

**ATTACHMENT 4-1: COUNTY LAND USE AND DEVELOPMENT CODE AMENDMENT  
WITH REVISIONS SHOWN**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE, BY AMENDING ARTICLE 35.1, DEVELOPMENT CODE APPLICABILITY; ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES; ARTICLE 35.4 STANDARDS FOR SPECIFIC LAND USES; AND ARTICLE 35.11, GLOSSARY; TO IMPLEMENT NEW AND REVISED, PERMIT REQUIREMENTS, REGULATIONS AND DEVELOPMENT STANDARDS REGARDING AGRICULTURAL ENTERPRISE USES ON AGRICULTURALLY ZONED LANDS, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

23ORD-00005

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

**SECTION 1:**

ARTICLE 35.1, Development Code Applicability, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to revise Table 1-1 Zones, of Section 35.14.020, Zoning Map and Zones, of Chapter 35.14, Zoning Map, to read as follows:

<b>Zone Symbol</b>	<b>Name of Zone</b>	<b>Applicable Code Chapter</b>
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**Agricultural Zones**

AG-I	Agricultural I	35.21
AG-II	Agricultural II	

**Resource Protection Zones**

MT-GOL	Mountainous - Goleta	35.22
MT-TORO	Mountainous - Toro Canyon	
RMZ	Resource Management	

**Residential Zones**

RR	Residential Ranchette	35.23
E-1	Single Family Estate Residential	
R-1	Single Family Residential	
EX-1	One-Family Exclusive Residential	
R-2	Two-Family Residential	
DR	Design Residential	
MR-O	Multi-Family Residential - Orcutt	
PRD	Planned Residential Development	

Zone Symbol	Name of Zone	Applicable Code Chapter
SLP	Small-Lot Planned Development	
MHP	Mobile Home Planned Development	
MHS	Mobile Home Subdivision	

**Commercial Zones**

C-1	Limited Commercial	35.24
C-2	Retail Commercial	
C-3	General Commercial	
CH	Highway Commercial	
CM-LA	Community Mixed Use - Los Alamos	
C-S	Service Commercial	
C-V	Resort/Visitor-Serving Commercial	
PI	Professional and Institutional	

**Industrial Zones**

M-RP	Industrial Research Park	35.25
M-1	Light Industry	
M-2	General Industry	
M-CR	Coastal-Related Industry	

**Special Purpose Zones**

MU	Mixed Use	35.26
NTS	Naples Townsite	
OT-R (1)	Old Town-Residential (1)	
OT-R/LC	Old Town - Residential/Light Commercial	
OT-R/GC	Old Town - Residential/General Commercial	
PU	Public Utilities	
REC	Recreation	

**Overlay Zones**

AH	Affordable Housing	35.28
CVC	Critical Viewshed Corridor	
F	Airport Approach	
D	Design Control	
ESH-GAV	Environmentally Sensitive Habitat - Gaviota Coast	
ESH-GOL	Environmentally Sensitive Habitat - Goleta	
ESH-MC	Environmentally Sensitive Habitat - Mission Canyon	
ESH-TCP	Environmentally Sensitive Habitat - Toro Canyon	
FA	Flood Hazard	
HC	Highway 101 Corridor	

Zone Symbol	Name of Zone	Applicable Code Chapter
HWMF	Hazardous Waste Management Facility	
<u>LAE</u>	<u>Limited Agricultural Enterprise</u>	
PA-OTO	Pedestrian Area - Old Town Orcutt	
RC-GOL	Riparian Corridor - Goleta	
SC-MC	Scenic Corridor – Mission Canyon	

**Community Plan Overlay Zones**

GAV	Gaviota Coast Plan	35.28.210
GOL	Goleta	
LA	Los Alamos	
ORC	Orcutt	
SYV	Santa Ynez Valley	
SUM	Summerland	
TCP	Toro Canyon Plan	

**Notes:**

- (1) Although the OT-R zone (Old Town-Residential) is included within the Special Purpose Zones table, it is still considered a residential zone as this term is applied within this Development Code

**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 hereby amended to revise the Agricultural, Mining, & Energy Facilities section and the Industry, Manufacturing & Processing, Wholesaling section 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:

LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	
<b>Table 2-1</b>	E	Allowed use, no permit required (Exempt)	
<b>Allowed Land Uses and Permit Requirements for Agricultural Zones</b>	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
<b>AGRICULTURAL, MINING, &amp; ENERGY FACILITIES</b>			
Agricultural accessory structure	P	P	35.42.020
Agricultural processing - On-premises products	P	<u>S-P(3)</u>	35.42.040
Agricultural processing - Off-premises products	—	<u>S-CUP(3)</u>	35.42.040
<u>Agricultural processing - Small-scale processing beyond the raw state</u>	—	<u>S(3)</u>	<u>35.42.040</u>

Agricultural processing - Tree nut hulling	—	S (3)	35.42.040
Agricultural processing - Extensive	—	CUP (4)	35.42.040
Animal keeping (except equestrian facilities, see RECREATION)	S	S	35.42.060
Aquaculture	—	CUP	
Aquaponics	—	S (5) (3)	35.21.035060
Cannabis – Cultivation and nursery	S	S	35.42.075
Cannabis – Microbusiness	—	S	35.42.075
Cultivated agriculture, orchard, vineyard	E	E	
Grazing	E	E	
Greenhouse	P	P (6)(5)	35.42.140
Hoop structure and shade structure	S	S	35.42.140
Mining - Agricultural soil export	—	MCUP	35.82.160
Mining, extracting & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	35.82.160
Mining - Surface, less than 1,000 cubic yards	P (6)(7)	P (6)(7)	35.82.160
Mining - Surface, 1,000 cubic yards or more	CUP	CUP	35.82.160
Oil and gas uses	S	S	35.5
Utility-scale photovoltaic facilities	—	CUP	35.59
Winery	S	S	35.42.280

**INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING**

Cannabis – Manufacturing	S	S	35.42.075
Cannabis – Testing	—	—	
Composting facility	MCUP	MCUP	35.42.100
Composting (small scale and agricultural material)	—	S (5) (3)	35.21.100060
Fertilizer manufacturing	—	CUP (3)(4)	
Firewood processing and sales	—	S (5) (3)	35.21.035060
Lumber processing, and milling (small scale)	—	S (5) (3)	35.21.035060

**Key to Zone Symbols**

<b>AG-I</b>	Agriculture I	<b>AG-II</b>	Agriculture II
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**Notes:**

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection 35.21.030.C.
- (3) ~~Limitations apply on lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone; see Section 35.28.155. See Subsection 35.42.040.C for special permit requirements and development standards that apply within the Gaviota Coast Plan area.~~
- (4) Use limited to areas designated on the Land Use Element Maps with the “Agricultural Industry overlay.”
- (5) ~~Limited to locations within the Gaviota Coast Plan area.~~
- (5)(6) See Subsection 35.42.140.B.2 for special permit requirements and development standards that apply within the Gaviota Coast Plan area.
- (6)(7) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

**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 hereby amended to revise the Recreation, Education, & Public Assembly Uses section 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:

<b>Table 2-1 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Agricultural Zones</b>	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>		<b>Specific Use Regulations</b>
	<b>AG-I</b>	<b>AG-II</b>	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY USES**

<u>Campground and low-impact camping area</u>	—	S (3)	<u>35.42.240</u>
Country club	CUP	CUP	
<u>Educational experiences and opportunities</u>	—	S (3)	<u>35.42.035</u>
Equestrian facilities	CUP	P- <del>(3)</del>	
Fairgrounds	CUP	CUP	
<u>Fishing operation</u>	—	S (3)	<u>35.42.240</u>
Golf course	CUP	CUP	
Golf driving range	CUP	CUP	
<u>Horseback riding</u>	—	S (3)	<u>35.42.240</u>
<u>Hunting</u>	—	S (3)	<u>35.42.240</u>
<u>Incidental food service</u>	—	S	<u>35.42.035</u>
Meeting facility, public or private	CUP	CUP	
Meeting facility, religious	CUP	CUP	
Museum	CUP	CUP	
Rural recreation	—	CUP- <del>(3)</del>	35.42.240
School	CUP	CUP	
School - Business, professional or trade	CUP	CUP	
<u>Small-scale special events</u>	—	S (3)	<u>35.42.035</u>
Sports and outdoor recreation facilities	CUP	CUP	

**Key to Zone Symbols**

<b>AG-I</b>	Agriculture I
<b>AG-II</b>	Agriculture II

**Notes:**

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [35.21.030.C](#).
- (3) ~~Limitations apply on lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone; see Section 35.28.155. See Subsection 35.42.240.D for special permit requirements and development standards that apply within the Gaviota Coast Plan area.~~

**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 hereby amended to revise the Retail Trade section and the Services section 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:

<b>Table 2-1 - Continued</b>  <b>Allowed Land Uses and Permit Requirements for Agricultural Zones</b>	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance required	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>		<b>Specific Use Regulations</b>
	<b>AG-I</b>	<b>AG-II</b>	

**RESIDENTIAL USES**

Accessory dwelling unit	S	S	35.42.015
Agricultural employee housing	S	S	35.42.030
Artist studio	P	P	35.42.150
Dwelling, one-family (3)	P	P	
Farmworker dwelling unit	P	P	35.42.135
Farmworker housing complex	P	CUP	35.42.135
Guesthouse	P	P	35.42.150
Home occupation	P	P	35.42.190
Incentive dwelling unit	—	P (4)	35.28.210.I
Junior accessory dwelling unit	S	S	35.42.015
Monastery	CUP	CUP	
Residential accessory uses and structures	P	P	35.42.020
Special care home, 7 or more clients	MCUP	MCUP	35.42.090
Supportive housing	S	S	35.42.265
Transitional housing	S	S	35.42.265

**RETAIL TRADE**

Agricultural product sales, <u>Farm stands</u>	P	<u>S (5)P (5)</u>	35.42.050
Cannabis - Retail	—	—	

**SERVICES**

Cemetery	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	
Large family day care home, serving adults	P	P	35.42.090
Large family day care home, serving children	<u>E (7)(6)</u>	<u>E (7)(6)</u>	35.42.090
Small family day care home, serving adults	E	E	35.42.090
Small family day care home, serving children	<u>E (7)(6)</u>	<u>E (7)(6)</u>	35.42.090
Day care center, accessory to non-dwelling	MCUP <u>(8)(7)</u>	MCUP <u>(8)(7)</u>	35.42.090
Day care center, accessory to dwelling	MCUP	MCUP	35.42.090
Day care center, principal use	MCUP <u>(8)(7)</u>	MCUP <u>(8)(7)</u>	35.42.090
<u>Lodging - Farmstay</u>	—	<u>S (5)</u>	<u>35.42.134</u>
Lodging - Guest ranch	—	<u>CUP (6)</u>	<u>35.42.240</u>
Lodging - Homestay	P	—	35.42.193
Lodging - Hostel	—	CUP	35.42.240
Lodging - Short-term rental	—	—	
Mausoleum	CUP	CUP	
Medical services - Animal hospital	MCUP	P	35.42.250
Mortuary, accessory to cemetery	CUP	CUP	35.42.120

**Key to Zone Symbols**

<b>AG-I</b>	Agriculture I
<b>AG-II</b>	Agriculture II

**Notes:**

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Subsection [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 locations within the Gaviota Coast Plan area; see Subsection [35.28.210.I](#).
- (5) ~~Limitations apply on lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone; see Section 35.28.155. See Subsection 35.42.050.E for special permit requirements and development standards that apply within the Gaviota Coast Plan area.~~
- ~~(6) See Subsection 35.42.240.D for special permit requirements and development standards that apply within the Gaviota Coast Plan area.~~
- ~~(6)(7)~~A change of use to a large or small family day care home, serving children, is exempt from zoning permits. An application to construct a new structure to be used as a large or small family day care home, serving children, is subject to the same standards and permit requirements as a proposal to construct a residential structure in the same zone.
- ~~(7)(8)~~Day care centers serving up to and including fifty (50) children may be permitted with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).

**SECTION 5:**

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 hereby amended to delete Section 35.21.060, Permit Requirements and Development Standards for Specific Land Uses in the Gaviota Coast Plan Area, of Chapter 35.21, Agricultural Zones, in its entirety.

**~~35.21.060 – Permit Requirements and Development Standards for Specific Land Uses in the Gaviota Coast Plan Area~~**

~~**A. Purpose and intent.** This Section determines the type of planning permit required for the specific land uses listed below, and provides development standards and structure size limitations related to the intensity of the land use. The intent is to provide for flexibility in the development of uses that are individually and cumulatively accessory to, supportive of, and subordinate to the primary agricultural use of the property while promoting orderly development of these uses within the Gaviota Coast Plan area, and to ensure their compatibility with surrounding land uses in order to protect the public health and safety, and prevent impacts to natural, cultural, and visual resources. The cumulative uses on any premises shall be incidental and subordinate to the agriculture activity located on the premises.~~

~~**B. Applicability.** The requirements of this Section 35.21.060 (Permit Requirements and Development Standards for Specific Uses in the Gaviota Coast Plan Area) apply to applications for development of land uses that are that are proposed to be located on property zoned Agricultural II (AG-II) within the Gaviota Coast Plan area.~~

~~**C. Specific land uses.** A land use and/or activity addressed by this Section shall comply with the provisions of each subsection applicable to the specific use in addition to all other applicable provisions of this Development Code.~~

~~**1. Aquaponics (closed system).**~~

- ~~a. An Aquaponics system may be allowed with an exemption in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) if the activity complies with the following development standards.~~

~~(1) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~

~~b. An Aquaponics system (closed) that does not comply with the development standards in Subsection C.1.a, above, may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).~~

## **2. ~~Composting (small scale).~~**

~~a. A composting (small scale) operation may be allowed with an exemption in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) if the activity complies with the following development standards.~~

~~(1) The feedstock for the composting operation originates from onsite.~~

~~(2) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~

~~(3) There is no more than 500 cubic yards of compost on site at any one time.~~

~~(4) No more than 1,000 cubic yards of compost is sold or given away annually.~~

~~(5) The compostable material may also include up to 10 percent food matter.~~

~~(6) Compost piles shall not exceed 12 feet in height.~~

~~(7) The operator of the Composting (small scale) operation shall maintain and follow an odor abatement plan per Santa Barbara County Air Pollution Control District guidance.~~

~~(8) The operation shall be located a minimum of 200 feet from any adjacent lot and 300 feet from any dwelling located on an adjacent lot.~~

~~(a) The applicable setback does not apply if the adjacent lot is under the same ownership as the lot that the operation is located on.~~

~~(b) The operation shall be considered to comply with these setback requirements, and shall not be considered nonconforming, if, after the operation commences production, a dwelling is constructed on an adjacent lot that is not under the same ownership as the lot that the operation is located on and the location of the dwelling is within the setback distance specified above.~~

~~b. A composting (small scale) operation may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) if the activity complies with the following development standards.~~

~~(1) All of the material used in the operation shall originate within Santa Barbara County.~~

~~(2) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~

~~(3) There is no more than 500 cubic yards of compost on site at any one time.~~



- ~~(4) — No more than 1,000 cubic yards of compost is sold or given away annually.~~
- ~~(5) — The compostable material may also include up to 10 percent food matter.~~
- ~~(6) — Compost piles shall not exceed 12 feet in height.~~
- ~~(7) — The operator of the Composting (small scale) operation shall maintain and follow an odor abatement plan per Santa Barbara County Air Pollution Control District guidance.~~
- ~~(8) — The operation is in compliance Section 35.28.070 (Critical Viewshed Corridor (CVC) Overlay), if applicable.~~
- ~~(9) — The operation shall be located a minimum of 200 feet from any adjacent lot and 300 feet from any dwelling located on an adjacent lot.~~
  - ~~(a) — The applicable setback does not apply if the adjacent lot is under the same ownership as the lot that the operation is located on.~~
  - ~~(b) — The operation shall be considered to comply with these setback requirements, and shall not be considered nonconforming, if, after the operation commences production, a dwelling is constructed on an adjacent lot that is not under the same ownership as the lot that the operation is located on and the location of the dwelling is within the setback distance specified above.~~

**~~3. — Firewood processing and sales.~~**

- ~~a. — Firewood processing and sales may be allowed with an exemption in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) if the activity complies with the following development standards.~~
  - ~~(1) — All of the material used in the Firewood processing and sales operation shall originate from the premises where the processing occurs.~~
  - ~~(2) — The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this section.~~
  - ~~(3) — The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.~~
  - ~~(4) — The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~
  - ~~(5) — The operation shall be in compliance with the Agricultural Commissioner's Guidelines for export of plant material.~~
  - ~~(6) — Firewood processing and sales operations shall be in compliance with Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.~~
  - ~~(7) — The use will not significantly compromise the long term productive agricultural capability or natural resources of the subject lots(s) or adjacent lot(s).~~
- ~~b. — Firewood processing and sales may be allowed in compliance with a Land Use Permit issued~~

~~in compliance with Section 35.82.110 (Land Use Permits) if the activity complies with the following development standards.~~

- ~~(1) Firewood from offsite sources shall be limited to no more than 49 percent of the total volume of firewood processed on the facility premises.~~
- ~~(2) The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this section.~~
- ~~(3) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.~~
- ~~(4) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~
- ~~(5) The operation shall be in compliance with the Agricultural Commissioner's Guidelines for import and export of plant material.~~
- ~~(6) Firewood processing and sales operations shall be in compliance with Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.~~
- ~~(7) The use will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lots(s) or adjacent lot(s).~~

~~c. Firewood processing and sales operations that do not comply with the development standards in Subsection C.3.a or Subsection C.3.b, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:~~

- ~~(1) The operation will not result in significant adverse impacts to visual resources.~~
- ~~(2) The operation will not include a new at-grade crossing of Highway 101.~~
- ~~(3) The operation will be in compliance with Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.~~

#### ~~4. Lumber processing, milling (small scale).~~

~~a. Lumber processing and milling may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) if the activity complies with the following development standards.~~

- ~~(1) All of the material used in the lumber processing, milling operation shall originate within Santa Barbara County.~~
- ~~(2) Lumber from offsite sources shall be limited to no more than 49 percent of the total volume of lumber processed on the facility premises.~~
- ~~(3) The premises where the processing occurs is planted with the source product prior to~~

~~the commencement of any processing allowed in compliance within this section.~~

- ~~(4) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.~~
  - ~~(5) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~
  - ~~(6) The operation shall be in compliance with the Agricultural Commissioner's Guidelines for import and export of plant material.~~
  - ~~(7) Lumber processing and milling operations shall be in compliance with Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.~~
- ~~b. Lumber processing and milling operations that do not comply with the development standards in Subsection C.4.a, above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:~~
- ~~(1) The operation will not result in significant adverse impacts to visual resources.~~
  - ~~(2) The operation will not include a new at-grade crossing of Highway 101.~~
  - ~~(3) The operation will be in compliance with Section 35.28.100 (Environmentally Sensitive Habitat Area Overlay Zone) and Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code.~~

## **SECTION 6:**

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 hereby amended to revise Chapter 35.28, Overlay Zones, to add a new Section 35.28.155 titled "Limited Agricultural Enterprise (LAE) Overlay Zone", to read as follows:

### **35.28.155 – Limited Agricultural Enterprise (LAE) Overlay Zone**

- A. Purpose and intent.** The purpose of the Limited Agricultural Enterprise (LAE) overlay zone is to limit agricultural enterprise uses allowed pursuant to Section 35.42.035.C that present potential conflicts and food safety concerns with historic row and food crop growing areas that are zoned AG-II, while allowing a limited number of agricultural enterprises that are most closely aligned with, and accessory to, agriculture.
- B. Applicability.** The LAE overlay zone applies to lots located within large tracts of historically cultivated agricultural regions growing row and food crops zoned AG-II in the Santa Maria Valley (east and west of the City of Santa Maria), and the Lompoc Valley (east and west of the City of Lompoc). The provisions of this overlay zone shall apply to any areas zoned LAE on the Santa Barbara County Zoning Map.

**1. Relationship to the primary zone.** Each proposed agricultural enterprise land use within the LAE overlay zone shall comply with this section in addition to all applicable requirements of the primary zone.

**C. Allowed Agricultural Enterprise Uses.** The following commercial agricultural enterprises uses may be allowed in compliance with the specific Sections referenced below.

1. Aquaponics (closed system) in compliance with Subsection 35.42.035.D.1.
2. Small-scale agricultural processing, including product preparation, small-scale processing beyond the raw state, and tree nut hulling, in compliance with Section 35.42.040 (Agricultural Processing).
3. Farm stands in compliance with Section 35.42.050 (Agricultural Product Sales).
4. Horseback riding may be allowed with a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) and Section 35.21.030 (Agricultural Zones Allowable Land Uses – Table 2-1, Equestrian Facilities).
5. Hunting in compliance with Subsections 35.42.240.E.4.a and 35.42.240.E.4.b.(1) (Hunting).

**D. Agricultural Enterprise Uses Allowed with a Conditional Use Permit or Minor Conditional Use Permit.** The following agricultural enterprises uses may be allowed with a Conditional Use Permit or Minor Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), as follows:

1. Campgrounds.
  - a. Campgrounds with a Conditional Use Permit in compliance with Subsections 35.42.240.B and 35.42.240.D.
  - b. Campgrounds and low-impact camping areas with a Minor Conditional Use Permit in compliance with Subsection 35.42.240.E.1.
2. Composting with a Minor Conditional Use Permit in compliance with Subsection 35.42.100.C.3.c.
3. Educational experiences and opportunities with a Minor Conditional Use Permit in compliance with Subsection 35.42.035.D.2 (Educational experiences and opportunities).
4. Farmstays with a Minor Conditional Use Permit in compliance with Section 35.42.134 (Farmstays).
5. Fishing operations with a Minor Conditional Use Permit in compliance with Subsection 35.42.240.E.2 (Fishing operation).
6. Firewood processing and sales with a Minor Conditional Use Permit in compliance with Subsection 35.42.035.D.3.
7. Lumber processing and milling (small-scale) with a Minor Conditional Use Permit in compliance with Subsection 35.42.035.D.5.
8. Small-scale special events with a Minor Conditional Use Permit in compliance with Subsection 35.42.035.D.6 (Small-scale special events).

## **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 hereby amended to revise Chapter 35.42, Standards for Specific Land Uses, to add a new Section 35.42.035 titled “Agricultural Enterprises”, to read as follows:

### **35.42.035 – Agricultural Enterprises**

**A. Purpose and intent.** This Section determines the type of planning permit required for the specific agricultural enterprise land uses listed below, and provides development standards and structure size limitations related to the intensity of each land use. The intent is to provide for flexibility in the development of uses that are individually and cumulatively accessory to, supportive of, and subordinate to the primary commercial agricultural use of the property while promoting orderly development of these uses on agricultural lands zoned AG-II, and to ensure their compatibility with surrounding land uses in order to protect the public health and safety, and prevent impacts to agricultural, cultural, natural, and visual resources.

**B. Applicability.**

- 1. AG-II zone.** The requirements of this Section 35.42.035 (Agricultural Enterprises) apply to agricultural enterprise land uses that are proposed to be located on lands zoned AG-II. See Section 35.28.155 (Limited Agricultural Enterprise (LAE) Overlay Zone) for additional permit requirements and limitations on lands zoned with the LAE overlay zone.
- 2. Agricultural use required.** The primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.

**C. Allowed agricultural enterprise uses.**

- 1.** The following agricultural enterprise uses may be allowed in compliance with Subsection 25.42.035.D (Specific land uses), below.
  - a.** Aquaponics (closed system).
  - b.** Educational experiences and opportunities.
  - c.** Firewood processing and sales.
  - d.** Incidental food service.
  - e.** Lumber processing and milling (small-scale).
  - f.** Small-scale special events.
- 2.** In addition to the specific land uses allowed by Subsection 35.42.035.D (Specific land uses), below, the following agricultural enterprises uses may be allowed in compliance with the specific Sections referenced below.
  - a.** Small-scale agricultural processing, including product preparation, small-scale processing beyond the raw state, and tree nut hulling in compliance with Section 35.42.040 (Agricultural Processing).

- b. Campgrounds and low-impact camping areas in compliance with Section 35.42.240 (Rural Recreation).
- c. Composting (small-scale) in compliance with Section 35.42.100 (Composting Facilities).
- d. Farm stands in compliance with Section 35.42.050 (Agricultural Product Sales).
- e. Farmstays in compliance with Section 35.42.134 (Farmstays).
- f. Fishing operations in compliance with Section 35.42.240 (Rural Recreation).
- g. Horseback riding in compliance with Section 35.42.240 (Rural Recreation).
- h. Hunting in compliance with Section 35.42.240 (Rural Recreation).
- i. Incidental food service at winery tasting rooms in compliance with Section 35.42.280 (Wineries).

**D. Specific land uses.** An agricultural enterprise land use and/or activity addressed by this Section shall comply with the provisions of each subsection applicable to the specific use and applicable development standards in Subsection E, below, in addition to all other applicable provisions of this Development Code.

**1. Aquaponics (closed system).**

- a. An aquaponics system (closed) may be exempt from the requirement to obtain a permit in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) provided the activity complies with the following development standards.
  - (1) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
- b. An aquaponics system (closed) that does not comply with the development standards in Subsection D.1.a, above, may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits).

**2. Educational experiences and opportunities.**

- a. **Does not apply to wineries regulated separately.** This Subsection shall not apply to educational experiences and opportunities on agricultural lands with a winery on the premises which is operating pursuant to a permit issued in compliance with Section 35.42.280 (Wineries) of this Development Code.
- b. **Allowed uses.** Allowed educational experiences and opportunities include the following:
  - (1) Small guided tours of farms or ranches (no more than 15 attendees per tour).
  - (2) Educational workshops and experiences for the general public regarding the agricultural and natural resources on the agricultural premises including:
    - (a) Large guided tours of farms or ranches (may accommodate more than 15 attendees per tour; see Table 4-2 for maximum attendance).
    - (b) Academic and technical training for farmers and ranchers in all areas of the agricultural sciences and agricultural business.

- (c) Botany.
- (d) Bird and wildlife viewing and studies.
- (e) Photography.
- (f) Astronomy.
- (g) Other similar agricultural, natural resources, and cultural educational experiences.

**c. Permit requirements.** Educational experiences and opportunities may be exempt from the requirements to obtain a permit or may be allowed with a permit in compliance with the permit requirements identified in Table 4-2 below.

<b><u>Table 4-2</u></b> <b><u>Permit Requirements for Educational Experiences and Opportunities on AG-II</u></b>		E <u>Exempt</u> ZC <u>Zoning Clearance (1)</u> MCUP <u>Minor Conditional Use Permit</u>		
<b><u>Permit Requirement</u></b>	<b><u>Small Guided Tours</u></b>	<b><u>Other Educational Experiences and Opportunities</u></b>	<b><u>Combination of Small Guided Tours and Educational Experiences</u></b>	<b><u>Structure(s)</u></b>
E	<u>Maximum 15 attendees per tour and 80 tours per calendar year</u>	<u>Not to exceed 24 days per calendar year</u>  <u>Maximum attendance shall not exceed:</u> <ul style="list-style-type: none"> <li>• <u>50 attendees on premises of 100 acres or smaller</u></li> <li>• <u>75 attendees on premises larger than 100 acres to 320 acres</u></li> <li>• <u>100 attendees on premises larger than 320 acres</u></li> </ul>	<u>Any combination of small guided tours and other educational experiences or opportunities may be allowed provided the maximum annual attendance shall not exceed:</u> <ul style="list-style-type: none"> <li>• <u>1,200 attendees on premises of 100 acres or smaller</u></li> <li>• <u>1,800 attendees on premises larger than 100 acres to 320 acres</u></li> <li>• <u>2,400 attendees on premises larger than 320 acres</u></li> </ul>	<u>Does not propose the construction of any new structure(s) or addition(s) to existing structures that would require a planning permit.</u>  <u>No grading or construction of new roads or trails.</u>

<p>ZC</p>	<p>Maximum 15 attendees per tour and 128 tours per calendar year</p>	<p>Not to exceed 24 days per calendar year</p> <p>Maximum attendance shall not exceed:</p> <ul style="list-style-type: none"> <li>• 80 attendees on premises of 100 acres or smaller</li> <li>• 120 attendees on premises larger than 100 acres to 320 acres</li> <li>• 150 attendees max on premises larger than 320 acres</li> </ul>	<p>Any combination of small guided tours and other educational experiences or opportunities may be allowed provided the maximum annual attendance shall not exceed:</p> <ul style="list-style-type: none"> <li>• 1,920 attendees on premises of 100 acres or smaller</li> <li>• 2,880 attendees on premises larger than 100 acres to 320 acres</li> <li>• 3,600 attendees on premises larger than 320 acres</li> </ul>	<p>One new accessory structure not to exceed 2,500 square feet of gross floor area may be allowed.</p> <p>No grading or construction of new roads or trails.</p>
<p>MCUP</p>	<ul style="list-style-type: none"> <li>• Any educational experience or opportunity not qualifying for an Exemption or Zoning Clearance, above, may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).</li> <li>• Educational experiences and opportunities described above, when located on lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone (Section 35.28.155), may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), and Subsection d, below.</li> </ul>			

Note:

(1) Development Plan approval may also be required if a new structure exceeds the thresholds for requiring a Development Plan; see Subsection 35.21.030.C.

**d. Specific use standards and use limitations for educational experiences and opportunities.**

The following development standards and use limitations apply to all educational experiences and opportunities.

(1) Educational experiences and opportunities shall be secondary, incidental, and subordinate to the primary agricultural use of the premises.

(2) **Parking.** The following parking standards shall apply to educational experiences and opportunities.

(a) Sufficient usable area shall be available to accommodate all user vehicles entirely on the premises.

(b) Parking shall be limited to pre-existing disturbed areas free of combustible materials; parking shall not be allowed on areas of active cultivation or native vegetation.

(c) Parking shall not be allowed on access roads where it would impede access by emergency response vehicles.

(d) Appropriate temporary signage shall be placed on the premises prior to the commencement of each educational experiences activity directing attendees to, and indicating the location of, parking areas.



- (e) A parking coordinator shall be present at all times during any educational experiences activity attended by 100 or more persons to manage and direct vehicular movement.
- (f) Dust control measures shall be used to keep dust generation to a minimum and to minimize the amount of dust leaving the site.
- (g) Parking shall not be allowed within a road right-of-way or trail easement.
- (h) If a structure is proposed, parking shall comply with applicable standards of Chapter 35.36 (Parking and Loading Standards).
- (3) Noise standards.** Educational experiences and opportunities involving the use of outdoor amplified sound shall comply with the following noise standards:
  - (a) Outdoor amplified sound, shall only be allowed from 10:00 a.m. to 10:00 p.m.
  - (b) Outdoor amplified sound shall not exceed 65 dBA at the exterior boundary of the agricultural premises.
  - (c) Sources of amplified sound shall be located no closer than 500 feet from the exterior boundary of the agricultural premises. If the premises boundary is abutting a lot zoned for residential uses, activities using amplified sound shall be located no closer than 1,000 feet from the premises boundary abutting the residential zone.
  - (d) Amplified sound system speakers shall be directed away from the nearest premises boundary.
- (4) The educational experiences and opportunities operator shall collect and dispose of solid waste generated by the activities by one of the following methods, in compliance with Chapter 17 (Solid Waste Systems) of the County Code:
  - (a) Use a waste collection company if the premises is already receiving regular solid waste handling services.
  - (b) Transport the solid waste to an authorized solid waste facility.
- (5) Educational experiences and opportunities do not include agricultural industry-wide activities, such as a countywide farm day. Participation in an agricultural industry-wide activity will not count towards the maximum number of educational experiences or opportunities allowed with an exemption or Zoning Clearance.

### **3. Firewood processing and sales.**

- a. Exempt.** Firewood processing and sales may be exempt from the requirements to obtain a permit in compliance with 35.20.040 (Exemptions from Planning Permit Requirements) provided the activity complies with the following development standards.
  - (1) All of the material used in the Firewood processing and sales operation shall originate from the premises where the processing occurs.
  - (2) The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this section.

- (3) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one acre.
- (4) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
- (5) The operation shall be in compliance with the Agricultural Commissioner's Guidelines for export of plant material.
- (6) Firewood processing and sales operations shall comply with Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code, and Appendix A (Grading Ordinance Guidelines for Native Oak Tree Removal) of Chapter 14 of the County Code.

**b. Land Use Permit.** Firewood processing and sales may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the activity complies with the following development standards.

- (1) The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this section.
- (2) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.
- (3) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
- (4) The operation shall be in compliance with the Agricultural Commissioner's Guidelines for import and export of plant material.
- (5) Firewood processing and sales operations shall comply with Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code, and Appendix A (Grading Ordinance Guidelines for Native Oak Tree Removal) of Chapter 14 of the County Code.

**c. Conditional Use Permit.**

- (1) On lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone (Section 35.28.155) a firewood processing and sales operation in compliance with Subsection D.3.a or Subsection D.3.b, above, may be allowed with a Minor Conditional Use Permit approved in compliance Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
- (2) Firewood processing and sales operations that do not comply with the development standards in Subsection D.3.a or Subsection D.3.b, above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the activity complies with Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the

County Code, and Appendix A (Grading Ordinance Guidelines for Native Oak Tree Removal) of Chapter 14 of the County Code.

**4. Incidental food service.**

**a. Applicability.**

- (1) Does not apply to wineries regulated separately.** This Subsection shall not apply to winery tasting rooms that are regulated by Section 35.42.280 (Wineries) of this Development Code. Incidental food service at winery tasting rooms on agricultural-zoned lands is regulated by Subsection 35.42.280 (Wineries).
- (2) Incidental food service may be allowed on lands zoned AG-II as part of an exempt or approved agricultural enterprise use that brings members of the public to the premises and is a concurrent operation. Eligible agricultural enterprise uses include the following:**
  - (a) Campground, in compliance with Subsection 35.42.240.E.1.b.**
  - (b) Educational opportunities and experiences, in compliance with Subsection 35.42.035.D.2, above.**
  - (c) Fishing operation, in compliance with Subsection 35.42.240.E.2.**
  - (d) Horseback riding, in compliance with Subsection 35.42.240.E.3.**
  - (e) Hunting, in compliance with Subsection 35.42.240.E.4.**
  - (f) Small-scale special events, in compliance with Subsection 35.42.035.D.6, below.**

**b. Permit Requirements.**

- (1) Exempt.** The following types of incidental food service may be exempt from the requirements to obtain a permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) provided the use does not include new structures or additions to existing structures and complies with Subsection D.4.c. (Specific use standards and use limitations for incidental food service) and Subsection 35.42.035.E. (Development standards), below.
  - (a) Non-potentially hazardous prepackaged foods in compliance with California Retail Food Code Section 113871[c] and 114365.5[b] including shelf stable foods that do not require refrigeration.**
  - (b) Potentially hazardous prepackaged food in compliance with California Retail Food Code Section 113871 including perishable foods that may require refrigeration or other temperature control.**
  - (c) Prepackaged meals or picnics, such as salads or sandwiches, or other food prepared and delivered by an offsite permitted food facility.**
  - (d) Food trucks.**
  - (e) Catered food.**
- (2) Zoning Clearance.** In addition to the foods allowed in compliance with Subsection D.4.b.(1) above, the following types of incidental food service may be allowed with a

Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances) provided the operation complies with Subsection D.4.c. (Specific use standards and use limitations for incidental food service) and Subsection 35.42.035.E. (Development standards), below.

- (a) An outdoor barbeque not part of a food truck or catered food operation.
- (b) An outdoor pizza oven not part of a food truck or catered food operation.

**c. Specific use standards and use limitations for incidental food service. The following development standards and use limitations apply to all incidental food services.**

- (1) The provision of food shall be secondary, incidental, and subordinate to the primary agricultural use of the premises and the agricultural enterprise use that brings the public to the agricultural premises. Incidental food service shall not be operated as a food service establishment independent of the agricultural enterprise use.
- (2) Incidental food service shall be limited to the hours of operation of the agricultural enterprise use that brings the public to the agricultural premises.
- (3) The incidental food service operator shall collect and dispose of solid waste generated by the operation by one of the following methods, in compliance with Chapter 17 (Solid Waste Systems) of the County Code:
  - (a) Use a waste collection company if the premises is already receiving regular solid waste handling services.
  - (b) Transport the solid waste to an authorized solid waste facility.
- (4) The incidental food service shall comply with all standards regarding the provision, storage, and service of food, in addition to water supply and sanitation facilities, as required by the County Public Health Department.
- (5) County Fire Department requirements shall be met.

**5. Lumber processing and milling (small scale).**

**a. Land Use Permit. Small-scale lumber processing and milling may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the activity complies with the following development standards.**

- (1) All of the material used in the lumber processing and milling operation shall originate within Santa Barbara County.
- (2) The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this section.
- (3) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one acre.
- (4) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.

- (5) The operation shall be in compliance with the Agricultural Commissioner’s Guidelines for import and export of plant material.
- (6) Lumber processing and milling operations shall comply with Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code, and Appendix A (Grading Ordinance Guidelines for Native Oak Tree Removal) of Chapter 14 of the County Code.

**b. Conditional Use Permit.**

- (1) On lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone (Section 35.28.155) a lumber processing and milling operation in compliance with Subsection D.5.a, above, may be allowed with a Minor Conditional Use Permit approved in compliance Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
- (2) Lumber processing and milling operations that do not comply with the development standards in Subsection D.5.a, above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the activity complies with Article IX (Deciduous Oak Tree Protection and Regeneration) of Chapter 35 of the County Code, and Appendix A (Grading Ordinance Guidelines for Native Oak Tree Removal) of Chapter 14 of the County Code.

**6. Small-scale special events.**

**a. Applicability.**

- (1) **Minimum premises size.** Small-scale special events pursuant to this Section 35.42.035.D.6 shall be allowed only on agricultural premises of 40 acres or larger.
- (2) **Does not apply to wineries regulated separately.** This Subsection shall not apply to small-scale special events on agricultural lands with a winery on the premises that are regulated by Section 35.42.280 (Wineries) of this Development Code.
- (3) **Does not apply to charitable and other noncommercial functions regulated separately.** This Subsection shall not apply to charitable and other noncommercial functions that are regulated by Subsection 35.42.260.F.4 (Charitable and other noncommercial functions).

**b. Allowed events.** Small-scale special events may include farm-to-table dinners, cooking classes, weddings, receptions, parties, writing or yoga workshops, and similar gatherings, and non-motorized bike races, trail runs, equestrian endurance rides, and similar activities, operated on a commercial basis.

**c. Permit requirements.** Small-scale special events may be exempt from the requirements to obtain a permit or may be allowed with a permit in compliance with the permit requirements identified in Table 4-3 below.

<b>Table 4-3</b>			<u>E</u> Exempt
<b>Permit Requirements for Small-scale Special Events on AG-II</b>			<u>ZC</u> Zoning Clearance (1)
			<u>MCUP</u> Minor Conditional Use Permit
<u>Permit Requirement</u>	<u>Number of Attendees</u>	<u>Number of Events</u>	<u>Use Limitations</u>
<u>E</u>	<u>Maximum attendance shall not exceed:</u> <ul style="list-style-type: none"> <li><u>50 attendees on premises of 40 acres or larger up to 320 acres</u></li> <li><u>100 attendees on premises larger than 320 acres and less than 1,000 acres</u></li> <li><u>200 attendees on premises of 1,000 acres or larger</u></li> </ul>	<u>Not to exceed:</u> <ul style="list-style-type: none"> <li><u>4 event days per month</u></li> <li><u>12 event days per calendar year</u></li> </ul>	<u>No new structures or additions requiring planning permits.</u>  <u>No grading or construction of new roads or trails.</u>  <u>No amplified music.</u>
<u>E</u> <u>Additional allowance for non-motorized bike races, trail runs, equestrian endurance rides, and other similar activities on premises of 5,000 acres or larger</u>	<u>Maximum attendance shall not exceed 500 attendees</u>	<u>No to exceed:</u> <ul style="list-style-type: none"> <li><u>10 event days per month</u></li> <li><u>25 event days per calendar year</u></li> <li><u>10 events per calendar year</u></li> </ul>	<u>No new structures or additions requiring planning permits.</u>  <u>No grading or construction of new roads or trails.</u>  <u>No amplified music.</u>
<u>ZC</u>	<u>Same as Exempt</u>	<u>Same as Exempt</u>	<u>One new accessory structure not to exceed 2,500 square feet of gross floor area may be allowed.</u>  <u>No grading or construction of new roads or trails.</u>  <u>Amplified music allowed.</u>
<u>MCUP</u>	<ul style="list-style-type: none"> <li><u>Small-scale special events described above when located on lands within the Limited Agricultural Enterprise (LAE) overlay (Section 35.28.155) may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), and Subsection d, below.</u></li> <li><u>Any small-scale special event not qualifying for an Exemption or Zoning Clearance may be allowed with a Minor Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).</u></li> </ul>		

Note:

(1) Development Plan approval may also be required if a new structure exceeds the thresholds for requiring a Development Plan; see Subsection 35.21.030.C.

**d. Specific use standards and use limitations.** The following development standards and use limitations apply to all small-scale special events.

**(1) Small-scale special events shall be secondary, incidental, and subordinate to the primary agricultural use of the premises.**

**(2) Parking.** The following parking standards shall apply to small-scale special events.

**(a) Sufficient usable area shall be available to accommodate all user vehicles entirely on the premises.**

**(b) Parking shall be limited to pre-existing disturbed areas free of combustible materials; parking shall not be allowed on areas of active cultivation or native vegetation.**

**(c) Parking shall not be allowed on access roads where it would impede access for emergency response.**

**(d) Appropriate temporary signage shall be placed on the premises prior to the commencement of each event directing attendees to, and indicating the location of, parking areas.**

**(e) A parking coordinator shall be present at all times during any event attended by 100 or more persons to manage and direct vehicular movement.**

**(f) Dust control measures shall be used to keep dust generation to a minimum and to minimize the amount of dust leaving the site.**

**(g) Parking shall not be allowed within a road right-of-way or trail easement.**

**(h) If a structure is proposed, parking shall comply with applicable standards of Chapter 35.36 (Parking and Loading Standards).**

**(3) Small-scale special event hours of operation.**

**(a) Farm-to-table dinners, cooking classes, weddings, receptions, parties, writing or yoga workshops, and similar gatherings shall only be allowed between 10:00 a.m. and 11:00 p.m.**

**(b) Non-motorized bike races, trail runs, equestrian endurance rides, and similar activities are not subject to the hours of operation in Subsection (3)(a), above.**

**(4) Noise standards.** Small-scale special events involving the use of outdoor amplified sound shall comply with the following noise standards:

**(a) Outdoor amplified sound shall only be allowed from 10:00 a.m. to 10:00 p.m.**

**(b) Outdoor amplified sound shall not exceed 65 dBA at the exterior boundary of the agricultural premises.**

**(c) Event activities shall be located no closer than 500 feet from the exterior boundary of the agricultural premises. If the premises boundary is abutting a lot zoned for residential uses, event activities shall be located no closer than 1,000 feet from the premises boundary abutting the residential zone.**

(d) Amplified sound system speakers shall be directed away from the nearest premises boundary.

(5) The small-scale special events operator shall collect and dispose of solid waste generated by the operation by one of the following methods, in compliance with Chapter 17 (Solid Waste Systems) of the County Code:

(a) Use a waste collection company if the premises is already receiving regular solid waste handling services.

(b) Transport the solid waste to an authorized solid waste facility.

(6) Small-scale special events shall comply with all standards regarding the provision, storage, and service of food, as applicable, and the provision of water supply and sanitation facilities, as required by the County Public Health Department.

(7) Small-scale special events do not include agricultural industry-wide events, such as a countywide farm day. Participation in an agricultural industry-wide event will not count towards the maximum number of events allowed by the exemption or Zoning Clearance.

**E. Development standards.** Except where expressly limited to specific uses the following development standards shall apply to all agricultural enterprise uses allowed by this Section 35.42.035, unless modified as part of a Minor Conditional Use Permit or Conditional Use Permit in compliance with Section 35.82.060.I (Conditional Use Permits and Minor Conditional Use Permits - Conditions, restrictions, and modifications).

1. The use shall be incidental, supportive, and supplemental to the primary agricultural uses of working farms and ranches that produce agricultural products on the premises.

2. The operation shall not significantly compromise the agricultural operations or the long-term productive agricultural capability or natural resources of the subject premises or adjacent and surrounding premises.

3. Existing structures to be repurposed for use as part of an agricultural enterprise operation shall be reviewed by the County Building and Safety Division and County Fire Department for compliance with Chapter 10 (Building Regulations) and Chapter 15 (Fire Prevention), respectively, and shall comply with all required changes to ensure the structure meets the minimum public health and safety requirements for the proposed use.

4. The agricultural enterprise use shall not include a new at-grade crossing of Highway 101 or State highways.

**5. Setbacks from adjacent premises.** Stationary educational experiences and opportunities and small-scale special events facilities shall comply with the following setbacks.

a. A minimum 100-foot setback from the lot line of the agricultural premises on which the facilities or activities are located.

b. All facilities and stationary activities shall be located no closer than 400 feet from a residence that is located on an adjacent property that is not a part of the agricultural enterprise premises.



**c. Setbacks from adjacent commercial farming operations.** The following setbacks shall apply to commercial farming operations located on adjacent premises when the agricultural commodity has been in commercial cultivation (tilled for agricultural use and planted with a crop). For the purpose of this setback, an adjacent commercial farming operation may touch at a point or share a common boundary with the agricultural enterprise premises, or may be separated by an intervening road or street (excluding a four-lane highway), railroad right-of-way or other public facility.

(1) A minimum 200 feet from the lot line of the agricultural premises on which the facilities or activities are located when a commercial food crop, orchard, or vineyard farming operation is located on the adjacent agricultural premises. For the 200-foot setback to apply, the adjacent food crop, orchard, or vineyard farming operation must comply with all of the following:

(a) Be part of a commercial farming operation where the primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.

(b) Have a minimum of 10 acres of food crops, orchards, or vineyards planted (with allowances for fallow periods, change of crop or production method) or a demonstrated planting history of a minimum of 10 acres of food crops, orchards, or vineyards planted within at least three of the previous 10 years. For the purpose of this setback, the previous 10 years shall be measured from the commencement of the exempt agricultural enterprise use or from application submittal for an agricultural enterprise use that requires a permit.

(2) **Adjustments.** As part of a permit to be reviewed and approved by the Department, the setbacks from adjacent commercial farming operations in Subsection (1) above may be adjusted downward in the following circumstances:

(a) Where intervening topography, roads, protected habitats, or other geographic features preclude cultivation of food crops, orchards, or vineyards on the adjacent agricultural premises within 200 feet of the common lot line. The setback reduction shall be commensurate with the width of the land that cannot be cultivated.

(b) Where the commercial cultivation on the adjacent agricultural premises does not occur in close proximity to the common lot line, the setback may be adjusted downward provided at least 200 feet is maintained between the facilities/stationary activities and the food crop, orchard, or vineyard.

(c) Where the facilities or stationary activities are separated from an adjacent commercial farming operation by a four-lane highway, the setback from commercial farming operations shall not apply.

(d) Where residential development (e.g. an existing residence, farm employee dwelling, accessory dwelling unit, or similarly-occupied building) or other development which is existing as of [the effective date of this ordinance] is located on the proposed agricultural enterprise use premises within 200 feet of an adjacent premises with a commercial food crop, orchard, or vineyard farming

operation, the setback from the adjacent commercial farming operation may be reduced by up to 50 percent, provided the agricultural enterprise use is located no closer than the aforementioned existing development.

In determining whether the criteria for a setback adjustment has been met, the Department may consider any mutual agreement between the applicant and the adjacent premises owner regarding the need for setbacks from the adjacent commercial farming operations.

**6. Fire Protection Plan.** Prior to the commencement of an exempt agricultural enterprise use allowed in compliance with this Section 35.42.035, or prior to the issuance of a Zoning Clearance, or approval of a Land Use Permit or Conditional Use Permit for an agricultural enterprise use, the applicant shall submit a Fire Protection Plan to the County Fire Department for review, approval, and applicable permitting in compliance with Chapter 15 (Fire Prevention) of the County Code. The Fire Protection Plan shall identify, as applicable to the specific use(s), potential ignition sources, measures intended to reduce the potential for wildfire, firefighting infrastructure (e.g., all weather access, water sources, fire extinguishers), emergency ingress and egress, emergency evacuation routes, and shelter locations in the event of wildfire, and any additional information required by the County Fire Department. The Fire Protection Plan shall be updated and resubmitted, as necessary, should there be any changes to the conditions on the site (such as increased intensity of uses, change of use, or additional uses). The County Fire Department shall retain the ability to modify the conditions in the Fire Protection Plan to address any safety issues that may arise.

**7. Setbacks from Sensitive Habitats.**

- a. Stationary agricultural enterprise uses and related development (including new buildings and structures, parking, grading, and ground-disturbing activities in support of new uses and development) shall be located a minimum of 100 feet from the edge of the following sensitive habitats:
  - (1) Streams and creeks, i.e., riparian habitat, or if riparian habitat is not present, from the top-of-bank of the stream or creek
  - (2) Wetlands
  - (3) Vernal pools
  - (4) Native woodlands and forests
  - (5) Native shrub lands (e.g., chaparral and coastal sage scrub)
  - (6) Native grasslands
  - (7) Environmentally Sensitive Habitats as designated by a community plan. If this setback conflicts with a setback designated by a community plan, the setback most protective of the biological resource shall apply.
- b. The habitat boundary and 100-foot setback shall be depicted on all plans submitted to the Department as part of a permit application when a permit is required.
- c. Projects located within or near critical habitat for rare, endangered or threatened species listed by State or federal agencies under the California Endangered Species Act or federal

Endangered Species Act, or within plant communities known to contain rare, endangered, or threatened species, shall consult with the appropriate State or federal agency prior to commencing an exempt use, prior to issuance of a Zoning Clearance, or prior to approval of a Land Use Permit or Conditional Use Permit, as applicable.

- 8. Oak Tree and Other Native Tree Protection.** Any new development or parking areas for an agricultural enterprise use, including grading and ground-disturbing activities in support of new development or parking areas, shall be located at least six feet outside the canopy dripline of oak trees and other native trees species. If a permit is required, applicants proposing to encroach within this setback shall be required to submit an arborist report and if applicable, a tree protection and replacement plan to the Department for review and approval.
- 9. Fencing for Wildlife Movement.** If fencing is required for an agricultural enterprise use, the fencing shall be designed in compliance with the following standards to allow for the safe passage of wildlife.

  - a. Fences and gates shall be wildlife-permeable.
  - b. The distance between the bottom wire or rung and the ground surface shall be a minimum of 18 inches.
  - c. Fencing materials may include the use of rails, smooth wire, and similar materials. Barbed wire shall not be used for agricultural enterprise uses unless necessary to separate livestock operations from the use.
- 10. Cultural Resources.** Archaeological and other tribal cultural resources shall be protected in compliance with applicable cultural resource protection policies and the requirements of the County "Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources," as applicable. If subsurface ground disturbing activities are proposed for agricultural enterprise uses on lands where no previous permitted ground disturbance or prior archaeological surveys have occurred, the applicant shall submit to the Department a Phase 1 cultural resources study prepared by a qualified archaeologist documenting the absence or presence of cultural resources in the project area. In the event the Phase 1 cultural resources study determines the presence of resources or that additional investigation is required, the applicant shall follow the subsequent requirements of "Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources."
- 11. Historic Resources.** Historic resources shall be preserved, restored, and renovated consistent with applicable historic resource protection policies and the requirements of the County "Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources," as applicable. Applicants proposing to repurpose existing structures that are greater than 50 years in age and/or designated as an historic landmark or place of historic merit for an agricultural enterprise use shall submit to the Department a Phase 1 investigation prepared by a qualified historian, unless waived by the Director. In the event the Phase 1 investigation determines the presence of resources or that additional investigation is required, the applicant shall follow the subsequent requirements of "Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources."
- 12. Hazardous Materials Avoidance and Incidental Discovery.** Agricultural enterprise uses shall be located to avoid areas that are known to be contaminated with hazardous agricultural chemicals. In the event that previously unknown or unidentified soil and/or groundwater contamination that

could present a threat to human health or the environment is encountered during grading or construction for an agricultural enterprise use, construction activities in the immediate vicinity of the contamination shall cease immediately and the applicant shall immediately notify the Department and, as applicable, the Hazardous Waste Unit of County Fire and Site Mitigation Unit of County Environmental Health.

- 13. Signs.** Signs accessory to agricultural enterprise uses shall comply with Chapter 35.38 (Sign Standards).
- 14. Lighting.** Lighting accessory to agricultural enterprise uses shall comply with Section 35.30.120 (Outdoor Lighting).
- 15. Design review.** Design review shall be required for new structural development when required pursuant to Section 35.82.070. In addition to exceptions to design review pursuant to Section 35.82.070 and Subsection 35.28.080.G (Santa Ynez Valley Community Plan Area), the Director may exempt new structures from design review requirements if the new development is not visible from public roadways or other areas of public use (e.g., public parks).
- 16. Critical Viewshed Corridor Overlay.** Agricultural enterprises uses within the Gaviota Coast Plan area shall comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) overlay zone), if applicable.
- 17. Informational Advisory.** Operators of educational experiences and opportunities and small-scale special events shall provide an informational advisory to guests disclosing the following:
  - a. The operation is located on an active agricultural operation and visitors may be exposed to minor inconveniences associated with the agricultural operation such as noise, dust, and odors from agricultural operations on the premises and/or adjacent agricultural lands.
  - b. The informational advisory shall also advise potential guests that visitors to active agricultural lands must respect the property and pre-existing agricultural operations, and avoid trespassing beyond designated visitor areas.

## **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 hereby amended to revise Section 35.42.040, Agricultural Processing, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

### **35.42.040 - Agricultural Processing Facilities**

- A. Purpose and applicability.** This Section establishes standards and procedures for agricultural processing facilities, where allowed by Article 35.2 (Zones and Allowable Land Uses). ~~and by Subsection C (Specific allowable uses and development standards for the Gaviota Coast Plan area), below.~~ The standards and procedures of this Section shall not apply to cannabis processing, allowed in compliance with Section 35.42.075 (Cannabis Regulations), or wineries, allowed in compliance with Section 35.42.280 (Wineries).

**B. ~~Standards.~~ Development standards for agricultural processing facilities not located in the AG-II zone.**

This Subsection B (~~Standards~~) does not apply to agricultural processing facilities allowed on lands zoned AG-II. Refer to Subsection C (Specific allowable uses and development standards for the AG-II zone), below. ~~uses allowed in compliance with Subsection C (Specific allowable uses and development standards for the Gaviota Coast Plan area), below.~~

1. Agricultural processing facilities shall be subject to the following standards.
  - a. The facility may be used for the sorting, cleaning, packing, freezing, milling, bottling and storage of horticultural and agricultural products (other than animals) grown on or off the premises preparatory to wholesale or the retail sale and/or shipment in their natural form or in a milled liquid form.
  - b. Agricultural processing that includes milling and/or bottling of horticultural or agricultural products shall be limited to the following standards:
    - (1) Agricultural processing is limited to simple mechanical processing to convert fruit from a solid to a liquid without additives, chemical reactions or changes in natural ambient temperatures.
    - (2) Milling of agricultural products shall not generate wastewater discharges, or hazardous wastes.
    - (3) All process water and waste material from milling shall be managed onsite as recycled irrigation water or organic compost. Exceptions are permissible in those unusual circumstances where some process water and/or waste material may be legally discharged into a sanitary sewer system, or legally disposed of as a solid waste (e.g., in those cases involving an unexpected contaminant).
    - (4) Milling of horticultural or agricultural products from offsite sources shall be limited to no more than 49 percent of the total volume of milled products on the facility premises, and where such premises comprise more than one legal parcel, at least five percent of the total volume of milled products shall be harvested from the legal parcel upon which the processing operation is located.
    - (5) The legal parcel on which the processing occurs is planted with the horticultural or agricultural product prior to the commencement of any processing allowed in compliance with this Section.
    - (6) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one acre.
    - (7) Onsite retail sales of any product resulting from the agricultural processing are not allowed.
  - c. The facility shall be accessory to and supportive of other agricultural operations located on the same premises as the proposed facility and on other local agricultural lands that are located within 25 miles of the boundaries of the County.
  - d. The primary purpose of the facility shall not be to import, on a continuing basis, horticultural or agricultural products from land more than 25 miles beyond the boundaries of the County for local processing, distribution, or sale.

- e. Products processed at the facility are determined by the review authority to be the same as or similar to products grown on the premises where the facility is located or on other local agricultural lands located within 25 miles of the boundaries of the County.
  - f. The facility and products shall be consistent with the Uniform Rules for Agricultural Preserves and Farmland Security Zones.
  - g. This type of facility shall not be located on prime soils unless an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site.
2. Additional agricultural processing facilities, consisting of commercial and/or industrial development, structures, uses, and areas that are directly related to the processing, packaging, treatment and/or sale of agricultural commodities, and transportation facilities required to support agriculture or fertilizer manufacturing are allowed within the Rural Area as designated on the Comprehensive Plan maps and designated with the Agricultural Industry Overlay on the Comprehensive Plan maps, provided that a Development Plan is approved in compliance with Section 35.82.080 (Development Plans).

**C. Specific allowable uses and development standards for the AG-II zone, the Gaviota Coast Plan area.**

1. **Purpose and Intent.** This Subsection C lists the agricultural processing uses and facilities that may be allowed on lots zoned Agricultural II (AG-II) located within the Gaviota Coast Plan area, determines the type of planning permit required for each type of facility, and provides development standards related to the size and intensity of use of the proposed facility. The intent is to provide for flexibility in the development of agricultural processing facilities that are accessory to and supportive of commercial agriculture while promoting orderly development of these facilities, and to ensure their compatibility with surrounding land uses in order to protect the public health and safety, while preventing impacts to natural, cultural, and visual resources.
2. **Permit requirements and development standards for specific land uses.** ~~a.~~ This Subsection C.2 provides the permit requirements and development standards for specific agricultural processing uses allowed in the AG-II zone, including on lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone (Section 35.28.155), within the Gaviota Coast Plan area. The uses listed below are in addition to the uses listed in Table 2-1 (Allowed Land Uses and Permit Requirements for Agricultural Zones).
  - a. **Exempt.** Agricultural processing – product preparation, small-scale processing beyond the raw state, and tree nut hulling may be exempt from the requirements to obtain a permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) provided the operation complies with Subsection C.3 (Development standards), below, and the following:
    - (1) **Agricultural use required.** The primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.
    - (2) Products processed at the facility may be grown on or off the premises. Products processed at the facility that are grown off the premises shall be sourced from Santa Barbara, San Luis Obispo, and Ventura counties.
    - (3) Does not propose the construction of any new structure(s) or additions to existing structures that would require a planning permit.

- (4) Not more than 5,000 square feet gross floor of existing structures may be used for small-scale processing.
  - b. Zoning Clearance.** Agricultural processing – product preparation, small-scale processing beyond the raw state, and tree nut hulling may be allowed with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances) provided the operation complies with Subsection C.3 (Development standards), below, and the following:

    - (1) Agricultural use required. The primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.
    - (2) Products processed at the facility may be grown on or off the premises. Products processed at the facility that are grown off the premises shall be sourced from Santa Barbara, San Luis Obispo, and Ventura counties.
    - (3) Any new structure proposed as part of the processing operation shall not exceed 5,000 square feet gross floor area.
  - c. Conditional Use Permit.** Agricultural processing – product preparation that does not comply with the permit requirements in Subsection C.2.a and Subsection C.2.b above, including facilities used for the sorting, cleaning, packing, freezing, milling, bottling, and storage of horticultural and agricultural products (other than animals) grown on or off the premises preparatory to wholesale or the retail sale and/or shipment in their natural form or in a milled liquid form, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
  - d.** Additional agricultural processing facilities, consisting of commercial and/or industrial development, structures, uses, and areas that are directly related to the processing, packaging, treatment and/or sale of agricultural commodities, and transportation facilities required to support agriculture or fertilizer manufacturing, including agricultural processing – extensive, as defined in this Development Code, are allowed within the Rural Area as designated on the Comprehensive Plan maps and designated with the Agricultural Industry Overlay on the Comprehensive Plan maps, provided that a Development Plan is approved in compliance with Section 35.82.080 (Development Plans).
- 3. Development standards.** This Subsection C.3 provides the development standards for specific agricultural processing uses allowed within the AG-II zone. A land use and/or activity addressed by this Subsection C shall comply with the development standards below in addition to all other applicable provisions of this Development Code.
- a. Product preparation, small-scale processing beyond the raw state, and tree nut hulling.** The following development standards shall apply to any product preparation, small-scale processing beyond the raw state, and tree nut hulling operation that may be exempt in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), or allowed with a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances).

    - (1) The agricultural processing operation is incidental to agricultural operations located on the same premises that the processing operation is located on.

- (2) The premises on which the operation occurs is planted with the horticultural or agricultural product prior to the commencement of any processing allowed in compliance with this Section.
- (3) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises that the operation is located on, or one acre, whichever is smaller.
- (4) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject premises or adjacent premises.
- (5) The operation shall comply with Chapter 10 (Building Regulations) and Chapter 15 (Fire Prevention) of the County Code, and the air quality regulations of the Santa Barbara County Air Pollution Control Board, as applicable.
- (6) **Critical Viewshed Corridor Overlay.** Agricultural processing operations within the Gaviota Coast Plan area shall comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) overlay zone), if applicable.
- (7) The operation shall not include a new at-grade crossing of Highway 101 or State highways.

**b. Setbacks from Sensitive Habitats.**

- (1) Product preparation, small-scale processing beyond the raw state, and tree nut hulling, and related development (including new buildings and structures, parking, grading, and ground-disturbing activities in support of new development) shall be located a minimum of 100 feet from the edge of the following sensitive habitats:
  - (a) Streams and creeks, i.e., riparian habitat, or if riparian habitat is not present, from the top-of-bank of the stream or creek
  - (b) Wetlands
  - (c) Vernal pools
  - (d) Native woodlands and forests
  - (e) Native shrub lands (e.g., chaparral and coastal sage scrub)
  - (f) Native grasslands
  - (g) Environmentally Sensitive Habitats as designated by a community plan. If this setback conflicts with a setback designated by a community plan, the setback most protective of the biological resource shall apply.
- (2) The habitat boundary and 100-foot setback shall be depicted on all plans submitted to the Department.
- (3) Projects located within or near critical habitat for rare, endangered or threatened species listed by State or federal agencies under the California Endangered Species Act or federal Endangered Species Act, or within plant communities known to contain rare, endangered, or threatened species, shall consult with the appropriate State or federal



agency prior to commencing an exempt use, prior to issuance of a Zoning Clearance, or prior to approval of a Land Use Permit or Conditional Use Permit, as applicable.

- c. Oak Tree and other Native Tree Protection.** New development or parking areas, including grading and ground-disturbing activities in support of new development or parking areas, shall be located at least six feet outside the canopy dripline of oak trees and other native trees species. If a permit is required, applicants proposing to encroach within this setback shall be required to submit an arborist report and if applicable, a tree protection and replacement plan to the Department for review and approval.
- d. Fencing for Wildlife Movement.** If fencing is required for small-scale agricultural processing uses on the AG-II zone, the fencing shall be designed in compliance with the following standards to allow for the safe passage of wildlife.
- (1) Fences and gates shall be wildlife-permeable.
  - (2) The distance between the bottom wire or rung and the ground surface shall be a minimum of 18 inches.
  - (3) Fencing materials may include the use of rails, smooth wire, and similar materials. Barbed wire shall not be used for agricultural processing uses unless necessary to separate livestock operations from the use.
- e. Signs.** Signs accessory to agricultural processing shall comply with Chapter 35.38 (Sign Standards).
- f. Lighting.** Lighting accessory to agricultural processing shall comply with Section 35.30.120 (Outdoor Lighting).
- g. Additional standards for agricultural processing that includes milling and/or bottling of horticultural or agricultural products.** Agricultural processing that includes milling and/or bottling of horticultural or agricultural products shall comply with the following standards:
- (1) Agricultural processing shall be limited to simple mechanical processing to convert fruit from a solid to a liquid without additives, chemical reactions or changes in natural ambient temperatures.
  - (2) Milling of agricultural products shall not generate wastewater discharges, or hazardous wastes.
  - (3) All process water and waste material from milling shall be managed onsite as recycled irrigation water or organic compost. Exceptions are permissible in those unusual circumstances where some process water and/or waste material may be legally discharged into a sanitary sewer system, or legally disposed of as a solid waste (e.g., in those cases involving an unexpected contaminant).
  - (4) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one acre.
- h. Design review.** Design review shall be required for new structural development when required pursuant to Section 35.82.070. In addition to exceptions to design review pursuant to Section 35.82.070 and Subsection 35.28.080.G (Santa Ynez Valley Community Plan Area),

the Director may exempt new structures from design review requirements if the new development is not visible from public roadways or other areas of public use (e.g., public parks).

~~a. **Product preparation.** Product preparation includes drying, freezing, pre-cooling, packaging, and milling of flour, feed, and grain.~~

~~(1) A Product preparation operation may be allowed with an exemption in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) if the operation complies with the following development standards.~~

~~(a) The operation is incidental to agricultural operations located on the same lot that the product preparation operation is located on.~~

~~(b) All of the material used in the operation shall originate from the premises.~~

~~(c) The lot on which the operation occurs is planted with the horticultural or agricultural product prior to the commencement of any preparation allowed in compliance with this Section.~~

~~(d) The preparation facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the lot that the product preparation operation is located on, or one acre, whichever is smaller.~~

~~(e) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~

~~(f) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).~~

~~(2) A Product preparation operation may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) if the operation complies with the following development standards.~~

~~(a) All of the material used in the operation shall originate within San Luis Obispo, Santa Barbara and Ventura counties.~~

~~(b) Products from offsite sources shall be limited to no more than 49 percent of the total volume of products prepared on the facility premises.~~

~~(c) The premises where the preparation occurs is planted with the source product prior to the commencement of any preparation allowed in compliance within this Section.~~

~~(d) The preparation facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.~~

~~(e) Any new structure proposed as part of the operation shall be less than 3,000 square feet in net area.~~

~~(f) The use will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).~~

~~(g) The operation will comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) Overlay Zone), if applicable.~~

~~(3) A Product preparation operation that may not be allowed in compliance with Subsections C.2.a.(1) and C.2.a.(2), above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:~~

~~(a) The operation will not result in significant adverse impacts to visual resources.~~

~~(b) The operation will not include a new at-grade crossing of Highway 101.~~

~~**b. Small scale processing beyond the raw state.**~~

~~(1) A Small scale processing operation may be allowed with an exemption in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) if the operation complies with the following development standards:~~

~~(a) The operation is incidental to agricultural operations located on the same lot that the operation is located on.~~

~~(b) All of the material used in the operation shall originate from the premises.~~

~~(c) The lot on which the operation occurs is planted with the horticultural or agricultural product prior to the commencement of any processing allowed in compliance with this Section.~~

~~(d) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the lot that the small scale processing is located on, or one acre, whichever is smaller.~~

~~(e) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~

~~(f) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).~~

~~(2) A Small scale processing operation may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) if the operation complies with the following development standards:~~

~~(a) The operation is incidental to agricultural operations located on the same lot that the operation is located on.~~

~~(b) All of the material used in the operation shall originate within San Luis Obispo, Santa Barbara and Ventura counties.~~

- ~~(c) — No more than 49 percent of the total volume of processed products shall be from horticultural or agricultural products that do not originate from the premises that the operation is located on.~~
- ~~(d) — The lot on which the operation occurs is planted with the horticultural or agricultural product prior to the commencement of any processing allowed in compliance with this Section.~~
- ~~(e) — The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the lot that the small scale processing is locate on, or one acre, whichever is smaller.~~
- ~~(f) — Any new structure proposed as part of the operation shall be less than 3,000 square feet in net floor area.~~
- ~~(g) — The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the lot(s) that the operation is located on or adjacent lot(s).~~
- ~~(h) — The operation will comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) Overlay Zone), if applicable.~~
- ~~(3) — A Small scale processing operation that may not be allowed in compliance with Subsections C.2.b(1) and C.2.b(2), above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:
  - ~~(a) — The operation will not result in significant adverse impacts to visual resources.~~
  - ~~(b) — The operation will not include a new at-grade crossing of Highway 101.~~~~

~~**c. — Tree nut hulling.**~~

- ~~(1) — A Tree nut hulling operation may be allowed with an exemption in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) if the operation complies with the following development standards.
  - ~~(a) — All of the material used in the operation shall originate from the premises that the operation is located on.~~
  - ~~(b) — The lot on which the operation occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this Section.~~
  - ~~(c) — The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the lot that the tree nut hulling facility, or one acre, whichever is smaller.~~
  - ~~(d) — The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~
  - ~~(e) — The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).~~~~

- ~~(2) A Tree nut hulling operation may be allowed in compliance with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) if the operation complies with the following development standards:~~
- ~~(a) All of the material used in the operation shall originate within San Luis Obispo, Santa Barbara and Ventura counties.~~
  - ~~(b) Material from offsite sources shall be limited to no more than 49 percent of the total volume of products processed on the facility premises.~~
  - ~~(c) The premises where the processing occurs is planted with the source product prior to the commencement of any processing allowed in compliance within this Section.~~
  - ~~(d) The processing facility and any facilities devoted to ancillary activities such as wholesale sales and marketing, and parking, are limited to one percent of the premises, or one acre, whichever is smaller.~~
  - ~~(e) Any new structure proposed as part of the operation shall be less than 3,000 square feet in net floor area.~~
  - ~~(f) The use will not significantly compromise the long-term productive agricultural capability or natural resources of the lot(s) that the operation is located on or adjacent lot(s).~~
  - ~~(g) The operation will comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) Overlay Zone), if applicable.~~
- ~~(3) A Tree nut hulling operation that may not be allowed in compliance with Subsections C.2.c(1) and C.2.c(2), above, may be allowed in compliance with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:~~
- ~~(a) The operation will not result in significant adverse impacts to visual resources.~~
  - ~~(b) The operation will not include a new at-grade crossing of Highway 101.~~

## **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 hereby amended to revise Section 35.42.050, Agricultural Product Sales, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

### **35.42.050 - Agricultural Product Sales**

- A. Purpose.** The purpose of this Section is to provide development and operational standards for the retail sale of agricultural commodities on property that is zoned to allow and is primarily used for agricultural activities and to promote the orderly development of such agricultural sales within the County and ensure

their compatibility with surrounding land uses in order to protect and maintain the public health and safety and natural and visual resources.

- B. Accessory use.** Agricultural product sales shall be allowed only where the primary use of the lot is agriculture and the lot is located either:
1. In a zone as specified in Subsection C. (Specific allowable uses and development standards for the AG-I, RR, M-1, M-2, M-CR, R-1, R-2, DR, PRD, CH, and NTS zones), ~~Permit Requirements~~ below, or
  2. In the AG-II zone as specified in Subsection D. (Specific allowable uses and development standards for the AG-II zone) ~~Gaviota Coast Plan area and the agricultural product sales is allowed in compliance with Subsection E (Specific allowable uses and development standards for the Gaviota Coast Planning Area)~~, below.
- C. Specific allowable uses and development standards for the AG-I, RR, M-1, M-2, M-CR, R-1, R-2, DR, PRD, CH, and NTS zones.** Agricultural product sales may be allowed within the specified zones in compliance with Subsection 35.42.050.C.1 (Permit requirements) and Subsection 35.42.050.C.2 (Development standards), below.
1. Permit requirements. ~~This Subsection C. does not apply to uses allowed in compliance with Subsection E (Specific allowable uses and development standards for the Gaviota Coast Plan area), below.~~ An appropriate application shall be filed with the Department as provided below. Additional permits may be required by other provisions of this Development Code (e.g., for structures accessory to the agricultural sales). ~~Prior to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances), a permit for the sale of agricultural products shall be obtained from the Department of Public Health (Title 17, California Administrative Code Section 13653) if required.~~
    - a.1. Within the AG-I, ~~AG-II~~, RR, M-1, M-2, and M-CR zones, the following activities shall be exempt from the requirement to obtain a Land Use Permit provided the activity is conducted in compliance with the development standards specified in Subsection 2D. (Development Standards) below.
      - (1)a. Sales of agricultural products, operated by a single proprietor, and either grown (1) onsite, or (2) on other property located within the County that is either owned or leased by the same owner or lessee of the lot on which the sales occur, or (3) on other property within a 25-mile radius of the lot on which the sales occur. This includes operations where customers have access to the growing areas and pick the product themselves (e.g., Christmas tree farms, pumpkin patches, apple or fruit picking farms).
      - (2)b. Sales of ornamental trees, shrubs and plants, grown in containers that may be imported from off-site, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is limited to 10,000 square feet.
      - (3)c. Sales of imported vegetative holiday sales products (e.g., pumpkins, Christmas trees) provided the area to which the public has access is limited to 10,000 square feet.
    - b.2. Within the AG-I, ~~AG-II~~, RR, M-1, M-2, and M-CR zones, Development Plan approval by the Director in compliance with Section 35.82.080 (Development Plans) is required for the sales of ornamental trees, shrubs and plants, grown in containers, including incidental sale of

garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is greater than 10,000 square feet.

~~c.3.~~ Within the R-1, R-2, DR, PRD and CH zones, the following activities require Conditional Use Permit approval in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits):

~~(1)a.~~ Sales of agricultural products, operated by a single proprietor, and either (1) grown predominantly onsite or (2) on other property within a 25-mile radius of the lot on which the sales occur. This includes operations where customers have access to the growing areas and pick the product themselves (e.g., Christmas tree farms, pumpkin patches, apple or fruit picking farms).

~~d.4.~~ **NTS zone.**

~~(1)a.~~ The sale of agricultural products grown onsite shall be exempt from the requirement to obtain a Land Use Permit provided the activity is conducted in compliance with the development standards specified in Subsection ~~2D~~. (~~Development Standards~~) below.

~~2.D.~~ **Development Standards.** Agricultural product sales within the AG-I, RR, M-1, M-2, M-CR, R-1, R-2, DR, PRD, CH, and NTS zones shall comply with the following development standards, as applicable. This Subsection D. does not apply to uses allowed in compliance with Subsection .E (Specific allowable uses and development standards for the Gaviota Coast Plan area), below.

~~a.1.~~ Except on a lot zoned NTS, if a structure is required for the sale of agricultural products, the sale shall be conducted within an existing agricultural structure or from a separate stand not exceeding 600 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.

~~(1)a.~~ On a lot zoned NTS if a structure is required for the sale of agricultural products, the sale shall be conducted within an existing agricultural structure or from a separate stand not exceeding 200 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.

~~b.2.~~ The area devoted to retail sales of non-plant materials, if allowed, shall be limited to a single location no greater than 300 square feet in area. Product inventory related to the retail sales of non-plant materials may be stored separately and the area devoted to storage shall not be included within the 300 square feet, provided the inventory storage area is neither visible nor accessible to the public.

~~c.3.~~ Parking shall be provided as follows:

~~(1)a.~~ All parking areas, except as provided in Subsection ~~c.(2)4.b~~ below shall be constructed in compliance with the following:

~~(a1)~~ All parking areas shall have an all-weather surface consisting of a minimum of crushed rock, asphalt, chip seal, concrete, brick, or other masonry paving units or equivalent surface.

- ~~(2)b.~~ Parking areas associated with short-term, seasonal sales may be unimproved; however, dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface.
- ~~(3)e.~~ Parking areas shall comply with the applicable disabled access requirements of Title 24 of the California Code of Regulations.
- ~~(4)d.~~ Parking shall not be allowed within any adjacent road rights-of-way or trail easements.
- ~~d.4.~~ Ingress and egress to the agricultural sales area shall be clearly visible, and turning movements into the premises from adjacent road rights-of-way shall not create congestion or cause unnecessary slowing at access points.
- ~~e.5.~~ **Signs.** Signs advertising the sale of agricultural products shall ~~be in compliance~~ comply with Chapter 35.38 (Sign Standards).
- ~~f.6.~~ An agricultural product sales establishment and operation shall comply with applicable ~~Sections of Chapter 10 (Building Regulations) and Chapter 15 (Fire Prevention) of the County Code, the Uniform Building Code and the Uniform Fire Code as adopted by the County.~~
- ~~g.7.~~ Structures that are not used for a period of 12 months shall be removed within the three months following the 12 months of non-use.
- ~~h.8.~~ **Lighting.** Lighting accessory to an agricultural sales area shall comply with Section 35.30.120 (Outdoor Lighting). ~~Exterior lighting fixtures associated with the agricultural sales area shall be of a low intensity, low glare design, and shall be shielded with full cut-off design and directed downward so that neither the lamp nor the related reflector interior surface is visible from any location off of the project site in order to prevent spill over onto adjacent lots under separate ownership. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.~~
- ~~i.9.~~ In addition to the development standards listed above, the following development standards shall also apply to agricultural sales on property zoned R-1, R-2, DR, PRD and CH:
  - ~~(1)a.~~ The lot upon which the agricultural sales occur shall consist of a minimum of two acres (gross).
  - ~~(2)b.~~ If a structure is required for the sale of agricultural products, the sale shall be conducted either within an existing accessory structure or from a separate stand not to exceed 200 square feet of sales and storage area, except that if the premises consist of five or more contiguous acres, the structure shall not exceed 600 square feet.
  - ~~(3)c.~~ Only one stand shall be allowed on the premises.
  - ~~(4)d.~~ New structures shall be subject to Design Review in compliance with Section 35.82.070 (Design Review).
  - ~~(5)e.~~ Parking shall be provided in compliance with Section 35.36.100 (Standards for Residential Zones and Uses) and Section 35.36.110 (Standards for Nonresidential Zones and Uses).

**DE. Specific allowable uses and development standards for the AG-II zone, the Gaviota Coast Planning area.**  
Farm stands and agricultural product sales may be allowed in the AG-II zone, including on lands zoned



~~with the Limited Agricultural Enterprise (LAE) overlay zone, in compliance with Subsection 35.42.050.D.1 (Permit requirements) and Subsection 35.42.050.D.2 (Development standards), below. The following use may be allowed in the Gaviota Coast Planning area in addition to agricultural product sales allowed in compliance with Subsection C (Permit requirements), above.~~

**1. ~~Farmstands-Permit requirements.~~**

~~a. **Exempt.** A farm stand operation may be exempt from the requirements to obtain a permit allowed with an exemption in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) if provided the operation farm stand complies with the development standards specified in Subsection 2, below, and the following: development standards.~~

- ~~(1) The farm stand operation is incidental to agricultural operations located on the same premises that the farm stand operation is located on.~~
- ~~(2) If a structure is required for the sale of agricultural products, the sale shall be conducted within an existing agricultural structure or from a separate farm stand, not to exceed 800 square feet of gross floor area.~~
- ~~(3) Sales of ornamental trees, shrubs and plants, grown in containers that may be imported from off-site, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public are allowed provided the area to which the public has access is limited to 10,000 square feet.~~
- ~~(4) Sales of imported vegetative holiday sales products (e.g., pumpkins, Christmas trees) are allowed provided the area to which the public has access is limited to 10,000 square feet.~~

~~b. **Zoning Clearance.** A farm stand and other agricultural product sales may be allowed with a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) provided the operation complies with the development standards specified in Subsection 2, below, and the following:~~

- ~~(1) The farm stand or other agricultural product sales are incidental to agricultural operations located on the same premises that the operation is located on.~~
- ~~(2) The sale of agricultural products may be conducted from a new farm stand structure not to exceed 1,500 square feet of gross floor area.~~

~~c. **Development Plan.** Development Plan approval by the Director in compliance with Section 35.82.080 (Development Plans) is required for the sales of ornamental trees, shrubs and plants, grown in containers, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public provided the area to which the public has access is greater than 10,000 square feet.~~

**2. Development standards. Farm stands and agricultural product sales within the AG-II zone shall comply with the following development standards, as applicable.**

a. Any new structure for a farm stand or agricultural product sales operation shall be located no closer than 20 feet from the right-of-way line of any street or highway.

- b. ~~(2)~~—Including operations where customers have access to the growing areas and pick the product themselves (e.g., Christmas tree farms, pumpkin patches, apple or fruit picking farms), ~~the farm stands and operation is agricultural product sales~~ operated by a single proprietor and sales of agricultural products are limited to those that are either grown either:
- ~~(1a)~~ Onsite, or
  - ~~(2b)~~ On other property located within the County that is either owned or leased by the same owner or lessee of the lot on which the sales occur, or
  - ~~(3e)~~ On other property located within a 25-mile radius of the lot on which the sales occur.
- ~~(3)~~—Sales of ornamental trees, shrubs and plants, grown in containers that may be imported from off-site, including incidental sale of garden and landscape materials and equipment, and including retail sales directly to members of the public are allowed provided the area to which the public has access is limited to 10,000 square feet.
- ~~(4)~~—Sales of imported vegetative holiday sales products (e.g., pumpkins, Christmas trees) are allowed provided the area to which the public has access is limited to 10,000 square feet.
- ~~(5)~~—If a structure is required for the sale of agricultural products, the sale shall be conducted within an existing agricultural structure or from a separate stand not exceeding 800 square feet of gross floor area and located no closer than 20 feet to the right-of-way line of any street.
- c. ~~(6)~~—The sale of artisanal crafts created within Santa Barbara County is allowed if subordinate to farm stand sales. The area devoted to the sale of artisanal crafts is limited to 20 percent of the gross floor area of the farmstand.
- d. ~~(7)~~—The area devoted to retail sales of non-plant materials, including the sale of artisanal crafts created within Santa Barbara County, shall be limited to a single location no greater than 300 square feet in area or 20 percent of the gross floor area of the farm stand or sales area, whichever is smaller. Product inventory related to the retail sales of non-plant materials may be stored separately and the area devoted to storage shall not be included within the 300 square feet or 20 percent of sales area, provided the inventory storage area is neither visible nor accessible to the public.
- e. Food sales from farm stands shall comply with the California Retail Food Code Section 114375 and shall be limited to the following:
- (1) Whole produce and shell eggs as described in California Retail Food Code Section 113789(c)(6).
  - (2) Nonpotentially hazardous prepackaged food products from an approved source that were grown or produced in close proximity to the farm stand in a manner consistent with the intent of the Food and Agricultural Code Division 17 Section 47000 et seq.
  - (3) All prepackaged processed food products shall meet the applicable requirements provided in California Retail Food Code Section 113980 and be stored in an approved vermin proof area or container when the farm stand operation is closed.

- (48) The area devoted to the sale and storage of bottled water, ~~sodas~~ soft drinks, and other nonpotentially hazardous food products that have not been grown or produced in close proximity to the farm stand shall be ~~are produced off-site and comply with the California State Farm Standards Regulations~~ is limited to 50 square feet.
- (5) Food preparation is prohibited at farm stands with the exception of food samples, which may occur only if in compliance with California Retail Food Code Section 114371(b). If a farm stand operation provides food sampling, approved toilet and handwashing facilities shall be available for use by farm stand operators and employees, consistent with California Health and Safety Code Sections 113310 through 113360.
- (6) No live animals, birds, or fowl shall be kept or allowed within 20 feet of any area where food is stored or held for sale. This does not apply to guide dogs, signal dogs, or service dogs.
- (7) All garbage and refuse shall be stored and disposed of in an appropriate manner.

**f. ~~(10)~~—Parking and parking areas.**

- (19) All parking areas, except those serving short-term, seasonal sales, shall have an all-weather surface consisting of a minimum of crushed rock, asphalt, chip seal, concrete, brick, or other masonry paving units or equivalent surface. ~~Non-permeable surfacing materials (such as asphalt, concrete, or chip seal) may be used only if necessary to comply with the disabled access requirements of Title 24 of the California Code of Regulations as applicable.~~ The use of any non-permeable surface materials shall be the minimum necessary to comply with requirements for the provision of disabled access.
  - (2a) Parking areas associated with short-term, seasonal sales may be unimproved; however, dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface.
  - (3b) Parking areas shall comply with the applicable disabled access requirements of Title 24 of the California Code of Regulations.
  - (4c) Parking shall not be allowed within any adjacent road rights-of-way or trail easements.
- g. ~~(11)~~—Ingress and egress to the farm stand/agricultural sales area shall be clearly visible, and turning movements into the premises from adjacent road rights-of-way shall not create congestion or cause unnecessary slowing at access points.
- h. ~~(12)~~—Direct access to Farmstand sales area from an at-grade crossing with Highway 101 shall be prohibited. The farm stand shall not include a new at-grade crossing from Highway 101 or State highways.
- i. ~~(13)~~—**Signs.** Signs advertising the sale of agricultural products shall ~~be in compliance~~ comply with Chapter 35.38 (Sign Standards).
- j. ~~(14)~~—An agricultural product sales establishments and farm stand operations shall comply with applicable sections of Chapter 10 (Building Regulations), Chapter 15 (Fire Prevention), and Chapter 18C (Environmental Health Services) of the County Code. ~~the Uniform Building Code and the Uniform Fire Code as adopted by the County.~~

- k. ~~(15)~~—Exempt farm stand structures that are not used for a period of 12 months shall be removed within the three months following the 12 months of non-use.
- l. ~~(16)~~—**Lighting.** Lighting accessory to an agricultural sales area shall comply with Section 35.30.120 (Outdoor Lighting). Exterior lighting fixtures associated with the agricultural sales area shall be of a low intensity, low glare design, and shall be shielded with full cut-off design and directed downward so that neither the lamp nor the related reflector interior surface is visible from any location off of the project site in order to prevent spill over onto adjacent lots under separate ownership. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.
- m. ~~(17)~~—The farm stand operation (including new structure and parking) shall not be located within 100 feet of the edge of the following sensitive habitats: or adjacent to environmentally sensitive habitat area
- (1) Streams and creeks, i.e., riparian habitat, or if riparian habitat is not present, from the top-of-bank of the stream or creek
  - (2) Wetlands
  - (3) Vernal pools
  - (4) Native woodlands and forests
  - (5) Native shrub lands (e.g., chaparral and coastal sage scrub)
  - (6) Native grasslands
  - (7) Environmentally Sensitive Habitats as designated by a community plan. If this setback conflicts with a setback designated by a community plan, the setback most protective of the biological resource shall apply.
- n. The farm stand operation (including new structure and parking) shall be located at least six feet outside the canopy dripline of oak trees and other native tree species.
- o. ~~(18)~~—The farm stand operation shall not result in any potential adverse effects to public hiking and equestrian trails.
- p. ~~(19)~~—The farm stand operation shall not result in significant adverse impacts to scenic views from parklands, public viewing areas, and public roadways.
- q. **Design review.** Design review shall be required for new structural development when required pursuant to Section 35.82.070. In addition to exceptions to design review pursuant to Section 35.82.070 and Subsection 35.28.080.G (Santa Ynez Valley Community Plan Area), the Director may exempt new structures from design review requirements if the new development is not visible from public roadways or other areas of public use (e.g., public parks).
- r. **Critical Viewshed Corridor Overlay.** A farm stand within the Gaviota Coast Plan area shall comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) overlay zone), if applicable.

**SECTION 10:**

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 hereby amended to revise Section 35.42.100, Composting Facilities, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

**35.42.100 - Composting Facilities**

**A. Purpose and applicability.**

1. This Section provides standards for the operation of composting facilities, where allowed in compliance with Article 35.2 (Zones and Allowable Land Uses), and in compliance with Subsection C (Specific allowable uses and development standards for the AG-II zone), below.
2. The standards and procedures of this Section shall not apply to composting associated with cannabis projects, allowed in compliance with Section 35.42.075 (Cannabis Regulations), or wineries, allowed in compliance with Section 35.42.280 (Wineries), which are regulated separately.

**B. Standards.** Composting facilities may include the use of off-premises generated feedstock and the on-premises commercial sale of the resultant compost products, subject to, at a minimum, the following standards:

1. **Applicable State law.** The facility shall at all times comply with the applicable requirements of California Code of Regulations, Title 14, Division 7.
2. **Structure for sale of composting product.** If a structure is required for the sale of a product, the sale shall be conducted either within an existing accessory structure or from a single, separate stand not to exceed 600 square feet of sales and storage area.
3. **Parking.** A minimum of two permanently maintained onsite parking spaces shall be provided which shall not be located closer than 20 feet to the right-of-way line of any street.
4. **Permit requirements.** All other permits required by County Departments for a facility, except those permits required by the Division of Building and Safety, shall be obtained before approval of a Land Use Permit.
5. **Reporting requirements.** Tonnage reports showing the amount of materials used in the composting operation shall be provided to the Department of Public Works, Solid Waste Division, and the Public Health Department, Environmental Health Services Division, on a quarterly basis.
6. **Signs.** Signs accessory to the composting facility shall ~~conform to~~ comply with Chapter 35.38 (Sign Standards).

~~**C. Additional findings for the Gaviota Coast Plan Area.** In addition to the findings required in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) before the approval of a Conditional Use Permit for a composting facility the review authority shall make all of the following findings:~~

- ~~1. The facility will not result in significant adverse impacts to visual resources.~~
- ~~2. The facility will not include a new at grade crossing of Highway 101.~~

**C. Specific allowable uses and development standards for the AG-II zone.**

- 1. Purpose and intent.** This Subsection lists the composting operations and facilities that may be allowed on lands zoned AG-II, determines the type of planning permit required for each type of composting operation, and provides development standards related to the intensity of use of the proposed operation or facility. The intent is to provide for flexibility in the development of composting operations or facilities that are accessory to and supportive of commercial agriculture while promoting orderly development of these facilities, and to ensure their compatibility with surrounding land uses in order to protect the public health and safety, while preventing impacts to natural, cultural, and visual resources.
- 2. Definitions.** For the purposes of this section “green material,” “agricultural material,” “food material,” and “vegetative food material” shall have the same meaning as defined in the California Code of Regulations 14 CCR Section 17852.
- 3. Permit requirements.**
  - a. Exempt.** A composting facility may be exempt from the requirements to obtain a permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) provided the composting facility complies with Subsection 4 (Development standards for composting for the AG-II zone), below, and the following:
    - (1) Small General Composting.**
      - (a) The feedstock may be any combination of green material, agricultural material, food material, and vegetative food material.
      - (b) The maximum amount of feedstock and compost, alone or in combination, on the premises at any one time shall not exceed 100 cubic yards in volume and 750 square feet in area.
      - (c) The composting operation may sell or give away any or all compost they produce.
      - (d) The operation does not propose the construction of any new structure(s) or additions to existing structures that would require a planning permit.
    - (2) Agricultural Material Composting.**
      - (a) Feedstock to be used in the operation shall be limited to agricultural materials derived from the agricultural premises on which the composting operation is located and returned to the same premises or another agricultural site owned or leased by the same owner, parent, or subsidiary.
      - (b) No more than 1,000 cubic yards of compost may be sold or given away annually.
  - (3) The landowner may conduct both a Small General Composting operation and an Agricultural Material Composting operation at the same time if they are separated clearly (spatially or otherwise) so that feedstock, resources, compost, and operations are not comingled.**
  - (4) Agricultural use required.** The primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.

**b. Zoning Clearance.** A composting facility may be allowed with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances) provided the composting facility complies with Subsection 4 (Development standards for composting for the AG-II zone), below, and the following:

**(1) Small General Composting.**

- (a) The feedstock may be any combination of green material, agricultural material, and vegetative food material.
- (b) The maximum amount of feedstock and compost, alone or in combination, on the premises at any one time shall not exceed 1,000 cubic yards.
- (c) The composting operation may sell or give away any or all compost they produce.

**(2) Agricultural Material Composting.**

- (a) Feedstock to be used in the operation shall be limited to agricultural materials and green materials.
- (b) The composting operation may handle an unlimited quantity of agricultural material and green material on the premises.
- (c) The composting operation may sell or give away any or all compost they produce.

**(3) The landowner may conduct both a Small General Composting operation and an Agricultural Material Composting operation at the same time if they are separated clearly (spatially or otherwise) so that feedstock, resources, compost, and operations are not comingled.**

**(4) Agricultural use Required.** The primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.

**c. Conditional Use Permit.**

**(1) On lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone (Section 35.28.155) small general composting and agricultural material composting in compliance with Subsection 35.42.100.C.3.a or Subsection 35.42.100.C.3.b above may be allowed with a Minor Conditional Use Permit approved in compliance Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) and Subsection 4 (Development standards for composting for the AG-II zone), below.**

**(2) Larger composting facilities, and other composting operations that include food material, vegetative food material, and other feedstock materials may be allowed with a Minor Conditional Use Permit approved in compliance Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).**

**4. Development standards for composting for the AG-II zone.** In addition to all other applicable provisions of this Development Code, a composting operation allowed by this Subsection C shall comply with the development standards below.

**a. Applicable State law.** The facility shall at all times comply with the applicable requirements of California Code of Regulations, Title 14, Division 7.

- b. Structure for sale of composting product.** If a structure is required for the sale of a product, the sale shall be conducted either within an existing accessory structure or from a single, separate stand not to exceed 600 square feet of sales and storage area.
- c. Parking.** A minimum of two permanently maintained onsite parking spaces shall be provided for a nonexempt composting operation, which shall be located not closer than 20 feet to the right-of-way line of any street.
- d. Permit requirements.**

  - (1) All other permits required by County Departments for an exempt composting operation shall be obtained prior to commencement of the exempt composting operation.
  - (2) All other permits required by County Departments for a nonexempt composting operation, except those permits required by the Division of Building and Safety, shall be obtained prior to issuance of a Zoning Clearance.
- e. Reporting requirements.** Tonnage reports showing the amount of materials used in the composting operation shall be provided to the Department of Public Works, Solid Waste Division, and the Public Health Department, Environmental Health Services Division, on a quarterly basis.
- f. Compost piles shall not exceed 12 feet in height.**
- g. Setbacks from adjacent premises.** Composting operations shall comply with the following setbacks.

  - (1) A minimum 100-foot setback from the lot line of the agricultural premises on which the composting operation is located.
  - (2) All composting facilities shall be located no closer than 400 feet from a residence that is located on an adjacent property that is not a part of the agricultural enterprise premises.
  - (3) Setbacks from adjacent commercial farming operations.** The following setbacks shall apply to commercial farming operations located on adjacent premises when the agricultural commodity has been in commercial cultivation (tilled for agricultural use and planted with a crop). For the purpose of this setback, an adjacent commercial farming operation may touch at a point or share a common boundary with the composting premises, or may be separated by an intervening road or street (excluding a four-lane highway), railroad right-of-way or other public facility.

    - (a) A minimum 200 feet from the lot line of the agricultural premises on which the composting operation is located when a commercial food crop, orchard, or vineyard farming operation is located on the adjacent agricultural premises. For the 200-foot setback to apply, the adjacent food crop, orchard, or vineyard farming operation must comply with all of the following:

      - (i) Be part of a commercial farming operation where the primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.



(ii) Have a minimum of 10 acres of food crops, orchards, or vineyards planted (with allowances for fallow periods, change of crop or production method) or a demonstrated planting history of a minimum of 10 acres of food crops, orchards, or vineyards planted within at least three of the previous 10 years. For the purpose of this setback, the previous 10 years shall be measured from the commencement of the exempt composting operation or from application submittal for the composting operation that requires a permit.

**(b) Adjustments.** As part of a permit to be reviewed and approved by the Department, the setbacks from adjacent commercial farming operations in Subsection (1) above may be adjusted downward in the following circumstances:

(i) Where intervening topography, roads, protected habitats, or other geographic features preclude cultivation of food crops, orchards, or vineyards on the adjacent agricultural premises within 200 feet of the common lot line. The setback reduction shall be commensurate with the width of the land that cannot be cultivated.

(ii) Where the commercial cultivation on the adjacent agricultural premises does not occur in close proximity to the common lot line, the setback may be adjusted downward provided at least 200 feet is maintained between the composting facilities or activities and the food crop, orchard, or vineyard.

(iii) Where the composting operation is separated from an adjacent commercial farming operation by a four-lane highway, the setback from commercial farming operations shall not apply.

In determining whether the criteria for a setback adjustment has been met, the Department may consider any mutual agreement between the applicant and the adjacent premises owner regarding the need for setbacks from the adjacent commercial farming operations.

h. The operator of the composting operation shall maintain and follow an odor abatement plan in compliance with Santa Barbara County Air Pollution Control District recommendations.

i. The composting operation shall comply with waste discharge and water quality protection measures pursuant to the General Waste Discharge Requirements for Commercial Composting Operations, Order WQ 2020-0012-DWQ, issued by the State Water Resources Control Board, where applicable.

**j. Fire Protection Plan.** Prior to the commencement of an exempt composting use allowed in compliance with this Section 35.42.100, or prior to the issuance of a Zoning Clearance, or approval of a Minor Conditional Use Permit for a composting use, the applicant shall submit a Fire Protection Plan to the County Fire Department for review, approval, and applicable permitting in compliance with Chapter 15 (Fire Prevention) of the County Code. The Fire Protection Plan shall identify, as applicable to the specific use(s), potential ignition sources, measures intended to reduce the potential for wildfire, firefighting infrastructure (e.g., all weather access, water sources, fire extinguishers), emergency ingress and egress, emergency

evacuation routes, and shelter locations in the event of wildfire, and any additional information required by the County Fire Department. The Fire Protection Plan shall be updated and resubmitted, as necessary, should there be any changes to the conditions on the site (such as increased intensity of use, change of use, or additional uses). The County Fire Department shall retain the ability to modify the conditions in the Fire Protection Plan to address any safety issues that may arise.

**k. Setbacks from Sensitive Habitats.**

(1) Composting facilities and related development, including new buildings and structures, parking, grading, and ground-disturbing activities in support of the composting operation, shall be located a minimum of 100 feet from the edge of the following sensitive habitats:

(a) Streams and creeks, i.e., riparian habitat, or if riparian habitat is not present, from the top-of-bank of the stream or creek.

(b) Wetlands.

(c) Vernal pools.

(d) Native woodlands and forests.

(e) Native shrub lands (e.g., chaparral and coastal sage scrub).

(f) Native grasslands.

(g) Environmentally Sensitive Habitats as designated by a community plan. If this setback conflicts with a setback designated by a community plan, the setback most protective of the biological resource shall apply.

(2) The habitat boundary and 100-foot setback shall be depicted on all plans submitted to the Department.

(3) Projects located within or near critical habitat for rare, endangered or threatened species listed by State or federal agencies under the California Endangered Species Act or federal Endangered Species Act, or within plant communities known to contain rare, endangered, or threatened species, shall consult with the appropriate State or federal agency prior to commencing and exempt use, prior to issuance of a Zoning Clearance, or prior to approval of a Land Use Permit or Conditional Use Permit, as applicable.

**i. Oak Tree and other Native Tree Protection.** Composting facilities and related development, including, parking, grading, and ground-disturbing activities in support of the composting operation, shall be located at least six feet outside the canopy dripline of oak trees and other native trees species. If a permit is required, applicants proposing to encroach within this setback shall be required to submit an arborist report and if applicable, a tree protection and replacement plan to the Department for review and approval.

**m. Fencing for Wildlife Movement.** If fencing is required for composting operations, the fencing shall be designed in compliance with the following standards to allow for the safe passage of wildlife.

(1) Fences and gates shall be wildlife-permeable.

- (2) The distance between the bottom wire or rung and the ground surface shall be a minimum of 18 inches.
- (3) Fencing materials may include the use of rails, smooth wire, and similar materials. Barbed wire shall not be used for composting operations unless necessary to separate livestock operations from the use.
- n. **Lighting.** Lighting accessory to a composting operation shall comply with Section 35.30.120 (Outdoor Lighting).
- o. **Signs.** Signs accessory to the composting facility shall comply with Chapter 35.38 (Sign Standards).
- p. The composting operation shall not include a new at-grade crossing of Highway 101 or State highway.
- q. **Critical Viewshed Corridor Overlay.** Composting operations within the Gaviota Coast Plan area shall comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) overlay zone), if applicable.

## **SECTION 11:**

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 hereby amended to revise Chapter 35.42, Standards for Specific Land Uses, to add a new Section 35.42.134 titled "Farmstays", to read as follows:

### **35.42.134 - Farmstays**

- A. Purpose and intent.** This Section establishes standards for the siting and development of a farmstay where allowed by Article 35.2 (Zones and Allowable Land Uses). The intent of this section is to: (1) ensure that farmstays are incidental and supportive of the primary agricultural use of the land; and (2) protect, promote, and enhance commercial agricultural operations by providing agriculturalists and their families an opportunity to conduct a rural agricultural use to support their farms and/or ranches. See Section 35.28.155 (Limited Agricultural Enterprise (LAE) Overlay Zone) and Subsection 35.42.134.C.2 below for additional permit requirements and limitations on lands zoned with the LAE overlay zone.
- B. Applicability.**
  - 1. Premises.** The farmstay shall be located on an agricultural premises of 40 acres or greater and the entire premises is located in the AG-II zone.
    - a. Only one farmstay operation may be allowed on a premises.
  - 2. Agricultural use required.** The primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.
  - 3. Existing Principal Dwelling Requirement.** The farmstay premises shall contain an existing principal dwelling at the time an application for a farmstay is submitted, or the application for the farmstay

shall be in conjunction with the principal dwelling. The farmstay shall not be occupied before occupation of the principal dwelling.

**4. Owner and Operator.** The farmstay is a transient occupancy lodging establishment where the predominant relationship between the occupants thereof and the owner or operator of the farmstay is that of guest and innkeeper. The premises owner (or the major shareholder, officer, partner, or beneficiary of a corporate or trust owner), an employee of the premises owner, or individual or entity under contract with the premises owner, must operate the farmstay.

a. The premises owner (or the major shareholder, officer, partner, or beneficiary of a corporate or trust owner), employee thereof, or designated person under contract with the premises owner shall reside on the premises at the same time as the transient occupant(s) of the farmstay.

**5. Prohibited structures.** Farmstays shall not be allowed in:

a. Any dwelling subject to agreements, conditions, or covenants entered into with the County restricting their use including, but not limited to, affordable housing units, agricultural employee housing, and farmworker housing.

b. Any structure or space that may not be legally used for dwelling or overnight accommodations including, but not limited to, tents, park trailers not on permanent foundations, vehicles, and yurts.

c. Accessory dwelling units and junior accessory dwelling units.

**C. Permit requirements.** A farmstay operation may be allowed provided the operation complies with the following permit requirements:

**1. Zoning Clearance.** A farmstay operation may be allowed with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances) provided the operation is not located within the Limited Agricultural Enterprise (LAE) overlay zone and the operation complies with the following permit requirements:

a. The farmstay accommodations shall be sited within the existing principal dwelling; conversion of existing permitted buildings or structures that are not otherwise prohibited under Subsection 35.42.134.B.5 above; new structures (e.g., guest cottages); and park trailers on permanent foundations, or any combination thereof.

b. Except as provided in Subsection (1) below, farmstay accommodations and operations shall be sited in clustered proximity to the principal dwelling, or winery structural development (if applicable), and existing infrastructure within a single contiguous area not to exceed two acres in area. The development area shall include the principal dwelling unit, winery structural development (if applicable), farmstay related structures, outdoor use areas, and infrastructure (e.g., parking, driveways, fencing, onsite wastewater systems). Roads used for agricultural purposes are not included in the development area.

(1) All or a portion of the farmstay accommodations may be allowed on the premises in one remote farmstay development area (i.e., not in clustered proximity to the principal dwelling), not to exceed one contiguous acre. The remote farmstay development area shall include the farmstay accommodations, and associated outdoor use areas and

infrastructure (e.g., parking, driveways, picnic area, fencing, onsite wastewater treatment system). Roads used for agricultural purposes are not included in the remote farmstay development area.

- c. Farmstay accommodations and operations shall be sited and designed to:
  - (1) Maintain the long-term agricultural productivity and capability of the agricultural resources and operations of the subject premises and adjacent agricultural areas.
  - (2) Take maximum advantage of existing roads and infrastructure.
  - (3) Be in character with the rural setting and not result in any significant adverse impacts to visual resources.
  - (4) Avoid biological resources, including environmentally sensitive habitat (ESH) and ESH buffers, and preserve natural landforms and native vegetation to the maximum extent feasible.
- d. Where a farmstay will be conducted within a dwelling that relies on a private onsite wastewater treatment system, written clearance from the Public Health Department shall be required prior to issuance of the Zoning Clearance.
- e. The maximum number of registered guests that can be accommodated shall be 15 per night and they shall be accommodated in no more than six guest rooms.
- f. The operation shall comply with all standards in Subsection 35.42.134.D (Development standards), below.
- g. The Permittee shall establish, manage, and/or operate the farmstay in compliance with all permit conditions prior to and throughout operation of a farmstay.

**2. Conditional Use Permit.** On lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone (Section 35.28.155) a farmstay operation may be allowed with a Minor Conditional Use Permit issued in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the operation complies with the requirements pursuant to Subsections 35.42.134.C.1.a through 35.42.134.C.1.g, above and the standards in Subsection 35.42.134.D (Development standards), below.

**D. Development standards.** Farmstays shall comply with all of the following standards in addition to any other applicable standards of this Development Code.

- 1. Limitation on occupancy.** Children under three years of age shall not be counted toward occupancy. Only registered guests may utilize the accommodations overnight.
- 2. Lodging and food service.** Lodging and meals are incidental and not the primary function of the farmstay operation.
  - a. Lodging and food service is available only to registered guests of the operation. The cost of any food provided shall be included in the total price for accommodation and not be charged separately.
  - b. A farmstay operation that serves food shall maintain a food facility permit as required by Chapter 16, Article III (County Retail Food Code) of the County Code.

3. Farmstay accommodations may include a wetbar including a bar sink, refrigerator, small electric cooktop, and counter area not exceeding a maximum total length of seven feet.
- 4. Compliance with building, fire, and public health codes.** Any dwelling or structure used as part of a farmstay operation shall comply with the applicable standards and regulations of Chapter 10 (Building Regulations), Chapter 15 (Fire Prevention), Chapter 18C (Environmental Health Services), and Chapter 35B (Domestic Water Systems) of the County Code.

  - a. The farmstay operator shall install and regularly maintain clear exit signs, emergency egress lighting, smoke and carbon monoxide detectors, and fire extinguishers in farmstay accommodations.
  - b. The farmstay operator shall submit and implement a Fire Protection Plan to the County Fire Department in compliance with Chapter 15 of the County Code.
- 5. Compliance with water and wastewater codes.** The owner of any dwelling or structure used as a farmstay shall maintain an approved potable water supply and a properly functioning and suitably sized onsite wastewater treatment system or sewer connection, subject to Public Health Department review and approval.

  - a. A public sewer system shall not serve a farmstay operation unless the public sewer system directly serves the structure(s) used in the farmstay operation.
- 6. Maximum height for new structures or park trailers.** New farmstay structures and park trailers shall not exceed 16 feet in height and shall be measured in compliance with Section 35.30.090 (Height Measurement, Exceptions and Limitations).
- 7. Maximum floor area for new structures (guest cottages) or park trailers.** Each new cottage or park trailer proposed for overnight farmstay accommodations shall not exceed 500 square feet.
- 8. Access.**

  - a. All-weather road access shall be provided to the farmstay in accordance with County Fire Department development standards.
  - b. The farmstay shall not include a new at-grade crossing of Highway 101 or State highway.
- 9. Parking.** The farmstay operation shall include one parking space per guest bedroom and one space for the onsite operation manager on the premises on which the farmstay is located, in compliance with Chapter 35.36 (Parking and Loading Standards) of this Development Code.

  - a. All parking areas shall have an all-weather surface consisting of a minimum of crushed rock, asphalt, chip seal, concrete, brick, or other masonry paving units or equivalent surface. The use of any non-permeable surface materials shall be the minimum necessary to comply with requirements for the provision of disabled access.
  - b. All parking areas shall have an active dust control program.
  - c. Parking spaces shall comply with the disabled access requirements of Title 24 of the California Code of Regulations.
  - d. Parking shall not be allowed within a road right-of-way or trail easement.

**10. Setbacks from adjacent premises.** Unless the farmstay is located within the existing principal dwelling or in clustered proximity to the principal dwelling, farmstays shall comply with the following setbacks.

a. A minimum 100-foot setback from the lot line of the agricultural premises on which the farmstay is located.

b. Farmstays shall be located no closer than 400 feet from a residence that is located on an adjacent property that is not a part of the agricultural enterprise premises.

**c. Setbacks from adjacent commercial farming operations.** The following setbacks shall apply to commercial farming operations located on adjacent premises when the agricultural commodity has been in commercial cultivation (tilled for agricultural use and planted with a crop). For the purpose of this setback, an adjacent commercial farming operation may touch at a point or share a common boundary with the farmstay premises, or may be separated by an intervening road or street (excluding a four-lane highway), railroad right-of-way or other public facility.

(1) A minimum 200 feet from the lot line of the agricultural premises on which the farmstay is located when a commercial food crop, orchard, or vineyard farming operation is located on the adjacent agricultural premises. For the 200-foot setback to apply, the adjacent food crop, orchard, or vineyard farming operation must comply with all of the following:

(a) Be part of a commercial farming operation where the primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.

(b) Have a minimum of 10 acres of food crops, orchards, or vineyards planted (with allowances for fallow periods, change of crop or production method) or a demonstrated planting history of a minimum of 10 acres of food crops, orchards, or vineyards planted within at least three of the previous 10 years. For the purpose of this setback, the previous 10 years shall be measured from application submittal for the farmstay.

**(2) Adjustments.** As part of a permit to be reviewed and approved by the Department, the setbacks from adjacent commercial farming operations in Subsection (1) above may be adjusted downward in the following circumstances:

(a) Where intervening topography, roads, protected habitats, or other geographic features preclude cultivation of food crops, orchards, or vineyards on the adjacent agricultural premises within 200 feet of the common lot line. The setback reduction shall be commensurate with the width of the land that cannot be cultivated.

(b) Where the commercial cultivation on the adjacent agricultural premises does not occur in close proximity to the common lot line, the setback may be adjusted downward provided at least 200 feet is maintained between the farmstay and the food crop, orchard, or vineyard.

- (c) Where the farmstay is separated from an adjacent commercial farming operation by a four-lane highway, the setback from commercial farming operations shall not apply.
- (d) Where residential development (e.g. an existing residence, farm employee dwelling, accessory dwelling unit, or similarly-occupied building) or other development which is existing as of [the effective date of this ordinance] is located on the proposed farmstay premises within 200 feet of an adjacent premises with a commercial food crop, orchard, or vineyard farming operation, the setback from the adjacent commercial farming operation may be reduced by up to 50 percent, provided the farmstay is located no closer than the aforementioned existing development.

In determining whether the criteria for a setback adjustment has been met, the Department may consider any mutual agreement between the applicant and the adjacent premises owner regarding the need for setbacks from the adjacent commercial farming operations.

**11. Setbacks from sensitive habitats.**

- a. New farmstay accommodations and related development, including parking, grading, and ground-disturbing activities in support of new development, shall be located a minimum of 100 feet from the edge of the following sensitive habitats:
  - (1) Streams and creeks, i.e., riparian habitat, or if riparian habitat is not present, from the top-of-bank of the stream or creek
  - (2) Wetlands
  - (3) Vernal pools
  - (4) Native woodlands and forests
  - (5) Native shrub lands (e.g., chaparral and coastal sage scrub)
  - (6) Native grasslands
  - (7) Environmentally Sensitive Habitats as designated by a community plan. If this setback conflicts with a setback designated by a community plan, the setback most protective of the biological resource shall apply.
- b. The habitat boundary and 100-foot setback shall be depicted on all plans submitted to the Department.
- c. Projects located within or near critical habitat for rare, endangered or threatened species listed by State or federal agencies under the California Endangered Species Act or federal Endangered Species Act, or within plant communities known to contain rare, endangered, or threatened species, shall consult with the appropriate State or federal agency prior to commencing and exempt use, prior to issuance of a Zoning Clearance, or prior to approval of a Land Use Permit or Conditional Use Permit, as applicable.

**12. Oak tree and other native tree protection.** New farmstay accommodations and related development, including parking, grading, and ground-disturbing activities in support of new



development, shall be located at least six feet outside the canopy dripline of oak trees and other native trees species. Applicants proposing to encroach within this setback shall be required to submit an arborist report and if applicable, a tree protection and replacement plan to the Department for review and approval.

- 13. Fencing for wildlife movement.** If fencing is required for the farmstay operation, the fencing shall be designed in compliance with the following standards to allow for the safe passage of wildlife.

  - a. Fences and gates shall be wildlife-permeable.
  - b. The distance between the bottom wire or rung and the ground surface shall be a minimum of 18 inches.
  - c. Fencing materials may include the use of rails, smooth wire, and similar materials. Barbed wire shall not be used for farmstays unless necessary to separate livestock operations from the farmstay.
- 14. Cultural resources.** Archaeological and other tribal cultural resources shall be protected in compliance with applicable cultural resource protection policies and the requirements of the County “Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources,” as applicable. If subsurface ground disturbing activities are proposed for a farmstay on lands where no previous permitted ground disturbance or prior archaeological surveys have occurred, the applicant shall submit to the Department a Phase 1 cultural resource study prepared by a qualified archaeologist documenting the absence or presence of cultural resources in the project area. In the event the Phase 1 cultural resource study determines the presence of resources or that additional investigation is required, the applicant shall follow the subsequent requirements of “Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources.”
- 15. Historic resources.** Historic resources shall be preserved, restored, and renovated consistent with applicable historic resource protection policies and the requirements of the County “Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources,” as applicable. Applicants proposing to repurpose existing structures that are greater than 50 years in age and/or designated as an historic landmark or place of historic merit for an agricultural enterprise use shall submit to the Department a Phase 1 investigation prepared by a qualified historian, unless waived by the Director. In the event the Phase 1 investigation determines the presence of resources or that additional investigation is required, the applicant shall follow the subsequent requirements of “Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources.”
- 16. Hazardous materials avoidance and incidental discovery.** Farmstays shall be located to avoid areas that are known to be contaminated with hazardous agricultural chemicals. In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during grading or construction for an agricultural enterprise use, construction activities in the immediate vicinity of the contamination shall cease immediately and the applicant shall immediately notify the Department and, as applicable, the Hazardous Waste Unit of County Fire and Site Mitigation Unit of County Environmental Health.

- 17. Noise.** The volume of sound generated by the farmstay shall not exceed 65 dBA or existing ambient levels, whichever is greater, at the premises boundary, except that between the hours of 10:00 p.m. and 8:00 a.m., the volume of sound generated by the farmstay shall not exceed 45 dBA or existing ambient levels, whichever is greater, at any point beyond the premises boundary.
- 18. Lighting.** Lighting accessory to a farmstay operation shall comply with Section 35.30.120 (Outdoor Lighting).
- 19. Transient Occupancy Tax (TOT).** The farmstay owner/operator shall maintain a TOT license and remain current on all required TOT reports and payments. The owner or authorized agent shall include the TOT certificate number on all contracts or rental agreements, and in any advertising or websites.
- 20. Informational advisory.** The farmstay operator shall provide an informational advisory to registered guests disclosing the following:

  - a. The farmstay operation is located on an active agricultural operation and visitors may be exposed to minor inconveniences associated with the agricultural operation such as noise, dust, and odors from agricultural operations on the premises and/or adjacent agricultural lands.
  - b. The informational advisory shall also advise potential guests that visitors to active agricultural lands must respect the property and pre-existing agricultural operations, and avoid trespassing beyond designated visitor areas.
- 21. Signs.** Signs accessory to the farmstay operation shall comply with Chapter 35.38 (Sign Standards).
- 22. 24-Hour onsite supervision.**

  - a. The landowner shall provide 24-hour onsite supervision of the farmstay to ensure operations are conducted in compliance with the farmstay's issued permit, and who will respond to calls regarding the farmstay. The 24-hour onsite supervision may be provided by the landowner, farm/ranch manager, or other employee residing on the premises.
  - b. The landowner shall submit the name, address, and telephone number of the person who will provide the onsite supervision and respond to calls regarding the farmstay.
  - c. The landowner or person providing onsite supervision shall be available by telephone on a 24-hour basis to respond to calls regarding the farmstay. For purposes of this Section, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
  - d. The landowner is required to immediately notify the County with any changes to the onsite supervisor's information.
- 23. Limitation on visitors.** Registered farmstay guests shall not have daytime visitors, or invite unregistered guests to be present at any time.
- 24. Length of stay.** No more than 14 consecutive nights per person and no more than 28 nights per calendar year per person. Each stay must be separated from a previous stay by at least one week.

- 25. Sale restriction.** The farmstay shall not be sold or otherwise conveyed separately from the principal dwelling.
- 26. Notice to Property Owner.** Prior to issuance of the applicable land use entitlement for a farmstay in compliance with Subsection 35.42.134.C (Permit requirements), above, the property owner shall record a “Notice to Property Owner” in compliance with Section 35.82.050 (Recordable Documents) that notifies future owners and successors-in-interest of the subject property of the specific conditions and/or restrictions (if any) that apply to the use of the structure(s) as a farmstay, including the requirement of Subsection B.4.a., above, that the premises owner, employee thereof, or designated person under contract with the owner shall reside on the premises at the same time as the transient occupant(s).
- 27. Farmstay accessory use structures.** A farmstay operation may be permitted to have accessory structures provided the structures shall support the farmstay lodging and food service operations. Permitted structures may include but are not limited to community restroom/shower facilities, benches, picnic tables, shade structures, and barbeque pits.
- 28. Design review.** Design review shall be required for new structural development when required pursuant to Section 35.82.070. In addition to exceptions to design review pursuant to Section 35.82.070 and Subsection 35.28.080.G (Santa Ynez Valley Community Plan Area), the Director may exempt new farmstay structures from design review requirements if the new development is not visible from public roadways or other areas of public use (e.g., public parks).
- 29. Critical Viewshed Corridor Overlay.** Farmstay developments within the Gaviota Coast Plan area shall comply with Section 35.28.070 (Critical Viewshed Corridor (CVC) overlay zone), if applicable.
- 30. Advertising.** All advertising for a farmstay shall include the permit number in the advertisement text.
- E. Revocation.** In addition to the bases for revocation in Section 35.84.060 (Revocations), a Zoning Clearance for a farmstay may be revoked if the Permittee:

  - 1. Makes unpermitted alterations to the property that compromise the original permit approval (e.g., removal of required parking);**
  - 2. Is determined to have submitted false or misleading information to the Department (e.g., information submitted as part of the permit application);**
  - 3. Receives, within a 12-month period, more than two documented violations regarding the farmstay. Evidence of documented violations includes, but is not limited to, notices of violation, notices of determination of fines, orders to abate, citations, orders to cease and desist, or other documentation filed by County staff or law enforcement;**
  - 4. Advertises a larger number of bedrooms, longer stays, or more guests on the premises at any one time than allowed by the approved permit or the provisions of this Development Code.**
  - 5. Fails to comply partially or wholly with any of the permit conditions or development standards of this Development Code;**
  - 6. Fails to comply with State or County fire regulations (e.g., access requirements, maintenance of fire lanes, restrictions for campfires);**

7. Fails to comply with County health regulations;
8. Fails to obtain or comply with any other required County, state or local permit;
9. Fails to comply with public health orders or emergency regulations issued by State or local authorities which limit use and occupancy of farmstays; or
10. Fails to pay or is delinquent in payment of TOT, fines, or penalties.

## **SECTION 12:**

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 hereby amended to revise Section 35.42.240, Rural Recreation, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

### **35.42.240 - Rural Recreation**

- A. Purpose and applicability.** This Section provides standards for rural recreation, where allowed in compliance with Article 35.2 (Zones and Allowable Land Uses).
- B. Allowable uses and permit requirement.** Low-intensity recreational development (e.g., recreational camps, hostels, campgrounds, retreats, and guest ranches, trout farm, rifle range, and duck shooting farm) may be allowed subject to a Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the development complies with the applicable development standards included in Subsection C. ~~(Standards)~~ and Subsection D, below.
- C. Development Standards for RMZ and MT-TORO zones.** The following development standards shall apply to projects located in the RMZ and MT-TORO zones.
  - 1. Retreats.**
    - a. Groups may be assembled for periods of not to exceed 21 days.
    - b. When retreats are located within Rural Areas as designated on the Comprehensive Plan maps, the retreat must require or benefit from a location surrounded by open land and the facility development shall be limited and subordinate to the character of the surrounding natural environment.
  2. Rural recreation development shall not contain accommodations for recreational vehicles if located in the RMZ and MT-TORO zones.
- D. ~~1-Development standards for all rural recreation uses in the AG-II zone.~~** The following development standards shall apply to all rural recreation projects located on property zoned in the AG-II, including agricultural enterprise rural recreation uses allowed in compliance with Subsection E, below. ~~zone not including projects allowed in compliance with Subsection D (Specific allowable uses and development standards for the Gaviota Coast Plan area), below.~~
  1. a.—Is in character with the rural setting.
  2. b.—Does not interfere with agricultural production on or adjacent to the lot on which it is located.

3. ~~e.~~—Does not include commercial facilities open to the general public who are not using the recreational facility.
4. ~~d.~~—Does not require an expansion of urban services that shall increase pressure for conversion of the affected agricultural lands.
2. ~~RMZ and MT-TORO zones.~~ The following development standards shall apply to projects located in the RMZ and MT-TORO zones.
  - a. ~~Retreats.~~
    - (1) ~~Groups may be assembled for periods of not to exceed 21 days.~~
    - (2) ~~When retreats are located within Rural Areas as designated on the Comprehensive Plan maps, the retreat must require or benefit from a location surrounded by open land and the facility development shall be limited and subordinate to the character of the surrounding natural environment.~~
  - b. ~~Rural recreation development shall not contain accommodations for recreational vehicles if located in the RMZ and MT-TORO zones.~~

~~E.D.~~ **Specific allowable uses and development standards for agricultural enterprise rural recreation in the AG-II zone. the Gaviota Coast Plan area.** The following allowable uses, permit requirements, and development standards shall apply to agricultural enterprise rural recreation projects located in the Gaviota Coast Plan area on property zoned AG-II, in addition to development standards in compliance with Subsection F (Additional development standards for agricultural enterprise rural recreation uses), below. These uses are allowed in addition to uses allowed in compliance with Subsection B (Allowable uses and permit requirement), above. See Section 35.28.155 (Limited Agricultural Enterprise (LAE) Overlay Zone) for additional permit requirements and limitations on lands zoned with the LAE overlay zone.

**1. Campgrounds.**

- a. **Low-impact camping area.** A low-impact camping area may be allowed with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances) provided the operation complies with the development standards in Subsection 1.c. (Development standards for campgrounds, including low-impact camping areas), below, and the following:
  - (1) A low-impact camping area shall not be allowed on an agricultural premises of less than 40 acres.
  - (2) A low-impact camping area shall consist of individual campsites that may be rented for short-term overnight recreational camping.
  - (3) Not more than nine campsites shall be allowed per agricultural premises.
  - (4) Camping guests (campers) may bring and use their own accommodations, including tents and the following types of recreational vehicles: truck campers, van campers and conversions, travel trailers, and motorhomes.
  - (5) Recreational vehicles and travel trailers shall not exceed 25 feet in length.
  - (6) Landowner-provided camping accommodations, including park trailers, yurts, tent cabins, travel trailers, and recreational vehicles, shall not be allowed at low-impact camping areas.

**(7) Campsite amenities.** The following campsite amenities may be provided:

- (a) Picnic tables.
- (b) Benches.
- (c) Fire rings.

**(8)** New structures shall not be allowed at low impact camping areas unless necessary to provide onsite wastewater disposal.

**(9)** Electrical hookups for recreational vehicles and travel trailers shall not be allowed at low-impact camping areas.

**(10)** A low-impact camping area shall not be located on an agricultural premises in which at least 75 percent of the perimeter of the premises adjoins parcels that are developed with urban uses. For the purposes of this paragraph, lots that are separated only by a street or highway shall be considered to be adjoined.

**(11) 24-hour onsite supervision.**

- (a) The landowner shall provide 24-hour onsite supervision of the low-impact camping area to ensure camping operations are conducted in compliance with the low-impact camping area's issued permit, and who will respond to calls regarding the camping area. The 24-hour onsite supervision may be provided by the landowner, farm/ranch manager or other employee residing on the premises, or by an onsite campground host.
- (b) The landowner shall submit the name, address, and telephone number of the person who will provide the onsite supervision of camping operations and respond to calls regarding the low-impact camping area.
- (c) The landowner or person providing onsite campground supervision shall be available by telephone on a 24-hour basis to respond to calls regarding the camping area. For purposes of this Section, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
- (d) The landowner is required to immediately notify the County with any changes to the onsite supervisor's information.
- (e) If 24-hour onsite supervision will be provided by a campground host, the host may occupy one of the campsites in the host's own accommodations.

**b. Campground.** A campground operation may be allowed with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances) provided the operation complies with the development standards in Subsection 1.c. (Development standards for campgrounds, including low-impact camping areas), below, and the following:

**(1)** A campground operation shall not be allowed on an agricultural premises of less than 40 acres.

- (2) A campground operation may include low-impact, wilderness campsites, individual developed campsites, or any combination thereof which may be rented for short-term overnight recreational camping.
- (3) Only one campground operation shall be allowed per agricultural premises. The following number of campsites may be allowed in one campground operation per agricultural premises:

  - (a) Up to 15 campsites on premises of 40 acres or more up to 100 acres.
  - (b) Up to 20 campsites on premises larger than 100 acres up to 320 acres.
  - (c) Up to 30 campsites on premises larger than 320 acres.
  - (d) One additional campsite may be allowed per premises for each additional 200 acres over 320 acres, not to exceed a total of 60 campsites.
- (4) Campground development areas.** Campsites shall be located within a campground development area. More than one campground development area may be allowed as part of one campground operation, provided the maximum number of campsites per premises pursuant to Subsection (3) above is not exceeded, in compliance with the following:

  - (a) Not more than two campground development areas may be allowed on premises of less than 320 acres.
  - (b) Not more than four campground development areas may be allowed on premises of 320 acres or larger.

    - (i) On premises with more than one campground development area, one of the campground development areas may be reserved for tent camping only.
  - (c) Individual remote campground development areas shall not exceed one contiguous acre.
  - (d) The combined campground development areas, including improvements such as road widening, turn-outs, or new access roads required to comply with County Fire Department access requirements, shall not exceed five acres of total disturbance.
- (5) Landowner-provided camping accommodations.**

  - (a) Landowner-provided camping accommodations may include a recreational vehicle (such as a motorhome or travel trailer but not a park trailer), tent cabin, or yurt.
  - (b) Not more than 60 percent of the total number of the proposed campsites on the premises may be occupied by a landowner-provided accommodation.
- (6) Campground accessory structures and amenities.** The following accessory structures and amenities may be provided:

  - (a) Community restroom/shower facility.

- (b) Incidental food service in compliance with Section 35.42.035.C.4 (Incidental Food Service).
- (c) Picnic tables.
- (d) Benches.
- (e) Shade ramadas.
- (f) Community barbeque.
- (g) Fire rings.

**(7) 24-Hour onsite supervision.**

- (a) The landowner shall provide 24-hour onsite supervision of the campground to ensure campground operations are conducted in compliance with the campground's issued permit, and who will respond to calls regarding the campground. The 24-hour onsite supervision may be provided by the landowner, farm/ranch manager or other employee residing on the premises, or by an onsite campground manager, or campground host.
- (b) The landowner shall submit the name, address, and telephone number of the person who will provide the onsite supervision of campground operations and respond to calls regarding the campground.
- (c) The landowner or person providing onsite campground supervision shall be available by telephone on a 24-hour basis to respond to calls regarding the campground. For purposes of this Section, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.
- (d) The landowner is required to immediately notify the County with any changes to the onsite supervisor's information.
- (e) If 24-hour onsite supervision will be provided by a campground host, the host may occupy one of the campsites in either the host's own accommodations or a landowner-provided accommodation.

**c. Development standards for campgrounds, including low-impact camping areas.**

- (1) Setbacks from adjacent premises.** All low-impact camping areas and campgrounds shall comply with the following setbacks.
  - (a) A minimum 100-foot setback from the lot line of the agricultural premises on which the camping and campground facilities and activities are located.
  - (b) All low-impact camping areas and campgrounds shall be located no closer than 400 feet from a residence that is located on an adjacent property that is not a part of the agricultural enterprise premises.



**(c) Setbacks from adjacent commercial farming operations.** The following setbacks shall apply to commercial farming operations located on adjacent premises when the agricultural commodity has been in commercial cultivation (tilled for agricultural use and planted with a crop). For the purpose of this setback, an adjacent commercial farming operation may touch at a point or share a common boundary with the low-impact camping area or campground premises, or may be separated by an intervening road or street (excluding a four-lane highway), railroad right-of-way or other public facility.

**(i)** A minimum 200 feet from the lot line of the agricultural premises on which the low-impact camping area or campground is located when a commercial food crop, orchard, or vineyard farming operation is located on the adjacent agricultural premises. For the 200-foot setback to apply, the adjacent food crop, orchard, or vineyard farming operation must comply with all of the following:

- 1.** Be part of a commercial farming operation where the primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes.
- 2.** Have a minimum of 10 acres of food crops, orchards, or vineyards planted (with allowances for fallow periods, change of crop or production method) or a demonstrated planting history of a minimum of 10 acres of food crops, orchards, or vineyards planted within at least three of the previous 10 years. For the purpose of this setback, the previous 10 years shall be measured from application submittal for the low-impact camping area or campground.

**(iii) Adjustments.** As part of a permit to be reviewed and approved by the Department, the setbacks from adjacent commercial farming operations in Subsection (1) above may be adjusted downward in the following circumstances:

- 1.** Where intervening topography, roads, protected habitats, or other geographic features preclude cultivation of food crops, orchards, or vineyards on the adjacent agricultural premises within 200 feet of the common lot line. The setback reduction shall be commensurate with the width of the land that cannot be cultivated.
- 2.** Where the commercial cultivation on the adjacent agricultural premises does not occur in close proximity to the common lot line, the setback may be adjusted downward provided at least 200 feet is maintained between the low-impact camping area or campground and the food crop, orchard, or vineyard.
- 3.** Where the low-impact camping area or campground is separated from an adjacent commercial farming operation by a four-lane highway, the setback from commercial farming operations shall not apply.

4. Where residential development (e.g. an existing residence, farm employee dwelling, accessory dwelling unit, or similarly-occupied building) or other development which is existing as of [the effective date of this ordinance] is located on the proposed low-impact camping area or campground premises within 200 feet of an adjacent premises with a commercial food crop, orchard, or vineyard farming operation, the setback from the adjacent commercial farming operation may be reduced by up to 50 percent, provided the agricultural enterprise use is located no closer than the aforementioned existing development.

In determining whether the criteria for a setback adjustment has been met, the Department may consider any mutual agreement between the applicant and the adjacent premises owner regarding the need for setbacks from the adjacent commercial farming operations.

- (2) **Length of stay.** Not more than 14 consecutive nights per person and not more than 28 nights per person per calendar year. Each stay must be separated from a previous stay anywhere on the premises by at least one week.
- (3) **Maximum occupancy.** Not more than eight persons shall occupy one individual campsite.
- (4) Not more than two vehicles shall be parked at each campsite.
- (5) **Parking.** The following parking standards shall apply to campgrounds and low-impact camping areas.
  - (a) A minimum of one parking space per campsite shall be required.
  - (b) Parking shall not be allowed within a road right-of-way or trail easement.
  - (c) Campsite parking areas shall have an all-weather surface consisting of a minimum of crushed rock, asphalt, chip seal, concrete, brick, or other masonry paving units or equivalent surface. The use of any non-permeable surface materials shall be the minimum necessary to comply with requirements for the provision of disabled access.
- (6) **Access notification.** If access to the campground or low-impact camping area will be taken via a private driveway or road easement, the applicant shall notify all neighboring property owners affected by the easement of the proposed campground or low-impact camping area.
- (7) **Quiet hours.** The campground or low-impact camping area operation shall maintain quiet hours in effect from 9:00 p.m. to 7:00 a.m. seven days a week.
- (8) **Pets.** If allowed by the property owner, pets shall be secured on the premises and on leash at all times.
- (9) **Design review.** Design review shall be required for new structural development when required pursuant to Section 35.82.070. In addition to exceptions to design review pursuant to Section 35.82.070 and Subsection 35.28.080.G (Santa Ynez Valley

Community Plan Area), the Director may exempt new campground structures from design review requirements if the new development is not visible from public roadways or other areas of public use (e.g., public parks).

- (10) The campground or low-impact camping area shall not be located on property zoned with the Critical Viewshed Corridor Overlay unless the Director determines that the location of the campground is not visible from Highway 101 due to natural intervening topography.

**d. Conditional Use Permit.**

- (1) On lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone (Section 35.28.155) a low-impact camping area or campground operation in compliance with Subsection E.1.a or Subsection E.1.b, and Subsection E.1.c, above, may be allowed with a Minor Conditional Use Permit approved in compliance Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) and Subsection F (Additional development standards for agricultural enterprise rural recreation uses), below.
- (2) A low-impact camping or campground operation that may not be allowed in compliance with Subsection E.1.a, Subsection E.1.b, or Subsection E.1.c, above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

**e. Advertising.** All advertising for a campground operation or low-impact camping area shall include the permit number in the advertisement text.

**f. Revocation.** In addition to the bases for revocation in Section 35.84.060 (Revocations), a Zoning Clearance for a low-impact camping area or campground may be revoked if the Permittee:

- (1) Makes unpermitted alterations to the property that compromise the original permit approval (e.g., removal of required parking);
- (2) Is determined to have submitted false or misleading information to the Department (e.g., information submitted as part of the permit application);
- (3) Receives, within a 12-month period, more than two documented violations regarding the campground or camping operation. Evidence of documented violations includes, but is not limited to, notices of violation, notices of determination of fines, orders to abate, citations, orders to cease and desist, or other documentation filed by County staff or law enforcement;
- (4) Advertises a larger number of campsites, campgrounds, or longer stays than allowed by the approved permit or the provisions of this Development Code.
- (5) Fails to comply partially or wholly with any of the permit conditions;
- (6) Fails to comply with State or County fire regulations (e.g., access requirements, maintenance of fire lanes, restrictions for campfires);
- (7) Fails to comply with County health regulations;
- (8) Fails to obtain or comply with any other required County, state or local permit;

- (9) Fails to comply with public health orders or emergency regulations issued by State or local authorities which limit use and occupancy of campgrounds; or
- (10) Fails to pay, or is delinquent in payment of, Transient Occupancy Tax if applicable, fines, or penalties.

~~1. Campgrounds.~~

~~a. A Campground operation may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the operation complies with the following development standards:~~

~~(1) The project does not include any of the following:~~

~~(a) New grading or structures that would require a grading or planning permit. This does not apply to grading and structures that are required in order to comply with the requirements of the Public Health Department in regards to the provision of sufficient potable water and onsite wastewater disposal.~~

~~(b) Electrical hookups for vehicles including recreational vehicles and trailers.~~

~~(c) New impervious surfaces.~~

~~(2) The project is not located on property zoned with the Critical Viewshed Corridor Overlay unless the Director determines that the location of the campground is not visible from Highway 101 due to natural intervening topography.~~

~~(3) There are no more than 10 campsites.~~

~~(a) No more than two vehicles shall be parked at each campsite.~~

~~(b) A maximum of one half of the total number of campsites may be used at any one time for the parking of not more than two recreational vehicles or trailers per site. Recreational vehicles and trailers shall not exceed 25 feet in length.~~

~~(4) Stays are limited to a maximum of 14 days per person per year.~~

~~(5) The use will not significantly compromise the long term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).~~

~~(6) Prior to the approval of a Land Use Permit approved in compliance with Section 35.82.110 (Land Use Permits), the plans for the Campground operation shall reviewed and approved by:~~

~~(a) The Public Health Department in regards to the provision of sufficient potable water and onsite wastewater disposal.~~

~~(b) The County Fire Department in regards to fire safety.~~

~~b. A Campground operation that may not be allowed in compliance with Subsection D.1.a, above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:~~

~~(a) The operation will not result in significant adverse impacts to visual resources.~~

~~(b) The operation will not include a new at-grade crossing of Highway 101.~~

~~**2. Farmstay.**~~

- ~~a. A Farmstay operation may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) provided the operation complies with the following development standards:~~
- ~~(1) The operation is located on a single lot of 40 acres or greater and the entire lot is located in the AG-II zone. Only one Farmstay operation may be allowed on a lot.~~
  - ~~(2) The operation is housed in a single permitted or nonconforming dwelling existing as of December 9, 2016. However, the operation shall not be housed in an accessory dwelling unit or junior accessory dwelling unit.~~
  - ~~(3) The primary purpose of the Farmstay operation shall be the education of registered guests regarding the agricultural operations on the lot. Lodging and meals are incidental and not the primary function of the Farmstay operation.~~
    - ~~(a) The maximum number of registered guests that can be accommodated shall be 15 per night and they shall be accommodated in no more than six bedrooms. Only registered guests may utilize the accommodations overnight.~~
    - ~~(b) Food service is only available to registered guests of the operation. The cost of any food provided shall be included in the total price for accommodation and not be charged separately.~~
  - ~~(4) The operation shall be consistent with the compatibility guidelines set forth in Uniform Rule Two (Compatible Uses within Agricultural Preserves) of the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.~~
    - ~~(a) If a Farmstay operation is proposed on a lot not subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones, then the applicable review authority shall determine if the operation will be consistent with the compatibility guidelines.~~
  - ~~(5) The operation is located on, and is part of, a farm or ranch operation that produces agricultural products, and the Farmstay operation:~~
    - ~~(a) Does not constitute the principal land use of the premises, and~~
    - ~~(b) Is beneficial and inherently related to the farm or ranch operation.~~
  - ~~(6) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot or adjacent lot(s).~~
  - ~~(7) No sign(s) located on the premises on which the Farmstay operation is located shall advertise or otherwise identify the existence of the Farmstay operation.~~
- ~~b. A Farmstay operation that may not be allowed in compliance with Subsection D.2.a., above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:~~

- ~~(a) The operation will not result in significant adverse impacts to visual resources.~~
- ~~(b) The operation will not include a new at-grade crossing of Highway 101.~~
- ~~(c) The operation will not be housed in an accessory dwelling unit or junior accessory dwelling unit.~~

**2.3. Fishing operation.**

**a. Applicability.** A fishing operation may be allowed within an artificial pond or reservoir stocked with fish in compliance with the California Fish and Game Code and the California Freshwater Sport Fishing Regulations, as may be amended, and subject to the following permit requirements. See Section 35.28.155 (Limited Agricultural Enterprise (LAE) Overlay Zone) for additional permit requirements and limitations on lands zoned with the LAE overlay zone.

**b. Permit requirements.**

**(1) Exempt.** A fishing operation may be exempt from the requirements to obtain a permit allowed with an exemption in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) provided the operation complies with the following development standards:

- ~~(a1) The operation is limited to 20 participants daily.~~
- ~~(2) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).~~
- ~~(b3) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~
- (c) The operation does not propose construction of a new pond.

**(2)b. Zoning Clearance.** A fishing operation that may not be allowed in compliance with Subsection ~~E.2.b.(1)D.3.a~~, above, may be allowed with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances) ~~a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits)~~ provided the operation complies with the following development standards:

- ~~(a1) The operation is limited to 30 20 participants daily.~~
- ~~(b2) The floor area (gross) of any new structure is less than 600 square feet.~~
- ~~(3) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).~~
- (c) Total ground disturbance for the fishing operation, including grading for new pond construction, parking, and any accessory structures, shall not exceed one acre.

**(3)c. Conditional Use Permit.**

(a) On lands zoned with the Limited Agricultural Enterprise (LAE) overlay zone (Section 35.28.155) a fishing operation in compliance with the standards of Subsections E.2.b.(1) or E.2.b.(2), above, may be allowed with a Minor Conditional

Use Permit approved in compliance Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) and Subsection F (Additional development standards for agricultural enterprise rural recreation uses), below.

~~(b) A fishing operation that may not be allowed in compliance with Subsections D.3.a or D.3.b, E.2.b.(1) or E.2.b.(2), above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), provided the following additional findings are first made:~~

~~(1) The operation will not result in significant adverse impacts to visual resources.~~

~~(2) The operation will not include a new at-grade crossing of Highway 101.~~

**c. Parking and parking areas.**

(1) Parking areas associated with a fishing operation may be unimproved; however, dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface.

(2) Parking areas shall comply with the applicable disabled access requirements of Title 24 of the California Code of Regulations.

(3) Parking shall not be allowed within a road right-of-way or trail easement.

**3.4. Horseback riding.**

**a. Exempt.** ~~A horseback riding operation may be exempt from the requirements to obtain a permit allowed with an exemption~~ in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) provided the operation complies with the following development standards:

(1) The horseback riding operation is limited to 24 20-participants daily.

(2) The horseback riding operation may include the following options:

(a) Riders may bring their own horses to the premises for riding.

(b) Horses may be brought to the premises for rental and riding on the premises.

(c) Rental of horses for horseback riding at existing stables that were permitted for the personal use of a landowner or for commercial boarding in compliance with Table 2-1 of Section 35.21.030 (Agricultural Zones Allowable Land Uses) or Section 35.42.060 (Animal Keeping).

~~(2) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).~~

~~(3) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.~~

(4) The operation does not propose the construction of any new roads or trails.

**b. Land Use Permit.** A ~~H~~horseback riding operation that may not be allowed in compliance with Subsection ~~E.3.a-D.4.a.~~, above, may be allowed with a Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) and Section 35.21.030 (Agricultural Zones Allowable Land Uses – Table 2-1, Equestrian Facilities), ~~provided the operation complies with the following development standards:~~

- ~~(1) The operation is limited to 20 participants daily.~~
- ~~(2) The operation will not significantly compromise the long-term productive agricultural capability or natural resources of the subject lot(s) or adjacent lot(s).~~
- ~~(3) The floor area (gross) of any new structure associated with the operation is less than 1,200 square feet.~~

**c. Parking and parking areas.**

- (1) Parking areas associated with a horseback riding operation may be unimproved; however, dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface.
- (2) Parking areas shall comply with the applicable disabled access requirements of Title 24 of the California Code of Regulations.
- (3) Parking shall not be allowed within a road right-of-way or trail easement.

~~c. A Horseback riding operation that may not be allowed in compliance with Subsections D.4.a. or D.4.b., above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) provided the following additional findings are first made:~~

- ~~(a) The operation will not result in significant adverse impacts to visual resources.~~
- ~~(b) The operation will not include a new at-grade crossing of Highway 101.~~

#### **4. Hunting.**

**a. Applicability.** A hunting operation may be allowed only in compliance with the California Fish and Game Code and California Department of Fish and Wildlife Hunting Regulations, as may be amended, Chapter 14A (Firearms) of the County Code, and subject to the following permit requirements. See Section 35.28.155 (Limited Agricultural Enterprise (LAE) Overlay Zone) for additional permit requirements and limitations on lands zoned with the LAE overlay zone.

**b. Permit requirements.**

- (1) Exempt.** A hunting operation may be exempt from the requirements to obtain a permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) provided the operation complies with the following development standard:
  - (a) The operation does not propose the construction of any new structure(s) or any additions to existing structures that would require a planning permit or new water or wastewater permit.
- (2) Zoning Clearance.** A hunting operation that may not be allowed in compliance with Subsection E.4.b.(1), above, may be allowed with a Zoning Clearance issued in



compliance with Section 35.82.210 (Zoning Clearances) provided the operation complies with the following development standard:

(a) The gross floor area of any new structure associated with the operation is less than 600 square feet.

**(3) Conditional Use Permit.** A hunting operation that may not be allowed in compliance with Subsections E.4.b.(1) or E.4.b.(2), above, may be allowed with a Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

**c. Parking and parking areas.**

(1) Parking areas associated with a hunting operation may be unimproved; however, dust generation shall not be allowed to become a nuisance and shall be kept to a minimum through the periodic wetting of the surface.

(2) Parking areas shall comply with the applicable disabled access requirements of Title 24 of the California Code of Regulations.

(3) Parking shall not be allowed within a road right-of-way or trail easement.

**F. Additional development standards for agricultural enterprise rural recreation uses.** The following development standards shall apply to the specific allowable uses allowed in compliance with Subsection E (Specific allowable uses and development standards for agricultural enterprise rural recreation uses in the AG-II zone), above.

1. **Agricultural use required.** The primary land use of the premises shall be the production of one or more agricultural commodities for commercial purposes. The use shall be incidental, supportive, and supplemental to the primary agricultural use.

2. The use shall not significantly compromise the agricultural operations or the long-term productive agricultural capability or natural resources of the subject premises or adjacent and surrounding premises.

3. Unless determined to be not applicable by the relevant department, prior to commencement of an exempt use in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), the issuance of a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances), or the approval of a Land Use Permit approved in compliance with Section 35.82.110 (Land Use Permits), the use shall be reviewed and approved by:

a. The Public Health Department in regards to the provision of sufficient onsite wastewater disposal in compliance with Chapter 18C (Environmental Health Services), and sufficient potable water in compliance with Chapter 35B (Domestic Water Systems), of the County Code.

b. The County Fire Department in regards to fire safety in compliance with Chapter 15 (Fire Prevention) of the County Code.

4. The rural recreation use shall not include a new at-grade crossing of Highway 101 or State highway.

5. The rural recreation operator shall collect and dispose of solid waste generated by the operation by one of the following methods, in compliance with Chapter 17 (Solid Waste Systems) of the County Code:
  - a. Contract with a waste collection company to provide regular solid waste handling services.
  - b. Transport the solid waste to an authorized solid waste facility.
  - c. Implement and enforce a "Leave No Trace" or "Pack In, Pack Out" policy for the recreational users.
  - d. Centralized waste collection and storage areas shall be screened from public view and waste receptacles and containers shall be covered.
  
6. **Fire Protection Plan.** Unless determined to be not applicable by the County Fire Department, prior to commencement of rural recreation uses that bring the public to the premises with an exemption in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements), issuance of a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances), or the approval of a Land Use Permit approved in compliance with Section 35.82.110 (Land Use Permits) or Conditional Use Permit in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits), the applicant shall submit a Fire Protection Plan to the County Fire Department for review, approval, and applicable permitting in compliance with Chapter 15 (Fire Prevention) of the County Code. The Fire Protection Plan shall identify, as applicable to the specific rural recreation use(s), potential ignition sources (such as campfire rings), measures intended to reduce the potential for wildfire, firefighting infrastructure (e.g., all weather access, water sources, fire extinguishers), emergency ingress and egress, emergency evacuation routes and shelter locations in the event of wildfire, and any additional information required by the County Fire Department. The Fire Protection Plan shall be updated and resubmitted, as necessary, should there be any changes to the conditions on the site (such as increased intensity of uses, change of use, or additional uses). The County Fire Department shall retain the ability to modify the conditions in the Fire Protection Plan to address any safety issues that may arise.
  
7. **Setbacks from sensitive habitats.**
  - a. Rural recreation uses and related development, including building and structures, parking, grading, and ground-disturbing activities in support of new development, shall be located a minimum of 100 feet from the edge of the following sensitive habitats:
    - (1) Streams and creeks, i.e., riparian habitat, or if riparian habitat is not present, from the top-of-bank of the stream or creek
    - (2) Wetlands
    - (3) Vernal pools
    - (4) Native woodlands and forests
    - (5) Native shrub lands (e.g., chaparral and coastal sage scrub)
    - (6) Native grasslands

- (7) Environmentally Sensitive Habitats as designated by a community plan. If this setback conflicts with a setback designated by a community plan, the setback most protective of the biological resource shall apply.
- b. The habitat boundary and 100-foot setback shall be depicted on all plans submitted to the Department.
- c. Projects located within or near critical habitat for rare, endangered or threatened species listed by State or federal agencies under the California Endangered Species Act or federal Endangered Species Act, or within plant communities known to contain rare, endangered, or threatened species, shall consult with the appropriate State or federal agency prior to commencing and exempt use, prior to issuance of a Zoning Clearance, or prior to approval of a Land Use Permit or Conditional Use Permit, as applicable.
- 8. Oak tree and other native tree protection.** Any new development or parking areas for a rural recreation use, including grading and ground-disturbing activities in support of new development or parking areas, shall be located at least six feet outside the canopy dripline of oak trees and other native trees species. If a permit is required, applicants proposing to encroach within this setback shall be required to submit an arborist report and if applicable, a tree protection and replacement plan to the Department for review and approval.
- 9. Fencing for wildlife movement.** If fencing is required for rural recreation uses, the fencing shall be designed in compliance with the following standards to allow for the safe passage of wildlife.

  - a. Fences and gates shall be wildlife-permeable.
  - b. The distance between the bottom wire or rung and the ground surface shall be a minimum of 18 inches.
  - c. Fencing materials may include the use of rails, smooth wire, and similar materials. Barbed wire shall not be used for agricultural enterprise rural recreation uses unless necessary to separate livestock operations from the use.
- 10. Cultural resources.** Archaeological and other tribal cultural resources shall be protected in compliance with applicable cultural resource protection policies and the requirements of the County “Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources,” as applicable. If subsurface ground disturbing activities are proposed for rural recreation uses on lands where no previous permitted ground disturbance or prior archaeological surveys have occurred, the applicant shall submit to the Department a Phase 1 cultural resource study prepared by a qualified archaeologist documenting the absence or presence of cultural resources in the project area. In the event the Phase 1 cultural resources study determines the presence of resources or that additional investigation is required, the applicant shall follow the subsequent requirements of “Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources.”
- 11. Historic resources.** Historic resources shall be preserved, restored, and renovated consistent with applicable historic resource protection policies and the requirements of the County “Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources,” as applicable. Applicants proposing to repurpose existing structures that are greater than 50 years in age and/or designated as an historic landmark or place of historic merit

for an agricultural enterprise use shall submit to the Department a Phase 1 investigation prepared by a qualified historian, unless waived by the Director. In the event the Phase 1 investigation determines the presence of resources or that additional investigation is required, the applicant shall follow the subsequent requirements of "Guidelines for Determining the Significance of and Impacts to Cultural Resources – Archaeological, Historic, and Tribal Cultural Resources."

- 12. Hazardous materials avoidance and incidental discovery.** Rural recreation uses shall be located to avoid areas that are known to be contaminated with hazardous agricultural chemicals. In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during grading or construction for an agricultural enterprise use, construction activities in the immediate vicinity of the contamination shall cease immediately and the applicant shall immediately notify the Department and, as applicable, the Hazardous Waste Unit of County Fire and Site Mitigation Unit of County Environmental Health.
- 13. Signs.** Signs accessory to a rural recreation use shall comply with Chapter 35.38 (Sign Standards).
- 14. Lighting.** Lighting accessory to a rural recreation use shall comply with Section 35.30.120 (Outdoor Lighting).
- 15. Informational advisory.** The rural recreation operator shall provide an informational advisory to visitors disclosing the following:
  - a. The rural recreation use is located on an active agricultural operation and visitors may be exposed to minor inconveniences associated with the agricultural operation such as noise, dust, and odors from agricultural operations on the premises and/or adjacent agricultural lands.
  - b. The informational advisory shall also advise potential guests that visitors to active agricultural lands must respect the property and pre-existing agricultural operations, and avoid trespassing beyond designated visitor areas.

### **SECTION 13:**

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 hereby amended to revise Subsection B. Permit requirements and development criteria, of Section 35.42.280, Wineries, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

#### **B. Permit requirements and development criteria.**

1. Wineries that comply with all of the following criteria may be allowed subject to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).
  - a. For every 1,000 cases of wine produced per year there shall be a minimum two acres of vineyard planted on the winery premises.
  - b. The production capacity of the winery shall not exceed 20,000 cases per year.
  - c. The winery premises shall not contain a tasting room.

- d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.
    - e. Winery special events occurring on the winery premises shall not exceed four per year and the attendance at each event shall not exceed 150 attendees. Otherwise, the winery shall not be open to the public and shall not offer tours and retail wine sales to the public.
  2. Wineries that comply with all of the following criteria may be allowed subject to a Development Plan approved by the Zoning Administrator in compliance with Section 35.82.080 (Development Plans).
    - a. For every 1,000 cases of wine produced there shall be a minimum one-acre of vineyard planted on the winery premises.
    - b. The production capacity of the winery shall not exceed 50,000 cases per year.
    - c. The winery may include a tasting room. However, the floor area of the tasting room shall not exceed 400 square feet or 10 percent of the winery structural development area located on the winery premises, whichever is greater.
    - d. Winery structural development located within the winery premises shall not exceed 20,000 square feet.
    - e. Winery special events occurring on the winery premises shall not exceed eight per year and the attendance at each event shall not exceed 150 attendees.
    - f. Incidental food service may be provided in conjunction with a new tasting room in compliance with Subsection C.8 (Development standards for incidental food service at tasting rooms) below.
3. Wineries that comply with all of the following development standards may be allowed subject to a Development Plan approved by the Commission in compliance with Section 35.82.080 (Development Plans). The production capacity of the winery is not limited and the winery may contain a tasting room.
  - a. For every 1,000 cases of wine produced there shall be at a minimum one-half acre of vineyard planted on the winery premises.
  - b. Winery special events occurring on the winery premises shall not exceed 12 per year and the attendance at each event may not exceed 200 attendees.
    - (1) Winery special events in excess of 12 per year or where the attendance at one or more events exceeds 200 may be allowed in compliance with a Conditional Use Permit approved by the Commission in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).
    - (2) The number of special events allowed by a Conditional Use Permit shall not exceed 40 days per year.
  - c. Incidental food service may be provided in conjunction with a new tasting room in compliance with Subsection C.8 (Development standards for incidental food service at tasting rooms) below.

4. The Department shall refer winery applications to the Subdivision/Development Review Committee and the Board of Architectural Review for review and recommendation to the review authority.
5. **Incidental food service at existing permitted tasting rooms.** Incidental food service may be allowed at and in conjunction with an approved permitted tasting room provided it complies with the permit requirements below.
  - a. **Exempt.** Incidental food service at tasting rooms may be exempt from the requirements to obtain a permit in compliance with Section 35.20.040 (Exemptions from Planning Permit Requirements) provided the use does not include an expansion of or additions to the tasting room floor area or additions to winery structural development and complies with the development standards pursuant to Subsection C.8 (Development standards for incidental food service at tasting rooms), below.
  - b. **Zoning Clearance.** Incidental food service at tasting rooms that includes the conversion of interior floor area of a tasting room or winery structural development to a kitchen, food service preparation area, food storage, tasting room area, and other amenities as may be required by the County Public Health Department for food safety and the provision of incidental food service may be allowed with a Zoning Clearance issued in compliance with Section 35.82.210 (Zoning Clearances) provided the use complies with the development standards pursuant to Subsection C.8 (Development standards for incidental food service at tasting rooms).
    - (1) Conversion of interior floor area for tasting room area shall not exceed the size limits for a Tier II winery tasting room, if applicable, as allowed by Subsection 35.42.280.B.2.c above.
  - c. **Change to an Approved Winery Tasting Room Permit (Development Plan or Conditional Use Permit).** Additions to, or expansions of, tasting room floor area open to the public, or additions to existing winery structural development, or a new structure to provide a kitchen, food service preparation area, food storage, and other amenities as may be required by the County Public Health Department for food safety and the provision of incidental food service, may be allowed with a change to the winery’s operational permit in compliance with Section 35.84.040 (Changes to an Approved Project).

#### **SECTION 14:**

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 hereby amended to revise Subsection C. Development standards for winery facilities, of Section 35.42.280, Wineries, of Chapter 35.42, Standards for Specific Land Uses, to add a new Subsection 8 titled “Development standards for incidental food service at tasting rooms” to read as follows, and to renumber the existing Subsections 8 through 10 as 9 through 11, respectively:

**8. Development standards for incidental food service at tasting rooms.**

- a. The following types of incidental food service may be provided at a tasting room in compliance with the permit requirements of Subsection B.2.f, Subsection B.3.c, and Subsection B.5 (Incidental food service at existing permitted tasting rooms), above:
  - (1) Prepackaged foods, meals, or picnics, such as salads or sandwiches, or other foods prepared and delivered by an offsite permitted food facility.
  - (2) Food trucks.
  - (3) Catered food.
  - (4) Foods prepared on the premises.
  - (5) An outdoor barbeque not part of a food truck or catered food operation.
  - (6) An outdoor pizza oven not part of a food truck or catered food operation.
- b. The provision of food shall be secondary, incidental, and subordinate to the primary function of tasting room operations, including wine tasting, marketing, sales, and education, and the primary agricultural use of the premises. Incidental food service shall not be operated as a food service establishment independent of the tasting room.
- c. Incidental food service shall be limited to the same footprint of the approved tasting room and/or exterior area that is open to the public for wine tasting.
- d. Incidental food service shall be limited to the hours of operation of the tasting room, as established by the winery's approved permit.
  - (1) If tasting room hours of operation are not established by the winery's approved permit, incidental food service shall operate concurrently with the tasting room hours of operation, provided that incidental food service shall commence no earlier than 10:00 a.m. and end no later than 8:00 p.m.
- e. The incidental food service and winery tasting room shall comply with all standards regarding the provision, storage, preparation, and service of food, in addition to water supply and sanitation facilities, and shall obtain all necessary permits, as required by the County Public Health Department.
- f. County Fire Department requirements shall be met.

**SECTION 15:**

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 hereby amended to revise Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to delete the definitions of "Agricultural and Natural Resource Educational Experience" and "Product Preparation" in their entirety.

~~**Agricultural and Natural Resource Educational Experience.** An instructional program that integrates academic and technical preparation and includes real-world relevant experiences in areas such as agricultural business, agricultural mechanics, agriscience, animal science, forestry and natural resources, ornamental horticulture, and plant and soil science. Program components may include classroom and laboratory instruction, and supervised agricultural experience projects.~~

~~**Product Preparation.** The preparation of agricultural and horticultural product by activities including drying, freezing, pre-cooling, packaging, and milling of flour, feed, and grain to facilitate marketing and wholesale sales.~~

## **SECTION 16:**

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 hereby amended to revise Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to revise the definitions of "Agricultural Processing and Product Preparation", "Agricultural Product Sales", "Campground", "Composting Facility", "Composting Operation", "Farmstay", "Farm Stand", "Lumber Processing and Milling", and "Recreational Vehicle", to read as follows:

**Agricultural Processing and Product Preparation.** The initial processing or preparation for shipping of agricultural products, ~~not including animal products, including milling by simple mechanical process without additives, chemical reactions, changes in ambient temperatures and/or hazardous materials~~ produced on the same site ("on-premises products") or from other properties ("off-premises products"), for onsite marketing or for additional processing and/or packaging elsewhere. Examples of this land use include the following:

drying of corn, rice, hay, fruits and vegetables

flower ~~growing~~ packing or packaging

freeze-drying of fruits and vegetables

milling by simple mechanical process without additives, chemical reactions, changes in ambient temperatures and/or hazardous materials

pre-cooling and packaging of fresh or farm dried fruits and vegetables

pressing olives to create olive oil

sorting, grading and packing of fruits and vegetables

Does not include "cannabis" and "wineries," which are defined separately

**Agricultural Product Sales.** The sale of agricultural products, including flowers, fresh fruit, herbs, plants and vegetables, grown on or off the premises or other products as allowed by Section 35.42.050 (Agricultural Product Sales) of this Development Code.

**Campground.** ~~An area of land-site with one or more individual campsites~~ for temporary occupancy by campers ~~which may include individual campsites~~. May include accommodations for recreational vehicles unless prohibited within the applicable zone.

**Composting Facility.** A commercial facility or agricultural operation that produces compost from the organic material fraction of the waste stream and is permitted, designed, and operated in compliance with the applicable regulations in California Code of Regulations, Title 14, Division 7.

**Composting Operation.** A commercial facility or agricultural operation that produces compost from the organic material fraction of the waste stream and is permitted, designed, and operated in compliance with the applicable regulations in California Code of Regulations, Title 14, Division 7.



**Farmstay.** ~~Transient lodging visitor-serving accommodations provided as part of a A-type of working farm or ranch operation, that is partially oriented towards visitors or tourism by providing guest accommodations. Such an operation may include interactive activities where guests participate in basic farm or ranch operations such as collecting eggs and feeding animals, or a work exchange agreement where the guest works a set number of hours in exchange for free or reduced rate accommodation.~~

**Farm Stand.** A stand structure, which may be of permanent or temporary construction, that sells farm produce and other incidental items

**Lumber Processing, and Milling.** A facility that produces lumber including dimensional boards and specific shaped items from harvested trees.

**Recreational Vehicle.** A motor home, travel trailer, camper or camping trailer, with or without motorized power, designed for human habitation for recreational or emergency occupancy. Recreational vehicles shall also include trailer-borne boats and other watercraft.

## **SECTION 17:**

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 hereby amended to revise Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add new definitions of “Agricultural Premises”, “Agricultural Processing – Small-Scale Processing Beyond the Raw State”, “Campground – Low-Impact”, “Campsite”, “Educational Experiences and Opportunities”, “Fishing Operation”, “Hunting”, “Incidental Food Service”, “Small-Scale Special Event – Agricultural Enterprise”, “Tent Cabin”, and “Yurt”, to read as follows:

**Agricultural Premises.** The area of agricultural land consisting of a single lot or multiple contiguous lots under one ownership.

**Agricultural Processing – Small-Scale Processing Beyond the Raw State.** On a limited scale, the refinement or other processing of agricultural products (not including animal products) to minimally change them from their raw form. Small-scale agricultural processing beyond the raw state may involve some use of machinery, additives, chemical reactions, and changes in ambient temperature but does not involve pasteurization, or the use of hazardous or highly odiferous materials or products. Small-scale agricultural processing beyond the raw state may include activities such as curing, pickling, preserving, and milling of flour, feed and grain, when conducted on a limited, small-scale basis in support of onsite agriculture. Does not include “cannabis,” “winery,” and “agricultural processing – extensive,” which are defined separately.

**Camping Area or Campground – Low-Impact.** An area of private property that provides for short-term overnight recreational camping with not more than nine individual campsites.

**Campsite.** An area within a campground occupied by a camping party (a person or camper or a group of up to eight persons or campers occupying one campsite).

**Educational Experiences and Opportunities.** An agricultural enterprise use, operated on a commercial basis, consisting of the following uses: small guided tours of a farm or ranch; academic and technical training for farmers and ranchers in all areas of the agricultural sciences and agricultural business; and educational workshops and experiences for the general public regarding the agricultural and natural resources on the

premises including large guided farm and ranch tours, botany, bird and wildlife viewing and studies, photography, astronomy, and other similar agricultural, natural resources, and cultural educational experiences.

**Fishing Operation.** Commercial, recreational fishing within an artificial pond or reservoir that is stocked with fish.

**Hunting.** The activity of hunting animals, either for food or as a sport.

**Incidental Food Service.** Provision of food to guests of an agricultural premises allowed in conjunction with an agricultural enterprise activity that brings the public to the farm or ranch. Provision of food shall be secondary, incidental, and subordinate to the primary commercial agricultural use of the premises and the agricultural enterprise uses.

**Small-Scale Special Event – Agricultural Enterprise.** A use or event of short duration operated on a commercial basis that is accessory and incidental to the principal commercial agricultural use of an agricultural premises. The use may recur on an intermittent basis. The recurring use or event may include farm-to-table dinners, cooking classes, weddings, receptions, parties, writing or yoga workshops, and similar gatherings, and non-motorized trail runs, bike races, equestrian endurance rides, and similar activities.

**Tent Cabin.** A hybrid structure between a tent and a cabin typically with a wood floor, frame, and door, and covered by a heavy-duty or waterproof canvas or other durable fabric.

**Yurt.** A circular structure with a lattice framework and conical roof of poles, installed on a wood or concrete floor or platform, and covered by a heavy-duty or waterproof canvas or other durable fabric.

## **SECTION 18:**

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 hereby amended to revise Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add a new definition of “Incidental Food Service at Winery Tasting Room” to the terms defined under “Winery”, to read as follows, and to renumber the existing definitions 1 through 5 as 2 through 6, respectively:

**1. Incidental Food Service at Winery Tasting Room.** Provision of food to guests of a winery tasting room within the same structure and/or footprint of the tasting room area, allowed in conjunction with the marketing and sale of wine produced on the winery premises. Provision of food shall be secondary, incidental, and subordinate to tasting room operations, including wine tasting, sales, and education.

## **SECTION 19:**

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

**SECTION 20:**

Except as amended by this ordinance, Article 35.2, 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 Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

**SECTION 21:**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 22:**

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 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 \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
STEVE LAVAGNINO, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER

Agricultural Enterprise Ordinance  
Case No.: 23ORD-00005  
Attachment 4-1: LUDC Ordinance Amendment (with revisions)  
Hearing Date: November 5, 2024  
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CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEM  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel