

ATTACHMENT 6: MONTECITO PLANNING COMMISSION RESOLUTION NO. 13-9

**RESOLUTION OF THE SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RESCINDING RESOLUTION NO.)
12-08 AND RECOMMENDING TO THE BOARD)
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT) RESOLUTION NO.: 13 -9
TO SECTION 35-2, THE SANTA BARBARA COUNTY)
MONTECITO LAND USE AND DEVELOPMENT CODE,)
OF CHAPTER 35, ZONING, OF THE COUNTY CODE,)
AMENDING DIVISION 35.3, MONTECITO SITE)
PLANNING AND OTHER PROJECT STANDARDS, AND)
DIVISION 35.10, GLOSSARY, AND ADD A NEW)
APPENDIX H TITLED "AGRICULTURAL BUFFER)
IMPLEMENTATION GUIDELINES", TO IMPLEMENT A)
NEW AGRICULTURAL BUFFER REGULATION.)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- B. On September 26, 2012, the Montecito Planning Commission adopted Resolution No. 12-08 recommending that the Board of Supervisors adopt an ordinance (Case No. 12ORD-00000-00012) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement a new Agricultural Buffer regulation.
- C. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to supersede Resolution No. 12-08 and adopt a new resolution recommending that the Board of Supervisors adopt a revised ordinance (Case No. 12ORD-00000-00012) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement a new Agricultural Buffer regulation.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- D. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- E. The proposed Ordinance is in the interest of the general community welfare since the new regulations pertaining to Agricultural Buffers minimize land use conflicts between agricultural and non-agricultural development and uses.
- F. This Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the California Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the California Government Code, this Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Montecito Planning Commission, based on the findings included as Attachment A of the Montecito Planning Commission Staff report dated February 28, 2013.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Montecito Planning Commission.

PASSED, APPROVED AND ADOPTED this March 20, 2013 by the following vote:

AYES: Brown, Burrows, Overall, Phillips

NOES:

ABSTAIN:

ABSENT: Eidelson

(Signed copy on file)

SUE BURROWS, Chair
Santa Barbara County Montecito Planning Commission

ATTEST:

DIANNE M. BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBITS:

1. 12ORD-00000-00012

EXHIBIT 1

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS, DIVISION 35.10, GLOSSARY, AND ADD A NEW APPENDIX H TITLED “AGRICULTURAL BUFFER IMPLEMENTATION GUIDELINES”, TO IMPLEMENT A NEW AGRICULTURAL BUFFER REGULATION.

Case No. 12ORD-00000-00012

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

SECTION 1:

DIVISION 35.3, Montecito Site Planning And Other Project Standards, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended by adding Section 35.430.025, Agricultural Buffers, of Chapter 35.430, Standards for All Development and Land Uses, to read as follows:

35.430.025 – AGRICULTURAL BUFFERS

- A. Purpose and intent.** The purpose of agricultural buffers is to implement adopted Comprehensive Plan policies that assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County through establishing development standards that provide for the creation of buffers between agricultural uses and new non-agricultural development and uses. The intent of agricultural buffers is to minimize potential conflicts between agricultural and adjacent land uses that result from noise, dust, light, and odor incidental to normal agricultural operations as well as potential conflicts originating from residential and other non-agricultural uses (e.g., domestic pets, insect pests and invasive weeds).
- B. Applicability.** This Section applies to all non-agricultural discretionary development and use applications (project) which satisfy all of the following criteria:
1. The project site is located within an Urban Area 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 as identified in Section 35.404.020 (Zoning Map and Zones) of Article V or Ordinance No. 661, 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.

C. Exceptions. This Section does not apply to the following :

1. Single-family dwellings, residential second units and residential accessory structures.
2. Farm employee dwellings and farm labor camps.
3. Non-agricultural, discretionary development approved prior to [the effective date of this Ordinance].
4. Changes to a non-agricultural, discretionary project approved prior to [the effective date of this Ordinance], provided that prior to an action by the review authority to approve an application in compliance with Subsection 35.474.040 C or D the review authority shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.
 - a. If the review authority cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
5. Non-commercial agricultural uses. An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
6. State and County roadway projects.
7. **Lot line adjustments.** Applications for lot line adjustments and modifications to lot line adjustments that have been effectuated through the recording of the required documents prior to [the effective date of this Ordinance] provided the lot line adjustment or lot line adjustment as modified:
 - a. Does or did not result in more than a 10 percent increase or decrease in the area of the smallest lot involved in the application for the lot line adjustment or modification; and,
 - b. The application for the lot line adjustment or modification, if approved, will not result in an increase in the number of developable lots in compliance with Subsection 35.430.110.B.3.c.

D. Agricultural buffer requirements. All applications subject to this Section shall designate and maintain an agricultural buffer on the project site in compliance with this Section.

1. **Agricultural buffer width.** The width of the agricultural buffer shall be in compliance with the range of agricultural buffer widths as shown in the following Table 3-1 (Range of Agricultural Buffer Widths). Ranges are provided because unique circumstances may require the buffer width to be adjusted; however, the agricultural buffer width as adjusted shall neither be less than the minimum buffer width nor greater than the maximum buffer width shown in the following Table 3-1 (Range of Agricultural Buffer Widths). If the

proposed project is located adjacent to a lot that contains both Production Agriculture and Rangeland or Pastureland, then the most protective buffer:

- a. Shall be applied adjacent to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is immediately adjacent and,
- b. May be applied to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is not immediately adjacent, if Production Agriculture is located on the adjacent lot within the distance, as measured from the common lot line, that is equal to the width of the required buffer that would otherwise be applicable to the project site.

Refer to Section II.C. (Agricultural Buffer Width Adjustment) of the Agricultural Buffer Implementation Guidelines (Appendix H) for guidance.

Table 3-1 - 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>

2. **Agricultural buffer location.** The agricultural buffer shall be located:
 - a. On the lot on which the non-agricultural project is proposed.
 - b. Adjacent to the common lot line between the project site and the adjacent agriculturally zoned lot.

3. **Agricultural buffer width measurement.** The agricultural buffer width shall be measured from the common lot line between the project site and the adjacent agriculturally zoned lot. The agricultural buffer shall be coterminous with the length of the said common lot line.

4. **Agricultural buffer width adjustment.** The following factors shall be considered when determining the agricultural buffer width in compliance with Subsection D.1 (Agricultural Buffer Width), above. See the Agricultural Buffer Implementation Guidelines (Appendix H) for guidance in determining the appropriate agricultural buffer width.
 - a. **Site-specific factors.** The following factors shall be considered when determining the agricultural buffer width:
 - (1) Crop type/agricultural practices.
 - (2) Elevation differences and topography.
 - (3) Extent of existing non-agricultural development.
 - (4) Location of existing roads or naturally occurring barriers.
 - (5) Historical land use on the agricultural lot.
 - (6) Future farming potential of the agricultural lot.
 - (7) Site design of the non-agricultural proposal.
 - (8) Non-agricultural lot size/configuration.
 - (9) Prevailing wind direction.
 - b. **Vegetative screening adjacent to production agriculture.** Vegetative screening may be used to offset an increase in the buffer width for projects adjacent to Production Agriculture, as it may be adjusted in compliance with Subsection D.4.a (Site-specific factors), above. See Subsection F.3, below, for vegetative screening criteria and the Agricultural Buffer Implementation Guidelines (Appendix H) for guidance.

- c. **Constrained agricultural areas.** If the adjacent lot is used for production agriculture and contains land areas that are constrained by physical features or easements such that those land areas cannot be used for agriculture, then the agricultural buffer width may be reduced on the project site by an amount equal to the width of the constrained land area located on the adjacent agricultural lot.
- (1) The physical features must be permanently part of the landscape (e.g., a protected riparian area, or rock out-cropping).
 - (2) The physical feature or easement must preclude any kind of agricultural use and be located adjacent to the non-agricultural project site.
5. **Comprehensive Plan consistency.** Where Comprehensive Plan policies and this Section both address agricultural buffer requirements, the most protective agricultural buffer requirement shall prevail.
6. **Reasonable use.** 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 Development Code.
7. **Buffer recordation.**
- a. **Notice to Property Owner required.** Prior to the approval of a Land Use Permit in compliance with Section 35.472.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.472.190 (Zoning Clearances) following the approval of a discretionary planning permit, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this Section 35.430.025. Said Notice shall include:
 - (1) An exhibit showing the location of the agricultural buffer by metes and bounds description or surveyor's description.
 - (2) The uses that are allowed within the agricultural buffer in compliance with Section 35.430.025.E (Allowable uses within agricultural buffers), below.
 - (3) The Landscape, Lighting and Irrigation Plan in compliance with Section 35.430.025.F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements), below.
 - (4) The Maintenance Plan in compliance with Section 35.430.025.G (Agricultural buffer maintenance requirements).
 - b. The requirement to record said Notice in compliance with this Subsection D.7 shall be included as a condition of approval of an application for a discretionary planning permit subject to this Section.

E. Allowable uses within agricultural buffers. The property owner shall use his best efforts to consult with the adjacent agricultural land owner(s) to address food safety and agricultural production concerns with regard to landscape, lighting, and vegetative screening design and siting. See the Agricultural Buffer Implementation Guidelines (Appendix H) for information on the purpose and intent of restricting uses within the agricultural buffers and how to incorporate site design and other features that are compatible with agriculture.

1. **Unrestricted uses within agricultural buffers.** Notwithstanding any other provision of this Section, or other provisions of the County Code, the following uses may be allowed within a designated agricultural buffer:
 - a. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.
 - b. Fences and walls.
 - c. Low-lying landscaping and vegetative screening that does not include trees or hedges exceeding three feet in height.
 - d. Natural waterways including rivers, creeks, lakes, ponds, and flood plains.
 - e. Signs.
 - f. Solar energy systems permitted in compliance with Section 35.430.160 (Solar Energy Systems).
 - g. Telecommunication facilities permitted in compliance with Chapter 35.444 (Telecommunication Facilities).
 - h. Utility lines and facilities.
 - i. Wind energy conversion systems permitted in compliance with Chapter 35.446 (Wind Energy Conversion Systems).
 - j. Any other use, including agriculture, determined by the review authority to be consistent with the purpose and intent of the buffer requirement.
 - k. Modifications or additions to structures legally existing as of [the effective date of this ordinance] provided that any addition to a structure that is located within a buffer required by this Section shall not extend further towards the immediately adjacent agricultural lot.
2. **Restricted uses within agricultural buffers.** Notwithstanding any other provision of this Section, or other provisions of the County Code, the following uses may be allowed within the agricultural buffer provided they are not located any closer to the common lot line between the project site and the adjacent agriculturally zoned lot than half the width of the buffer. This requirement may be modified by the review authority when it is determined that strict compliance with this section is not required to minimize conflicts with adjacent agriculture.
 - a. Commercial loading docks and rear service areas.
 - b. Landscaping and vegetative screening.
 - c. Lighting.

- d. Non-habitable structures such as those used for storage.
 - e. Parking areas including carports and garages.
 - f. Public and private open space areas with limited passive recreational uses such as trails, bike paths and walking paths.
 - g. Roads and transportation infrastructure.
- 3. **Prohibited uses within agricultural buffers.** Notwithstanding any other provision of this Section, or other provisions of the County Code, recreational uses such as parks, picnic areas, playgrounds and ball fields shall not be allowed in an agricultural buffer.
 - 4. **Open space credit.** The agricultural buffer may be counted toward open space requirements as long as the limits on allowed uses are consistent with the requirements of this Section and the Development Code.
 - 5. The unrestricted uses, restricted uses and prohibited uses within the designated agricultural buffer shall be included as a condition of approval of the approved project.

F. Agricultural buffer Landscape, Lighting and Irrigation Plan requirements.

- 1. A Landscape, Lighting and Irrigation plan (Plan) shall be required for all agricultural buffers. The Plan shall:
 - a. Graphically depict and label the agricultural buffer.
 - b. Graphically depict and label the following elements within the agricultural buffer:
 - (1) Erosion control measures.
 - (2) Hardscape.
 - (3) Irrigation systems.
 - (4) Landscaping, vegetation, and materials.
 - (5) Lighting.
 - c. Incorporate Low Impact Development (LID) measures to maximize runoff retention and groundwater infiltration on-site.
 - d. Incorporate a fence or other barrier that complies with the Development Code, with a minimum height of six feet, that discourages trespassing and domestic animals from crossing the common lot boundary between the project site and the adjacent agricultural land.
 - e. Prohibit the planting or installation of turf within 50 feet of the adjacent agricultural land unless required by County, State or Federal regulations.
 - f. Be compatible with the surrounding land uses and rural character of the agricultural area.
- 2. Landscaping, lighting and irrigation are not required within the agricultural buffer. However, if vegetation is included within the buffer, the plant palette shall meet the following requirements:
 - a. The plants shall be compatible with agriculture.

- b. Shading of adjacent agricultural crops shall be minimized.
 - c. To the maximum extent feasible, the plants are fire resistant and drought-tolerant or low water use.
 - d. The plants shall not be considered noxious according to Section 4500 of the California Code of Regulations or considered invasive by the California Invasive Plant Council (Cal-IPC).
- 3. If a vegetative screen is used to offset an agricultural buffer width increase for production agriculture as described in Subsection D.4.b (Vegetative screening adjacent to production agriculture), the vegetative screen shall be consistent with the requirements in this Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements) and shall be in compliance with the following additional criteria:
 - a. The vegetative screen shall consist of two staggered rows of vegetation consisting of a layered canopy with evergreen trees and shrubs with foliage extending from the base to the crown.
 - b. The plants shall thoroughly screen the agricultural use from the non-agricultural use within five years from time of installation.
 - c. The minimum height of trees at maturity shall be 15 feet.
 - d. The vegetative screen shall be at least 25 feet deep.
- 4. The Landscape, Lighting and Irrigation Plan shall be compatible with the requirements in Subsection E (Allowable uses within agricultural buffers), above.
- 5. The applicant shall provide a signed and notarized agreement and a performance security acceptable to the Director that guarantees the installation of landscaping, lighting and irrigation and provides for the successful establishment of the agricultural buffer for a minimum of five years. The performance security shall be released upon approval by the Director.

G. Agricultural buffer maintenance requirements.

- 1. A Maintenance Plan shall be required that provides for the maintenance of the agricultural buffer for the life of the project. The Maintenance Plan shall:
 - a. Include provisions for managing agricultural pests such as vertebrate pests, invasive weeds, and crop threatening insects. Integrated Pest Management practices shall be used to the extent feasible.
 - b. Include provisions for removing weeds, trash and debris.
 - c. Provide for regular fuel management and removal of accumulated plant matter within the agricultural buffer so as to minimize fire risk.
 - d. Be consistent with the requirements in Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirement), above.
 - e. Provide for the regular maintenance of the elements as described in Subsection F

(Agricultural Buffer Landscape, Lighting and Irrigation Plan requirements), above.

- H. Future conversion of adjacent agricultural land.** If the underlying purpose for the agricultural buffer no longer exists, the review authority, upon application for permit revision in compliance with Division 35.8, (Planning Permit Procedures), may remove agricultural buffer requirements originally required in compliance with this Section.
- I. Findings.** In addition to other findings that may be required, the review authority shall not approve or conditionally approve any application subject to the requirements of this Section for which an agricultural buffer is required unless it first makes all of the following findings:
1. The design and configuration of the agricultural buffer minimizes, to the maximum extent feasible, conflicts between the adjacent agricultural and non-agricultural uses which are the subject of the permit application.
 2. The Landscape, Lighting, Irrigation and Maintenance Plans are compatible with the character of the adjacent agricultural land and the rural setting.

SECTION 2:

DIVISION 35.10, Glossary, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to add the following definitions of “Agricultural Buffer”, “Production Agriculture”, “Rangeland or Pastureland”, “Small Lot”, and “Sensitive Non-agricultural Uses” to read as follows:

Buffer, Agricultural. A designated width of land used to minimize potential land use conflicts between non-agricultural development/uses and adjacent agricultural uses. The following terms are defined for the purposes of Section 35.430.025 (Agricultural Buffers).

- 1. Production Agriculture.** A commercial agricultural operation that excludes rangeland or pastureland operations. Production agriculture allows for a change of crop or fallow periods.
- 2. Rangeland or Pastureland.**
 - a. 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.
 - b. 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 (Appendix H) for details.
- 3. Sensitive Non-agricultural Uses.** Child care facilities, educational facilities, medical facilities, schools, student dormitories, senior housing, and other similar uses.
- 4. Small Lot.** A lot equal to or smaller than one-half acre that is located adjacent to an Urban

Boundary Line as designated on the Comprehensive Plan maps.

SECTION 3:

Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Appendix H titled “Agricultural Buffer Implementation Guidelines” to read as follows:

Agricultural Buffer Implementation Guidelines

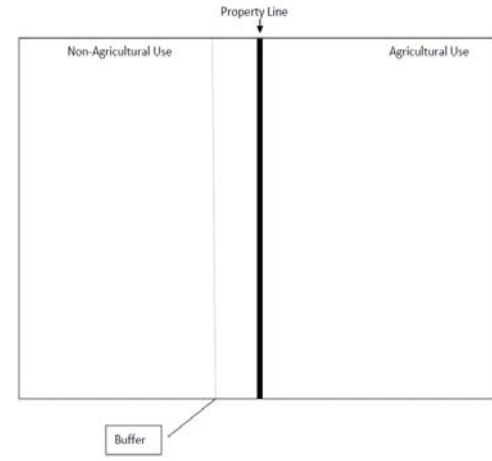
- I. Purpose and Intent.** The Agricultural Buffer Implementation Guidelines (Guidelines) are intended to assist planners and the review authority in implementing the requirements contained in Section 35.430.025 (Agricultural Buffers). Specifically, the guidelines assist with (1) determining buffer widths for a proposed project, (2) identifying locations of proposed development and land uses allowed within the agricultural buffer (3) clarifying the process and, (4) incorporating site design concepts that are compatible with agriculture.

- II. Agricultural Buffer Width Adjustment.** The Agricultural Buffer Width table in Subsection 35.430.025.D (Agricultural Buffer Requirements) contains ranges for the buffer width. The minimum buffer width minimizes potential land use conflicts to a reasonable, typical level. However, ranges are provided because unique circumstances may require the buffer width to be adjusted.
 - A. The following site specific factors may warrant an increase in the width of the required buffer:**
 - 1. Crop type/agricultural practices.** Crop type influences agricultural practices. Rotational crops such as strawberries and vegetables require intensive farming practices that generate substantial amounts of dust, odors, noise and other irritants. Crops that utilize intensive farming practices may warrant an increase in the buffer.
 - 2. Elevation differences and topography.** Elevation differences and topographical features, such as a valley or hill, affect air flow and may separate agriculture and non-agricultural development and uses. Projects located on terrain that provides no natural separation between agricultural and non-agricultural development and uses may warrant an increase in the buffer width.
 - 3. Location of existing roads or naturally occurring barriers.** An increase in buffer width may be warranted if such features are absent or ineffective because of wind direction, terrain or other reasons.
 - 4. Historical land use on the agricultural lot.** The agricultural lot may currently be fallow, in between plantings, planted with a temporary crop (such as a cover crop) or may have supported crops in the past. Therefore, if the agricultural lot is not currently used for agriculture, a buffer may still be warranted if the lot was used for agriculture within the last 10 years. If the project applicant claims a buffer is not required due to existing lack of agriculture on the agriculturally zone lot, the project applicant must prove the land was not used for agriculture within the last 10 years. The Department of Conservation’s Important Farmland Maps and aerial imagery can provide historical agricultural use information.

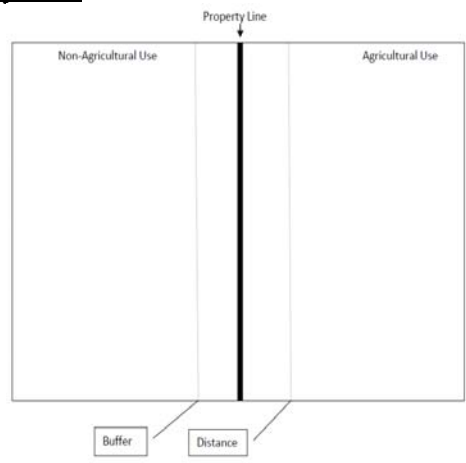
- 5. Future farming potential of the agricultural lot.** A buffer width increase may be warranted if the current agricultural use is rangeland/pastureland or not currently used for agriculture but the soils have the potential to support higher value crops and there is a source for agricultural water. For the purposes of these Guidelines, land has future farming potential if its predominant soil type has an irrigated land capability classification of Class I, Class II, Class III or Class IV as defined by the Natural Resource Conservation Service (NRCS) soil survey maps for Santa Barbara County. Land has limited farming potential if its predominant soil type has an irrigated land capability classification of Class VI, Class VII, or Class VIII. Santa Barbara County does not have Class V soils.
 - 6. Site design of the non-agricultural proposal.** Non-agricultural projects with site design features that contribute toward potential land use conflicts may warrant a buffer width increase. See Section V (Site Design) of these Guidelines for a discussion on site design.
 - 7. Prevailing wind direction.** Consider a buffer width increase if the prevailing wind blows from the agricultural lot toward the non-agricultural lot.
- B. If an increase in the width of the buffer is warranted based on site specific factors, the following additional factors may offset a buffer width increase:**
- 1. Non-agricultural lot size and configuration.** If a lot cannot reasonably accommodate a buffer increase because of lot size or configuration, consider redesigning the project or applying the minimum buffer width. Refer to Section 35.430.025.D.6. (Reasonable use) of this Development Code.
 - 2. Extent and location of existing non-agricultural development.** An increase in buffer width may not be warranted if the project applicant can demonstrate that the agricultural lot has already been severely impacted by existing non-agricultural development and uses adjacent to the agricultural lot.
 - 3. Vegetative screening adjacent to Production Agriculture.** In compliance with Section 35.430.025.D.3.b. of this Development Code, if the project is adjacent to production agriculture and site specific factors warrant a buffer width increase, vegetative screening may be used to offset an increase in the buffer width. For example, a commercial development proposed adjacent to production agriculture would require a minimum 100 foot buffer as per Section 35.430.025.D.1 of this Development Code. The Department and Agricultural Commissioner's Office may recommend a buffer width increase due to site specific factors (e.g. increase an additional 50 feet or 100 feet). The Department and Agricultural Commissioner's Office may also recommend the use of a vegetative screen and reduce the buffer width increase. The vegetative screen may mitigate only a portion of the buffer width increase (e.g. offset 50 feet of a 100 feet buffer width increase).
- C. If the agricultural lot contains both Production Agriculture and Rangeland or Pastureland and the Production Agriculture is not immediately adjacent to common lot line between the project site and the adjacent agriculturally zoned lot where the Production Agriculture is located, Section 35.430.025.D.1.b (Agricultural buffer width) of this Development Code**

describes how to determine the buffer width. The following steps and diagrams illustrate how to determine the buffer width for those scenarios.

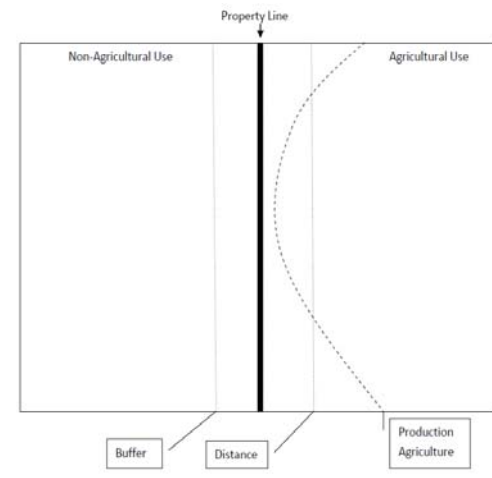
Step 1. Determine the buffer width required for the proposed use for the adjacent Rangeland or Pastureland.



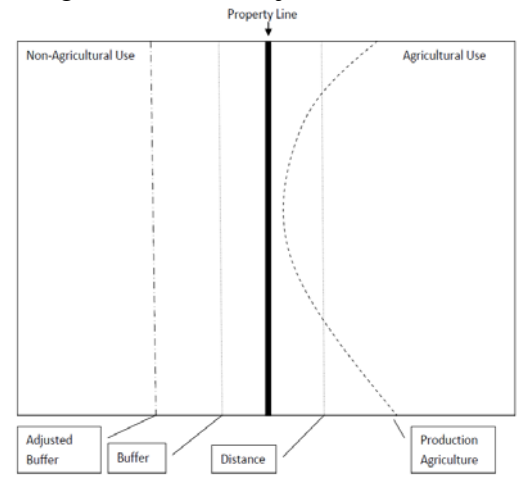
Step 2. Take the distance determined in Step 1 and apply it to the agricultural use side of the property line.



Step 3. Determine if the production agriculture is within the distance as determined in Step 2.



Step 4. If the Production Agriculture is within the distance as determined in Step 1, than the adjusted buffer is the buffer width that would be applied for Production Agriculture. For example, if the Agricultural Buffer width is 200 feet for the proposed use when adjacent to Production Agriculture, the adjusted buffer width would be 200 feet.



III. Allowable Uses Within Agricultural Buffers. Section 35.430.025.E (Allowable uses within Agricultural Buffers) specifies unrestricted uses and restricted uses within the buffer.

- A.** Unrestricted uses are compatible with agriculture because they do not invite visitors, do not require frequent maintenance, and do not attract wildlife. Uses that invite visitors or attract wildlife may conflict with agriculture and the location of such uses is restricted within the buffer.
- B.** **Restricted Use Modification.** The Department, in consultation with the Agricultural Commissioner's Office, may recommend that the review authority modify a restricted use within the agricultural buffer if it can be determined that strict compliance with Section 35.430.025.E (Allowable uses within Agricultural Buffers) is not required to minimize conflicts with adjacent agriculture. To determine if the restricted use modification is warranted, the Department may consider site specific factors, agricultural practices and input from adjacent agricultural land owners/property operators.

IV. Application Procedures.

- A.** **Prior to application submittal.** It is recommended the applicant meet with the Department, the Agricultural Commissioner's Office, and adjacent landowners (in conjunction with property operators) to discuss the non-agricultural project's compatibility with adjacent agriculture and application of proposed agricultural buffer requirements. Applicants are encouraged to include site planning and project design features that are compatible with adjacent agriculture.
- B.** **Project review.** During the application review process, the Department should consult adjacent agricultural landowners (in conjunction with property operators) whenever possible to discuss the proposed non-agricultural development.
- C.** **Recommendations.** For all discretionary development applications subject to the provisions

of Section 35.430.025 (Agricultural Buffers) of this Development Code, the Department in consultation with the Agricultural Commissioner shall review the permit application and make recommendations to the review authority concerning buffer width, uses within the buffer, the Landscape, Lighting and Irrigation Plan, and the Buffer Maintenance Plan.

- V. Site Design.** Urban development that is “agriculturally friendly” can play a significant role in promoting compatibility between agricultural and non-agricultural uses. Projects can achieve compatibility by incorporating creative site planning and project design concepts such as:
- A. Locating outdoor use areas such as backyards, patios, and playgrounds, should be located away from agricultural areas.
 - B. Terminating roads away from agricultural areas to reduce trespassing on agricultural land.
 - C. Including the use of sound proof construction materials such as double pane windows. See *Guide to Edge Planning - Promoting Compatibility Along Urban-Agricultural Edges*, British Columbia, Ministry of Agriculture and Lands, June 2009.
 - D. Clustering of buildings to maximize buffering between residences and agriculture.

SECTION 4 :

All existing indices, section references, and figure and table numbers contained in Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Division 35.3 and Division 35.10 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

DOREEN FARR

Chair, Board of Supervisors

County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR

Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL

County Counsel

By _____
Deputy County Counsel