



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 East Anapamu Street, Room 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 5/11/2010
Placement: Set hearing
Estimated Tme: 60 minutes (on 5/25/2010)
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn Russell, Ph.D. (805) 568-2085
Contact Info: Dianne Black, Development Services Director (805) 568-2086
SUBJECT: Agricultural Permit Streamlining Ordinance Amendment

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions:

That the Board of Supervisors set for hearing of May 25, 2010 to consider amendments to the County Land Use and Development Code to streamline permitting for certain agricultural projects.

On May 25, 2010 your Board's actions include the following:

- A. Make the required findings for approval of the proposed ordinance (Attachment A);
- B. Approve the Final Negative Declaration 09NGD-00000-00007 (Attachment B); and,
- C. Adopt an ordinance (Case No. 09ORD-00000-00009, Attachment C) amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code to streamline the permit process for certain agricultural projects on lands zoned agricultural.

Summary Text:

1. Background.

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

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

The proposal involves revisions 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 the Coastal Zone. The affected areas include the Cuyama, Lompoc, Los Alamos, Santa Maria, 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 (see Page 3). The ordinance as recommended by the Planning Commission evolved over several years beginning in 2006 based on input from the Agricultural Advisory Committee (AAC) on many occasions, including at a joint workshop with the Planning Commission in January 2009, discussions with the Process Improvement Oversight Committee, and public testimony from agricultural representatives and environmental groups at the three County Planning Commission public hearings held on February 17th, March 3rd and April 7th, 2010.

Earlier proposals included changing:

- The permit requirement for single-family dwellings up to 3,500 square feet from Land Use Permit (LUP) to a Zoning Clearance (ZC) in the AG-I and AG-II zones.
- The permit requirement for small agricultural accessory structures up to 5,000 square feet from a LUP to a ZC in the AG-I and AG-II zones.
- The permit requirement for agricultural employee dwellings housing five or more employees (farm labor camps) from Conditional Use Permit (CUP) under the jurisdiction of the Planning Commission to a Minor Conditional Use Permit (MCUP) under the jurisdiction of the Zoning Administrator.
- The threshold at which a Development Plan is required from 20,000 square feet of structural development to 100,000 square feet for the larger agricultural zoned lots. AG-I and AG-II zones; reducing max DP threshold from 100,000 sf to 50,000 sf

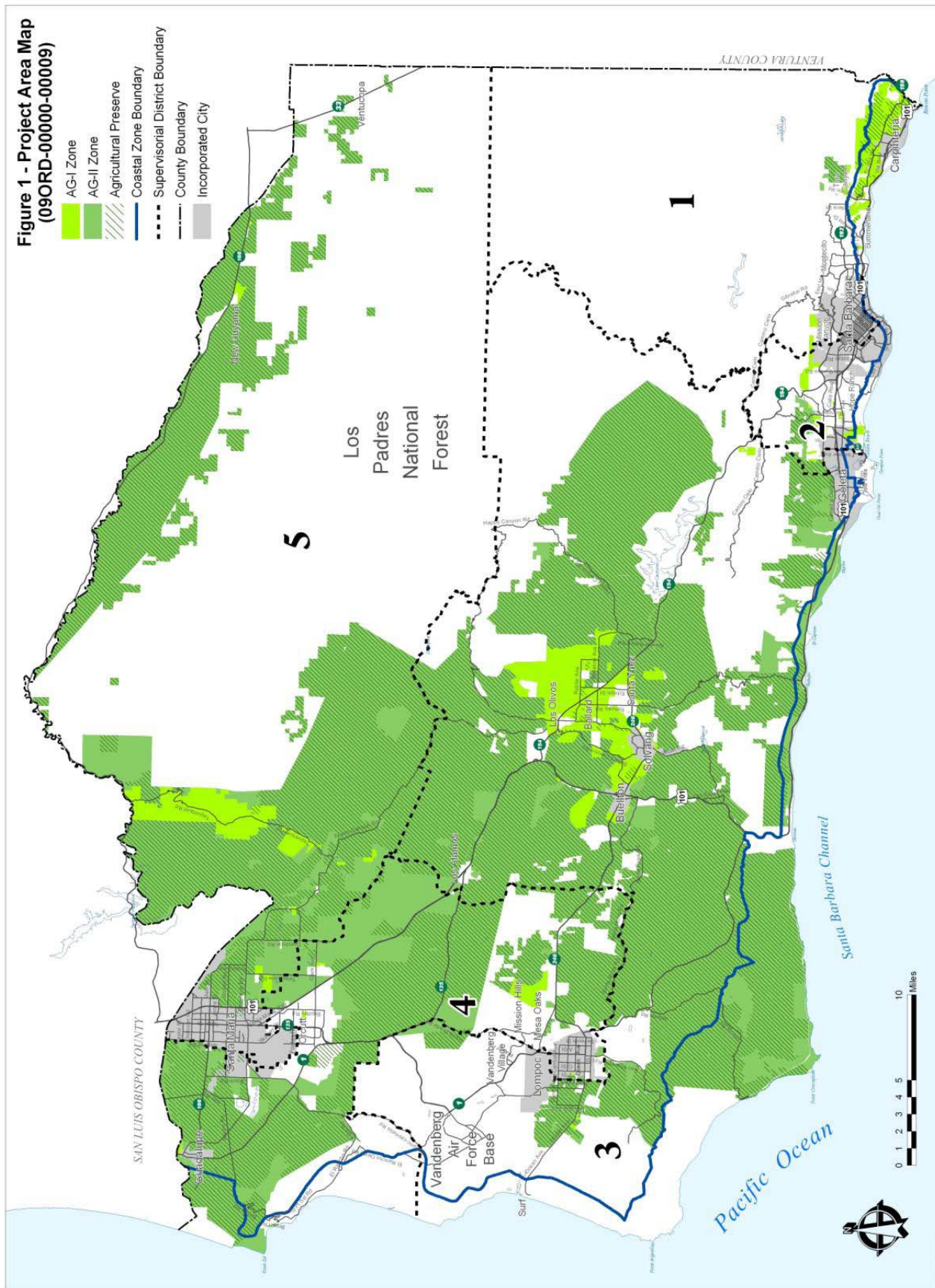
However, as a result of discussion with the Agricultural Advisory Committee, Oversight Committee, the Planning Commission, and citizen organizations, and to reduce the complexity of the amendment and potential for environmental impacts, the specific proposal recommended by the Planning Commission only addresses the following projects:

- Shift from a LUP to a ZC for small agricultural accessory structures up to 5,000 square feet (AG-II zone only);
- Shift from a LUP to an exemption for certain entrance gate posts including cross-members, and all livestock loading structures (AG-II zone only);
- Shift from a MCUP to a LUP for housing for up to four agricultural employees (AG-I and AG-II zones);
- Shift from a MCUP to a LUP for certain Detached Residential Second Units (AG-I-5, -10 & -20 zones); and
- Change the current threshold for requiring a Development Plan to a higher threshold for larger lots (AG-II zone only).

The recommended revisions are discussed in more detail in the following section.

On April 7, 2010, by a vote of three to two, the County Planning Commission acted to recommend that your Board adopt the proposed ordinance amendment (Attachment C). Attachment D shows the text of the ordinance amendment with strike-throughs (deleted text) and underlines (added text).

Please refer to the attached Planning Commission staff report and memos (Attachments F, G and H) for more detailed information.



2. Project Description.

2.1 Agricultural Accessory Structures (AG-II Zone only). This ordinance would shift the permit requirement from a Land Use Permit (LUP) to a Zoning Clearance (ZC) for small agricultural structures that comply with all of the following standards:

- a. The gross floor area is less than 5,000 sq. ft.
- b. The Director determines the use of the structure is accessory to the overall agricultural use of the property and it would not impact the viability of the on-site agricultural production;
- c. Utilities are limited to electricity and water;
- d. 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; and
- e. The project must be consistent with development standards that address protection of biological resources and visual compatibility.

If a structure does not comply with these standards, it may still be permitted with a LUP if it meets all applicable requirements.

2.2 Entrance gates and livestock loading ramps (AG-II Zone only). Entrance gate posts currently require a LUP if over eight feet in height and livestock loading ramps require a LUP in all situations. This ordinance would exempt from an LUP (1) all livestock loading ramps and (2) entrance gates that comply with all of the following standards:

- a. Height is limited to 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;
- c. Signs allowed if compatible with the size and style and of the entrance gate; and
- d. The project must be consistent with development standards that address protection of biological resources and visual compatibility.

If the entrance gate does not comply with these standards, it may be permitted with a LUP if it meets all applicable requirements.

2.3 Housing for up to four agricultural employees and their families (AG-I and AG-II Zones). When an employer proposes to provide housing for up to four agricultural employees (and their families), approval of a Minor Conditional Use Permit (MCUP) by the Zoning Administrator in a noticed public hearing is currently required. This ordinance would shift the permit requirement from a MCUP to a LUP for projects housing up to a maximum of four agricultural employees (including families) subject to the following standards:

- a. Employees must work onsite; full time in the AG-I zone (existing requirement) and at least half-time in AG-II zone;
- b. Documentation of employment & recordation of a Notice to Property Owners required;
- c. Structure must be sited to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations; and
- d. The project must be consistent with development standards that address protection of biological resources and visual compatibility.

If the proposed farm employee housing does not comply with the development standards, the project may be permitted with a MCUP if it meets all applicable requirements.

2.4 Detached Residential Second Units (AG-I-5, -10 & -20 Zones only). Residential Second Units (RSUs) are only allowed in AG-I-5, -10 and -20 zones; attached RSUs are allowed with a LUP

and a detached RSU currently requires a MCUP. The ordinance would shift the permit requirement for a detached RSU from a MCUP to a LUP subject to the following standards:

- a. Floor area is limited to 1,200 sq. ft. size and height is limited to 16 feet (existing requirements);
- b. Structure must be sited to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations;
- c. The project must be consistent with development standards that address protection of biological resources and visual compatibility;

If the proposed DRSU cannot comply with development standards, the project may be permitted with a MCUP if it meets all applicable requirements.

2.5 Change to development plan requirement (AG-II Zone only). Currently, a Development Plan approved by the Planning Commission is required for any new building(s) (that don't otherwise require a Conditional Use Permit or Development Plan) once the cumulative building area on a lot exceeds 20,000 sq. ft., regardless of zoning or the size of the lot. In the AG-II zone, there are many properties that exceed 1,000 acres in size and the same 20,000 sq. ft. threshold still applies. The ordinance would change the 20,000 sq. ft. threshold for all lots to one that is related to lot size. The following table shows the proposed Development Plan thresholds for agricultural development on AG-II zoned properties based on lot size.

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 ordinance also includes the following provisions:

- a. 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.) is not included for the purpose of determining compliance with the threshold;
- b. A Development Plan is required if non-agricultural building area (primary residence, garages, etc.) exceeds a gross floor area of 15,000 sq. ft.;
- c. 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; and
- d. The project must be consistent with development standards that address protection of biological resources and visual compatibility.

If the proposed project does not comply with these criteria, the project may still be approved with a Development Plan if it meets all applicable requirements..

3.0 Environmental Review.

The initial agricultural permit streamlining recommendations would have allowed up to 100,000 sq. ft. of development on the larger AG-II parcels without requiring approval of a Development Plan. A Draft Negative Declaration was released in May 2009 that included the 100,000 sq. ft. upper limit along with the other proposed amendments discussed above. Several lengthy letters were received arguing that the proposed amendment package would require the preparation of an environmental impact report

primarily due to the potential for significant, adverse impacts to occur from allowing up to 100,000 sq. ft. of development without discretionary review including review under the California Environmental Quality Act. The primary concerns were related to potential impacts to agricultural, biological and visual resources. After careful consideration of the comments on the Draft Negative Declaration, staff revised the proposed amendment, including reducing the maximum Development Plan threshold to 50,000 sq. ft. The revised proposal was reviewed with the Oversight Committee and Agricultural Advisory Committee. A revised Draft Negative Declaration was released in December 2009 and the comments received concurred that the impacts could be mitigated to a satisfactory level, provided that additional development standards were included that addressed the protection of biological and visual resources. These standards are:

Biological

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.

Visual

1. 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.

The action of the County Planning Commission at the April 7, 2010 hearing included adding these development standards as criteria that must be complied with in order to take advantage of any of the permit downshifts set forth in the proposed ordinance.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-300 of the adopted Planning and Development Department's budget for fiscal year 2009-2010. There are no facilities impacts.

Staffing Impact(s):

Legal Positions:	FTEs:
0	0

Special Instructions:

1. The Planning and Development Department will satisfy all noticing requirements.
2. The Clerk of the Board will send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Noel Langle.

Authored by:

Noel Langle (805.568.2067)
Pat Saley (805.969.4605)

Attachments:

- A. Findings
- B. Final Negative Declaration
- C. 09ORD-00000-00009 Ordinance Amendment
- D. 09ORD-00000-00009 Ordinance Amendment (showing added and deleted text)
- E. County Planning Commission 4-7-2010 Action Letter
- F. 2-17-2010 County Planning Commission report (w/o attachments)
- G. 3-3-2010 County Planning Commission memo (w/o attachments)
- H. 4-7-2010 County Planning Commission memo (w/o attachments)