is not expected to be significant and existing County parking requirements would need to be met, ensuring that parking impacts do not occur.

(d,e) The residents of the new DRSUs and farm employee dwellings are expected to reside and work onsite. New agricultural accessory buildings are not expected to require increases in the number of employees that might need to take public transportation to and from their homes. Impacts to public transit systems of any type are not expected.

(h) The Congestion Management Plan (CMP) indicates that a project may have a significant adverse impact to the Plan if the project creates more that 500 average daily trips (ADT) or more than 50 Peak Hour Trips (PHT). Based on permit histories and input from the agricultural community, the amount of new development as a result of this proposal is expected to be minimal and be dispersed throughout the rural area and would not generate significant traffic trips.

Mitigation and Residual Impact: Since the amended ordinance includes provisions for parking and roadway design no further mitigation measures are required to reduce potential impacts.

6.16 WATER RESOURCES/FLOODING

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?				X	
b. Changes in percolation rates, drainage patterns or the rate and amount of surface water runoff?				X	

Will the proposal result in:	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
c. Change in the amount of surface water in any water body?				X	
d. Discharge, directly or through a storm drain system, into surface waters (including but not limited to wetlands, riparian areas, ponds, springs, creeks, streams, rivers, lakes, estuaries, tidal areas, bays, ocean, etc) or alteration of surface water quality, including but not limited to temperature, dissolved oxygen, turbidity, or thermal water pollution?				X	
e. Alterations to the course or flow of flood water or need for private or public flood control projects?				X	
f. Exposure of people or property to water related hazards such as flooding (placement of project in 100 year flood plain), accelerated runoff or tsunamis?				X	
g. Alteration of the direction or rate of flow of groundwater?				X	
h. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or recharge interference?				X	
i. Overdraft or overcommitment of any groundwater basin? Or, a significant increase in the existing overdraft or overcommitment of any groundwater basin?				X	
j. The substantial degradation of groundwater quality including saltwater intrusion?				X	
k. Substantial reduction in the amount of water otherwise available for public water supplies?				X	
l. Introduction of storm water pollutants (e.g., oil, grease, pesticides, nutrients, sediments, pathogens, etc.) into groundwater or surface water?				X	

Impact Discussion:

(a-f,j,l) Construction of future agricultural structures would have the potential to alter runoff patterns of the site. The amount of run-off would be increased due to the increased amount of impervious material placed on the site. This increase in surface run-off would not be considered significant due to the relatively small increase in run-off water that would be expected based on the limited increase in agricultural-related construction anticipated with the adoption of the ordinance amendment.

The Inland (non-Coastal Zone) area of the County contains streams and rivers that could potentially be impacted by agricultural development. The Comprehensive Plan contains policies which protect waterways from erosion, sedimentation, and pollutants. Any Land Use Permit or Zoning Clearance approval requires consistency with all the of the Comprehensive Plan policies, therefore, any future project will be required to demonstrate that it will not adversely impact any river or stream.

Hillside & Watershed Protection Policy #6: Provisions shall be made to conduct surface water to storm drains or suitable water courses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.

Hillside & Watershed Protection Policy #7: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

Stream and Creeks Policy #1: All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

The Grading Ordinance requires grading permits and erosion control permits to be issued for the following agricultural grading activities where applicable (list not inclusive):

- On slopes with a natural gradient over thirty percent and where earthwork exceeds 50 cubic yards in volume and/or when excavation and fills are made in excess of three feet in vertical distance to the natural contour shall require an erosion control permit for agriculturally associated grading such as:
 - Grading to establish any new agricultural road.
 - Terracing and leveling where the cut or fill slope exceeds three feet in depth or height.
- Excavation or fill upon which a building which requires a county building permit is to be supported
- The entire length of any access driveway from an existing road to any building which requires a county building permit or site for such building
- The grading is in excess of 50 cubic yards within 200 feet of any exterior property line
- Grading within 50 feet of the top of the bank of any stream, creek or natural watercourse
- Agriculturally associated grading within 500 feet of any urban boundary line.

Any agricultural-related application that includes any of the above components will require a grading permit and review and approval by the Building and Safety Division.

An erosion and sediment control plan is required as part of the grading plan and permit requirements. The plan will require the project to incorporate applicable County approved Best Management Practices (BMP). The erosion and sediment control plan is required to contain the following (list not inclusive):

- A delineation and brief description of the proposed practices to retain sediment on the site, including sediment basins and silt traps, and a schedule for their maintenance;
- The location and a brief description of the surface runoff and erosion control practices to be implemented, including types and methods of applying mulches, hydro-seeding, or other slope stabilization methods; construction material and waste management practices to be used, including temporary borrow and waste disposal areas, temporary debris and garbage disposal, and chemical/fuel storage areas.
- Drainage, erosion and sediment control plans shall include BMP for control of pollutants from onsite storm water discharges and non-storm water discharges, such as discarded building materials, litter, sanitary waste, and the washout of excess construction materials, including but not limited to drywall, grout, gypsum, plaster, mortar and concrete. Water contaminated with washout pollutants shall be collected and controlled and shall be removed from the site.

The Flood Control District and County Building and Safety Division review the proposed drainage of the site as part of all application which will ensure proper design and the minimization of potential erosion and flood hazards or cause significantly adverse conditions to surface water bodies.

(g, h i, k) Based on permit histories and input received from farmers and ranchers, the amount of new construction anticipated and the associated increase in demand for potable water is expected to be insignificant and dispersed throughout the AG-I and AG-II zones. Significant impacts are not expected to occur as a result of the ordinance amendment.

Mitigation and Residual Impact: Since the Grading Ordinance includes development standards that address proper drainage requirements and County policies are in place to protect limit excessive grading no further mitigation measures are required to reduce potentially significant impacts to less than significant levels.

7.0 INFORMATION SOURCES

7.1 County Departments Consulted

Agricultural Commissioner’s Office and Agriculture Planners

7.2 Comprehensive Plan

X	Seismic Safety/Safety Element	X	Conservation Element
X	Open Space Element	X	Noise Element
X	Agriculture Element	X	Circulation Element
X	ERME	X	Scenic Highways Element

7.3 Other Sources

	Field work	X	Planning files, maps, reports & other data
X	Calculations	X	Zoning maps
	Project plans	X	Soils maps/reports
	Traffic studies	X	Plant maps
X	Records	X	Archaeological maps and reports
	Grading plans		Other
	Elevation, architectural renderings	X	County Uniform Rules
	Published geological map/reports	X	Santa Ynez Community Plan & Final EIR
X	Topographical maps		
	Flood Control maps	X	Agricultural Preserve maps
X	Other technical references (reports, survey, etc.)		

8.0 PROJECT SPECIFIC AND CUMULATIVE IMPACT SUMMARY

The proposed ordinance amendment would not have any potentially significant impacts either short-term, long-term or cumulatively due to the development standards contained in the ordinance amendment, existing adopted policies, existing ordinance requirements and/or current Planning and Development permit review practices and requirements.

9.0 MANDATORY FINDINGS OF SIGNIFICANCE

	Known Significant	Unknown Potentially Significant	Potentially Significant and Mitigable	Not Significant	Reviewed Under Previous Document
1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	
2. Does the project have the potential to achieve short-term to the disadvantage of long-term environmental goals?				X	
3. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.)				X	
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

5. Is there disagreement supported by facts, reasonable assumptions predicated upon facts and/or expert opinion supported by facts over the significance of an effect which would warrant investigation in an EIR?				X	
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10.0 PROJECT ALTERNATIVES

Not applicable.

11.0 INITIAL REVIEW OF PROJECT CONSISTENCY WITH APPLICABLE SUBDIVISION, ZONING AND COMPREHENSIVE PLAN REQUIREMENTS

The proposed project is an ordinance amendment that affects the AG-I and AG-II zone districts of the County Land Use and Development Code. The ordinance amendment would be consistent with Comprehensive Plan policies and would not authorize future development projects allowed by the ordinance amendment to be inconsistent with adopted policies. Additional discussion of relevant Comprehensive Plan policies is included in the relevant environmental impact discussions above.

12.0 RECOMMENDATION BY PLANNING AND DEVELOPMENT STAFF

On the basis of the Initial Study, the staff of Planning and Development:

Finds that the proposed project WILL NOT have a significant effect on the environment and, therefore, recommends that a Negative Declaration (ND) be prepared.

Finds that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures incorporated into the REVISED PROJECT DESCRIPTION would successfully mitigate the potentially significant impacts. Staff recommends the preparation of an ND. The ND finding is based on the assumption that mitigation measures will be acceptable to the applicant; if not acceptable a revised Initial Study finding for the preparation of an EIR may result.

Finds that the proposed project MAY have a significant effect on the environment, and recommends that an EIR be prepared.

Finds that from existing documents (previous EIRs, etc.) that a subsequent document (containing updated and site-specific information, etc.) pursuant to CEQA Sections 15162/15163/15164 should be prepared.

Potentially significant unavoidable adverse impact areas: None

With Public Hearing Without Public Hearing

PREVIOUS DOCUMENT: Not applicable.

PROJECT EVALUATORS: Pat Saley and Noel Langle **DATE:** April 29, 2010

13.0 DETERMINATION BY ENVIRONMENTAL HEARING OFFICER

I agree with staff conclusions. Preparation of the appropriate document may proceed.

I DO NOT agree with staff conclusions. The following actions will be taken:

I require consultation and further information prior to making my determination.

SIGNATURE _____ **INITIAL STUDY DATE** _____

SIGNATURE _____ **NEGATIVE DECLARATION DATE** _____

SIGNATURE _____ **REVISION DATE** _____

SIGNATURE _____ **FINAL NEGATIVE DECLARATION DATE** _____

Attachment 1

Proposed Revisions to the County Land Use and Development Code

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING CHAPTER 35.20, DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS, CHAPTER 35.21, AGRICULTURAL ZONES, AND CHAPTER 35.21, AGRICULTURAL ZONES, OF ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES; AND CHAPTER 35.30, STANDARDS FOR ALL DEVELOPMENT AND LAND USES, OF ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS; AND CHAPTER 35.42, STANDARDS FOR SPECIFIC LAND USES, OF ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES; AND CHAPTER 35.110, DEFINITIONS, OF ARTICLE 35.11, GLOSSARY, OF SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, TO STREAMLINE THE PERMIT PROCESS FOR CERTAIN AGRICULTURAL PROJECTS ON LANDS ZONED AGRICULTURAL.

Case No. 09ORD-00000-00009

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection B.2.h of Subsection B.2 of Subsection B. of Section 35.20.040 (Exemptions from Planning Permit Requirements) of Chapter 35.20, Development and Land Use Approval Requirements, to read as follows:

- h. Minor additions, accessory and temporary filming structures.** The following improvements and structures are exempt from planning permit requirements within the Inland area, and are exempt within the Coastal Zone provided that the lot upon which the improvement is proposed is not located within 300 feet of the edge of a coastal bluff, or the inland extent of any beach, and is not within or contiguous to an Environmentally Sensitive Habitat area.
- (1) **Accessory structures.** One story detached accessory structures used as tool or storage sheds, playhouses, gazebos, pergolas, and similar structures, provided that the height does not exceed 12 feet, roof area does not exceed 120 square feet, and the structure does not have plumbing or electrical facilities.
 - (2) **Agricultural accessory structures.**
 - (a) **Livestock loading ramps.** In the AG-II zone, loading ramps used for the purpose of loading livestock for transport.
 - (b) **Pole barns.** In the RR, AG-I, and AG-II zones, agricultural accessory structures that are roofed and supported by posts or poles, do not exceed 500 square feet of roof area, are unenclosed on all sides, and do not have plumbing or electrical facilities.
 - (3) **Decks, platforms, walk, driveways.** Decks, platforms, walks, and driveways that are not required to have a Building Permit or Grading Permit, and that are not over 30 inches above finish grade, or located over a basement or story below.
 - (4) **Door, window features and skylights.** Doors, windows, and skylights, and window

awnings that are supported by an exterior wall and project no more than 54 inches from an exterior wall of a building.

- (5) **Spa, hot tub, pond.** A spa, hot tub, fish pond, or other water feature that does not exceed a total area of 120 square feet, including related equipment, or does not contain more than 2,000 gallons of water.
- (6) **Temporary filming structures.** Structures and related development required for temporary motion picture, television, and theater stage sets and scenery, and still photographic sessions, provided that the development does not require alterations of the natural environment such as removal of vegetation, grading, or earthwork, and is in compliance with all applicable requirements of County Code Chapter 14C (Film Permit Office).

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the Residential Uses portion of Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones) of Section 35.21.030 (Agricultural Zones Allowable Land Uses) of Chapter 35.21, Agricultural Zones, to read as follows:

Table 2-1 - Continued Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)			
	P	Permitted use, Land Use or Coastal Permit required (2)			
	MCUP	Minor Conditional Use Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	AG-I	AG-I CZ	AG-II	AG-II CZ	
RESIDENTIAL USES					
Agricultural employee housing, 4 or fewer employees	MCUP P	MCUP	MCUP P	MCUP	35.42.030
Agricultural employee housing, 5 or more employees	CUP	CUP	CUP	CUP	35.42.030
Artist studio	P	P	P	P	35.42.150
Dwelling, one-family (3)	P	P	P	P	
Guesthouse	P	P	P	P	35.42.150
Home occupation	P	P	P	P	35.42.190
Monastery	CUP	—	CUP	—	
Residential accessory uses and structures	P	P	P	P	35.42.020
Residential agricultural unit, attached (4)	—	—	P	—	35.42.210
Residential agricultural unit, detached and clustered (4)	—	—	P	—	35.42.210
Residential agricultural unit, remotely sited	—	—	MCUP	—	35.42.210
Residential second unit - attached (4)	P	P	—	—	35.42.230
Residential second unit - detached (4)	MCUP P	MCUP	—	—	35.42.230
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	35.42.090

Key to Zone Symbols

AG-I	Agriculture I	CZ	Coastal Zone
AG-II	Agriculture II		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.21.030.C.
- (3) One-family dwelling may be a mobile home on a permanent foundation, see Section 35.42.205.
- (4) Limited to specific locations. See the limitations on location for the use in Chapter 35.42 (Standards for Specific Land Uses).

SECTION 3:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use

and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.21.030 (Agricultural Zones Allowable Land Uses) of Chapter 35.21, Agricultural Zones, to revise the existing text of Subsection C, and add a new Subsection D, to read as follows:

C. Development Plan approval required, Coastal Zone. Within the Coastal Zone, Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required ~~prior to~~ concurrent with the approval of a Coastal Development Permit or Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

D. Development Plan approval required, Inland area.

1. AG-I zone. On property zoned AG-I located within the Inland area, the approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and (1) is 20,000 or more square feet in gross floor area or (2) is an attached or detached structure and the gross floor area thereof, when added to the gross floor area of existing structures on the lot, will equal or exceed 20,000 square feet.

2. AG-II zone. On property zoned AG-II located within the Inland area, the approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for the following structural development that is not otherwise required by this Development Code to have discretionary permit approval:

a. Non-agricultural structural development. The proposed structure and use thereof does not qualify as agricultural structural development (see Article 35.11, Glossary) and is either 15,000 or more square feet in gross floor area or the structure is an attached or detached addition that, together with existing structures on the site that do not qualify as agricultural structural development, will total 15,000 square feet or more in gross floor area.

(1) Floor area not included in total gross floor area. The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35.80.040 (Exemptions from Planning Permit Requirements) is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsections D.2.a, above.

b. Agricultural structural development. The proposed structure and use thereof do qualify as agricultural structural development and meets one or more of the following:

(1) The proposed structure is 15,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 15,000 or more square feet in gross floor area after completion of the addition, or the proposed structure is 10,000 or more square feet in gross floor area or is an addition to an existing structure that will result in a structure of 10,000 or more square feet in gross floor area after completion of the addition, and:

(a) A structure that qualifies as agricultural structural development that is 15,000 or more square feet in gross floor area exists on the lot, or

(b) There is an active planning permit that allows for the construction of a structure that qualifies as agricultural structural development that is 15,000 or more square feet in gross floor area, or

(c) The application for the proposed structure is submitted either in conjunction with or subsequent to an application for a structure that qualifies as agricultural

structural development that is 15,000 or more square feet in gross floor area.

- (2) The proposed structure(s) will result in a total gross floor area on a lot that exceeds the development plan threshold listed for the applicable lot area as shown in the table below. Total gross floor area includes the gross floor area of agricultural development and non-agricultural structural development, both existing and proposed.

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

- (3) **Floor area not included in total gross floor area.** The gross floor area of the following structures is not included in the total gross floor area on the lot for the purpose of determining whether the approval of a Final Development plan is required in compliance with Subsection D.2.b.(2), above.
- (a) The gross floor area of structures that are exempt from planning permit requirements in compliance with Section 35.80.040 (Exemptions from Planning Permit Requirements).
- (b) A maximum of 10,000 square feet of gross floor area of structures that qualify as agricultural structural development and comply with the following:
- (i) Each structure does not exceed 3,000 square feet of gross floor area.
- (ii) Each structure has three or fewer walls, and at least one of the long sides of the structure shall be open and shall only utilize posts to support the roof.
- (5) Proposed structures that do not require the approval of a Final Development Plan in compliance with Subsection D.2.b.(2) and Subsection D.2.b.(3), above, shall comply with Subsection 35.21.050.C (Development standards for agricultural structural development that does not require the approval of a Final Development Plan). Proposed structures that do not comply with Subsection 35.21.050.C may be allowed in compliance with an approved Final Development Plan.

- 13. Exemptions from floor area calculations, wineries.** Gross floor area associated with the following structures is not included in determining the 20,000 square foot gross floor area threshold for that development which requires a Development Plan in compliance with Subsection D.1 and D.2, above.
- a. The structure qualifies as winery structural development.
- b. If the structure is existing, then it was included in a Land Use Permit issued for a winery or is proposed to become part of a winery for which an application has been submitted to the Department.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.21.050 (Agricultural Zones Development Standards) of Chapter 35.21, Agricultural Zones, to add a new Subsection C to read as follows:

C. Development standards for agricultural structural development that does not require the approval

of a Final Development Plan. In addition to the development standards listed in Subsections 35.21.050.A, above, all development associated with the construction of agricultural structural development that does not require the approval of a Final Development Plan in compliance with Subsection 35.21.030.D.2.b.(2) and Subsection 35.21.030.D.2.b.(3) shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.

1. The development shall avoid or minimize significant impacts to agriculture to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
2. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.
 - a. Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - b. Native Woodlands and Forests.
 - c. Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (1) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.
 - (2) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - d. Plant communities known to contain Rare, Endangered, or Threatened species.
 - e. Streams, riparian areas, vernal pools, and wetlands.
 - f. Any designated Environmental Sensitive Habitat Areas.
3. The development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.
4. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
 - a. Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (1) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (2) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - b. Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.

SECTION 5:

ARTICLE 35.3, Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Subsection C.2.a and revise Table 3-2 (Fence Height and Permit Requirements in Agricultural Zones) in C.2 of Subsection C. of Section 35.30.070 (Fences and Walls) of Chapter 35.30, Standards for All Development and Land Uses, to read as follows:

- a. Entrance gates, AG-II zone, Inland area.** In addition to fences allowed in compliance with Table 3-2 below, on property zoned AG-II and located in the Inland area, entrance gates that comply with the following are exempt from planning permits and may be located within required setback areas. Structures that do not comply with the following may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).
- (1) The height of the gateposts including any cross member, signage, and/or ornamentation, does not exceed 18 feet in height as measured from the ground level at the bottom of the gateposts to the top of the gatepost, cross member, signage, and/or ornamentation.
 - (2) The portion of each gatepost taller than eight feet if located in the front setback, or 10 feet in all other locations, does not exceed two feet in width.
 - (3) The cross member does not exceed two feet in height and thickness.
 - (4) Lighting associated with the entrance gate, gateposts, and cross member shall be for safety purposes only and shall comply with the following requirements. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirement shall control.
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - (5) Ornamentation that is appurtenant to the entrance gate, gateposts, and cross member shall be in compliance with the following:
 - (a) The size and scale of any ornamentation shall be secondary to the entrance gate.
 - (6) Signs that are allowed in agricultural zones in compliance with Chapter 35.38 (Sign Standards) may be affixed to the entrance gate, gateposts, and cross member provided that the size and scale of any signs shall be secondary to the entrance gate, gateposts, and cross member.
 - (7) In addition to the development standards listed above, all development associated with the construction of the entrance gate, gateposts, or cross member shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirement shall control.
 - (a) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.

- (b) Native Woodlands and Forests.
- (c) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (i) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of “rare” in Section 15380 of California Environmental Quality Act.
 - (ii) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
- (d) Plant communities known to contain Rare, Endangered, or Threatened species.
- (e) Streams, riparian areas, vernal pools, and wetlands.
- (f) Any designated Environmental Sensitive Habitat Areas.

Table 3-2 Fence Height and Permit Requirements in Agricultural Zones

Fence Location	Permit Requirement		
	Exempt from Planning Permit (1) (2)	Land Use or Coastal Development Permit Required (2)	Minor Conditional Use Permit Required
Within required front setback	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high	Not Applicable
Within side and rear setbacks	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable
Within interior lot setback 20 ft or less from a street right-of-way	Fence 6 ft or less in height; gatepost 8 ft or less in height	Fence more than 6 ft high; gatepost more than 8 ft high	Not Applicable
Within interior lot setback more than 20 ft from a street right-of-way	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable
Outside of a required setback	Fence 8 ft or less in height; gatepost 10 ft or less in height	Fence more than 8 ft high; gatepost more than 10 ft high	Not Applicable

Notes:

- (1) Within the Coastal Zone, fences shall be exempt only if the development will:
 - a. Not be located within or adjacent to a wetland, beach, environmentally sensitive habitat area or on or within 50 feet of a coastal bluff; and
 - b. Not result in any potential adverse effects to public access to the beach or public hiking and equestrian trails (including where there is substantive evidence of prescriptive rights); and
 - c. Not result in significant adverse impacts to scenic views from beaches, parklands, public viewing areas, and public roadways.

If the fence does not meet the preceding criteria for an exemption, than a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) is required.

- (2) See Subsection C.2.a regarding entrance gates on property zoned AG-II located in the Inland area.

SECTION 6:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land

Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Subsection C. to Section 35.42.020 (Accessory Structures and Uses) of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

C. Small agricultural accessory structures, AG-II zone, Inland area. On property zoned AG-II and located in the Inland area, small accessory structures that comply with the following may be allowed with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances). Structures that do not comply with the following may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).

1. The gross floor area of the structure is less than 5,000 square feet.
2. The structure is not located within 1,000 feet of a public road or other area of public use (e.g., park, trail), or, if the structure is located within 1,000 feet of a public road or other area of public use, the Director determines that the structure would not be visible from the public road or other area of public use. Landscape screening shall not be taken into consideration when determining whether the project is visible from a public road or other area of public use.
3. Utilities are limited to electricity and water.
4. The Director determines that:
 - a. The use of the structure is accessory to and supportive of the overall agricultural use of the property.
 - b. The structure is located so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
5. The structure and use thereof is in compliance with Subsection B (Development Standards), above.
6. The structure does not require the approval of a Final Development Plan (Section 35.82.080) in compliance with Section 35.21.030.C (Development Plan approval required).
7. In addition to the development standards listed above, all development associated with the construction of a small agricultural accessory structure located in the Inland area shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.
 - a. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirements shall control.
 - (1) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.
 - (2) Native Woodlands and Forests.
 - (3) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (a) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the

definition of “rare” in Section 15380 of California Environmental Quality Act.

- (b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
- (4) Plant communities known to contain Rare, Endangered, or Threatened species.
- (5) Streams, riparian areas, vernal pools, and wetlands.
- (6) Any designated Environmental Sensitive Habitat Areas.
- b. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards. If these requirements are in conflict with other provisions of the Comprehensive Plan and any applicable community or area plan, this Development Code, and any permit conditions established by the County, the more restrictive requirements shall control.
 - (1) Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - (2) Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.

SECTION 7:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend to amend Subsection B. of Section 35.42.030 (Agricultural Employee Dwellings) of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

35.42.030 - Agricultural Employee Dwellings

- A. **Purpose and applicability.** This Section provides standards for agricultural employee dwellings, where allowed by Article 35.2 (Zones and Allowable Land Uses). However, where these permit requirements and standards conflict with State Health and Safety Code Sections 17021.5 and 17021.6 regarding employee housing, , the requirements of these Health and Safety Code sections shall prevail.
 - 1. **Coastal Zone.** Within the Coastal Zone, any employee housing allowed in compliance with State Health and Safety Code Sections 17021.5 and 17021.6 shall, at a minimum, require the issuance of a Coastal Development Permit in compliance with Section 35.82.060 prior to the commencement or the construction or use of the employee housing.
- B. **Uses allowed with a Land Use Permit (Inland area) or a Minor Conditional Use Permit (Coastal Zone).** Additional dwellings housing up to, but not exceeding, four employees of the owner or lessee of the land ~~that are engaged full time in agriculture on the farm or ranch upon which the dwelling is located,~~ are allowed, provided:
 - 1. **Location of employment.**
 - a. **AG-II (Inland area) zone.** The employees are engaged full-time in agriculture, the majority

of which occurs on the farm or ranch that the dwelling is located on and the remainder occurs on a farm or ranch in the nearby vicinity.

b. Zones other than the AG-II (Inland area) zone. The employees are engaged full-time in agriculture on the farm or ranch upon which the dwelling is located.

12. Need for additional dwellings. The applicant can document the existing and proposed agricultural use of the land and demonstrate a need for additional dwellings to support the use.

23. Proof of employment. The applicant provides proof of the full-time employment of the employee. Said proof shall be to the satisfaction of the Department in the form of any one or combination of the following:

- a. Employer's income tax return.
- b. Employee's pay receipts.
- c. Employer's DE-3 form.
- d. Employee's W-2 form.
- e. A notarized contract between the permittee and the employee which delineates work to be performed and wages to be received.
- f. Other option approved by the Director.

4. Submittal of documentation of need and employment status of occupants subsequent to issuance of permit for the Agricultural Employee Dwelling. Demonstration of the need for the Agricultural Employee Dwelling and proof of full-time employment in agriculture of the employee residing in the Agricultural Employee Dwelling shall also be provided every five years beginning from the issuance of the Coastal Development Permit, Land Use Permit or Zoning Clearance for the Agricultural Employee Dwelling or, if the occupancy of the Agricultural Employee Dwelling changes, upon the change in occupancy and every five years thereafter. Failure to provide said documentation may be cause for revocation of the permit for the Agricultural Employee Dwelling.

5. Notice to property owner. Before issuance of a Coastal Development Permit, Land Use Permit or Zoning Clearance for the Agricultural Employee Dwelling, a Notice to Property Owner prepared by the Department that specifies at a minimum (1) the occupancy requirements of the Agricultural Employee Dwelling and (2) the requirement for provision of documentation of employment and the need for the Agricultural Employee Dwelling in compliance with Subsections B.2, B.3, and B.4, above, shall be recorded by the property owner.

6. In addition to the development standards listed above, all development associated with the construction of an agricultural employee dwelling located in the Inland area shall comply with all of the additional development standards listed below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control. Agricultural employee dwellings that do not comply with the following may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Minor Conditional Use Permits and Conditional Use Permits).

a. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.

(1) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.

- (2) Native Woodlands and Forests.
 - (3) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.
 - (a) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.
 - (b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).
 - (4) Plant communities known to contain Rare, Endangered, or Threatened species.
 - (5) Streams, riparian areas, vernal pools, and wetlands.
 - (6) Any designated Environmental Sensitive Habitat Areas.
- b. The development shall be compatible with the character of the surrounding natural environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.
- (1) Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
 - (2) Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.
- C. **Uses allowed with a Conditional Use Permit.** Additional dwellings housing five or more employees engaged full time in agriculture working on or off the farm or ranch upon which dwellings are located.

SECTION 8:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection G. of Section 35.42.230 (Residential Second Units) of Chapter 35.42, Standards for Specific Land Uses, to delete Subsection G.3.e and add new Subsections G.4 and G.5 to read as follows:

- e. ~~The following development standards shall also apply to detached residential second units located within the Inland area;~~
 - (1) ~~The development of a detached residential second unit in agricultural zone shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:~~
 - (a) ~~Avoiding prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally related activities.~~
 - (b) ~~Including buffers from sensitive areas.~~

~~(e) Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.~~

~~(2) In residential zones, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.~~

4. Standards applicable only to detached residential second units located in the Inland area on agriculturally zoned property. In addition to the development standards listed in Subsections G.1 and G.3, above, all development associated with the construction of a detached residential second unit located in the Inland area on agriculturally zoned property shall comply with all of the additional development standards below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control. Detached residential second units that do not comply with the following may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Minor Conditional Use Permits and Conditional Use Permits).

a. The development shall avoid or minimize significant impacts to agricultural to the maximum extent feasible by siting structures so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.

b. The development shall be located no less than 100 feet from the following environmental sensitive habitat areas that are determined by a qualified professional to be intact and of high quality. This setback may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.

(1) Native plant communities recognized as rare by California Department of Fish and Game (2003 or as amended). Examples include Native Grasslands, Maritime chaparral, Bishop Pine Forests, and Coastal Dune Scrub.

(2) Native Woodlands and Forests.

(3) Nesting, roosting, and/or breeding areas for Rare, Endangered or Threatened animal species.

(a) Rare, Endangered, or Threatened species are defined as those listed by State or Federal wildlife agencies under the State or Federal Endangered Species Acts, candidates for listing, species of special concern, and species that meet the definition of "rare" in Section 15380 of California Environmental Quality Act.

(b) A separation of greater than 100 feet may be required in order to fully protect formally listed Endangered Species (e.g., a 100 foot separation may not fully protect known breeding ponds for California Tiger Salamander).

(4) Plant communities known to contain Rare, Endangered, or Threatened species.

(5) Streams, riparian areas, vernal pools, and wetlands.

(6) Any designated Environmental Sensitive Habitat Areas.

c. The development shall preserve natural features, landforms and native vegetation such as trees to the maximum extent feasible.

d. The development shall be compatible with the character of the surrounding natural

environment, subordinate in appearance to natural landforms, and sited so that it does not intrude into the skyline as seen from public viewing places. At a minimum, the development shall comply with the following design standards.

- (1) Exterior lighting shall be for safety purposes only and shall comply with the following requirements:
 - (a) Light fixtures shall be fully shielded (full cutoff) and shall be directed downward to minimize impacts to the rural nighttime character.
 - (b) To the extent feasible, lighting shall be directed away from habitat areas, nearby residences, public roads and other areas of public use.
- (2) Building materials and colors (earth tones and non-reflective paints) compatible with the surrounding natural environment shall be used to maximize the visual compatibility of the development with surrounding areas.

5. Standards applicable only to detached residential second units located in the Inland area on residentially zoned property. In addition to the development standards listed in Subsections G.1 and G.3, above, all development associated with the construction of a detached residential second unit located in the Inland area on residentially zoned property shall comply with all of the additional development standards below. If these requirements are in conflict with other provisions of the Comprehensive Plan or any applicable community or area plan, this Development Code, or any permit conditions established by the County, the more restrictive requirements shall control.

- a. All development shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

SECTION 9:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to revise Subsection I.1 of Subsection I. of Section 35.42.230 (Residential Second Units) of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

I. Findings of approval (detached residential second units in agricultural zones).

1. Coastal Zone. In the Coastal Zone, in addition to the findings under Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), before the approval of all detached residential second units in the AG-I-5, AG-I-10 or AG-I-20 zones the review authority shall make all of the following findings:

- ~~1~~a. The detached residential second unit is compatible with the design of adjacent residences and the surrounding neighborhood and shall not cause excessive noise, traffic, parking, or other disturbance to the existing neighborhood.
- ~~2~~b. Provisions for onsite parking are adequate for existing and proposed uses.
- ~~3~~c. The detached residential second unit shall not substantially change the character, or cause a concentration of residential second units sufficient to change the character of the neighborhood in which it is located.
- ~~4~~d. The detached residential second unit does not significantly infringe upon the privacy of the surrounding residents.
- ~~5~~e. The proposal complies with the standards in Subsection G. (Development standards) above.

2. Inland area. In the Inland area, in addition to the findings under Section 35.82.110 (Land Use Permits), before the approval of all detached residential second units in the AG-I-5, AG-I-10 or AG-I-20 zones the Director shall make all of the following findings:

- a. The detached residential second unit is compatible with the design of adjacent residences and the surrounding neighborhood and shall not cause excessive noise, traffic, parking, or other disturbance to the existing neighborhood.
- b. Provisions for onsite parking are adequate for existing and proposed uses.
- c. The detached residential second unit shall not substantially change the character, or cause a concentration of residential second units sufficient to change the character of the neighborhood in which it is located.
- d. The detached residential second unit does not significantly infringe upon the privacy of the surrounding residents.
- e. The proposal complies with the standards in Subsection G. (Development standards) above.

SECTION 10:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.110.020 (Definitions of Specialized Terms and Phrases) of Chapter 35.110, Definitions, to add definitions of Agricultural Structural Development and Non-agricultural Structural Development as shown below.

Agricultural Structural Development. Any structure that is constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof, the use of which is restricted to those uses that are directly accessory, ancillary and secondary to the agricultural use of the property. Dwelling units are considered agricultural structural development only if they provide housing for agricultural employees of the owner or lessee of the land and are permitted in compliance with Section 35.42.030 (Agricultural Employee Dwellings) or Section 35.35.42.260 (Temporary Uses and Trailers).

Non-agricultural structural development. Any structure that is constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof, the use of which is not restricted to those uses that are directly accessory, ancillary and secondary to the agricultural use of the property.

SECTION 11:

Except as amended by this Ordinance, Article 35.2, Article 35.3, Article 35.4 and Article 35.11 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 12:

Within the Coastal Zone portion of Santa Barbara County, 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.

SECTION 13:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage 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 _____ day of _____, 2010, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

JANET WOLF
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy Clerk

By _____
Deputy County Counsel

Attachment 2

Uniform Rules for Agricultural Preserves

The Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones is the set of rules by which the County administers its Agricultural Preserve Program. The Agricultural Preserve Advisory Committee (APAC) is responsible for administering, monitoring and enforcing the County's program. By ensuring consistency with the Uniform Rules, land enrolled in the program is prevented from being readily converted to non-agricultural or urban uses. Three important provisions of the Uniform Rules that relate to the proposed ordinance amendments are⁹:

Rule 1 – Requirements for Agricultural Preserves, and Williamson Act and Farmland Security Zone contracts - This rule addresses eligibility, minimum lot size to enter into a contract, commercial production and reporting requirements, permitted residential land uses for agricultural contracts including:

- Minimize size for preserve comprising nonprime land shall be 100 acres and 40 acres for prime land.¹⁰
- Where contracts are for parcels of from 20 to 100 acres in size, the principal dwelling and all accessory structures, landscaping, and non-agricultural roads serving the dwelling shall occupy no more than 2 acres or 3% of the parcel, whichever is smaller.
- Where contracts are for parcels of 100 acres or greater, a maximum of three principal dwellings may be allowed provided each is located on a separate legal parcel of at least 100 acres in size.

Rule 2 – Permitted uses within Agricultural Preserves – While land enrolled in the Agricultural Preserve Program is to be used principally for commercial agricultural production, the Board of Supervisors recognizes that it may be appropriate to allow secondary uses on contracted land:

- These uses “are either incidental to, or supportive of, the agricultural operation on the property....It is the goal of this County that, through application of the principles of compatibility in the [Williamson] Act, compatible uses allowed on contracted land will be beneficial to and inherently related to the agricultural use of the land.”
- Some uses that are allowed by zoning are not allowed on contracted land because they would not be considered compatible with the Williamson Act.
- Principles of compatibility that must be met include:
 - “The use will not significantly compromise the long-term productive agricultural capability of theparcel”
 - The use will not significantly displace or impair current or reasonably foreseeable agricultural operations...”
 - “The use will not result in the significant removal of adjacent contracted land from agricultural....use.”

Rule 6 – This rule addressed administration of contracts, renewal and cancellation and transfer of ownership of contracted land.

⁹ The other three Uniform Rules are: Rule 3 – Williamson Act contracts for open space; Rule 4 – Williamson Act contracts for recreation; and Rule 5 – Farmland Security contracts

¹⁰ “Prime” land meets one of several criteria relating to productivity, use and classification. Superprime is a type of prime land and is located south of the Santa Ynez Mountains and east of Gaviota and is located almost entirely in the Coastal Zone and thus not affected by the proposed ordinance amendments.

Attachment 3
Agricultural Preserve Contract Non-Renewals
2005 through 2009

Yr	Total Non-Renewals	Total Replacement Contracts (or permanent easements)	Reasons for Non-Renewal			
			Non-Compliance	Estate Planning or Personal Reasons	Entered into Agricultural Conserv. Easement	Misc.
2005	9	3	Multiple owners – 540 ac grazing Parcels too small - 470 ac grazing* and 56 ac of crops Multiple owners – 196 ac grazing* No ag production – 10 ac Multiple owners & 1 parcel too small – 118 ac horses & grazing*	1,045 ac grazing (rules too restrictive) 758 ac – grazing 105 ac –crops (for sale)		
2006	13	5	Different ownership & certif. of compliance & lot line adjustment issues – 7,931 acres No ag production – 5 ac	205 acres 111 acres 81 acres 76 acres 52 acres 40 acres	La Paloma Ranch: • 131 ac • 213 ac • 202 ac McEnroe – 1,006 ac	Landfill lease area so renewed 847 (or 885) ac*
2007	5	0	Doesn't have ag use or meet parcel size – 79 ac	76 ac 55 ac 40 ac		Inability to update Uniform Rules – 671 ac
2008	11	2	Parcels too small: 27.5 ac 13 ac 9.51 ac 9.04 ac 5.75 ac 9.01 ac 120 acres non-conforming	139 acres renewed (of 159 acres)*		Needed lot line adjustment, then new contract – 1,101 ac* Wastewater Treatment Plant – 238 acres Possible annex – 75 ac
2009	0	0				

* - Replacement contract approved

Source: County Planning & Development data

Attachment 4
Farm Employee Housing Permit History
2007 through 2009
(Approved Minor Conditional Use Permits – Inland Area)

Permit #	Applicant	Location & Zone	Project Description	Environmental Assessment* Categorical Exemption
06-30	Hart	Buellton AG-II-40	Two new 1,632 sf FEDs on 68.18 acre lot with 25,895 sf of existing ag-related development.	Section 15061
06-72	Sacred Arrow Society	Lompoc AG-II-40	Renewal of 2,340 sf trailer used as FED. Trailer was originally permitted in 1985 7 has had approval renewed every 5 years as required.	Section 15301
07-23	Mowry	Buellton AG-II-40	Two 1,632 sf FEDs on 68.18 acre lot with 25,895 sf of existing ag-related development.	Section 15061
07-82	Flores	Solvang AG-I-20	Validate existing 535 sf FED on 20 acre lot that also includes a Detached Residential Second Unit and main residence.	Section 15303
07-90	Blanco	Los Alamos AG-II-100	New 3,112 sf FED on 40 acre lot	Section 15061
08-03	Arnold	Santa Ynez AG-I-20	New 1,200 sf FED on 20.03 acre lot	Section 15303
08-10	Scoggin & Sundheim	Buellton AG-II-100	Validation of existing 760 sf storage building being used as a FED on 132.3 acre lot in an Ag Preserve. A 2 nd CUP was approved for a Residential Ag Unit (O8-04).	Section 15301
08-14	El Encinal	Buellton AG-II-100	Validate 1,200 sf 1920s dwelling as FED on 107 acre lot	Section 15303
08-22	Enright	Santa Ynez AG-II-100	New 760 sf manufactured FED on 117.48 acre lot in an Agricultural Preserve.	Section 15303
08-64	Swanson	Santa Ynez AG-I-10	Validate existing 590 sf FED within 1,272 sf barn on 10 acre lot	Section 15303
08-77	Jett	Santa Ynez AG-I-20	Conversion of existing 3,290 sf dwelling into FED.	Section 15301
09-09	Hayes/Ohl	Lompoc AG-II-100	Renewal of minor CUP for existing FED (previously had to renew every 5 years)	Section 15303
09-20	Carroll	Solvang AG-I-20	New 1,271 sf FED on a 41.4 acre lot with a private equestrian facility, 4,514 sf single family residence & 3,000 sf agricultural storage barn.	Section 15303
09-30	Barrack	Santa Ynez AG-II-100	Authorize use of existing 1,480 sf residence as FED on 110 acre lot with single family residence and various ag buildings including barns.	Section 15301
09-42	Williams-Englander	Santa Ynez AG-II-100	Reauthorize existing 1,281 sf FED.	Section 15301

*- California Environmental Quality Act Guidelines Categorical Exemption Sections:

- 15061 – General Rule exemption as no potential to have significant effect on the environment
- 15301 – Existing facilities
- 15302 – Replacement or reconstruction of structures
- 15303 – Conversion or construction of small structures

Attachment 5
Detached Second Residential Unit Permit History
2007 - 2009

Permit #	Applicant	Location & Zone	Project Description	Environmental Assessment* Categorical Exemption
07-09	Houston	Lompoc AG-I-5	Demolition of existing 1,125 sf shop/ agricultural building & construction of new 1,190 sf DRSU addition to existing 1,726 sf attached garage	Section 15302
07-13	Demery	Santa Ynez AG-I-5	96 sf addition to existing 795 sf barn/ guesthouse & conversion to 891 sf DRSU	Section 15303
07-51	Fuentes-Ortega	Santa Ynez AG-I-10	Legalize conversion of existing 1,196 sf guesthouse to DRSU	Section 15303
07-68	Lazzara	Santa Ynez AG-I-20	Existing original SFD converted to 1,144 sf DRSU when new main house built under separate permit	Sections 15301/15303
07-81	Flores	Santa Ynez AG-I-20	Legalize conversion of existing 860 sf structure to DRSU	Section 15303
07-88	Lu	Buellton AG-I-20	New 1,200 sf DRSU & garage located about 50' from creek from oaks	Section 15303
08-23	Luke	Buellton AG-I-20	New 1,200 sf DRSU located about 50' from oaks. Also in area containing the federally protected Tiger Salamander. Initial Field Assessment was prepared.	Section 15303
08-31	Gregg	Santa Ynez AG-I-10	New 1,198 sf manufacturer home with < 50 cy of grading located over 200' from main house; County department letters from EHS, Parks, Roads & Fire	Section 15303
08-36	La Favor	Santa Ynez AG-I-20	Conversion of existing 716 sf guesthouse to DRSU	Section 15303
08-49	Crist	Santa Ynez AG-I-20	New 1,196 sf DRSU located over 400' from main house & 200' from Santa Ynez River; Phase 1 Archaeological survey was prepared	Section 15303
08-70	Ratzlaff	Santa Ynez AG-I-20	New 1,002 sf DRSU located in a disturbed field. In area containing the federally protected Tiger Salamander. Initial Field Assessment was prepared.	Section 15303
08-73	Way	Santa Ynez AG-I-5	Conversion of existing 1,033 sf guesthouse to DRSU	Section 15303
08-82	Murdoch	Santa Ynez AG-I-5	New 639 sf DRSU in an area previously used for a horse arena	Section 15303
08-84	Mills	Santa Ynez AG-I-5	New 1,200 sf manufactured home 40' from main house	Section 15303
08-85	Woeste/ Cleveland	Santa Ynez AG-I-20	Conversion of existing 1,200 sf main house to DRSU; Newly permitted SFD (under separate permit)	Section 15303
09-05	Frink	Santa Ynez AG-I-20	New 1,148 sf DRSU on 12.8 acre lot. No trees or vegetation are proposed for removal.	Section 15303
09-16	Mitchell	Santa Ynez AG-I-5	Convert previously approved 798 sf guesthouse to DRSU.	Section 15303
09-28	Johnson	Solvang AG-I-5	New 1,198 sf DRSU on 4.5 acre lot. No trees are proposed for removal.	Section 15303
09-12	Jett	Santa Ynez AG-I-20	Convert existing 720 sf residence into DRSU.	Section 15303

*- CEQA Guidelines Sections: 15301 – Existing facilities; 15302 – Replacement or reconstruction of structures; or 15303 – Conversion or construction of small structures

Attachment 6
Development Plan Required Due to Total Development Greater than 20,000 sq. ft.
Permit History
2000 – 2009

Permit #	Applicant	Location & Zone	Project Description, Site Area and Development Plan Approval Requirements	Environmental Assessment
01DVP-15	Crawford	AG-II-100 Santa Ynez Agricultural Preserve	Proposed new development is a 36,500 sf roof over an existing private arena and 480 sf covered patio. Existing development now totals 20,000 sf. Total development after approval of the DP would be 56,980 sf. Lot size is 943 acres (Proposed threshold is 50,000 sf). DP approval would be required for the structures.	Section 15061(b)(3) – General exemption as no possibility of significant effect
01DVP-17 (& 01CUP-79 for Farm Emp. Dwellings)	Crimson Farms	AG-II-100 Santa Ynez Agricultural Preserve	Proposed new development totals 23,756 sf including 3,378 sf modular residence, 14,720 sf horse barn, 3 employee units (3,396 sf) and a 1,966 sf cover over existing pen. Existing onsite development totals 32,111 sf. Total onsite development with approval of the DP would be 55,866 sf. Lot size is 44.89 acres (Proposed threshold is 25,000 sf) DP approval would be required for the structures.	Section 15061(b)(3) – General exemption as no possibility of significant effect
01DVP-20	Crimson Farms	AG-II-100 Santa Ynez Agricultural Preserve	Proposed new development totals 11,600 sf including covered round pen and new barn. Existing onsite development totals 21,112 sf. Total onsite development with approval of the DP would be 32,712 sf. Lot size is 101.31 acres (Proposed threshold is 30,000 sf) DP approval would be required for the structures.	Section 15061(b)(3) – General exemption as no possibility of significant effect
01DVP-43 (& 99-CP-072 for renewal of Farm Emp. Unit)	Crimson Farms	AG-II-100 Los Alamos Agricultural Preserve	As-built approval of 22,100 sf including main residence, barns & sheds. Lot size is 122 acres (Proposed threshold is 30,000 sf) DP approval would not be required for the structures.	Section 15061(b)(3) – General exemption as no possibility of significant effect
02DVP-08 (& 02CUP-11 for Farm Emp & Residential Ag Units)	Rancho Latigo Equestrian Center	AG-II-100 Santa Ynez Agricultural Preserve	Proposed new development totals 54,750 sf including 8,714 sf main residence, a 100 sf gate house, a 56 sf tennis hut and a 9,871 sf horse barn. Existing onsite development is a horse ranch totaling about 20,000 sf. Total onsite development with approval of the DP would be 65,822 sf. Lot size is over 4,800 acres (Proposed threshold is 50,000 sf) DP approval would be required for the structures.	Section 15061(b)(3) – General exemption as no possibility of significant effect

03DVP-26 (& 03CUP-44 for Farm Emp. Unit)	Providence Farms	AG-II-40 Buellton	As-built approval includes 8,072 sf single family residence, three farm employee dwellings, pool house & garage for a total of 15, 940 sf of new building space. Existing onsite development of 25,895 sf comprising several agricultural buildings and greenhouses. Total onsite development with approval of DP would be 41,835 sf. Lot is 68.19 acres in size (Proposed threshold = 25,000 sf). DP approval would be required.	Section 15061(b)(3) – General exemption as no possibility of significant effect
04DVP-09	Silver Maple Farms	Santa Ynez AG-II-100 Agricultural Preserve	Proposed includes a new single family residence of 8,340 sf; 1,102 sf of sheds; 1,200 sf garage; 1,282 sf farm employee unit; new barn of 1,200 sf & additions to existing barns of 4,010 sf, totaling 15,877 sf Existing onsite development is 7,256 sf including single family residence proposed to be converted to farm employee unit & 4,000 sf storage barn. Total onsite development with approval of DP would be approximately 35,297 sf. Lot is 117.48 acres in size (Proposed threshold = 30,000 sf). DP approval would be required for the structures.	Exemptions per Sections 15162(1) – use of previous EIR (84-EIR-5) on subdivision and 15279(a)(1) relating to farm employee units.
05DVP-20	Chapel Hill	Lompoc AG-II-100	As-built approval to convert a partially constructed convent (previously permitted via 88-CP-121) to a single family dwelling. Includes demolition of 17,819 sf of existing 43,896 sf convent leaving a 26,077 sf structure with a 768 sf garage. Lot is 201.4 acres in size (Proposed threshold = 40,000 sf). DP approval would be required because residential use exceeds 10,000 sf.	Per Section 15162 of CEQA, used previous Negative Dec. for proposed 43,896 sf convent.
07DVP-11	Shaw	Buellton AG-II-40 In Agricultural Preserve	New 20,000 sf covered horse arena and conversion of 2,485 sf of attic space in a residence to habitable floor area. Existing onsite development is 20,380 sf including 3,855 sf primary residence & about 16,000 sf of agricultural buildings. Total onsite development with approval of DP would be 40,380 sf. Lot is 62.61 acres in size (Proposed threshold = 25,000 sf) DP approval would be required.	Mitigated Negative Declaration
07DVP-30	Ellwood Canyon Ranch	Goleta AG-II-100	New 9,800 sf barn, a new 5,915 sf packing house & 531 sf accessory residential structure (tea house). Existing onsite development is 15,551 sf including a single family residence. Total onsite development with approval of DP would be 31,797 sf. Lot is 227.13 acres in size (Proposed threshold = 40,000 sf) DP approval would not be required.	CE Section 15303 – New construction including ag accessory buildings Phase I Arch. Study prepared

Notes:

1. AG-II Zoned lots only in the Inland area
2. Only includes DPs that were required because cumulative square footage on the lot exceeded 20,000 sf

Attachment 7
2-17-2010 Summary of Public Comments Received and Staff Responses

County of Santa Barbara
PLANNING AND DEVELOPMENT



Summary of Public Comments Received and Staff Responses
Draft Revised Negative Declaration – 09NGD-00000-00007
Agricultural Permit Streamlining LUDC Ordinance Amendment
February 17, 2010

Comments Received From (See attached):

- Anne Crawford-Hall, San Lucas Ranch, January 15, 2010
- Kenneth C. Karas, Rancho Rio Robles, LLC, January 14, 2010
- Rose Kelly, January 5, 2010 (email)
- Christina McGinnis, OPEN, January 8, 2010
- Mark Oliver, Valley Alliance, January 15, 2010

Summary of Comments & Staff Responses

1. Aesthetics

a. Visual corridors along public roads should be based on viewsheds & topography not arbitrary 1,000 feet from centerline of road

Staff response – The County requires that development within 2,000 feet of designated Scenic Highways (e.g., portions of Highway 1 and all of 154), development in Design Overlay zones and those subject to the Hillside/Ridgeline Ordinance be reviewed by the Board of Architectural Review to ensure visual impacts will not occur. Agricultural development near other County roads may occur as a result of these amendments and there is concern that visual impacts could occur. Staff researched the possibility of using topography to identify those areas where review would be necessary to address visual concerns but that was found to be unwieldy and impractical. A far simpler approach is to require that any new agricultural accessory building that is visible and within 1,000 feet from a public road (half the Scenic Highway review standard) require a Land Use Permit that is subject to public notice and the potential for an appeal. If the structure is not visible, a Zoning Clearance would be required in lieu of an LUP. The permit history of the other types of projects discussed in the Negative Declaration (Farm Employee Dwellings, DRSUs, etc.) was reviewed to see where the new structures were located and it was determined that these are typically in close proximity to existing development and visual impacts would not occur.

b. Design standard: “Night lighting shall not be visible from public roads”

Staff response – The environmental threshold for aesthetic impacts related to night lighting is not “no change” to night lighting but significant impacts to aesthetics as viewed from scenic highways, parks and/or scenic areas. If a new agricultural accessory structure is proposed within 1,000 feet of a public road, a Land Use Permit would be required and night lighting would be reviewed. Also, regardless of where a new structure is proposed, an electrical permit would be required and night lighting is required to be directed toward the ground and would not be readily visible.

c. Design standard: “Design of agricultural support structures shall be consistent with rural character of area”

Staff response – This finding is already required for any project that requires a Zoning Clearance, LUP, Conditional Use Permit or Development Plan. Consistency with Visual Resources Policy 2 in the Land Use Element would be required for these applications:

Visual Resource Policy #2 - In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.

d. Design standard: “Provide screening for large structures that are more than 1,000 feet from a public road.”

Staff response – We do not believe that new large structures that are more than 1,000 feet from a public road would represent a significant visual impact that would require screening as mitigation.

e. Design standard: “Minimize infrastructure”

Staff response – Due to cost considerations and efficiency, applicants do not tend to provide more infrastructure than the project absolutely calls for. In addition, Visual Resource Policy #2 quoted under ‘c’ above would help to ensure that the amount of infrastructure is minimized.

f. Design standard: “Heights shall be limited” and “alteration of ridgeline and public roadway viewsheds shall not be allowed.”

Staff response – The Hillside/Ridgeline ordinance is designed to address new development that could be proposed on visible ridges and hillsides. All of the applications discussed in the Negative Declaration require a finding of conformity with the General Plan, including the visual policies. New agricultural accessory buildings within 1,000 feet of a public road would require a LUP (with notice and potential for appeal) unless determined to not be visible.

2. Agricultural Resources

a. Concern that proposed development standards will hinder agriculture.

Staff response – The overall package of ordinance amendments are designed to enhance agricultural operations by streamlining the review process for typical agricultural structures (subject to several development standards and findings).

b. Suggested wording to strengthen determination that agricultural accessory building is supportive of agriculture:

“Structures shall be:

- Either incidental to, or supportive of, the agricultural operation on the property and shall be beneficial to and inherently related to the agricultural use of the land.
- The structure will not significantly compromise the long-term productive agricultural capability of the parcel.
- The structure will not significantly displace or impair current or reasonably foreseeable agricultural operations.”

Staff response – Wording that is similar to that suggested here is already included in the ordinance amendment (Attachment A to Negative Declaration) including:

- Small Agricultural Accessory Structures - See #1.C.4.b.
- Agricultural Employee Dwellings - See A.3.
- Detached Residential Second Units – See G.3.

3. Biological Resources

a. Protection of Environmental Sensitive Habitat Areas (ESHA) and development setbacks.

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

This provision applies to projects that require County review including those discussed in the Negative Declaration. Finally, existing development standards required for Detached RSUs (see G.3 of Attachment A) require setbacks from designated ESHAs.

4. Other

a. Proposed Development Plan thresholds

- 1) **Individual non-agricultural building size threshold of 10,000 sf is too small.**
- 2) **Individual non-agricultural building size threshold should be reduced to 5,000 to 10,000 sf.**

Staff response – The two commenters raise questions about the proposed new threshold of 10,000 sf for non-agricultural buildings. Currently, regardless of zoning or lot size, a single new structure of 19,999 sf could be proposed on a vacant lot with only the approval of a Land Use Permit. As the purpose of these amendments is to promote agricultural uses and not large residential structures on agriculturally-zoned lots, the amendment includes a new threshold to limit the size of non-agricultural structures to 10,000 sf without the approval of a Development Plan. Staff believes that limiting non-agricultural area is appropriate and, if the commenters disagree, they may raise the issue with the Planning Commission and Board of Supervisors.

- 3) **Concern that reduction in proposed Development Plan thresholds from maximum of 100,000 sq. ft. (May 2009) to maximum of 50,000 sq. ft. (current proposal) will hinder agriculture.**
- 4) **Concern that proposed thresholds are too high and should be lowered (e.g., lots of 320 to 639 acres should have threshold of 40,000 sf not 50,000 sf as proposed).**

Staff response – In developing the proposed DP thresholds based on lot size, “typical” agricultural operations were reviewed in terms

- 5) **Include infrastructure and roads in square footage calculations.**

Staff response – The definition of “structure” is provided in the ordinance amendments and, basically, includes any space covered by a roof (with exceptions). Traditionally in most jurisdictions, structures have not been defined as including infrastructure and roads. If these were included in the definition of structure, the thresholds proposed for Development Plan

review would need to be reviewed and possibly increased to allow a reasonable amount of agricultural development as intended by the amendments.

b. Quantitatively assess cumulative development impacts by community.

Staff response – It is not possible to quantify what new development might occur as a result of the proposed process change as it would be extremely speculative.

c. Enforcement of Farm Employee Dwelling occupancy requirements.

Staff response – The requirements for validating who is living in a Farm Employee Dwelling are not proposed to change and therefore no impacts would be expected. The commenter may choose to raise this issue with the Planning Commission and Board of Supervisors.

Attachment 8
Comments Received on Negative Declaration

6-8-2009	O.P.E.N.
6-9-2009	Santa Ynez Valley Alliance
6-10-2009	S.B.C.A.N.
6-10-2009	Law Office of Marc Chytilo
1-5-2010	Rose
1-8-2010	O.P.E.N.
1-14-2010	Karas
1-15-2010	Crawford-Hall
1-15-2010	Santa Ynez Valley Alliance
2-26-2010	O.P.E.N.
3-30-2010	O.P.E.N.

O.P.E.N.
OPEN-SPACE PRESERVATION EDUCATION NETWORK
A project of the Environmental Defense Center

To: Mr. Noel Langle, Project Manager
Santa Barbara County, Office of Long Range Planning
30 E. Figueroa Street
Santa Barbara, CA 93101
noel@co.santa-barbara.ca.us

Date: June 8, 2009

Re: Agricultural Permit Streamlining Land Use & Development Code (LUDC)
Ordinance Amendment: 09ORD-00000-000009 and 09NGD-00000-00007

Dear Mr. Langle:

The following comments are submitted by the Open-space Preservation Education Network (OPEN) project of the Environmental Defense Center (EDC) in response to the Initial Study/Negative Declaration (ND) prepared for the proposed Agricultural Permit Streamlining Land Use & Development Code Ordinance Amendments. OPEN has developed the following comments on the portions of the ND that deal with the long-term preservation of agriculture and open space and the urban/rural interface, as well as for potential visual corridor impacts. The purpose of the OPEN project is to engage all interested sectors of our communities in a dialog to develop policies and programs that protect agriculture, open space and the urban-rural interface.

This letter provides comments on the proposed LUDC changes that have the potential to affect agriculturally-zoned parcels in the unincorporated areas of the County. The proposed revisions are aimed at reducing permitting requirements for agriculturally-zoned properties for projects such as single family residences, detached residential second units (RSUs), agricultural accessory buildings, and farmworker housing. Revisions to Development Plan thresholds in Agricultural zones are also under consideration.

One of the primary goals of the OPEN project is to preserve and enhance agriculture in Santa Barbara County with the long-term protection of Williamson Act lands as a major focus. We aim to support the continued viability of farming operations on a County-wide basis. While we have several concerns regarding the proposed LUDC Ordinance changes, our suggestions are not intended to undermine the efforts of agricultural landowners to continue their farming operations or provide housing for their farmworkers. Rather, the basis of our comments relates to proposed LUDC changes that have the potential to (1) permanently convert important agricultural lands into other uses or create other environmental impacts, and (2) encourage landowners to cancel WA contracts.

While it is desirable to simplify the review process for certain types of agricultural projects in agricultural zones, the proposed changes set forth in the ND have not been adequately assessed for their potential environmental impacts, particularly for the proposed Development Plan (DP) threshold changes. The significant amount of increased potential development that could be allowed (without triggering environmental review) under the proposed LUDC Ordinance changes must be carefully evaluated. If any of the impacts are potentially significant, an Environmental Impact Report (EIR) must be prepared. We are particularly concerned that some of the changes will lead to increased conversion of agricultural lands, thereby causing a significant impact to agricultural resources. We have also identified potential impacts to visual and biological resources.

Removing the public's ability to appeal or receive notice of pending development by shifting from Land Use Permits to Zoning Clearance for certain agricultural projects raises concerns about public accountability and input.

We recommend several measures related to the potential impacts that may result from the proposed Ordinance changes, including:

- Critical process items related to the ND, including the **complete text** of proposed Ordinance language and information related to the prior workshops leading up to the LUDC recommendations, need to be made available to the public in order to fully assess the potential impacts of the project.
- The County must consider the potential environmental impacts of the proposed increases in the DP threshold, particularly for biological, agricultural, and visual resources, and the potential for threshold increases to provide incentives for landowners to non-renew Williamson Act contracts on a County-wide basis.
- The County must address potential impacts from changes for processing requirements for Farmworker Housing and Detached RSUs that would reduce County review from a discretionary process to a ministerial process.
- The County must re-assess the purported merit of reducing the public's ability to receive notices of development and the ability to appeal agricultural accessory projects and single family dwellings in AG-II zone districts, since the application requirements would remain identical for agricultural landowners for both the LUP and Zoning Clearance process.

Project Background and Overview:

The project involves Zoning Ordinance amendments to the County Land Use and Development Code that would affect *approximately 600,000 acres of land zoned AG-I and AG-II in the Inland portion of Santa Barbara County*. The affected areas are located

outside the Coastal Zone and include the Cuyama, Los Alamos, Santa Maria, Lompoc and Santa Ynez Valleys, portions of the Gaviota Coast and the Goleta foothills.

The proposed LUDC changes originate from the Process Improvement Team (PIT), which has been meeting since 2003 to improve the development review process. One key criterion which the PIT process is required to follow is to “Make the process easier to navigate, and more time efficient and cost effective, *while maintaining the quality of development in the County*” (emphasis added).

The proposal includes amendments to the LUDC that would:

- a. Shift some minor agricultural-related permits from requiring a Land Use Permit to a Zoning Clearance or exemption or from a Minor Conditional Use Permit to a Land Use Permit. Amendments to achieve these revisions to the process would be required in Chapter 35.21, Agricultural Zones, Chapter 35.42, Standards for Specific Land Uses, Chapter 35.82, Permit Review and Decisions, and Chapter 35.110, Definitions.
- b. Change the threshold for requiring Development Plan Approval by the Planning Commission when the combined floor area of all structures on a lot in an agricultural zone exceeds 20,000 square feet (County LUDC Section 35.21.030). A summary of the proposed revisions described in the ND is provided in the table below.

Summary of Recommended Changes to Agricultural Permits and Processes

Type of Structure	Current permit	Proposed permit	Considerations/Issues
Agricultural Accessory Structure (AG-II Zone only)	Land Use Permit (LUP)	Zoning Clearance (ZC)	a. Size limitation of up to 3,000 sq. ft. for ag-related uses; otherwise LUP is required b. Scenic provisions apply
Primary Single Family Dwellings (AG-II Zone only)	LUP	ZC	a. Size limit of 3,500 sq. ft. to qualify for a ZC, otherwise LUP is required b. Scenic provisions apply
Fences, gate posts & cross-members - Within 20' of property line (AG-I & AG-II Zones)	LUP	Exempt	a. Exempt if maximum height does not exceed 18 feet, footprint of each gate post does not exceed four (4) sq. ft., and cross-member is not greater than 2 feet in diameter b. Exempt if greater than 20 feet of front property line
Housing for up to 4 farm employees & their families (AG-I & AG-II Zones)	Minor CUP	LUP	a. AG-I Zone – Employees must work onsite. b. AG-II Zone – Employees may work on or offsite c. Both zones – Documentation & Notice to Property Owners required.
Detached residential second units (RSUs) (AG-I-5, -10 & -20 Zones only)	Minor Conditional Use Permit	LUP	a. 1,200 sq. ft. size limitation retained b. Change first finding to read: "...shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by: (a) Avoiding prime soils or where there are no prime soils be sited so as to <u>Siting structure so as to minimize conversion of impacts to productive agricultural land, prime soils, or adjacent agricultural operations.</u> "
Development Plan Threshold changes (AG-I & AG-II Zones)	Develop. Plan (if cumulative building area exceeds 20,000 sq. ft.)	Threshold up to 100,000 sq. ft. based on zone & lot size (larger lot = higher threshold)	a. See Table 3 for proposed new thresholds based on zoning & lot size b. AG-II Zone only – Once reach cumulative threshold, an additional 10% may be allowed without Development Plan Approval if ag-related uses proposed. c. If non-agricultural building area onsite (primary residence, garages, etc.) exceeds 20,000 sq. ft., additional square footage would require DP Approval. d. Maximum size of any new structure is 20,000 sq. ft. (single buildings exceeding that size would require Development Plan Approval).

Certain projects that currently are reviewed and approved with a ministerial permit (e.g., Land Use Permit or Zoning Clearance) are not reviewed in the ND, pursuant to California Environmental Quality Act Guidelines Section 15369, since a ministerial permit is not subject to environmental review.

Summary of Comments:

1. Process items related to the proposed changes should be made available to the public, including the specific proposed language for LUDC revisions.

It is imperative that a full draft of all proposed Ordinance language changes are made available to the public as part of the environmental review process, and that the **comment review period be extended to allow for full review of the draft language**. Providing comments on concepts rather than tangible Ordinance language is premature and does not provide the public with the information needed to fully understand the implications of the proposed LUDC changes. Under CEQA, the project must be described with enough sufficiency to ensure that the impacts can be ascertained. Given the lack of inclusion of the proposed LUDC Ordinance language in the ND, impacts cannot be adequately ascertained and the project description is deficient. It would also be very helpful to provide the public with a complete set of minutes reflecting prior Planning Commission (and Agricultural Advisory Committee [AAC]) workshops where these proposed Ordinance changes were deliberated with County staff. For example, the minutes for the joint PC Workshop for the Agricultural Permit Streamlining held on January 28, 2009 were not available for review, nor was any previous documentation between the PIT and the PC made available to the public as part of the ND. These documents provide important information containing details on the methods used to craft the proposed recommended changes.

Additionally, the facilitator for the PIT process and consultant to the County who crafted the LUDC Ordinance amendments also prepared the ND to assess project impacts. We believe that the preparer of the next draft of the environmental document for this project should be an independent party who was not involved in crafting the proposed LUDC Ordinance changes.

2. The proposed threshold increase before triggering a DP must be properly evaluated in the ND, and the incentives it may provide for non-renewal of Williamson Act (WA) contracts must be evaluated.

The proposed increases for triggering a DP in AG-I and AG-II on a “graduated” basis are included in the table below. The base minimum zoning is the guideline for determining the square footage allowed before a DP is triggered.

Proposed Development Plan Threshold Changes

Lot Size & Zone	# of parcels	Total acreage	Average parcel size (acres)	Proposed DP Threshold
AG-I: 1 – 19 acres	2,093	16,076	7.68	20,000 sq. ft.
20 ac +	558	25,578	45.84	25,000 sq. ft.
AG-II: 1 – 19 acres	861	4,775	5.55	25,000 sq. ft.
20 – 39 ac	297	8,919	30.03	25,000 sq. ft.
40 – 49 ac	148	6,351	42.91	30,000 sq. ft.
50 – 59 ac	72	3,906	54.25	35,000 sq. ft.
60 – 69 ac	76	4,926	64.81	40,000 sq. ft.
70 – 79 ac	103	7,796	75.69	45,000 sq. ft.
80 – 89 ac	77	6,410	83.25	50,000 sq. ft.
90 – 99 ac	56	5,348	95.50	55,000 sq. ft.
100 – 124 ac	343	37,096	108.15	60,000 sq. ft.
125 – 149 ac	121	16,651	137.61	65,000 sq. ft.
150 – 174 ac	165	26,314	159.48	70,000 sq. ft.
175 – 199 ac	63	11,847	188.04	75,000 sq. ft.
200 – 224 ac	64	13,417	209.64	80,000 sq. ft.
225 – 249 ac	47	11,241	239.17	85,000 sq. ft.
250 – 274 ac	49	12,813	261.50	90,000 sq. ft.
275 – 299 ac	32	9,189	287.17	95,000 sq. ft.
300 – 319 ac	39	12,127	310.94	100,000 sq. ft.
320 – 639 ac	355	162,084	456.57	100,000 sq. ft.
640 – 10,518 ac	149	255,902	1,717.46	100,000 sq. ft.

Source: Agricultural Permit Streamlining ND, 2009.

As the table above shows, the square footage allowed *before triggering a DP* is greatly increased over the current threshold of 20,000 square feet. No distinction is made for urban or rural lands, although two restrictions have been placed on the DP threshold increase. The first is the stipulation that if the non-agricultural area exceeds 20,000 square feet, additional square footage would require DP approval, and the second restricts the maximum size of any new SINGLE structure to 20,000 square feet (otherwise a DP would be triggered). Given that there are literally hundreds of AG-zoned parcels along the Gaviota Coast, the Santa Ynez Valley, Jalama Road, and other scenic highways and locations in our beautiful county, the potential for siting very large structures in ecologically and visually important areas and those that are actively farmed must be properly evaluated in the ND and impacts disclosed. Additionally, *there are no provisions included to address scenic corridors in the ND for the proposed DP threshold increases.* The DP threshold increase would allow *individual buildings up to 20,000 square feet in size* to be incrementally sited in scenic areas without the benefit of environmental review and PC consideration. Restrictions should be included in the environmental document on what types of buildings would be allowed before triggering the 20,000 square feet threshold (e.g., no residential buildings of that size should be allowed without discretionary review). Additionally, the environmental review for this threshold change should consider alternatives for the “single structure” DP trigger. For example, it may be appropriate to limit any single structure to 5,000 square feet, not 20,000 square feet.

The proposed DP threshold change (and other LUDC changes, discussion later in this letter) would also potentially provide incentives to agricultural landowners to enter into **WA non-renewal**, since it would lessen restrictions and permitting requirements for potential development allowed on some agriculturally zoned land when compared to that allowed by the County's Uniform Rules. The Uniform Rules contain numerous development envelope and siting restrictions for agricultural lands in WA contracts, particularly for Super-prime lands. The ND does not address the impacts of this proposal on the future of the Williamson Act contracts in the County, and instead states the following:

Properties enrolled in the Agricultural Preserve Program comprise less than half of all AG-I and AG-II zoned lots but account for about 83 percent of agriculturally-zoned property in the County. The Agricultural Preserve Advisory Committee (APAC) reviews proposed projects for consistency with the Williamson Act and the County's Uniform Rules, thereby preventing land enrolled in the program from being readily converted to non-agricultural or urban uses. **Of the 5,768 parcels zoned AG-I or AG-II, 2,173 or 38 percent are in Agricultural Preserves. These parcels tend to be larger (average parcel size is 252 acres) and comprise about 83 percent of all AG zoned land in the County [emphasis added].** The limitation on non-agricultural building envelope and square footage is intended to minimize impacts to the viability of agriculture onsite. As a practical matter, farmers and ranchers tend to cluster buildings to minimize encroachment onto productive land and use existing infrastructure (roads, utilities, etc.) which inherently reduces potential impacts.

The above analysis from the ND for the project's potential agricultural impacts does not address a fundamental issue and growth-inducing impact; the increase in DP threshold would likely provide an incentive for farmers to non-renew WA contracts because the development potential on the properties they own would increase over that allowed under the WA without having to go through the discretionary DP process at the County. In many cases, the Uniform Rules are more restrictive than the proposed allowances under the LUDC Ordinance changes. As the Uniform Rules state:

The Board of Supervisors recognizes the importance of providing housing opportunities on agricultural land enrolled in the Agricultural Preserve Program, in order to accommodate landowners and their agricultural employees. However, the Board also recognizes that the primary purpose of the Williamson Act is the long-term preservation of the maximum amount of agricultural and open space land. In an effort to balance these issues, the Uniform Rules allow for limited residential opportunities on contracted land. These allowances may be more restrictive than the applied zoning designation permits for residential site use. All requests for residential structures including additions to existing residences, residential agricultural units (RAU), agricultural employee housing and accessory improvements and structures shall be reviewed by the APAC for a compatibility determination that the improvement or structure is sited in accordance with this section and the compatibility guidelines set forth in Rule 2.

The ND States:

The Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones is the set of rules by which the County administers its Agricultural Preserve Program. The Agricultural Preserve Advisory Committee (APAC) is responsible for administering, monitoring and enforcing the County's program. When an application for a permit involves land subject to a Williamson Act contract, the APAC has the responsibility to review the application to determine its consistency with the County's Uniform Rules. By ensuring consistency with the Uniform Rules, land enrolled in the program is prevented from being readily converted to non-agricultural or urban uses.

It is unclear whether landscaping and non-agricultural roads would also be included in the proposed DP threshold calculations (this is currently considered part of "non-agricultural" building totals according to the Uniform Rules). The potential for increased applications for development and potential conversion of agricultural land from the incremental buildout of agricultural properties under the proposed DP threshold increase must be fully evaluated in the ND. The impacts of potential WA cancellation incentives (e.g., allowing for increased development flexibility without triggering a DP than would currently be allowed under the Uniform Rules) must also be analyzed.

The potential for creating land use compatibility impacts between agricultural operations and new residential development is another potential impact that must be analyzed. The Agricultural Element for Santa Barbara County acknowledges potential land use conflicts from the expansion of residential uses. Future residential development could have several negative impacts on continued on-site and adjacent agricultural production activities; residents living adjacent to farmland could be adversely affected by odors, noise, dust, and pesticide spraying associated with agricultural operations. Since the proposed DP Ordinance threshold increase would allow for less restricted residential development (allowing such uses without a discretionary review process), the potential for conflicts with agricultural lands must be analyzed and appropriate development standards must be crafted to address potential impacts. Goal II in the Agricultural Element states that "Agricultural lands shall be protected from adverse urban influence", and Policy IID states "Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged." Goal III in the Agricultural Element states "Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations". The ND does not demonstrate that the increased DP threshold allowances would be consistent with these policies given the assumed conversion of agricultural lands to residential uses.

The Santa Barbara County Agricultural Thresholds and Guidelines Manual contains the following question with regard to agricultural impacts evaluation:

Will the proposal result in the conversion of prime agricultural land to non-agricultural use, impairment of agricultural land productivity (whether prime or non-prime), or conflict with agricultural preserve programs?

The DP changes would substantially increase the amount of development allowed on ag-zoned parcels throughout the County before triggering any type of discretionary review process, and could potentially conflict with existing agricultural preserve programs.

The potential for development to permanently convert prime agricultural land out of production and create other environmental impacts, such as disturbing important biological habitats or waterways due to the development footprint and associated fire clearance requirements, has not been properly addressed in the ND. The discretionary review process provides a forum to identify environmental impacts, including impacts to agriculture, visual impacts, biological resource impacts, and the like. Since many agriculturally-zoned parcels are located in or near sensitive habitats, visual corridors, and other environmentally important areas, specific development standards addressing potential impacts from the increased DP threshold should be addressed in an EIR that properly assesses the potential for environmental impacts.

The ND's current discussion acknowledges the myriad habitats that could be affected by development in rural areas:

The inland rural areas of Santa Barbara County are characterized by a diverse mosaic of habitat types supporting a corresponding diversity in plant and animal species. The terrain is characterized by rolling hills studded with grassland, valley oak savanna and woodland, chaparral and coastal sage scrub and coast live oak woodlands to steeply sloping foothills and mountains. Numerous streams and creeks flow through the area and several notable rivers (Santa Ynez, Santa Maria, Cuyama and Sisquoc) provide a network of riparian habitats. Low development density has maintained a relative undisturbed native habitat and while residential and agricultural development has fragmented this habitat, there remain large expanses of native vegetation, rare and sensitive plant and animal species and key habitat linkages.

These habitats support a variety of wildlife species, including gray fox, coyote, mule deer, bobcat, and black bear and mountain lion in the mountains. Commonly occurring birds include sparrow, scrub jay, acorn woodpecker, Anna's hummingbird, California quail and a number of sensitive species such as southwestern willow flycatcher, yellow warbler, grasshopper sparrow, purple martin, yellow-breasted chat, and tri-colored blackbirds. Raptors include red-tailed hawk, golden eagle, Cooper's hawk, white-tailed kite and bald eagle, which winter at Cachuma Lake. Reptiles and amphibians include western fence lizard, horned lizard, gopher snake, common king snake, rattlesnake, frogs and turtles.

A number of species in the inland rural areas of Santa Barbara County have been designated either threatened or endangered under the federal Endangered Species Act, including but not limited to the California Tiger Salamander, California red-legged frog, steelhead trout, southwestern pond turtle, fairy shrimp, bald eagle, least Bell's vireo and southwestern willow flycatcher. The Fish and Wildlife Service (F&WS) has designated critical habitat for the California tiger salamander, California red-legged frog and fairy shrimp. Future development that could result in take of the species or its habitat must be reviewed by the F&WS.

The ND's impact analysis states:

As discussed above, there is a broad range of sensitive plant and animal species and large stands of native vegetation in the inland rural areas of Santa Barbara County. These areas include unique, rare or threatened animal and plant species, native vegetation, non-native vegetation of habitat value and healthy native specimen trees. These habitats tend to occur outside cultivated agricultural areas although they could be impacted by the development of agricultural structures that might be permitted through these ordinance amendments (emphasis added).

Agricultural Advisory Committee members have indicated that new structures are typically constructed adjacent to existing structures to minimize the need for extension of infrastructure such as roads, utilities, etc., and to avoid impacting productive agricultural land. These areas have typically been graded or disturbed in the past and biological value is minimal. Any new detached RSU or farm dwelling proposed on a parcel in the Agricultural Preserve program would be reviewed for compatibility with the County's Uniform Rules and Williamson Act. All new structures on agricultural land are reviewed for consistency with policies in the Agriculture and Conservation Elements of the Comprehensive Plan. Both elements acknowledge the need to encourage agriculture while protecting open space values. A similar analysis would occur for new structures on property that is not enrolled in the Agricultural Preserve Program.

The above analysis does not acknowledge the high potential for significant impacts to occur to biological resources from buildout under the proposed DP threshold Ordinance changes. In particular, the ND references the AAC as indicating that new structures are typically constructed next to new structures. However, this counters the proposed change for detached RSUs discussed in Item 3 below, which under the revised LUDC, would allow RSUs to be sited AWAY from primary residences. While they are REQUIRED to be sited in close proximity if under WA contracts, other AG lands would not have this restriction under the proposed LUDC changes. This change also has great potential to trigger impacts to biological resources.

The ND's analysis for potential visual impacts resulting from the DP threshold increase reads as follows:

The proposed change to the Development Plan threshold could result in more development on AG-I and AG-II Zoned parcels without requiring a public hearing before a discretionary body. A Land Use Permit would still be required and that review would include an analysis of potential visual effects. Over the last several years there has been an average of one proposal per year that, because of the existing 20,000 sq. ft. Development Plan threshold, required Planning Commission review. This number of projects is considered insignificant and, given that 83 percent of all agriculturally zoned land is in Agricultural Preserves, the new structures or additions would likely be in

close proximity to other structures, thereby minimizing any potential visual impact.

While projects that require a Land Use Permit are not typically subject to environmental review, if there are potential visual or other impacts, there are rare instances when the project may require environmental review. This has happened in Santa Barbara County for projects that are in visually sensitive areas. This possibility would help to ensure that significant visual impacts would not occur for projects that require a LUP.

Also, if a proposed structure is adjacent to a designated Scenic Highway, in a Design Overlay District, or subject to the Ridgeline/Hillside Development Guidelines where BAR approval is required, or if a previous condition required Development Plan or design review, any potential visual impacts would be addressed during the review process. Consequently, the visual impact of these new structures is not expected to be significant.

The above analysis does not address the significant potential for visual impacts to occur from buildout due to increased DP thresholds. During a Planning Commission workshop that was held in June of 2008, there was concern expressed about the visibility of structures under the proposed DP changes (particularly for the Gaviota Coast), and a recommendation for staff to include development standards to address visibility. However, NO development standards whatsoever have been proposed in response to these concerns. Of particular concern is the exemption of large-scale structures from requiring any type of discretionary review. For example, if five 20,000 sq foot structures were incrementally proposed on a larger size parcel (given the proposed DP threshold of 100,000 sf), no discretionary review would be triggered for the individual structures. Conversely, under the current (and proposed) rules, an 8 acre parcel could build up to 20,000 square feet of development without triggering a DP. The scaled approach should be revised and the 20,000 square foot threshold should be reconsidered for its appropriateness on smaller agricultural parcels, particularly for those zoned AG-I-5 and AG-I-10.

The ND projects that:

If the threshold is changed as proposed, the type of structure that might be built without DP Approval would mostly be agricultural storage or other ancillary facilities that tend to have minimal, if any, impacts on the environment. Architectural review would still be required if the proposed project were located in a Design Overlay District or in an area subject to the Ridgeline/Hillside Development Guidelines. Discretionary review may also be required pursuant to a previous condition of approval on a Development Plan or other discretionary approval.

The basis used to determine whether any impacts on the environment would occur from the increase in DP threshold is pure speculation. Allowing up to 20,000 of individual

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structures would most likely have some type of environmental impacts that should be addressed via the discretionary review process. The proposed DP threshold increase, and potential impacts that would result from allowing increased development without the benefit of environmental review, should be analyzed in an EIR.

Both the high and low ends of the proposed DP threshold range are inappropriate and potentially unnecessary given the amount of development that could occur without discretionary review and the history of very few large DP applications to the County in the last several years. Since 2003, the largest DP application received by the County was 37,000 sf in size (over the current 20,000 sf threshold). There is obviously limited need for such a major increase in the DP threshold (currently proposed up to 100,000 sf for parcels 300 acres and larger). This proposed increase has the potential to encourage additional development above that needed to serve agricultural uses. Also, in the AG-II zone, once the new proposed cumulative building square footage threshold has been met on a lot, *an additional 10% of building area may be allowed under the proposed DP threshold increase without Development Plan Approval* if agricultural-related uses are proposed. This additional allowance above the already-excessive proposed DP increase is unnecessary and should be removed.

As the ND acknowledges, the change in threshold for Development Plan Approval would effectively shift some projects from discretionary review that requires CEQA to ministerial review (Land Use Permit). Development standards that allow for stringent review of each proposed project application should include provisions to assess whether projects have the potential to create impacts. If projects are proposed to be located in protected habitats (e.g., ESHAs, riparian areas, etc.), would potentially convert prime farmland, provide incentives to non-renew WA contracts, or have the potential to impact viewsheds, a mechanism should be developed to require discretionary review on an as-needed basis. The EIR prepared for the project should review options for ensuring this occurs, as well as to review potential alternatives for DP threshold ranges, to assess which range of DP increase would be the most appropriate choice to preserve agriculture, biological and visual resources, and the stability of WA contracts in the long term.

Finally, the cumulative impacts of the proposed increase must also be addressed in the ND analysis, particularly for agricultural, biological and visual impacts.

3. The proposal to allow the construction of Farm Employee Housing in AG-I and AG-II Zones and Detached RSUs in AG-I zones with a ministerial Land Use Permit in lieu of a discretionary minor CUP must be carefully evaluated for their potential to incur environmental impacts.

Farmworker Housing:

The proposal is to shift permitting requirements from a Minor Conditional Use Permit (MCUP) to a Land Use Permit (LUP) for both Farm Employee Housing and Detached RSUs. The review process and staff analysis for a LUP is similar to that for a MCUP terms of zoning and Comprehensive Plan review, including consistency with the Agricultural and Conservation Elements and, where enrolled in the Agricultural Preserve Program, the County's Uniform Rules. Public notice of the application is provided and appeals may be filed. The change in permit requirements would change the hearing

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process, as a public hearing would not be held unless an appeal is filed. The ND states that the shift in permit requirements is expected to increase the number of new farm employee units only slightly over existing levels. However, since the permitting requirements would be lessened, there is real potential for a greatly increased number of applications for farmworker housing.

EDC strongly supports the important and widely recognized need for farmers to provide housing opportunities for their workers. Allowing this housing to be constructed with lesser permitting requirements is an excellent step in this direction. However, it must be done with proper development standards and requirements for long-term enforceability. As with the increase in DP threshold, this proposal has the potential to create environmental impacts. It is logical to assume that if prime farmland is avoided and housing is built elsewhere to avoid conversion of production land, there would likely be other environmental impacts from development. Development standards for this LUDC change should be created that would require careful review of each proposed project application, including provisions to assess whether projects have the potential to create impacts, and if they are proposed to be located in protected habitats (e.g., ESHAs, riparian areas, etc.), would potentially convert prime farmland, or have the potential to impact viewsheds, a mechanism should be developed to require discretionary review on an as-needed basis. Requiring clustering of housing to minimize development footprint impacts to agricultural, biological and visual resources should be a considered, as could requiring these housing opportunities to be constructed in already-disturbed areas that would not convert prime farmland or create other new environmental impacts.

While farmworker housing is a critical need for farmers, it is imperative that the County actively monitor any approved housing to ensure that farmworkers are living in the structures, and it is not converted to use for market rental housing. Additional enforcement mechanisms should be required, such as consent to periodic “spot” visits from zoning enforcement officials and requiring annual reports to be submitted under penalty of perjury. Additionally, the Uniform Rules require consistency with the Zoning Ordinance, which currently mandates that *any agricultural employee for which housing is being provided work only on the premises*, unless part of a farm labor camp (5 or more units). The proposed change includes a provision to *allow farm employees in AG-II zones to work offsite*, which is inconsistent with the above requirement. This change, if implemented, would essentially revise the Uniform Rules and the current Zoning Ordinance, and would make enforceability of farmworker housing more challenging, while also potentially providing incentives for landowners to enter into non-renewal for WA contracts. The proposal to allow farm employees in AG-II districts to be employed off-site should be seriously considered by the County, as farmers have expressed that it is nearly impossible to keep any farm worker 100% employed on-site, due to the seasonal nature of farm work. However, increased flexibility may require additional monitoring, reporting or other enforcement methods.

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

Under the recommended changes, detached Residential Second Units (RSUs) would be allowed in AG-I-5, -10 and -20 zones. They would not be allowed in the AG-I-

40 zone and any of the AG-II zones. Currently, an attached RSU would be allowed in the AG-I zone with a LUP and a detached unit requires a Minor Conditional Use Permit (MCUP). The proposal would change the permit requirements for detached RSUs from a discretionary MCUP to a ministerial LUP in the AG-I-5, -10, and -20 Zones. The 1,200 sq. ft. maximum size limitation would still apply and findings would still need to be made prior to approving the LUP.

The Uniform Rules State in relation to RSUs that:

In order to preserve productive agricultural land to the maximum extent feasible, the development envelope shall minimize intrusion into agricultural areas and minimize ‘barbell’, ‘peninsula’, and ‘finger’ type configurations. A guest house or RSU, where allowed under the zoning ordinance, shall be included in the development envelope and *must be clustered with the principal dwelling (emphasis added)*.

Parcels under WA contracts can build either an RSU OR a guest house, but not both. However, the proposed permitting change with regard to detached RSUs does not specify this restriction, nor does it include the requirement for clustering (as is currently required by the Uniform Rules). This change would be another potential incentive for farmers to non-renew their WA contracts. This issue (requiring development standards to ensure new RSUs are constructed in “close proximity” to other buildings) was raised by the Planning Commission during a prior workshop on the RSU/Agricultural Permit Streamlining proposal by the PIT; however, the AAC did not want to incorporate this provision as part of the RSU changes. The AAC stated that the existing detached RSU development standard language “shall avoid or minimize significant impacts to ag & bio resources to the maximum extent feasible” is sufficient to address the issue, and wanted flexibility to site RSUs away from the principal dwelling for “security reasons” and because “the owner wouldn’t want another residence located close to their home”.

The Planning Commission’s recommendation to include Development Standards that would require clustering should be included in the Ordinance language and incorporated into the project analysis in the environmental document. Staff’s suggestions during prior discussions on the RSU topic were not incorporated into the final version of the concept Ordinance language, particularly for the following items: including buffers from sensitive areas, and preserving natural features, landforms, and native vegetation to the maximum extent feasible. These standards should be included in the Ordinance language. Standards could be modeled after those already adopted in the Coastal Zone which states:

(1) All development associated with the construction of residential second units shall be located no less than 50 feet from the outer edge of a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from the outer edge of a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zone overlay

map is determined by the County not to be located on the particular lot during application review, this development standard shall not apply.

(2) All development associated with the construction of residential second units shall be located a minimum of 100 feet from the periphery of wetlands consistent with the requirements of Section 35.28.090 (Environmentally Sensitive Habitat Area Overlay).

(3) Residential second units shall not significantly obstruct public views from any public road or from a public recreation area.

(Note: this language has been modified to remove references to the CZ).

Additional Development Standards for detached RSUs could include the following items as are currently required in the LUDC:

The following development standards shall also apply to detached residential second units located within the Inland area;

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

(a) Avoiding prime soils or where there are no prime soils be sited so as to minimize impacts to ongoing agriculturally-related activities.

(b) Including buffers from sensitive areas.

(c) Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.

Development Standards that allow for stringent review of each proposed project application should include provisions to assess whether projects have the potential to create impacts, and if they are proposed to be located in protected habitats (e.g., ESHAs, riparian areas, etc.), potentially convert prime farmland, or have the potential to impact viewsheds, and a mechanism should be developed to require discretionary review on an as-needed basis. If development standards are not included as part of the project proposal, indirect impacts to agriculture and biological resources (e.g., incentive for non-renewal of WA contracts and potential environmental impacts) must be evaluated properly in the ND or – if potentially significant - in an EIR.

4. The proposed removal of a LUP requirement for Agricultural Accessory Structures (AAS) and Primary Single Family Dwellings (SFDs) should be reconsidered because it would remove the public's opportunity for notice or appeal.

This proposal would eliminate the appealable LUP and noticing requirement for residences up to 3,500 square feet in size and agricultural accessory structures up to 3,000 square feet for agricultural-related uses in AG-II zones by changing the process from a LUP to Zoning Clearance.

The PIT process, where the proposed project originated, is required to “Make the process easier to navigate (for applicants), and more time efficient and cost effective, *while maintaining the quality of development in the County* (emphasis added)”. This

mandate reflects the need for all proposed changes that emanate from the PIT to also address overall potential for development and to ensure that PIT recommendations do not undermine the high standards for development set forth by existing ordinances and codes.

The proposal to remove the LUP requirement for AASs and SFDs does not fulfill this mandate. Since the application requirements are identical for LUPs and Zoning Clearance, this change would not remove any process impediments for agricultural landowners. Instead, the change in the County's level of review for these projects would eliminate the public's opportunity to receive notice on their neighbor's projects and remove their ability to appeal inappropriate development proposals. Since only minimal development standards have been added to this change (see below) to address size limitations and selected scenic corridors, this proposal should be abandoned, as it will undermine the public process without providing any real process improvement to landowners in terms of application requirements.

The Planning Commission has expressed concern during past discussions (e.g., on June 2008) regarding changing this noticing requirement, particularly given the potential for structures to be visible within sensitive view corridors (especially for the Gaviota Coast), and the need for Development Standards/design guidelines to be prepared relating to location. However, these suggestions were never developed or incorporated into the proposed LUDC changes. Further, the designated "view corridor" of 2,000 feet from the centerline of the road has been reduced from that considered during earlier discussions of the LUDC amendments (4,000 square feet centered on the road right-of-way was the earlier proposal). Even using the 4,000 square feet guideline, there is real potential for proposed development to encroach on visually important areas of the County. Without clear development standards for home siting and building standards, homes could significantly impact important viewsheds in the County.

Visual corridors should not be arbitrarily defined by a fixed number of feet from the road (which, under the current proposal, would equate to approximately 1,000 feet on either side of these designated corridors), but rather should be defined with specific development standards that define the visual corridor according to viewsheds and topography. The viewshed standard could be further defined using GIS imagery and maps to depict the limit of view corridors along scenic roadways and an overlay of the "viewshed corridor" should be prepared along those designated areas of concern. Since there is currently no environmental review proposed for this change to the LUDC, it is critical that ALL of the potential for triggering environmental impacts to viewsheds is addressed as part of this Ordinance change. The determination must be made that proposed LUDC changes that would reduce the level of review required would not trigger ANY environmental impacts, aesthetic or otherwise. Adding detailed definitions and development standards, with detailed mapping of various visual corridors, would assist County decisionmakers in making this determination. All scenic corridors in the Environmental Resources Management Element of the County's Comprehensive Plan should be included, not just those listed in the ND, including:

- Designated scenic highways: 154 & portions of 1.

- Route 166 from the Santa Maria City limits east to the county line.
- Foxen Canyon Road from the Santa Maria city limits to its terminus at Highway 154.
- Jalama Road from Highway 1 to its terminus at Jalama County Park.
- Drum Canyon Road from Los Alamos to its terminus at Highway 246.
- Highway 101 in the following areas:
 - Overcrossing at the western terminus of Hollister Avenue to the point where the highway turns north at the Gaviota pass.
 - North of Buellton to Los Alamos.

Currently, a LUP would still be required if the proposed project is within 1,000 feet of any of the scenic corridors designated in the ND unless one of the following situations applies:

- The applicant can demonstrate that new structure would not be visible from a public road or public areas; or
- If the new structure is visible from the road, the proposed project is an addition of no more than 1,000 sq. ft. or up to 50 percent of the existing structure, whichever is greater.

While this is a first step in addressing concerns raised by the Planning Commissioners during their June 2008 meeting on this topic, additional considerations for addressing view corridor protection should be considered as noted above.

It should also be specified in the Ordinance language that this change would only apply to structures accessory to existing agricultural use onsite, e.g., barns, feed storage, farm equipment storage (and that an LUP would still required for structures accessory to the primary residential use of the property).

Conclusion

The recommendations contained in this letter are intended to serve as suggestions to improve the proposed revisions to the LUDC Ordinance and to support the long-term preservation of agriculture and its associated habitats and viewshed corridors. To recap, the following items are suggested:

- The proposed Ordinance language, and information related to the prior workshops leading up to the LUDC recommendations, must be made available to the public in order to fully assess the implications of the project.
- The potential environmental impacts of the proposed increases in the DP threshold, particularly for biological, agricultural, and visual issues, and the potential for threshold increases to provide incentives for landowners to non-renew Williamson Act contracts on a County-wide basis, must be reviewed in the ND or, if necessary, in an EIR.

- Potential impacts from changes for processing requirements for Farmworker Housing and Detached RSUs that would reduce County review from a discretionary process to a ministerial process must be reviewed in the ND or, if necessary, in an EIR.
- Reducing the public's ability to receive notices of development and the ability to appeal agricultural accessory projects and single family dwellings in AG-II zone districts must be reassessed given the mandate of the PIT process, as the application requirements for an LUP and Zoning Clearance would remain identical for agricultural landowners.

The OPEN project team appreciates the opportunity to provide comments on the proposed LUDC Ordinance changes. We look forward to reviewing the full text of the LUDC changes as soon as they are available to provide you with additional comments.

Sincerely,

Via E-mail

Christina McGinnis, OPEN Project Director



June 9, 2009

*Santa Ynez
Valley Alliance*

Mr. Noel Langle, Project Manager
Santa Barbara County Planning & Development
30 E. Figueroa Street
Santa Barbara, CA 93101

Re: Agricultural Permit Streamlining Land Use & Development Code Amendments

Dear Mr. Langle:

The Santa Ynez Valley Alliance respectfully submits the following comments in response to the Draft Initial Study/Negative Declaration prepared for the proposed Agricultural Permit Streamlining.

One of our primary concerns is the inclusion of AG I zoning in the streamlining effort. Ag I parcels can be as small as 5 acres making them mainly rural ranchettes rather than ag producing properties. The total number of AG I zoned properties in the inland area is 1,822 according to records supplied by Planning Development. The Third District has 1,559 of those parcels. The number of AG I-5 parcels in the Third District is 718 out of the total of 748 countywide. This places the preponderance of AG I parcels in the Santa Ynez Valley. The Negative Declaration does not speak to the disproportionate burden of impacts created in the Santa Ynez Valley due to the fact that the largest number of properties zoned AG I exist here.

The Valley Alliance supports the provision of employee housing, where possible, on site. However, due to the nature of rural properties zoned AG I-5 in particular, we feel the environmental impacts need to be carefully vetted, the hearing and appeals process be kept in tact in order to minimize impacts. We do not feel the Permit Streamlining ND evaluates the environmental impacts that will occur with increased structures in this zone district in this Valley.

Likewise, the number of AG II parcels in the Third District is over 1,000, more than any other district. Again, the preponderance of impacts due to the permit downshifting will be felt greatly in the Santa Ynez Valley. The Negative Declaration does not speak to the disproportionate burden of impacts created in the Santa Ynez Valley.

The proposed Development Plan Threshold changes do not assess the impacts to inner rural lands. Due to the nature of the inner rural corridors in the Santa Ynez Valley, the Valley Alliance objects to the inclusion of AG I lands in these changes. The proposed changes could result in more and larger scale development on AG I lands. The Negative Declaration does not examine these impacts. It may be desirable to simplify the permit process for certain types of agricultural projects in the AG II zones, but simplifying the process for additional development on AG I zoned properties carries the threat of inappropriate development and unfortunate impacts to already overburdened infrastructure in inner rural areas.

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June 9, 2009
Santa Ynez Valley Alliance letter re: AG Permit Streamlining
Page 2

Development Plan Threshold changes using tiers in all zone districts address the potential buffering from neighbors. However, there are larger issues of incremental piecemeal development on ag lands that need analysis irrespective of acreage size.

The mission of the Santa Ynez Valley Alliance is to work collaboratively with individuals, groups and governments to protect the rural character of the Santa Ynez Valley and support good stewardship of natural and agricultural resources through education, comprehensive planning and public participation.

We include by reference in our comments the submittal from OPEN (as a separate, attached, document).

Sincerely,

Mark Oliver
President



To: Mr. Noel Langle, Project Manager
Santa Barbara County, Office of Long Range Planning
30 E. Figueroa St.
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EXECUTIVE DIRECTOR

Deborah Brasket

ASSOCIATE DIRECTOR

Olivia Uribe

June 10, 2009

Re: Agricultural Permit Streamlining Land Use & Development Code

Dear Mr. Langle,

The Santa Barbara County Action Network (SB CAN) is a grassroots advocacy group that works tirelessly on social justice issues and focuses on the concerns of Housing, Open Space and transportation. The preservation of agricultural land is among our interests in this county that has such a wealth of resources, among them agricultural land.

We are interested in the process and outcome of the proposed changes to the Agricultural Permit Streamlining Land Use and Development code. At this point we are writing to request an extension to the comment period beyond the June 11, 2009 deadline, to provide appropriate time for a full review of the draft language.

It is important to have a sufficient project description with outlined impacts beyond what is briefly and broadly referred to in the Negative Declaration. Furthermore, it is important for the public to have available the public comments that were submitted at the Agricultural Permit Streamlining Workshop held by the Planning Commission on Jan 28, 2009.

We appreciate the opportunity to provide comments on the Agricultural Permit Streamlining Land Use and Development Code. We look forward to the opportunity to review the text of the proposed changes as they become available.

Sincerely,

Deborah Brasket
Executive Director

Olivia Uribe
Associate Director

LAW OFFICE OF MARC CHYTILO

ENVIRONMENTAL LAW

June 11, 2009

Noel Langle
County of Santa Barbara
Planning and Development
123 East Anapamu Street
Santa Barbara, CA 93101

By email to noel@co.santa-barbara.ca.us

RE: Draft Negative Declaration, Agricultural Permitting Ordinance Amendment

Dear Mr. Langle,

Please accept the following comments on behalf of our clients, the Gaviota Coast Conservancy (GCC). We have reviewed the Initial Study/Draft Negative Declaration (DND) for the Agricultural Permit Streamlining Land Use and Development Code Ordinance Amendment (Agricultural Permit Streamlining Project) and find that the DND suffers from numerous material flaws. Most notably, the DND entirely omits consideration of the environmental effects of three of six proposed ordinance amendments, when CEQA clearly requires their consideration.

Moreover, the document systematically understates the potential impacts of the three amendments analyzed, and GCC believes substantial evidence exists to support a fair argument that the three amendments, and certainly the six amendments, may cause significant environmental impacts and that therefore an Environmental Impact Report (EIR) is required. Unfortunately the Initial Study/DND is so deficient that we are precluded from intelligently commenting upon the Project's potential environmental impacts.

Continued agricultural production is critical for the County's economic viability, and the County's agricultural lands are a distinct and cherished component of Santa Barbara's ambience. The proposed changes to the agricultural permitting process undeniably weaken permit requirements for non-agricultural uses of agricultural lands. Without a thorough review of the potentially significant environmental impacts of all the changes, the County endangers agricultural production and the viability of bona-fide agricultural operations on agricultural lands. For the reasons stated herein, we strongly urge the County to **conduct a new initial study examining the environmental effects of all six ordinance amendments**, to resolve the other deficiencies identified herein, and require the preparation of an EIR for this Project if substantial evidence supports a fair argument that the six amendments may have a significant environmental impact.

1. The DND Is Materially Flawed

The sufficiency of a negative declaration as an informative document depends largely on “whether policymakers have been adequately informed of the consequences of their decisions, and whether the public has sufficient information to evaluate the performance of their elected officials.” *Long Beach Sav. & Loan Ass'n v. Long Beach Redevelopment Agency* (Cal. App. 2d Dist. 1986) 188 Cal. App. 3d 249, 259. The agency must in good faith strive to make the negative declaration as complete and comprehensive as possible. *Id.* at 264. As demonstrated below, the DND is manifestly deficient as an informative document and fails to provide the factual basis required to support a finding that a negative declaration, as opposed to an EIR, is the appropriate environmental review document. *See Christward Ministry v. Superior Court* (1986) 184 Cal. App. 3d 180, 197 (An initial study that is materially deficient may not be sufficient to support a negative declaration).

a. Project Scope

CEQA applies to all discretionary projects proposed to be carried out or approved by public agencies. Pub. Resources Code § 21080 (a). CEQA defines “project” as “the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Guidelines § 15378.

The action proposed here is the amendment of six provisions in the County’s Land Use and Development Code concerning the permitting for six different types of projects on agriculturally zoned land. The Initial Study/DND (on page 2) identifies the project description as follows:

Shift in permit requirements for primary single family residences, agricultural accessory structures, residential second units, fences and gates, and housing for up to four farm employees. Also includes changing the Development Plan Threshold for agriculturally zoned parcels based on zoning and parcel size.

All six of these changes require amending the Land Use and Development Code, and ordinance amendments are clearly projects under CEQA. Guidelines § 15378 (a)(1). Under CEQA therefore, these six amendments together constitute the “project” for purposes of environmental review. *Id.*; Guidelines § 15378. In conducting an initial study, public agencies are required to consider the entire project. Guidelines § 15063 (a)(1). The County has not adhered to this requirement in preparing the initial study for this Project.

Specifically, the Initial Study/DND defines the “scope of analysis for CEQA purposes” as excluding three of the proposed ordinance amendments, limiting its environmental analysis to the amendments that involve changes to discretionary permitting processes. (P. 10). The DND

reasons that “since LUPs and Zoning Clearances are ministerial and are not subject to environmental review, the proposal to shift some applications from LUPs to Zoning Clearances or exemptions would not be subject to environmental review.” *Id.*

This rationale misconstrues the relevance of the ministerial *permit*/discretionary *permit* distinction to the instant project. A project is discretionary where it “requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove” the project. Guidelines § 14357. **The ‘project’ here is the ordinance amendments, which the Board of Supervisors has full discretion to approve, modify or deny.** There is no question that an action to approve an ordinance requires the exercise of judgment or deliberation. **As such the approval of all six ordinance amendments is discretionary and subject to the requirements of CEQA.** The fact that the ordinance amendments would affect changes to a ministerial permitting process does not affect the discretionary nature of the action to approve the changes. In any event, CEQA is clear that when a project involves ministerial and discretionary elements, it is to be treated as a *discretionary* project. Guidelines § 15268 (d); *Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal. App. 3d 259, 270-271. As noted above, CEQA defines “project” as “the whole of an action, which has the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Guidelines § 15378. The County may not divide up the project and omit consideration of the effects of half of the changes based on this artificial and irreverent bifurcation of the project.

The excluded amendments include changes to the permitting process for single family residences, accessory structures, and fences and gates. The Initial Study must be revised (or recommenced entirely) to evaluate the impacts that adopting all six amendments will have on the environment.

b. Permit History

The DND includes a section identifying the recent permit history of farm employee housing, residential second units, and development plan approvals where the 20,000 foot threshold would be exceeded. (Pp. 12 - 14). For purposes of this project, such a permit history is necessary to establish the baseline conditions from which the Project’s impacts are analyzed. Unfortunately the permit history provided is insufficient for determining how the proposed changes would affect post-amendment permit processing.

Specifically, the new farm employee housing permit history does not specify *which* of the approvals were located in AG-I zones and which in AG-II zones. The amendment will impose different standards in these two zones, so without this information the permit history does not provide a complete baseline on which to base future projections. The permit history also omits reference to whether the employees previously accommodated worked onsite. One could presume yes, since the existing ordinance requires it, but this information should be expressly

articulated since removing the on-site occupancy requirement in the AG-I zone is a key change to the ordinance and bears on impacts including air quality and transportation.

The permit history for residential secondary units includes none of the detail provided for the other two permit types. There is no apparent rationale for these omissions, which render the consideration of impacts associated with changing these permit requirements impossible. The permit history doesn't even identify type of permit currently required for these units or whether they are currently subject to CEQA review. The history also fails to provide any detail whatsoever regarding the 17 detached RSU applications approved in last two years.

The Development Plan approvals history also fails to provide the information necessary to evaluate the impacts of the change. Specifically, the section makes no distinction between agricultural and non-agricultural space, which is a key distinction in the amended ordinance. Without this information, one cannot ascertain which of these projects, if approved after the ordinance amendment, would exceed the threshold because the thresholds are different depending on whether the square footage is agricultural or non-agricultural.

2. Impact Discussion

The environmental impact discussion is fundamentally incomplete for failing to discuss impacts of three of six proposed ordinance amendments, discussed above. The discussion also relies on a number of troubling assumptions, and fails to include critical distinctions between agricultural and non-agricultural uses.

a. Aesthetics/Visual Resources

This section of the impact discussion does not differentiate between agricultural and non-agricultural development. For example this impact discussion relies on the assumption that "Agricultural development is generally aesthetically pleasing" to help arrive at the conclusion that the Project will not have the potential for significant environmental effects. (*See* p. 16). This assumption is improper because RSUs and development authorized under Development Plans (as well as SFRs, though the impacts of the ordinance change affecting them was not considered) all allow for non-agricultural development, and weaken permit requirements that otherwise would deter non-agricultural development. The County has previously concluded that some aspects of agriculture may not be "aesthetically pleasing," such as in the case of extensive greenhouse development in Carpinteria and elsewhere. The county is enforcing permit violations at the "El Capitan Horse Ranch" on the Gaviota Coast after receiving many complaints, including observations by sitting Supervisors, that the extensive ultra-white fences were incompatible with the setting and aesthetically offensive. For this reason the DND must fully disclose and analyze the potential adverse aesthetic impacts associated with both non-

agricultural and agricultural development that may follow from the adoption of the proposed project.

The aesthetics discussion also fails to describe whether the MCUP previously required for RSUs and farm employee housing would require CEQA review, and what impacts would result when permits authorizing RSUs and farm employee housing may be obtained without any CEQA review. *See id.*

The discussion also relies on the increased protections applicable to lands within the Agricultural Preserves, and the statements made by the Agricultural Advisory Committee that structures within preserves tend to be clustered, as justification for the conclusion of no significant aesthetic impacts. The DND improperly refers to the fact that 83 percent of the County's agriculturally zoned land is in agricultural preserves. Less than half of the County's agriculturally zoned *lots* are under agricultural preserves. The proposed ordinance amendments apply on a lot-by-lot basis, not according to acreage. In this respect, the DND misleads decisionmakers and the public into believing most of the future permits sought would be on lands that are under preserve.

In these respects, the discussion of aesthetics and visual resources is deficient and unable to support any findings that the project will not cause significant environmental effects.

b. Agricultural Resources

The agricultural impact discussion relies on a number of speculative assumptions in reaching its conclusion of no potentially significant impact from requiring a LUP rather than a Minor CUP for detached RSUs. First, it concludes that the number of detached RSU applications approved is not expected to increase because 17 detached RSU applications were approved in 2007 and 2008. Not only is the information about the last two years of approved applications not reliable statistically, the DND, as discussed above, failed to provide any meaningful detail regarding these 17 applications that would enable one to draw any meaningful conclusion. Moreover, the DND's conclusion that the number of RSU applications is unlikely to change from the last two years contains no factual support whatsoever. The shift from MCUP to LUP for detached RSUs means that applications will no longer be subject to CEQA. Additionally, because public notice is not required for LUPs, a reduction in challenges and appeals may also result. The cost and delay incurred by the CEQA and appeal processes may have deterred would-be applicants and a considerable increase in the number of applications should be anticipated. This in turn will increase non-agricultural development on agricultural lands.

The DND also relies on the astonishing statement that more protection will be offered to agricultural resources by virtue of a proposed change to "strengthen" the development standard

that must be met to approve an RSU. First, a ‘proposed’ amendment such as this may or may not actually be approved, so any conclusions relying on its implementation are purely speculative. Second, we disagree that the proposed amendment strengthens protections, in fact, it weakens them. Specifically, the development standard now requires avoiding prime soils, and the proposed standard would merely require siting to minimize impacts to prime soils. The existing standard also requires siting to minimize conversion of productive agricultural land, while the proposed standard merely requires minimizing impacts to productive agricultural land. The proposed standard includes a provision for minimizing impacts to adjacent agricultural operations, but given that the proposed language weakens protection for prime and productive agricultural land, the DND cannot accurately characterize this proposed change as more protective of agriculture. Moreover, the given that proposed ordinance weakens the requirements for RSUs, the Project’s impacts to agricultural resources would be even greater (*see* cumulative impacts discussion, *infra*).

The agricultural impact discussion also relies on the fact that 83% of all AG-I and AG-II is in Agricultural Preserves in reaching a conclusion of no potentially significant impact from the ordinance changes. This reliance is misplaced because less than half of *lots* zoned AG-I and AG-II are within Agricultural Preserves (p. 15) and the ordinance amendments apply on a lot-by-lot basis.

The DND fails to examine the potential for the project to increase the purchase of agriculturally-zoned parcels for primarily residential uses, and these new residential uses to create land use conflicts with adjacent agricultural operations, leading to complaints and increased challenges for agricultural operators. The County has witnessed conversion of agricultural lots to principally residential uses, sometimes under the guise of hobby farming or ranching. While the Right to Farm ordinance creates a defense for farmers to claims of nuisance from adjacent Landowners, urban-transplants may still raise concerns and can still file lawsuits, even if these will ultimately be unsuccessful. Agricultural viability is diminished through “a thousand cuts” and the DND deftly overlooks this potentially significant impact of the proposed project.

With regard to the threshold change for requiring development plans, the DND does not articulate sufficient detail regarding the requirements that purportedly ensure that non-agricultural development exceeding 20,000 sq. ft. would still be subject to a development plan. Without this detail there is no basis for concluding that non-agricultural uses will continue to be subject to the existing threshold, and impacts associated with extensive non-agricultural uses in excess of 20,000 sq. ft. bypassing the development plan requirement must be assessed.

In light of this, the DND’s conclusion of no potentially significant agricultural impact is wholly speculative. Further, even based on the limited information provided in the document, it would appear that potentially significant agricultural impacts exist and that therefore the County must prepare an EIR to examine these impacts.

c. Air Quality and Circulation

The air quality discussion concludes that simplifying the process for detached RSUs will not significantly increase vehicle trips and associated air quality impacts because it would encourage workers to work onsite. The proposed ordinance allows off-site employee housing and the existing ordinance requires workers to work on-site. Peak hour traffic and air pollution emissions will increase as a result of the proposal. The above conclusion is therefore wholly improper and a reassessment of the project's effects on air quality and circulation on rural roads is necessary. Additionally, without the requirement that residents of the worker housing are employed by the landowner, enforcement of the requirement that such housing be utilized by agricultural employees only may be quite difficult, potentially resulting in the units becoming rental units not related to agricultural use. Under those circumstances residents may travel long distances into urban centers, a potential result not even considered in the DND.

d. Biological Resources

The DND concedes that "low development density has maintained a relative undisturbed native habitat and while residential and agricultural development has fragmented this habitat, there remain large expanses of native vegetation, rare and sensitive plant and animal species and key habitat linkages." (P. 19).

It is further conceded that the Project may increase development on agricultural lands. (*See* pp. 17, 26). The DND reaches its conclusion of no potentially significant impact, again, from reliance on unsubstantiated assumptions. For example, the DND relies on a statement by AAC members that new structures are typically constructed adjacent to existing structures to minimize the need for extension of infrastructure.¹ The DND also speculates that areas adjacent to existing structures are typically degraded with minimal biological value. While these assertions may be correct, there is no factual support offered in the DND, only bare conclusions.

The increase in development on agricultural lands may significantly impact biological resources. For example, increasing the development plan threshold to 100,000 square feet effectuates a five-fold increase in development that would not require heightened review. This substantial increase, particularly when paired with increases in RSUs, and the ordinance changes not considered in the DND, may cause significant habitat loss and associated significant impacts. Specifically, the proposed exemption for fences, not considered in the document, may result in the erection of non-wildlife permeable fences, intercept wildlife corridors, or otherwise constrain

¹ This statement by the AAC also underpins conclusions of insignificance in the Fire Protection , Aesthetics and Land Use sections.

and/or impact wildlife populations. With no review required whatsoever under the proposed change, the amendment affects a potentially significant impact to wildlife.

e. Growth Inducement

CEQA places special emphasis on the assessment of growth inducing impacts, treating them as separate from the environmental effects of a project. Pub. Resources Code § 21100 (b)(5); Guidelines §§ 15126 (d) and 15126.2 (d). The Project's key effect is the inducement of growth on agriculturally zoned lands through the loosening of permitting requirements. The DND discusses growth inducement in two sentences included within the Land Use impact discussion. The discussion is cursory, conclusory and wholly lacking in evidentiary support. (*See* p. 26). The fact that permit requirements for development on agricultural land will be weakened, including permits for non-agricultural uses including RSUs and SFRs, supports a fair argument that the Project may have significant growth inducing impacts, and that as such an EIR is required. Discussed further below, an EIR prepared for ordinance amendments affecting development on agricultural lands found both programs evaluated in that EIR to be growth inducing. (*See discussion of ACD/RAU EIR infra*, p. 1-6).

f. Cumulative Impacts

A project's cumulative impact must include analysis of the effects of probable future projects, and without this analysis, piecemeal approval of several projects with related impacts may lead to significant environmental harm. Guidelines § 15065(a); *San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 720. The DND identifies two proposed ordinance changes that are not part of the instant project that must be considered in the cumulative impact analysis. The specific amendments are: 1) the proposed amendment discussed above regarding the changes to RSU requirements pertaining to the avoidance of prime soils and productive agricultural land, and 2) the proposed ordinance amendment that the AAC voted to ask the Board to initiate that would allow RSUs in the AG-I-40 and all AG-II zones (see DND p. 6).

3. Environmental Impact Report Likely Required

CEQA establishes a low threshold for the preparation of an EIR, "which reflects a preference for resolving doubts in favor of environmental review." *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal. App. 4th 689, 703. Accordingly, the lead agency must prepare an EIR, as opposed to a Negative Declaration whenever substantial evidence in the record supports a "fair argument" that the Project may have significant environmental impacts, even where substantial evidence also supports the opposite conclusion. *No Oil Inc. v. City of Los Angeles*

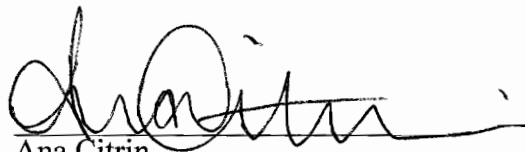
(1974) 13 Cal. 3d⁶⁸, 75. “[S]ubstantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” Guidelines § 12080 (e)(1).

The numerous identified defects including complete omission of any environmental analysis of ½ of the Project clearly demonstrates the inadequacy of the instant environmental review document. Nonetheless, the potential increase in development on agricultural lands and potential growth inducement associated with the project indicate that an EIR will likely be required for this Project.

The EIR produced for the Agricultural Clustered Development (ACD) and Residential Agricultural Unit Ordinance (RAU) Amendment (97-EIR-1) identified potentially significant cumulative impacts to agriculture, biology, visual resources, public services, traffic/circulation, recreation, water, geologic processes/flooding, risk of upset/hazardous materials, cultural resources, air quality, and noise. (P. 1-4). The ACD/RAU Ordinance EIR also identified potential inconsistencies with over 35 provisions of applicable policies and plans. (Pp. 1-4 – 1-6). The project involved amendments to the Inland and Coastal Zoning Ordinances and Comprehensive Plan to allow clustering of nonagricultural development on large agricultural parcels and allow attached and detached second units and duplexes on certain agriculturally zoned parcels. To the extent this project is similar to the instant project, its findings of numerous potentially significant impacts and policy inconsistencies constitutes substantial evidence that the instant project may have significant environmental effects.

In light of the severity of the issues identified herein, we request that the County prepare and circulate a revised Initial Study that evaluates the impacts of all six ordinance amendments and includes a response to the comments submitted to this DND.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Citrin', written over a horizontal line.

Ana Citrin

For the Gaviota Coast Conservancy

From: kelly rose [mailto:kelly.rose1@verizon.net]
Sent: Tuesday, January 05, 2010 8:58 AM
To: Langle, Noel
Subject: Proposed Negative Declaration

Dear Noel Langle,

I hope that you had an enjoyable and relaxing Holiday Season and best wishes for the New Year. Thank you again for sending me the link to the Negative Declaration.

I completely support the idea of streamlining the permitting process especially as it relates to routine permit applications.

However, I do have a concern about the compliance and enforcement side of this matter. I have personally experienced and have heard from a number of other residents of the Santa Ynez Valley regarding the lack of enforcement as it relates to Full Time Farm Worker Dwellings. I appreciate that these Dwellings are very important to the local agriculture and to a viable ag business environment. Unfortunately these Full Time Farm Worker Dwellings often end up being rental units generating income rather than actually housing people who live and work on the ranch or farm. I have been involved in one situation where a neighbor renewed his CUP for two Full Time Farm Worker Dwellings and submitted "job descriptions" for the occupants. I obtained information that confirmed that the occupants were in fact not full time employees and in fact were simply renting the dwellings. I provided this information to Planning and Development who followed up with the owner. The owner simply resubmitted the same support - - the job descriptions - - and Planning and Development accepted this information. This same owner recently renewed his CUP for the same Full Time Farm Worker Dwellings and under the newly enacted rules, there was no notice of this renewal, no opportunity for the neighbors to express their concerns about these structures being improperly used as rental property, and no way for us to appeal Planning and Development's decision.

If the County wants to streamline the permitting process - - which I do believe is a good decision - - then I think it becomes even more critical that the County requires much more substantial proof of ongoing compliance. Employers are required to maintain payroll records showing hours worked and rate per hour as well as W-2 information and Employer Payroll Tax Returns. This kind of independent evidence should be required and not just a typed "job description" or other non substantive support. The opportunity for abuse and misuse relative to the use of permitted structures will increase under the streamlined permitting process for initial and renewed permits. Therefore, I suggest that the County must be more diligent in requiring valid documentation and support as well as follow up regarding reported violations of the permit conditions. Otherwise, the current permitting problems will continue to grow and the permitting process will lose its effectiveness and integrity. I am suggesting that as the County considers streamlining the permitting process it also considers requiring more substantive support and more active enforcement to ensure compliance.

Thank you for the opportunity to share my thoughts and concerns.

Very truly yours, Kelly Rose

O.P.E.N.
OPEN-SPACE PRESERVATION EDUCATION NETWORK
A project of the Environmental Defense Center

To: Mr. Noel Langle, Project Manager
Santa Barbara County, Office of Long Range Planning
30 E. Figueroa Street
Santa Barbara, CA 93101
noel@co.santa-barbara.ca.us

Date: January 8, 2010

Re: Revised Draft Initial Study/Negative Declaration for the Agricultural Permit Streamlining Land Use & Development Code (LUDC) Ordinance Amendment: 09ORD-00000-000009 and 09NGD-00000-00007

Dear Mr. Langle:

The following comments are submitted by the Open-space Preservation Education Network (OPEN) project of the Environmental Defense Center (EDC) in response to the Revised Initial Study/Negative Declaration (ND) prepared for the proposed Agricultural Permit Streamlining Land Use & Development Code Ordinance (LUDC) Amendments. OPEN has developed the following comments on the portions of the ND that deal with the long-term preservation of agriculture and open space and the urban/rural interface, as well as for potential visual and biological corridor impacts. The purpose of the OPEN project is to engage all interested sectors of our communities in a dialog to develop policies and programs that protect agriculture, open space and the urban-rural interface.

This letter provides comments on the proposed LUDC changes that have the potential to affect agriculturally-zoned parcels in the unincorporated areas of the County. The proposed revisions are aimed at reducing permitting requirements for agriculturally-zoned properties for projects such as single family residences, detached residential second units (RSUs), agricultural accessory buildings, and farmworker housing. Revisions to Development Plan (DP) thresholds in Agricultural zones are also under consideration.

One of the primary goals of the OPEN project is to preserve and enhance agriculture in Santa Barbara County with the long-term protection of Williamson Act lands as a major focus. The proposed LUDC Ordinance changes have been greatly modified from those originally proposed per comments received from various entities on the initial ND, and are much more reasonable with regard to their scope and scale. However, we remain concerned about the lack of parameters for several of the proposed changes, and have provided suggestions in this letter on how to better implement them in order to ensure that unintended environmental impacts do not occur. We are concerned about the continued viability of farming operations on a County-wide basis, and support the proposed changes as long as potential environmental impacts that may result are

considered by the County and addressed proactively via development standards or conditions of approval. We are pleased that the proposed LUDC language revisions have been made available for review, and believe that the proposed revisions reflect what has been documented in the revised ND (with the exception, noted in Item 1 below, for ESHA avoidance requirements).

We recommend that the County address the following concerns related to the potential impacts that may result from the proposed Ordinance changes, including:

- The County must require mitigation and/or development standards to address potential environmental impacts of proposed increases in the DP threshold, particularly for agricultural, biological, and visual resources. The current individual structure allowance threshold (before triggering a DP) must also be reduced, and *the threshold for triggering a DP for individual structures should be reduced to between 5,000-10,000 sq. ft.*
- The square footage of roads and infrastructure should be counted towards the new DP threshold triggers, and referenced in the Ordinance language.
- The following language could be added to the Ordinance, to assist the Director in making clear determinations as to whether or not a new structure is truly supportive of agriculture:

Structures shall be:

- Either incidental to, or supportive of, the agricultural operation on the property and shall be beneficial to and inherently related to the agricultural use of the land.
 - The structure will not significantly compromise the long-term productive agricultural capability of the parcel.
 - The structure will not significantly displace or impair current or reasonably foreseeable agricultural operations.
- The ESHA setback requirement **MUST** be explicitly stated for the proposed DP threshold increases and other LUDC proposed changes to require a minimum 100 foot setback, and must require that all habitat qualifying as ESHA (not just that officially mapped) receives the setback. Currently, the Ordinance language for DP threshold increases contains no references to biological or ESHA resources setbacks or any other biological protection.
 - Visual corridors should not be arbitrarily defined by a fixed number of feet from the road (which, under the current proposal, would equate to approximately 1,000 feet on either side of these designated corridors), but rather should be defined with specific development standards that define the visual corridor according to viewsheds and topography.

- Design standards should be required for all LUDC Ordinance changes to include the following:
 - Requirement that all night lighting for proposed structures is not visible from public roadways.
 - Design of all agricultural support structures shall be consistent with the rural character of the area.
 - Infrastructure needed to support large agricultural structures shall be minimized to the maximum extent feasible.
 - Heights of structures shall be limited to avoid impacts to visual resources and shall be limited to that needed for the proposed use. Alteration of ridgeline and public roadway viewsheds shall not be allowed.
- The County must quantitatively assess, disclose, and address the potential cumulative impacts from County-wide buildout of structures resulting from the proposed LUDC Ordinance changes, by community, particularly for the DP structure increases, taking into account the total number of parcels that would be affected and potential development.

With incorporation of these changes, the County will avoid potentially significant environmental impacts and the requirement to prepare an Environmental Impact Report (EIR).

Project Background and Overview:

The proposed LUDC changes originate from the Process Improvement Team (PIT), which has been meeting since 2003 to improve the development review process. The ND states: "On May 24, 2005, the Board of Supervisors directed that Planning and Development staff work with the Agricultural Commissioner, Agricultural Advisory Committee and other departments to *streamline the development review process for small agricultural properties* to encourage continued agricultural productivity. Staff has worked with these groups and the Process Improvement Oversight Committee to identify *typical small projects* that would be appropriate to shift to a lesser permit or an exemption from permits and to address the development plan threshold to address varying lot sizes (emphasis added)." However, the most important LUDC changes contemplated in the ND neither focus on typical small projects nor are for small agricultural properties. The changes proposed for the DP threshold are major in scale when compared to the vision contemplated by the Board of Supervisors in 2005, and have long-term and cumulative potential for impacts on a County-wide basis. One key criterion which the PIT process is required to follow is to "Make the process easier to navigate, and more time efficient and cost effective, *while maintaining the quality of development in the County*" (emphasis added). Additional measures are needed to ensure that this occurs.

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Noel Langle re Revised Draft IS/ND for Ag Permit LUDC Ordinance Amendment

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The revised ND changes (summarized below) reflect the concerns of the various constituents who commented on the original draft document, and include:

- Requiring a Land Use Permit for new agricultural accessory structures located within 1,000 feet of any public road or public use area unless determined by the Director to not be visible from the road;
- Restricting the exemption for certain gates, cross-members and livestock loading ramps to the AG-II zone;
- Restricting the increased thresholds for requiring a DP to the AG-II zone and reducing the maximum threshold for requiring a DP from 100,000 sq. ft. to 50,000 sq. ft (current threshold is 20,000 sq. ft);
- Adding a new DP threshold of 10,000 sq. ft. for non-agricultural building area on an AG-II lot;
- Adding new agricultural compatibility findings for proposed farm employee dwellings (up to four employees) and revising the existing finding for Detached Residential Second Units (DRSU); and
- Deleting the proposed exemption from permits for new primary single family homes of up to 3,500 sq. ft.

The project revisions summarized above are much improved over those contained in the original ND. However, concerns remain with the proposed LUDC changes that could feasibly be reduced with proper mitigation and/or development standards. The recommendations for improvements to address these concerns are included in the body of this letter.

A summary table of the proposed revised LUDC revisions is provided below:

Table 1

Summary of Recommended Changes to Agricultural Permits and Processes

Type of Structure	Current permit	Proposed permit	Considerations/Issues
Agricultural Accessory Structure (AG-II Zone only)	Land Use Permit (LUP)	Zoning Clearance (ZC)	<ul style="list-style-type: none"> a. Size limitation of up to 3,000 sq. ft. for agriculture-related uses; otherwise LUP is required b. Demonstrate accessory to agricultural use onsite & won't affect agricultural viability c. Limited plumbing & electrical (w/ required permits) d. LUP required if w/in 1,000 feet of public road or area & visible; Zoning Clearance if demonstrated not visible
Entrance gate posts, cross-members & livestock loading ramps (AG-II Zone only)	LUP	Exempt	<ul style="list-style-type: none"> a. Exempt if no lighting, maximum height does not exceed 18 feet, footprint of each gate post and cross-member is not greater than 2 feet in cross-section b. Exempt if livestock loading ramp height does not exceed 10 feet and width does not exceed 42 inches. c.
Housing for up to 4 farm employees & their families (AG-I & AG-II Zones)	Minor Conditional Use Permit (MCUP)	LUP	<ul style="list-style-type: none"> a. Employees must work onsite b. Documentation of employment & Notice to Property Owners required. c. Add new finding that location of new units will not affect the viability of onsite agriculture, prime soils or adjacent agricultural operations.
Detached residential second units (DRSUs) (AG-I-5, -10 & -20 Zones only)	MCUP	LUP	<ul style="list-style-type: none"> a. 1,200 sq. ft. size limitation retained b. Change development standard to read: "...shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by: (a) Avoiding prime soils or where there are no prime soils be sited so as to Siting structure so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.
Development Plan Threshold changes (AG-II Zone only)	Development Plan (if cumulative building area exceeds 20,000 sq. ft.)	Threshold up to 50,000 sq. ft. based on zone & lot size;	<ul style="list-style-type: none"> a. See Table 1 for proposed new thresholds based on zoning & lot size b. If non-agricultural building area onsite (primary residence, garages, etc.) exceeds 10,000 sq. ft., additional non-agricultural square footage would require DP. c. Single agricultural buildings exceeding 20,000 sq. ft. would require Development Plan).

Summary of Comments:

1. The County must provide additional measures to address the potential environmental impacts of the proposed increases in the DP threshold, particularly for agricultural, biological, and visual resources, and other LUDC changes.

The potential environmental impacts stemming from proposed DP Threshold and other LUDC changes must be further evaluated given the significant amount of increased potential development that could be allowed (without triggering environmental review).

Thus, we have provided specific suggestions for various issues for improved implementation of LUDC changes.

Given the proposed increases in allowed structures (particularly for the DP threshold increase), there is significant potential for environmental impact. The *existing* 20,000 sq. ft. threshold for triggering a DP includes *cumulative development* totals (for both ag and non-ag structures). The revised allowance would allow 20,000 sq. ft. *individual* agricultural structures to be built without triggering a DP.

Under the current threshold, the *cumulative* non-ag and ag structural total of 20,000 sq. ft. was a deterrent to individual large-scale structures being proposed without discretionary review. However, the new thresholds may encourage applications for numerous large-scale structures (particularly for larger parcels) throughout the County. This 20,000 sq. ft. allowance for individual structures is excessive and has the potential to create myriad environmental effects (including cumulative) for nearly every issue area required by the California Environmental Quality Act (CEQA). For example, the potential for that size structure to impact sensitive biological resources or require a large amount of grading is relatively high. However, as the document is currently written, no mitigation or thorough development standards have been required, or reasonable discretionary review trigger. Therefore, *the threshold for triggering a DP for individual structures should be reduced to between 5,000-10,000 sq. ft.* The ND has been revised to add a new Development Plan threshold of 10,000 sq. ft. for *non-agricultural* building area on AG-II lots; however, no similar restriction has been placed on individual ag-related structures. Note: There is a problem with the fourth bullet point listed under the Project Description in the ND, which incorrectly states that the 10,000 sq. ft. threshold is for non-residential buildings, not non-agricultural-this must be corrected.

Since many agriculturally-zoned parcels are located in or near sensitive habitats, visual corridors, and other environmentally important areas, specific development standards addressing potential impacts from the increased DP thresholds should be included in the Ordinance language to proactively reduce the potential for environmental impacts.

Suggested Improvements for addressing Individual Resource areas:

Agricultural Impacts

Potential impacts to agricultural operations can be further minimized by incorporating additional development standards and definitions for agricultural support structures that would be allowed under the increased DP threshold and other Ordinance changes. It remains unclear whether the square footage of roads and infrastructure would be counted towards the 20,000 sq. ft. threshold, thus the Ordinance language must address this. If they are not, the ND and Ordinance language should be revised to include them towards the overall development total. If they are not counted, it may encourage unnecessary and excessive

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roads and other infrastructure to be built out so structures can be accessed. The following categories of LUDC Ordinance changes summarize the proposed measures in the ND that attempt to address compatibility with agricultural operations. While these are a good start, additional caveats and language can be added to further define the types of structures that would be considered permissible (detailed below). These should be used as criteria for the Director to determine whether a structure would truly qualify as an accessory structure and would not impact the operation or viability of existing or future agricultural operations.

The following is a list of the proposed LUDC Ordinance language (by Category) to address agricultural impacts [From Attachment A of the ND-Proposed Revisions to the County Land Use and Development Code]:

Category: Small Agricultural Accessory Structures (AG-II ZONE ONLY).

Items 4 (a) and (b) require that the Director determine that a. The use of the structure is accessory to and supportive of the overall agricultural use of the property and b. The location of the structure will not negatively affect the onsite agricultural production.

Category: Agricultural Employee Dwellings

Item 3 requires that the dwelling is sited so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.

Category: Detached residential second units

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

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

The proposed Ordinance language includes the following new definition of "Agricultural Structural Development" as it relates to the proposed increase in DP threshold:

Agricultural Structural Development. Any structure that is constructed, erected, or placed with or without a foundation, the use of which requires location on the ground and is covered by a roof, the use of which is restricted to those uses that are directly accessory, ancillary and secondary to the agricultural use of the property. Dwelling units are considered agricultural structural development only if they provide housing for agricultural employees of the owner or lessee of the land and are permitted in compliance with Section 35.42.030 (Agricultural Employee Dwellings) or Section 35.35.42.260 (Temporary Uses and Trailers).

The following criteria for considering agricultural structural development (adopted here from the County's own Uniform Rules) should also be required as the definition/standards by which the agricultural structural development is reviewed and allowed/disallowed in the proposed Ordinance. Specifically, the following language could be

added to the Ordinance, to assist the Director in making clear determinations as to whether or not a new structure is truly supportive of agriculture:

Structures shall be:

- Either incidental to, or supportive of, the agricultural operation on the property and shall be beneficial to and inherently related to the agricultural use of the land.
- The structure will not significantly compromise the long-term productive agricultural capability of the parcel.
- The structure will not significantly displace or impair current or reasonably foreseeable agricultural operations.

With the incorporation of the above language, potential impacts to agriculture would be reduced, and the review process for LUDC Ordinance changes would be less subjective.

Biological Resources

The biological resources section of the ND concludes: "Impacts to biological resources resulting from the proposed ordinance amendments would be less than significant with the *incorporation of a new development standard relating to siting new structures a minimum of 50/100 feet from any designated ESHA*", and therefore no mitigation is required (emphasis added). However, there is *no new development standard for ESHA protection anywhere in the draft Ordinance language for agriculturally zoned properties*. The only reference in the Ordinance language related to protection of ESHAs is located in the DRSU section and pertains only to *residentially zoned properties*. This development standard must be included in the Ordinance language for all of the proposed LUDC changes and must be further revised to include *minimum 100 foot setbacks/buffers* from ESHA habitat, even if not officially designated on County maps. New ESHA data is often discovered when projects are reviewed through the County process; however, ESHA maps are not always updated to reflect the data. Therefore, the development standard must require avoidance of habitats that would qualify as ESHA (not only that "officially" mapped) throughout the County.

Further, the ND's discussion (and Ordinance language) for DRSUs (for AG-I-5, -10 and -20 zones only) references that:

- (1) The development of a detached residential second unit in agricultural zone shall avoid or minimize significant impacts to agricultural *and biological resources* to the maximum extent feasible by (emphasis added):
 - (a) Siting structure so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations."
 - (b) Including buffers from sensitive areas.
 - (c) Preserving natural features, landforms and native vegetation such as trees to the maximum extent feasible.

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(2) In residential zones, all development associated with the construction of a detached residential second unit shall be located no less than 50 feet from a designated environmentally sensitive habitat area in urban areas and no less than 100 feet from a designated environmentally sensitive habitat area in rural areas. If the habitat area delineated on the applicable zoning maps is determined by the County not to be located on the particular lot or lots during review of an application for a permit, this development standard shall not apply.

The siting requirement described in item (b) does not provide enough specificity to address biological and other sensitive resource concerns. Item (c) should also include the requirement to address both designated ESHAs and non-designated ESHAs in agricultural zones via a set 100 foot setback/buffer (to address potential direct/indirect impacts). In rural areas (where AG-II zoning occurs), 50 feet is not enough of a buffer to avoid impacts, and should not be allowed.

Similarly, for Farm Employee housing units (up to 4 employees), the ND currently states that "The location of the proposed farm employee units will minimize impacts to the viability of onsite agriculture, prime soils, or adjacent agricultural operations. (New requirement)". However, no reference to protection of biological resources is made. The suggested requirements for ESHA protection as stated above (100 foot buffer) should also be required for Farm Employee housing units.

Attachment E of the ND contains a description of the DRSU permit history for 2007 and 2008. Included in this list are examples of DRSUs that were proposed in areas containing the federally protected Tiger Salamander. Since DRSUs are just one example of the types of structures that would be allowed under the proposed LUDC Ordinance changes, it is imperative that ESHA habitats are specifically addressed as part of the development standards for these proposed changes. It should be noted that DRSUs are limited to 1200 sq. ft. in size, but the LUDC Ordinance thresholds would allow individual structures up to 20,000 sq. ft. in size.

The ESHA setback requirement **MUST** be explicitly stated for the proposed DP threshold increases. *Currently, the Ordinance language for DP threshold increases contains no references to biological or ESHA resources setbacks or any other biological protection.*

The potential for development to create environmental impacts, such as disturbing important biological habitats or waterways due to the development footprint and associated fire clearance requirements, particularly for DP threshold increases, has not been properly addressed in the ND or the proposed Ordinance language. *The proposed Ordinance changes must require the identification and avoidance of environmental impacts to biological resources.* Additional protections for ESHAs must be specifically included in the Ordinance language requirements so potential issues are properly addressed and avoided during the LUP process and the lack of discretionary review for these projects is justified.

Visual impacts

The Santa Barbara County Environmental Thresholds and Guidelines Manual indicates that a project will normally be considered to have a potentially significant visual impact if it has the potential to create a significantly adverse aesthetic impact through obstruction of public views, incompatibility with surrounding land uses, structures, or intensity of development, removal of significant amounts of vegetation, loss of important open space, substantial alteration of natural character, lack of adequate landscaping or extensive grading visible from public areas.

The ND states that:

(For) any agricultural development requiring Board of Architectural Review approval, a Land Use Permit (LUP) or discretionary approval would be analyzed for compatibility with visual policies and to ensure aesthetic impacts would not occur. The policies and rezoning of properties to add the Design Overlay Zone in the adopted Santa Ynez Community Plan, discussed in Section 5.0, would help to mitigate any potential impacts by applying the Design Overlay to sensitive visual corridors and gateways in the Santa Ynez Valley planning area.

The Santa Ynez Community Plan policies are as follows:

GOAL LUG-SYV: Maintain the Santa Ynez Valley's rural character and agricultural tradition while accommodating some well-planned growth within township boundaries that is compatible with surrounding uses.

Policy LUA-SYV-2: Land designated for agriculture within the Santa Ynez Valley shall be preserved and protected for agricultural use.

Policy LUA-SYV-3: New development shall be compatible with adjacent agricultural lands.

Policy VIS-SYV-1: Development of property should minimize impacts to open space views as seen from public roads and viewpoints and avoid destruction of significant visual resources.

Design Overlay – Certain key locations in the Valley are proposed to have the Design Overlay Zone added to require review by the Central BAR to help to preserve the rural character and beauty of the area. These areas include the Township Gateways, Valley Gateways (adjacent to Highways 101, 154 and 246), and Community Separators (e.g., between Buellton and Solvang).

The ND states that these policies and rezoning would help to mitigate any potential impacts to aesthetics and agriculture in the Santa Ynez Valley. However, these *very general* policies were contemplated and approved prior to the proposed LUDC Ordinance changes being considered, and additional, more detailed protection mechanisms should be incorporated into the process to ensure that visual impacts are minimized *throughout the*

entire County. The significant increase in DP threshold has the potential to create significantly adverse aesthetic impacts though intensity of development and the removal of large amounts of vegetation, loss of important open space, substantial alteration of natural character, and potentially extensive grading (particularly if an individual structure of 20,000 sq. ft. in size is built) that may be visible from public areas. The ND states that new accessory buildings would not be expected to have a visual impact if they are located greater than 1,000 feet from a public road. Since the visual corridors containing AG-II zoning are critically important to the scenic character of Santa Barbara County, including those listed below, these impacts must be proactively addressed.

Visual corridors should not be arbitrarily defined by a fixed number of feet from the road (which, under the current proposal, would equate to approximately 1,000 feet on either side of these designated corridors), but rather should be defined with specific development standards that define the visual corridor according to viewsheds and topography. The viewshed standard could be further defined using GIS imagery and maps to depict the limit of view corridors along scenic roadways and an overlay of the "viewshed corridor" should be prepared along those designated areas of concern. Since there is currently no environmental review proposed for this change to the LUDC, it is critical that ALL of the potential for triggering environmental impacts to viewsheds is addressed as part of this Ordinance change. The determination must be made that proposed LUDC changes that would reduce the level of review required would not trigger ANY environmental impacts, aesthetic or otherwise. Adding detailed definitions and development standards, with detailed mapping of various visual corridors, would assist County decision makers in making this determination. All scenic corridors in the Environmental Resources Management Element of the County's Comprehensive Plan should be included, not just those listed in the ND, including:

- Designated scenic highways: 154 & portions of 1.
- Route 166 from the Santa Maria City limits east to the county line.
- Foxen Canyon Road from the Santa Maria city limits to its terminus at Highway 154.
- Jalama Road from Highway 1 to its terminus at Jalama County Park.
- Drum Canyon Road from Los Alamos to its terminus at Highway 246.
- Highway 101 in the following areas:
 - Overcrossing at the western terminus of Hollister Avenue to the point where the highway turns north at the Gaviota pass.
 - North of Buellton to Los Alamos.

Currently, a LUP would still be required for small agricultural accessory structures in AG-II zones if the proposed project is within 1,000 feet of any of the scenic corridors designated in the ND unless one of the following situations applies, in which case the project would only require a Zoning Clearance:

- The applicant can demonstrate that new structure would not be visible from a public road or public areas; or
- If the new structure is within 1,000 feet of the public road, the Director must determine that the structure would not be visible from the public road or other area of public use.

While this is a first step in addressing concerns raised by the Planning Commissioners during their June 2008 meeting on this topic, additional considerations for addressing view corridor protection should be considered as noted above.

It should be noted that *no requirements for reduction of visual impacts have been specified in the draft Ordinance language for agricultural employee dwellings, or for the increased DP thresholds.* However, visual impacts would likely occur.

The Planning Commission has expressed concern during past discussions (e.g., on June 2008) regarding changing this noticing requirement, particularly given the potential for structures to be visible within sensitive view corridors (especially for the Gaviota Coast), and the need for Development Standards/design guidelines to be prepared relating to location. However, these suggestions were never developed or incorporated into the proposed LUDC changes. Further, the designated "view corridor" of 2,000 feet from the centerline of the road has been reduced from that considered during earlier discussions of the LUDC amendments (4,000 square feet centered on the road right-of-way was the earlier proposal). Even using the 4,000 sq.ft. guideline, there is real potential for proposed development to encroach on visually important areas of the County. Without clear development standards for home siting and building standards, homes could significantly impact important viewsheds in the County.

The increase in the DP threshold will likely result in many more structures being built in the future, due to a lack of discretionary review and ease of permitting requirements. The analysis in the ND regarding the potential for visual impacts relies on data for the past years, when the *cumulative total for combined non-ag and ag development over 20,000 sq. ft. required the submittal of a DP and a discretionary review process for all AG-II zoned parcels, regardless of size.* It is logical to assume that with the lack of discretionary review requirement and the greatly increased thresholds, there will be an increase in the number of proposals for development throughout the County for agriculturally zoned properties. Therefore, additional development standards must be included to address potential visual resource impacts for properties that would receive the benefit of increased DP thresholds for ag structures, in accordance with prior requests from the Planning Commission in 2008. Although there is the requirement that such projects be found consistent with the existing Comprehensive Plan policies, Design Overlays, and Ridgeline/Hillside Development Guideline requirements, since there would be no discretionary review for these projects, additional standards are warranted.

These design standards should include the following:

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- Requirement that all night lighting for proposed structures is not visible from public roadways.
- Design of all agricultural support structures shall be consistent with the rural character of the area.
- Infrastructure needed to support large agricultural structures shall be minimized to the maximum extent feasible.
- Heights of structures shall be limited to avoid impacts to visual resources and shall be limited to that needed for the proposed use. Alternation of ridgeline and public roadway viewsheds shall not be allowed.

2. The County must quantitatively assess the potential cumulative impacts from County-wide buildout of structures resulting from the proposed LUDC Ordinance changes, particularly for the DP structure increases, taking into account the total number of agriculturally-zoned parcels that would be affected.

The project involves Zoning Ordinance amendments to the County Land Use and Development Code that would affect *approximately 600,000 acres of land zoned AG-I and AG-II in the Inland portion of Santa Barbara County*. The affected areas are located outside the Coastal Zone and include the Cuyama, Los Alamos, Santa Maria, Lompoc and Santa Ynez Valleys, portions of the Gaviota Coast and the Goleta foothills. Although the revised graduated DP thresholds have been reduced to a 50,000 sq. ft. maximum, there must be clearer development standards (as suggested above) to avoid potential cumulative impacts for the new proposed allowances in order to justify the LUDC Ordinance changes for DP thresholds avoiding discretionary review.

The ND states: "The proposed ordinance amendment would not have any potentially significant impacts either short-term, long-term or cumulatively due to the development standards contained in the ordinance amendment, existing adopted policies, existing ordinance requirements and/or current Planning and Development permit review practices and requirements."

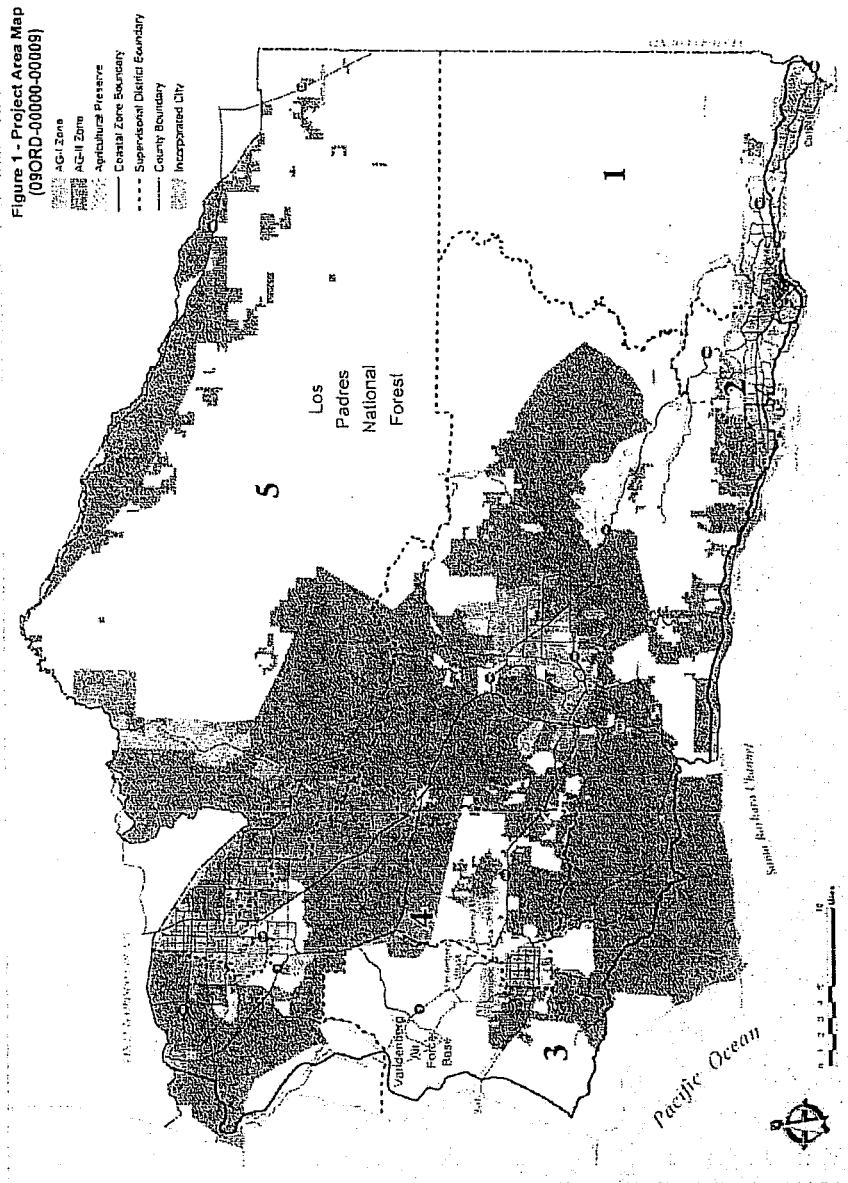
The proposed increases for triggering a DP on AG-II lands on a "graduated" basis are included in the table below. The base minimum zoning is the guideline for determining the square footage allowed before a DP is triggered.

Table 2

Proposed Development Plan Threshold Changes – AG-II Zone only

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

As detailed above, these threshold increases have significant potential for increased development proposals throughout the County, and must be addressed on a cumulative level. If appropriate development standards are required, the potential for cumulative impacts would be greatly reduced. Regardless, the number of parcels that have been detailed in Table 5 and Figure 1 in the ND demonstrate that the majority of ag parcels throughout the County are zoned AG-II (3117)-[see copied figures below].



As the Table above shows, over 500 parcels in the County would qualify for the 50,000 sq. ft. DP threshold increase. The cumulative portion of the ND should disclose the additional development potential on these and other larger parcels, by community, to assess which communities would receive the greatest environmental impact from the proposed changes.

Conclusion

While the reductions in overall DP threshold and the new requirements as detailed in the proposed Ordinance language are an improvement over that originally stated in the first iteration of the ND, additional specificity is needed to further reduce the potential for environmental impacts that would require discretionary review from proposed projects. The recommendations contained in this letter serve as suggestions to improve the proposed revisions to the LUDC Ordinance and to support the long-term preservation of agriculture and its associated habitats and viewshed corridors. To recap, the following items are suggested:

- The County must require mitigation and/or development standards for various issue areas, particularly for agricultural, biological, and visual resources, and the threshold for allowing an individual structure without a DP must be reduced to somewhere between 5,000 – 10,000 sq. ft.
- The County must qualitatively and quantitatively assess, disclose, and address the potential cumulative impacts from County-wide buildout of structures resulting from the proposed LUDC Ordinance changes, by community, particularly for the DP structure increases, taking into account the total number of AG-II parcels that would be affected and potential development. Cumulative impacts can be reduced by including specific development standards to address potential environmental issue areas.

The OPEN project team appreciates the opportunity to provide comments on the proposed LUDC Ordinance changes. We look forward to seeing the proposed LUDC Ordinance changes implemented in order to facilitate and support agricultural land use throughout the County, as long as these changes are carefully and thoughtfully executed.

Sincerely,

Via E-mail

Christina McGinnis, OPEN Project Director

Rancho Rio Robles, LLC
4500 Via Rancheros Road
Santa Ynez, CA 93460

January 14, 2010

Santa Barbara County
Planning and Development Department
123 East Anapamu Street
Santa Barbara, CA

RE: Revised Draft Initial Study and Negative Declaration/Agricultural Permit Streamlining

To whom it may concern:

I appreciate the recognition that certain aspects of permitting activities on ag zoned land in Santa Barbara County are overly restrictive and the attempt to make it less so. I felt the original draft dated May 1, 2009 was fair and would accomplish the stated objective "...to streamline the development review process for small agricultural properties to encourage continued agricultural productivity." Unfortunately, I believe certain elements of the Revised Draft not only will not provide any meaningful streamlining but actually will require more development plans to be submitted.

Specifically, I am concerned with the substantial reductions that have been made to the "Development Plan Threshold Changes" and the new requirement that if the aggregate non-ag structures on an Ag-II zoned property of any size exceed 10,000 square feet, a development plan will be required.

Concerns:

1. The proposed new thresholds would not have eliminated a single DVP for projects for which a DVP was required in the last 10 years and for which the DVP process was completed: The proposed new thresholds for triggering a development plan (DVP), based upon all AG-II zoned development plans submitted in the last 10 years for which the process was concluded, would not result in the elimination of one DVP. For only two of the nine projects would the new total square footage threshold eliminate the DVP requirement, but, for five of them the new non-ag 10,000 square foot requirement would trigger the DVP irrespective of the total square footage threshold, resulting in the proposal not eliminating one single DVP required in the last 10 years (and for which the process is completed). Please refer to Appendix A attached hereto.
2. The reductions in the thresholds from the May 2009 Draft Initial Study to the December 2009 Draft Initial Study are overly aggressive, ranging in reductions of from 65 – 77% on average, and are without basis: While I recognize that in response to comments by certain groups Staff felt it prudent to reduce the proposed thresholds, the reductions seem exaggerated and without basis. It appears Staff felt

6. The newly proposed 10,000 square foot non-ag threshold continues the exact approach the streamlining was primarily intended to address, namely not relating various DVP thresholds to parcel size. The major impetus for this streamlining exercise was that it was believed inappropriate to have development thresholds based on development size but not related to parcel size. Yet, this is precisely what Staff is proposing with regard to the new non-ag development threshold.

Recommendations:

1. Reduce the proposed aggregate threshold increase contained in the May 2009 Draft by 35% for each category. Given that there is no "science" behind any of these recommendations and that the December proposal demonstrably would not have accomplished the stated goal of streamlining ag permitting for even one project in the last 10 years, this approach would result in a level that would have eliminated the DVP for 56% of those projects. Several of the projects are large projects on relatively small parcels, and it seems unlikely that any reasonable threshold for such size parcels would relieve those of a Development Plan obligation.
2. Eliminate the 10,000 square foot threshold for non-ag structures. It has not been established that there is any basis for this new additional requirement related to ag property, it is unexplained why it applies only to ag property, there has been no discussion as to the reasonableness of 10,000 square feet, it is inconsistent with the stated objective of this Draft Initial Study, it will result in an increase in Development Plans, and it has not been adequately publicized given it is included in a document whose stated purpose is to reduce the requirements for submitting Development Plans.

Should there be a non-ag structure threshold, the minimum acceptable level for the non-ag proposal threshold would be to leave it where it effectively currently is, i.e. 20,000 square feet.

Thank you for the opportunity to comment and for the effort Staff expended attempting to streamline aspects of ag land permitting in the County.

Sincerely,

Kenneth C. Karas



January 15, 2010

*Santa Ynez
Valley Alliance*

Noel Langle, Project Manager
Santa Barbara County, Office of Long Range Planning
30 E. Figueroa Street
Santa Barbara, CA 93101
noel@co.santa-barbara.ca.us

Dear Mr. Langle:

In June, the Santa Ynez Valley Alliance submitted a letter to you commenting on the Negative Declaration (ND) related to the County's proposed Agricultural Permit Streamlining Land Use and Development Code Amendment.

Most of our comments at that time centered around our concerns about the downshifting in the development requirement on agriculturally zoned, AG 1, lands. We are pleased that the County has responded to these concerns and removed the AG 1 zoned lands from these revisions. We also want to express our support for the lowering of the changes in thresholds. We do, however, have some additional comments regarding the changed thresholds. While our primary concern has been increasing the development plan threshold on smaller parcels, we are also concerned about the ultimate impacts of the larger thresholds, especially the 50,000 square foot threshold.

Under the current proposal, over 417,986 acres of agricultural land would qualify for the 50,000 square foot category. While 149 parcels are over 640 acres in size, more than double that number are 320-639 in size. We are less concerned about those larger parcels and would therefore suggest that the 50,000 threshold be reserved only for the largest parcels, i.e. 640+ acres and that the 320-639 acre parcels be lowered into the 40,000 square foot threshold bracket. Likewise, we believe that the County should look at moving the 200-224 acre parcels into the 30,000 square foot threshold bracket and the 100-124 acre parcels into the 25,000 square foot threshold bracket.

We believe that this more cautious approach makes more sense until we really know what the true impact of this downshifting of permit requirements will be. We would request that Table 3 on page 7 of the original ND be re-incorporated into the revised document as this chart shows a clear range of properties, number of parcels, total acreage, etc. However, the table should be revised to incorporate the new categories. This information will allow the public to better understand where the impacts will likely occur, with regards to the sizes of parcels and their number.

Page 5 of the Revised ND indicates that a Development Plan is currently required **for any new building(s)...** (emphasis added), however #5 on page 4 states: "Revise the existing 20,000 sq. ft. threshold for **agricultural** development." These two sentences seem to be conflicting. It is our assumption that the new thresholds are for all buildings, not just agricultural buildings. In addition, we assume that, on page 1, the 4th bullet should say, "Adding a new Development Plan threshold of 10,000 sq. ft. for non-agricultural (not non-residential) building area on an Ag II lot." Given that assumption, we support that addition as long as it is included in the entire threshold figure.

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VA

Noel Langle, Project Manager
January 15, 2010
Page Two

Additionally, we believe the County must analyze the potential cumulative impacts from these proposed ordinance changes, not only on a county-wide basis, but by community. As we stated in our prior letter, the Santa Ynez Valley is predominantly agriculture, so any relaxing of agricultural standards is likely to have a more significant impact in the Valley. Residents of the Valley need to know what that impact will be. The relaxation of these standards may very well act as an incentive for the construction of not only more overall buildings, but also much larger buildings on the larger properties.

Furthermore, given that most agricultural properties are located near environmentally sensitive areas and important visual corridors, we believe that the addition of development standards and other mitigations should be included to ensure that the impacts of reducing the permit requirements are minimized to the greatest extent feasible. For example, even under the revised proposal, a landowner could construct two almost 20,000 square foot agricultural buildings on a 200 acre parcel that could be very visible from a public location (more than 1000 feet) and evade the requirement for a development plan. Development standards such as screening requirements for such large structures could be critical in ensuring that these large structures do not visually impact the aesthetic quality of our area. In addition, outdoor night lighting should be shielded to protect the night sky and located such that lights are not visible from public areas. Similar requirements, such as minimum setbacks from environmentally sensitive habitats, should be formulated to ensure protection of biological resources, etc.

In conclusion, in order for the County to avoid potentially significant environmental impacts and the requirement to prepare an Environmental Impact Report (EIR), it is critical that the above issues, especially the additional development standards, be adequately addressed.

The mission of the Santa Ynez Valley Alliance is to work collaboratively with individuals, groups and governments to protect the rural character of the Santa Ynez Valley and support good stewardship of natural and agricultural resources through education, comprehensive planning and public participation.

Again, thank you for revising the original ND and for this opportunity to comment.

Sincerely,



Mark Oliver
President
MO/cdf

V. 8/2003 053 1702 P.0017002

SAN LUCAS RANCH

Noel Langle, Project Manager
Santa Barbara County, Office of Long Range Planning
30 E. Figueroa St.
Santa Barbara, CA 93101

RE: Agricultural Permit Streamlining Land Use and Development Code (LUDC)

Dear Sir:

Due to the extremely limited time that I as a property owner affected by this new group of regulations have been aware of this end result, I have a few comments to make. I would very much like to know why rural property owners were not made aware of these proposed regulations while certain organizations apparently have had plenty of time to make up copious responses on issues that do not affect them personally? I was part of the PIT process when it started so I am very familiar with what was being attempted but not only did I never hear that it was still going on but discovered that there wasn't anything new on the website since 2005. Did the document all go in-house or how were the people impacted supposed to know what was being proposed?

Here are my comments-

1. The AG Element states "Agricultural lands shall be protected from adverse urban influence" so why is the emphasis on residents living next to ag properties?
2. Describing farm worker housing as simply residential is misleading and inaccurate; It has a threefold purpose- low or no cost housing, 24 hr availability and security. For example, haying operations often occur at night when the temperature and moisture levels are correct and livestock almost never get out of their enclosures during the day. Clustering housing is often non-productive and every ranch and farm is different. Restrictions on renting houses is ill-thought out as houses in rural areas must be continually occupied in order for the wildlife to not destroy them. If an employee leaves or a job is phased out because of the economy, one needs to find someone to live in the house until it is needed again for an employee. Where farm workers choose to live is their business not the employers in most cases because some have second jobs or other family constraints that require them to live elsewhere.
3. RSU's- Isn't this the same as the RAU's? Why the name change? It takes away from the the fact that this is connected to ag housing.
4. AG accessory buildings- why no gas? This means no heat or hot water that is essential to animal agriculture. Why must we hide all of our structures? Are we trying to pretend that ag doesn't exist or that it is a blight on the landscape?

1/15/2010

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5. lights- I understand that we don't want to have so many lights so as to block out the night sky but lighting at a gate is a safety factor and is necessary for flags at night.
6. viewsheds- There are no constitutionally guaranteed "view sheds" anywhere. You may not just declare someone's property to be your "view shed" whether 4000' from the centerline of a road or 1'. Visibility is not a development standard.
7. Open space is routinely confused with active agricultural land; ag development has not fragmented habitat, to the contrary, it has preserved all of the habitat not developed for urban dwellers.
8. Square footage for building is totally arbitrary. There is not one single piece of evidence to support the figures chosen. Agriculture is not a one size fits all industry.
9. Nothing proposed from the ag viewpoint despite being passed by the Ag Advisory Committee; why were the rural property owners not notified of this newest assault on their property values?

Although I participated in the beginning of this process I am disappointed that it turned out as I feared. Instead of actually streamlining the process for agricultural owners to improve their businesses, it has just ended up in more restrictive rules for no ones benefit. It appears to me that the ag community is being collectively treated like potential criminals to be monitored and restricted continually to meet your expectations. You then wonder why agriculture, Santa Barbara County's number one industry, continues to disappear.

Anne V. Crawford-Hall

O.P.E.N.
Open-space Preservation Education Network
A project of the Environmental Defense Center

To: Santa Barbara County Planning Commission
123 E. Anapamu Street
Santa Barbara, CA 93101

Date: February 26, 2010

Re: Revised Draft Initial Study/Negative Declaration for the Agricultural Permit Streamlining Land Use & Development Code (LUDC) Ordinance Amendment: 09ORD-00000-000009 and 09NGD-00000-00007

Honorable Planning Commissioners:

The following comments are submitted by the Open-space Preservation Education Network (OPEN) project of the Environmental Defense Center (EDC) in response to the Revised Initial Study/Negative Declaration (ND) prepared for the proposed Agricultural Permit Streamlining Land Use & Development Code Ordinance (LUDC) Amendments. The project involves Zoning Ordinance amendments to the County Land Use and Development Code that would affect *approximately 600,000 acres of land zoned AG-II in the Inland portion of Santa Barbara County*. The affected areas are located outside the Coastal Zone and include the Cuyama, Los Alamos, Santa Maria, Lompoc and Santa Ynez Valleys, portions of the Gaviota Coast and the Goleta foothills. This letter is a follow-up to comments stated during the prior Planning Commission meeting held on February 17th, 2010. Additionally, a re-cap of the original comments submitted on the Revised ND has been provided for your review, and are still requested for your consideration. This letter addresses the proposed exemption for certain structures from the square footage trigger for a Development Plan (DP); individual structure sizes triggering the requirement for a DP; and a summary of our recommendations regarding the proposed LUDC Ordinance Amendment. These changes are necessary to avoid the potential for significant adverse impacts and the requirement to prepare an Environmental Impact Report (EIR).

After hearing the comments of Mr. Paul Van Leer at the February 17th hearing regarding his request to exempt certain types of structures from counting towards the total square footage allowed before triggering a DP, I scheduled a visit to Rancho Las Varas (the ranch Mr. Van Leer manages) to view the types of structures he was referring to in his comments. Having seen these structures, OPEN would support the exemption of the following ag support structures from counting towards the DP threshold total (with the restriction that such individual structures be limited to 2,000 square feet in size, otherwise they would count towards DP threshold totals):

*Open sided “lean to” type structures that are used for agricultural equipment, materials, or feed storage, or sheltering of livestock (three or fewer walls, with one of the long walls open).

*Hay barns or other such structures that have two or fewer walls.

The above concession should only be made if the *individual structure size for triggering a DP is reduced to 10,000 sf* from the current 20,000 recommendation, per the original comment letter OPEN submitted on the Revised ND. The purpose of the OPEN project is to engage all interested sectors of our communities in a dialog to develop policies and programs that protect agriculture, open space and the urban-rural interface. An important part of this project involves reaching out to the agricultural community to understand their needs and long-term concerns. As stated above, we encourage your Commission to consider the requested concessions to exempt certain structures from counting towards the DP total, while also honoring the request to limit the individual structure size so as to help avoid unintended environmental consequences from occurring. We believe that this proposal addresses the concerns of both the agricultural and environmental communities. Specifically, it is unclear why the 20,000 sf threshold for an individual structure has been carried forward when the DP threshold totals have been greatly increased. The cumulative total of development (given the current threshold of 20,000 sf) almost certainly has had a chilling effect on a landowner proposing a single structure of that size, but the increased threshold may in fact encourage such structures to be proposed. For example, the properties that would qualify for the 40,000 sf threshold could result in two 20,000 sf structures being proposed incrementally without the benefit of environmental review in a discretionary process.

We are concerned about the continued viability of farming operations on a County-wide basis, and support the proposed changes as long as potential environmental impacts that may result are considered by the County and addressed proactively via development standards or conditions of approval. A brief summary of the comments made previously (and stated verbally during the February 17 PC hearing) follows:

1. The County must require mitigation and/or development standards to address potential environmental impacts of proposed increases in the DP threshold, particularly for agricultural, biological, and visual resources. The current individual structure allowance threshold (before triggering a DP) must also be reduced, and *the threshold for triggering a DP for individual structures should be reduced to 10,000 sq. ft., if the exemptions stated above for certain structures from counting towards the DP total are included.*
2. The following language could be added to the Ordinance, to assist the Director in making clear determinations as to whether or not a new structure is truly supportive of agriculture:

Structures shall be:

- Either incidental to, or supportive of, the agricultural operation on the property and shall be beneficial to and inherently related to the agricultural use of the land.
- The structure will not significantly compromise the long-term productive agricultural capability of the parcel.
The structure will not significantly displace or impair current or reasonably foreseeable agricultural operations.

Further, it would be helpful if staff could prepare a definitive list of what actually constitutes an ag structure versus not within the Ordinance language, what types of structures would qualify for an exemption (with square footage limits), and so forth, to assist planners in the future with determining what structures are appropriate for a LUP, and to clarify what counts towards the DP threshold total versus not.

3. The ESHA setback requirement **MUST** be explicitly stated for the proposed DP threshold increases and other LUDC proposed changes to require a minimum 100 foot setback, and must require that all habitat qualifying as ESHA (not just that officially mapped) receives the setback. Currently, the Ordinance language for DP threshold increases contains no references to biological or ESHA resources setbacks or any other biological protection.

4. Visual corridors should not be arbitrarily defined by a fixed number of feet from the road (which, under the current proposal, would equate to approximately 1,000 feet on either side of these designated corridors), but rather should be defined with specific development standards that define the visual corridor according to viewsheds and topography.

5. Design standards should be required for all LUDC Ordinance changes to include the following:

- Requirement that all night lighting for proposed structures is not visible from public roadways.
- Design of all agricultural support structures shall be consistent with the rural character of the area.
- Infrastructure needed to support large agricultural structures shall be minimized to the maximum extent feasible.
- Heights of structures shall be limited to avoid impacts to visual resources and shall be limited to that needed for the proposed use. Alteration of ridgeline and public roadway viewsheds shall not be allowed.

6. The County must quantitatively assess, disclose, and address the potential cumulative impacts from County-wide buildout of structures resulting from the proposed LUDC Ordinance changes, by community, particularly for the DP structure increases, taking into account the total number of parcels that would be affected and potential development.

With incorporation of these changes, the County will avoid potentially significant environmental impacts and the requirement to prepare an EIR. We appreciate your Commission taking the above recommendations into consideration, and will provide verbal comments during the March 3 hearing.

The OPEN project team appreciates the opportunity to provide comments on the proposed LUDC Ordinance changes. We look forward to seeing the proposed LUDC Ordinance changes implemented in order to facilitate and support agricultural land use throughout the County, as long as these changes are carefully and thoughtfully executed.

Sincerely,

Via E-mail

Christina McGinnis, OPEN Project Director

O.P.E.N.
OPEN-SPACE PRESERVATION EDUCATION NETWORK
A project of the Environmental Defense Center

To: Santa Barbara County Planning Commission
123 E. Anapamu Street
Santa Barbara, CA 93101

Date: March 30, 2010

Re: Revised Draft Initial Study/Negative Declaration for the Agricultural Permit Streamlining Land Use & Development Code (LUDC) Ordinance Amendment: 09ORD-00000-000009 and 09NGD-00000-000007

Honorable Planning Commissioners:

The following comments are submitted by the Open-space Preservation Education Network (OPEN) project of the Environmental Defense Center (EDC) in response to the Revised Initial Study/Negative Declaration (ND) prepared for the proposed Agricultural Permit Streamlining Land Use & Development Code Ordinance (LUDC) Amendments.

This letter is a follow-up to the draft recommendations that were discussed during the most recent Planning Commission meeting held for this project on March 3rd, 2010. Our comments specifically address the PC's proposed compromise of 15,000 square feet (sf) for a single structure before triggering a Development Plan (DP). We appreciate incorporation of language into the Ordinance to address issues related to visual resource and ESHA protection, since the Ag Permit Streamlining Ordinance has far-reaching implications that will be long-term and County-wide, affecting over 600,000 acres of land in the inland areas of unincorporated Santa Barbara County. We also appreciate the acknowledgement of the proposed compromise to allow certain open-sided structures (less than 2,000 sf in size) to be exempted from counting towards the total DP threshold. However, that compromise was proposed with the caveat that a restriction of 10,000 sf for individual structures would be included in the Ordinance to address potential environmental impacts of individual structure buildout incrementally given the increased DP thresholds.

It may be useful at this juncture to focus on the "on the ground" implications of the draft Ordinance and proposed compromise. To this end, another site visit was conducted to provide your Commission with photos of an example property that illustrate issues of concern, this time for a 100 acre inland property located on the Gaviota Coast, in Venedito Canyon. This canyon contains a range of farms and ranches, and is located just east and inland of Refugio State Beach, on the northern portion of Calle Real. Two of the Land Trust for Santa Barbara's conservation easements are located in close proximity to this property: the Hvolboll (north of the example subject property) and Freeman (north of Refugio State Beach on Refugio Road) easements. The pictures included in this letter show a range of uses in this canyon, with a focus on the example

property as depicted in Photos 2-4. Photo 1 below shows the Hvolboll property in the background as an example of the surrounding setting, with its modest home and hillsides farmed in avocado orchards. As a juxtaposition to this vista, Photo 2 depicts the 100 acre subject example property (which notably, is in an Ag Preserve/Williamson Act contract), located southwest of the Hvolboll easement. This property contains a large complex of “Ag-related” uses that include a 10,600 sf house, manager apt, artist studio, pool house, a 30,000 sf covered horse stable/arena, equipment shed, pump house, chapel, hay barn, sheds, and a garage, for a total of 57,800 sf of development. This total development is *only slightly greater* than the approximate amount of development that would be allowed for larger parcels under the proposed DP threshold, as shown below.

Proposed Development Plan Thresholds – AG-II Zone only

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

The concerns stated during earlier hearings and in prior letters to your Commission relate to the lack of discretionary review for this level of development and the physical potential for environmental impacts to result. Large structures, such as the example house and covered arena (whether ag-related or not), have a high potential to generate environmental impacts, particularly in rural areas of the County. The house that is pictured in Photo 3 is 10,600 sf in size, and the proposed DP trigger would allow a structure approximately *one and a half times this size (15,000 sf) to be processed with under the Land Use Permit process with no environmental review*. While the example covered horse area is 31,000 sf, *UP TO THREE* structures half this size would be allowed on larger agricultural parcels *without any discretionary review*, which could be constructed incrementally on the larger properties where, under the increased DP thresholds, up to 50,000 sf of development would be allowed *before triggering a DP*.



Photo 1: The Hvolboll property and conservation easement, located to the north of the subject property depicted in Photo 2 below.



Photo 2: The 100 acre parcel (in Williamson Act contract), with nearly 58,000 sf of development.



Photo 3: Example house, 10,600 sf in size



Photo 4: Covered barn and horse arena (31,000 sf)

These photos are provided to highlight our concerns related to the long-term and potential cumulative impacts of allowing this level of development to occur without proper environmental review. In particular, because there are literally hundreds of parcels throughout the County that would be affected by the LUDC Ordinance changes, with a majority of these located in the 3rd District, a careful consideration of the development potential that would be allowed is warranted. Additionally, since the “example” property shown in Photos 2-4 is in a Williamson Act contract, it shows that this designation does NOT offer protection against an exorbitant level of development, as the draft ND for the Ag permit Ordinance states. Further, the infrastructure that is required to support this level of development must also be included towards the DP threshold, as paving and the like are also likely to incur environmental impacts. Finally, the proposed LUDC changes would allow for an *incremental, piecemeal approach* to the evaluation of projects on agricultural land, rather than reviewing proposed developments as a package, which is what a DP review allows for. Therefore, it is wholly appropriate to reduce the amount of development allowed for individual structures before triggering a DP to 10,000 sf.

Alternatively, another option is to limit the number of large structures allowed on a graduated scale before triggering a DP. While the original suggestion of limiting individual structures to 10,000 sf before a DP is triggered is our preferred option, the incorporation of a limit on large buildings would be another way to address concerns. The table below offers a suggested range of limits on a graduated scale according to parcel size:

Proposed DP Thresholds and Individual Large Building Limits

Lot Size (acres)	Threshold (sq. ft.)	Suggested Individual Large Building Limit and Threshold
Less than 40	20,000	1 @ 10,000 sf
40 to less than 100	25,000	1 @ 10,000 sf
100 to less than 200	30,000	1 @ 15,000 sf
200 to less than 320	40,000	1 @ 15,000 sf
320 or more	50,000	1 @ 15,000 sf

Note: If additional large structures are proposed beyond the individual allowances (by parcel size) as stated above, a DP would automatically be triggered if the structures are 2/3 the size of maximum allowances. To clarify, subsequent structures for parcels 40-100 acres in size must be 7,500 sf or smaller, otherwise a DP would be triggered. For parcels 100-320 acres in size, subsequent structures must be 10,000 sf or smaller, otherwise a DP would be triggered.

As stated above, we encourage your Commission to consider the requested concessions to exempt certain structures from counting towards the DP total, while also *either honoring the request to limit the individual structure size to 10,000 sf or limiting the number of large structures allowed before triggering a DP* to help avoid unintended environmental consequences from occurring. These options represent a balance of

needed environmental protections with solutions to assist farmers and ranchers in maintaining agricultural lands. We believe that these options would address the concerns of both the agricultural and environmental communities, and help to maintain agricultural viability and the use of AG-II properties in actual agriculture. Furthermore, Commission support of either of these options would encourage different factions of the community to continue to work out solutions that support the needs of agriculturally zoned lands.

We appreciate your Commission taking the above recommendations into consideration, and will provide you with a slide presentation during the April 7th hearing. The OPEN project team appreciates the opportunity to provide comments on the proposed LUDC Ordinance changes. We look forward to seeing the proposed LUDC Ordinance changes implemented in order to facilitate and support agricultural land use throughout the County, as long as these changes are carefully and thoughtfully executed with long-term and cumulative impacts in mind.

Sincerely,

Via E-mail

Christina McGinnis, OPEN Project Director