



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

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

Department Name: Planning & Development
Department No.: 053
For Agenda Of: 4/9/2013
Placement: Departmental
Estimated Time: 45 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Glenn S. Russell, Ph.D Director of Planning and Development
Contact Info: Jeff S. Hunt, AICP, Deputy Director of Long Range Planning
(805.568.2072)
SUBJECT: Agricultural Buffer Ordinance

County Counsel Concurrence
As to form: Yes

Auditor-Controller Concurrence
As to form: N/A

Other Concurrences: N/A

Recommended Actions:

That the Board of Supervisors:

Consider recommendations of the County and Montecito Planning Commissions to approve: (A) Case No. 12ORD-00000-00011, which would amend the County Land Use and Development Code; (B) Case No. 12ORD-00000-00012, which would amend the Montecito Land Use and Development Code; (C) Case No. 12ORD-00000-00013, which would amend the Article II, Coastal Zoning Ordinance; and, (D) Case No. 13ORD-00000-00001, which would amend Santa Barbara County Code Chapter 21 Land Division, to create Agricultural Buffer Regulations that are intended to minimize land use conflicts between agriculture and new non-agricultural uses and development.

Your Board's action should include the following:

A. Case No. 12ORD-00000-00011 (County LUDC Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed Ordinance as shown in Attachment 1;
2. Certify that the Board has reviewed and considered the information contained in the Final Negative Declaration 11NGD-00000-00004 (Attachment 12) together with any comments received during the public review process and hearing, determine that the Final Negative Declaration has been completed in compliance with the California Environmental Quality Act (CEQA) and that the project will not have a significant effect on the environment, and adopt the Final Negative Declaration, along with the CEQA findings; and
3. Approve Case No. 12ORD-00000-00011, an Ordinance amending 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code included as Attachment 2.

B. Case No. 12ORD-00000-00012 (Montecito LUDC Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed Ordinance as shown in Attachment 4;
2. Certify that the Board has reviewed and considered the information contained in the Final Negative Declaration 11NGD-00000-00004 (Attachment 12) together with any comments received during the public review process and hearing, determine that the Final Negative Declaration has been completed in compliance with the California Environmental Quality Act (CEQA) and that the project will not have a significant effect on the environment, and adopt the Final Negative Declaration, along with the CEQA findings; and
3. Approve Case No. 12ORD-00000-00012, an Ordinance amending 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code included in Attachment 5.

C. Case No. 12ORD-00000-00013 (Article II Coastal Zoning Ordinance Amendment):

1. Make the findings for approval, including CEQA findings, of the proposed Ordinance as shown in Attachment 7;
2. Determine that the adoption of this Ordinance is statutorily exempt from the California Environmental Quality Act pursuant to Section 15265 of the Guidelines for Implementation of CEQA included in Attachment 13; and
3. Approve Case No. 12ORD-00000-00013, an Ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code included in Attachment 8.

D. Case No. 13ORD-00000-00001 (Chapter 21, Land Division Amendment):

1. Approve the introduction (first reading) of an Ordinance (Case No. 13ORD-00000-00001) amending Chapter 21, Land Division, of the Santa Barbara County Code, and read the title and waive further reading of the Ordinance, Case No. 13ORD-00000-00001, amending Chapter 21, Land Division, of the Santa Barbara County Code as shown in Attachment 11;
2. Set a hearing on the Administrative Agenda of April 16, 2013 to:
 - a. Make the findings for approval, including CEQA findings, of the proposed Ordinance as shown in Attachment 10;
 - b. Certify that the Board has reviewed and considered the information contained in the Final Negative Declaration 11NGD-00000-00004 (Attachment 12) together with any comments received during the public review process and hearing, determine that the Final Negative Declaration has been completed in compliance with the California Environmental Quality Act (CEQA) and that the project will not have a significant effect on the environment, and adopt the Final Negative Declaration, along with the CEQA findings; and
 - c. Adopt (second reading) an Ordinance (Case No. 13ORD-00000-00001), amending Chapter 21, Land Division, of the Santa Barbara County Code.

Summary Text:

A. Background

The Agricultural Buffer Project (hereafter referred to as “Ordinance”) implements adopted Comprehensive Plan policies through the establishment of development standards for agricultural buffers between new non-agricultural development and agricultural uses for specified discretionary projects. See Section B.2, Applicability, of this report for more details regarding the project criteria that require an agricultural buffer. Adoption of the Ordinance will result in a positive benefit to agriculture in Santa Barbara County. Agricultural buffers are intended to minimize potential land use conflicts by creating a physical separation between the uses to minimize conflicts resulting from roaming pets, invasive exotic plant species, and trespassing issues often associated with encroaching non-agricultural uses. Additionally, the agricultural buffer provides physical separation from noise, dust and odors often associated with normal agricultural practices.

Throughout development of the Ordinance, staff consulted with the Agricultural Commissioner’s Office and the Agricultural Advisory Committee (AAC). In the winter of 2012, staff formed an ad-hoc working group consisting of seven members to discuss the proposed Ordinance. The Agricultural Buffer Working Group (ABWG) included four members from the agricultural community, two members from the development community, and one member from the environmental community. The ABWG assisted in working through most of the technical issues with the Ordinance and the development of the Agricultural Buffer Implementation Guidelines (hereafter referred to as “Guidelines”). Staff brought the Ordinance and Guidelines, with the suggested language from the ABWG, to the AAC on May 2, 2012 and the AAC endorsed the draft Ordinance with a unanimous vote.

B. Project Description

1. Project Location

The Ordinance applies County-wide and applies to all unincorporated Urban, Inner-Rural, Existing Developed Rural Neighborhoods (EDRN), and Industrial zone districts that interface with rural agricultural areas. The proposed Ordinance does not apply to urban agricultural areas. The Map of Santa Barbara County Rural Agriculture Interface Areas (Attachment 20) shows that the majority of Rural Agriculture/Urban interface areas are located in the Cuyama, Los Alamos, Orcutt, and Santa Ynez areas. The rural agriculture/Inner-Rural or EDRN interface areas are predominantly in the Tepusquet Canyon area, east of Mission Hills, the Santa Ynez Valley and in the foothills of Carpinteria. Rural Agriculture/Industrial zone interface areas are east of the City of Santa Maria and along the Gaviota Coast.

2. Ordinance Language

Applicability: The proposed Ordinance applies to all non-agricultural discretionary development and use applications (“project”) which meet all the following criteria:

1. The project is located within an Urban or Inner-Rural Area, or an EDRN, as designated on the Comprehensive Plan maps; or located on property zoned industrial that is located in the Rural Areas as designated on the Comprehensive Plan maps.
2. The project site is located immediately adjacent to land that is:
 - a. Located in a Rural Area as designated on the Comprehensive Plan maps, and
 - (1) Has an agricultural zone designation, excluding state or federally owned land, or

- (2) Is subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

The proposed Ordinance applies only to future land use permitting actions and will not affect projects approved prior to the effective date of this Ordinance.

Buffer width ranges: The proposed Ordinance requires agricultural buffers be located on the non-agricultural (project) lot and be measured from the common lot line between the agricultural and non-agricultural lot. Table 1 shows the proposed buffer width ranges for proposed non-agricultural development and uses adjacent to production agriculture or adjacent to rangeland or pastureland.

Table 1 - Range of Agricultural Buffer Widths

<u>Project Land Use or Zoning</u>	<u>Project Location</u>	<u>Minimum Buffer Width (feet)</u>	<u>Maximum Buffer Width (feet)</u>
<u>Commercial or Industrial</u>	<u>Adjacent to production agriculture</u>	<u>100</u>	<u>300</u>
	<u>Adjacent to rangeland or pastureland</u>	<u>100</u>	<u>150</u>
<u>Residential, not located on a Small Lot located within an Urban Area</u>	<u>Adjacent to production agriculture</u>	<u>200</u>	<u>300</u>
	<u>Adjacent to rangeland or pastureland</u>	<u>100</u>	<u>150</u>
<u>Residential, located on a Small Lot located within an Urban Area</u>	<u>Adjacent to production agriculture</u>	<u>100</u>	<u>200</u>
	<u>Adjacent to rangeland or pastureland</u>	<u>100</u>	<u>150</u>
<u>Sensitive Non-agricultural Uses</u>	<u>Adjacent to production agriculture</u>	<u>300</u>	<u>400</u>
	<u>Adjacent to rangeland or pastureland</u>	<u>100</u>	<u>150</u>

In general, the minimum buffer width reduces potential land use conflicts to a reasonable, typical level. However, ranges are provided because circumstances may require the buffer width to be adjusted. Site specific factors that shall be considered when determining a specific buffer width increase include crop type/agricultural practices, elevation differences and topography, location of existing roads or naturally occurring barriers, historical land use on the agricultural lot, future farming potential of the agricultural lot, site design of the non-agricultural proposal, and prevailing wind direction.

Site specific factors that may offset a buffer width increase include non-agricultural lot size and configuration (i.e., small or narrow lot configuration), existing non-agricultural development, and vegetative screening adjacent to production agriculture.

Proposed buffer width ranges are higher for non-agricultural development adjacent to production agriculture (100 feet to 400 feet) than adjacent to rangeland and/or pastureland (100 feet to 150 feet). Production agriculture requires more intensive farming practices (tillage of the soil, picking, and pruning, etc.) and typically generates more noise, dust and odors. The buffer width ranges are based on research and recommendations from the AAC and ABWG. Agricultural Buffers - A White Paper (Attachment 19) describes the technical research and methodology for the proposed

Ordinance, including other jurisdictions' agricultural buffer requirements.

Allowable uses within the agricultural buffer: Allowable uses within the agricultural buffer are categorized as unrestricted uses or restricted uses. Unrestricted uses are most compatible with agriculture and are allowed anywhere within the buffer. These include drainage channels, retention basins, fences and walls, low-lying vegetation, oil and gas and cogeneration facilities, natural waterways, flood plains, solar energy systems, telecommunications facilities, wind energy conversion systems, utility lines and facilities, signs, some modifications or additions to structures, and any other use determined by the review authority to be consistent with the purpose and intent of the buffer requirement.

Restricted uses within the buffer are considered less compatible with agriculture and are allowed no closer than one half the width of the buffer as measured from the common lot line. Restricted uses include landscaping and vegetative screening, lighting, limited passive recreational uses such as trails, bike paths and walking paths, non-habitable structures such as those used for storage, open space, parking areas including carports and garages, and industrial or commercial loading docks and rear service areas. The review authority may modify the requirement that the restricted use may not be allowed no closer than one-half the width of the buffer as measured from the common lot line when it is determined that strict compliance with the section is not required to minimize conflicts with adjacent agriculture. Intensive recreational uses such as parks, picnic areas, playgrounds, and ball fields are prohibited within an agricultural buffer.

Buffer establishment and maintenance: The Ordinance requires agricultural buffers be established and properly maintained by requiring a Landscape, Lighting, and Irrigation Plan (LLIP) and a Maintenance Plan be submitted with the project. The LLIP addresses the initial establishment of the buffer and the installation of any landscaping, lighting, irrigation, and fencing (or other barrier). Applicants must submit an agreement and performance security as part of the project to ensure the LLIP is installed and successfully established. A requirement that the Maintenance Plan, LLIP and a Notice to Property Owner be recorded by the property owner ensures the agricultural buffer will be maintained for the life of the project.

Small residential urban lots: Staff analyzed the extent to which the Ordinance may affect small, residential urban lots. The majority of small, residential urban lots are located in the Cuyama, Los Alamos, Orcutt, and Santa Ynez areas. Therefore, staff conducted a focused analysis of these four areas as a representative sample of the County. The results of the mapping analysis (Attachments 20 through 24) indicate that at this time, the discretionary development potential of eight residential urban lots ranging in size from one acre to at least 10,000 sq ft. in size, could be affected by the Ordinance. To minimize potential land use impacts upon small or narrowly configured lots, the Ordinance includes a reduced minimum buffer width of 100 feet and a maximum buffer width of 200 feet for small urban residential parcels. In addition, Subsection D.6 of the Ordinance includes a reasonable use clause that states: "This Section is not intended, and shall not be construed as authorizing the review authority acting in compliance with this Section to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States or under this Zoning Ordinance or County Code."

Proposed new definitions: The proposed Ordinance adds the following new definitions for "Agricultural Buffer", "Production Agriculture", "Rangeland or Pastureland", "Small Lot" and "Sensitive Non-agricultural Uses";

- Buffer, Agricultural. A designated width of land used to minimize potential land use conflicts between non-agricultural development/uses and adjacent agricultural uses.

- **Production Agriculture.** A commercial agricultural operation that excludes rangeland or pastureland operations. Production agriculture allows for a change of crop or fallow periods.
- **Rangeland or Pastureland.**
 1. Land that is not currently used for agricultural production but is used for the grazing or pasturing of livestock, such as cattle and horses, which may also include facilities for confining animals, but not involving a commercial livestock feed or sales yard or dairy.
 2. Land which is limited in its potential use, as defined by soils or other constraining factors, from supporting production agriculture. See the Agricultural Buffer Implementation Guidelines for details.
- **Small Lot.** A lot equal to or smaller than one-half acre that is located adjacent to the Urban Boundary Line as depicted on Comprehensive Plan maps.
- **Sensitive Non-agricultural Uses.** Child care facilities, educational facilities, medical facilities, schools, student dormitories, senior housing, and other similar uses.

C. Summary of the Planning Commission hearings

The County Planning Commission (County PC) made several revisions to the proposed amendments to the County Land Use and Development Code (LUDC) and the Article II, Coastal Zoning Ordinance (Article II) during the hearings on October 3, 2012, November 14, 2012 and December 19, 2012. A summary of the revisions is shown below. On December 19, 2012, by a 3-2 vote, the County PC adopted a resolution recommending that your Board adopt the proposed Ordinance amending the County LUDC (Attachment 3) and a resolution recommending that your Board adopt the proposed Ordinance amending Article II (Attachment 9). The County PC does not have review authority over Chapter 21. Therefore, staff advised the County PC there would be changes to Chapter 21 but staff did not present text amendments to the County PC nor ask the County PC for a recommendation.

The County PC adopted the following revisions to the originally proposed language of the Ordinance, shown as Attachment A of the Final Negative Declaration (Attachment 12):

1. Added the following exceptions: (a) State and County roadway projects, (b) minor lot line adjustments, and (c) minor changes to previously approved non-agricultural discretionary projects, provided the changes do not result in any new or greater impacts (Subsection C).
2. Added language explaining how to apply the Ordinance if the adjacent agricultural lot contains both Production Agriculture and Rangeland/Pastureland (Subsection D and Section II.C of the Guidelines).
3. Changed the method of recording the buffer from requiring a deed restriction or conservation easement to requiring (a) a Notice to Property Owner, (b) the buffer to be included as a condition of approval of the project (Subsection D.7) and, for land divisions, (c) the buffer to be recorded on the informational map sheet (Chapter 21 version only).
4. Expanded the recordation requirements to include recordation of the Landscape Lighting Irrigation Plan, allowable uses within the buffer, and the Maintenance Plan (Subsection D.7).
5. Added the following as unrestricted uses within agricultural buffers: (a) agriculture, (b) oil and gas facilities, (c) cogeneration facilities, (d) natural waterways, and (e) modifications or additions to legally existing structures, provided the modification or addition does not

extend further towards the immediately adjacent agricultural lot (Subsection E.1).

6. Moved the vegetative screening criteria to the Landscape, Lighting and Irrigation Plan (LLIP) requirements and amended the LLIP requirements to (a) specify the required contents of the LLIP, (b) add criteria for vegetation within the LLIP and explain vegetation is not required within the buffer, and (c) provide for regular maintenance of the elements within the LLIP (Subsection F).
7. Added horse operations to the definition of Rangeland or Pastureland (Definitions, Rangeland or Pastureland).
8. Expanded the Site Design section of the Guidelines to include more specific examples (Section V of the Guidelines).

On September 26, 2012, by a unanimous vote, the Montecito Planning Commission adopted a resolution recommending that your Board adopt the proposed Ordinance amending the Montecito LUDC. However, the County PC's recommended amendments would have resulted in inconsistencies between the proposed Ordinance amending the Montecito LUDC (recommended by Montecito PC on 9/26/2012) and the proposed Ordinance amending the County LUDC and Article II (recommended by County PC on 12/19/2012). For this reason, the Montecito PC considered the revisions recommended by the County PC and those subsequent changes recommended by staff (see below), and by a unanimous vote, adopted a Resolution (Attachment 6) superseding Resolution 12-08 and recommending that your Board adopt the proposed Ordinance amending the Montecito LUDC (Attachment 5).

Please refer to the County PC staff reports, Attachments 15, 16, and 17, and the Montecito PC staff reports, Attachments 14 and 18, for further background information and analysis.

D. Staff Revisions to the Ordinance

Staff is recommending additional revisions to the Ordinance that were not considered by the County PC. The proposed staff revisions are reflected in the Ordinance language for proposed amendments to the County LUDC (Attachment 2), Montecito LUDC (Attachment 5), Article II (Attachment 8) and Chapter 21 (Attachment 11). Proposed staff revisions are as follows:

1. *Agriculture as an allowed use.* As indicated in Section C.5 of this report, the County Planning Commission recommended adding "agriculture" as an unrestricted use within agricultural buffers as part of its action at the December 19, 2012 hearing. The Agricultural Advisory Committee (AAC) and the Agriculture Commissioner have expressed concerns that allowing agriculture within the buffer may not always be an appropriate use and could conflict with adjoining agriculture in certain circumstances. The AAC discussed this proposed change at its March 6, 2013 meeting and recommended two amendments to Subsection E (Allowable uses within agricultural buffers): 1) delete "agriculture" as an unrestricted use within the buffer and 2) amend Subsection E.1.j of the Ordinance to read as follows: "Any other use, including agriculture, determined by the review authority to be consistent with the purpose and intent of the buffer requirement." The AAC's recommendation to add agriculture to Subsection E.1.j specifies the review authority's ability to consider agriculture within the buffer on a case by case basis. The proposed revised language contained in Section E.1.j addresses the County Planning Commission's intent to allow agriculture in the buffer where appropriate, but also provides flexibility to address circumstances when agriculture in the buffer may be inappropriate. The Agriculture Commissioner also indicated support for the AAC's recommendation. For these reasons staff is recommending the revised language.

2. Change “notwithstanding any” to “subject to”. On March 20, 2013, the Montecito PC recommended revising Subsection E.1 (Unrestricted uses within agricultural buffers) of the Montecito LUDC to read as follows: ~~“Notwithstanding any~~ Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed...” In order to ensure consistency between the Ordinances, staff is recommending the same revision to 1) Subsection E.2 (Restricted uses within agricultural buffers) of the Montecito LUDC and 2) Subsection E.1 and Subsection E.2 of the County LUDC and Article II.
3. Chapter 21 amendments. The Montecito PC and County PC do not have review authority over Chapter 21. Therefore, staff advised the Montecito PC and County PC there would be changes to Chapter 21 but staff did not present text amendments to the Montecito PC or County PC nor ask the Montecito PC or County PC for a recommendation. The proposed amendments to Chapter 21 are consistent with the language contained in the proposed amendments to the County zoning ordinances.

Fiscal and Facilities Impacts

Budgeted: Yes.

Fiscal Analysis

Funding for this Ordinance amendment work effort is budgeted under Agricultural Planning on page D-138 of the adopted Planning and Development Department’s budget for fiscal year 2012-2013. There are no facilities impacts.

Staffing Impact(s):

<u>Legal Positions:</u>	<u>FTEs:</u>
0	0

Special Instructions:

The Planning and Development Department will satisfy all noticing requirements.

The Clerk of the Board will send a copy of the signed and numbered ordinance and minute order to the Planning and Development Department, attention Stephanie Stark and Noel Langle.

Attachments:

County LUDC Amendments

1. Findings
2. Ordinance
3. Planning Commission Resolution

Montecito LUDC Amendments

4. Findings
5. Ordinance
6. Montecito Planning Commission Resolution

Article II, Coastal Zoning Ordinance Amendments

7. Findings
8. Ordinance
9. County Planning Commission Resolution

Chapter 21, Land Division, Amendments

- 10. Findings
- 11. Ordinance

Environmental Review

- 12. Final Negative Declaration
- 13. Notice of Exemption for Article II

Staff Reports (w/o attachments)

- 14. 3/20/13 Montecito Planning Commission
- 15. 12/19/12 County Planning Commission
- 16. 11/14/12 County Planning Commission
- 17. 10/3/12 County Planning Commission
- 18. 9/26/12 Montecito Planning Commission

Research and maps

- 19. Research on Agricultural Buffers
- 20. Map of Santa Barbara County Rural Agricultural Interface Areas
- 21. Map of Rural Agriculture Zone Interface for the Cuyama Area
- 22. Map of Rural Agriculture Zone Interface for the Los Alamos Area
- 23. Map of Rural Agriculture Zone Interface for the Orcutt Area
- 24. Map of Rural Agriculture Zone Interface for the Santa Ynez Area

Authored by:

Stephanie Stark, Agricultural Planner (805.568.2048)