

ATTACHMENT 11: ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE I, SUBDIVISIONS, OF CHAPTER 21, LAND DIVISION, OF THE COUNTY CODE BY AMENDING DIVISION 1, IN GENERAL, DIVISION 3, MODIFICATION TO RECORDED MAPS, LOT SPLIT PLATS AND LOT LINE ADJUSTMENTS, DIVISION 5, SUBDIVISION STANDARDS AND PRINCIPLES, DIVISION 13, CERTIFICATES OF COMPLIANCE AND CONDITIONAL CERTIFICATES OF COMPLIANCE, ARTICLE III, LOT LINE ADJUSTMENTS, AND ADDING A NEW APPENDIX B TITLED “AGRICULTURAL BUFFER IMPLEMENTATION GUIDELINES,” TO IMPLEMENT A NEW AGRICULTURAL BUFFER REGULATION.

Case No. 13ORD-00000-00001

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

SECTION 1:

DIVISION 1, IN GENERAL, of Article I, Subdivisions, of Chapter 21, Land Division, of the Santa Barbara County Code, is amended by amending Section 21-1, Definitions, to add the following definitions of “Buffer, Agricultural”, “Production Agriculture”, “Rangeland or Pastureland”, “Sensitive Non-agricultural Uses” and “Small Lot” 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 21-32A, 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 B) 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 2:

DIVISION 3, MODIFICATION TO RECORDED MAPS, LOT SPLIT PLATS AND LOT LINE ADJUSTMENTS, of Article I, Subdivisions, of Chapter 21, Land Division, of the Santa Barbara County Code, is amended by amending Subsection (g), Procedure for modification of a Final or Parcel Map, Lot Split Plat or Lot Line Adjustment, of Section 21-15.9, Modifications to Recorded Maps, Lot Split Plats and Lot Line Adjustments, by adding a new Subsection (1) to read as follows:

- (1) Applications for modifications of a Final or Parcel Map, Lot Split Plat or Lot Line Adjustment shall also be processed in compliance with the requirements of Section 21-32A, Agricultural Buffers, of Division 5, Subdivision Standards and Principles, of Article I, Subdivisions, of this Chapter.

SECTION 3:

DIVISION 5, SUBDIVISION STANDARDS AND PRINCIPLES, of Article I, Subdivisions, of Chapter 21, Land Division, of the Santa Barbara County Code, is amended by amending Section 21-18, Compliance with Division, by adding a new Subsection (a) to read as follows:

- (a) This division shall also apply to the following for the sole purpose of implementing Section 21-32A, Agricultural Buffers, of this division:
 - (1) Applications for Conditional Certificates of Compliance which are regulated in compliance with Division 13, Certificates of Compliance and Conditional Certificates of Compliance, of Article I, Subdivisions, of this Chapter.
 - (2) Applications for Lot Line Adjustments which are regulated in compliance with Article III, Lot Line Adjustments, of this Chapter.
 - (3) Applications for Modifications to Conditional Certificates of Compliance, Recorded Maps, Lot Split Plats and Lot Line Adjustments which are processed in compliance with Division 3, Modifications to Recorded Maps, Lot Split Plats and Lot Line Adjustments.

SECTION 4:

DIVISION 5, SUBDIVISION STANDARDS AND PRINCIPLES, of Article I, Subdivisions, of Chapter 21, Land Division, of the Santa Barbara County Code, is amended by adding a new Section 21-32A, titled Agricultural Buffers, to read as follows:

Section 21-32A Agricultural Buffers.

- A. Purpose and intent.** The purpose of agricultural buffers is to implement 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 dust, light, noise 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 discretionary applications regulated by this Chapter 21, Land Division, of the County Code which satisfy all of the following criteria:

1. The project site is located within an Urban Area, Inner-Rural Area, or Existing Developed Rural Neighborhood, as designated on the Comprehensive Plan maps; or located on property zoned industrial that is located in the Rural 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 35.014.020 (Zoning Map and Zones) of Section 31-1, the Santa Barbara County Land Use and Development Code, or Section 35.404.020 (Zoning Map and Zones) of Section 31-2, the Santa Barbara County Montecito Land Use and Development Code or Section 35-52 (Zoning District Designations and Applicability) of Article II, the Santa Barbara County Coastal Zoning Ordinance or Article V of 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. **Modifications to Conditional Certificates of Compliance, Final and Parcel Maps, and Lot Split Plats.** Applications for modifications to recorded Conditional Certificates of Compliance, Final and Parcel Maps, and Lot Split Plats, provided that prior to an action by the decision-maker to approve or conditionally approve the application, the decision-maker shall first determine that the proposed modification to the project does not result in any new or greater impacts to agriculture than those resulting from the already approved project.
 - a. If the decision-maker cannot make the determination required in compliance with Subsection C.1 (Modifications to Conditional Certificates of Compliance, Final and Parcel Maps, and Lot Split Plats), above, then the project shall be subject to the provisions of this Section 21-32A (Agricultural Buffers).
2. Lot line adjustments and modifications to lot line adjustments that
 - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
 - b. Do not result in a greater number of residential developable parcels than existed prior to the adjustment in compliance with Subsection 21.93.a.3.a.3 of this Chapter or do not result in an increased number of dwelling units or a greater density than the approved lot line adjustment in compliance with Subsection 21-15.9.h.7 of this Chapter, as applicable.
3. **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.

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. 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 Table 21-32A-1 (Range of Agricultural Buffer Width), below. 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 B) for guidance.

Table 21-32A-1 - Range of Agricultural Buffer Width

Project Zoning	Project Site	Minimum Buffer Width (feet)	Maximum Buffer Width (feet)
Commercial or Industrial	Adjacent to production agriculture	100	300
	Adjacent to rangeland or pastureland	100	150
Residential, not located on a Small Lot located within an Urban Area	Adjacent to production agriculture	200	300
	Adjacent to rangeland or pastureland	100	150
Residential, located on a Small Lot located within an Urban Area	Adjacent to production agriculture	100	200
	Adjacent to rangeland or pastureland	100	150

2. **Agricultural buffer location.** The agricultural buffer shall be located:
 - a. On the lot on which the 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 said common lot line.
4. **Agricultural buffer width adjustment.** The following factors shall be considered when determining the appropriate agricultural buffer width in compliance with Subsection D.1 (Agricultural buffer width). See the Agricultural Buffer Implementation Guidelines (Appendix B) 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 and location 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). See Subsection F.3 for vegetative screening criteria and the Agricultural Buffer Implementation Guidelines (Appendix B) for guidance in determining if an offset may be appropriate.
- 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, provided:
 - (1) The physical feature is permanently part of the landscape (e.g., a protected riparian area, or rock out-cropping); and
 - (2) The physical feature or easement precludes 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 21-32A (Agricultural Buffers) 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 decision-maker acting in compliance with this Section 21-32A (Agricultural Buffers) to exercise their authority to approve, conditionally approve or deny an application 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 Chapter 21 (Land Division) of the County Code.
- 7. Buffer recordation.**
 - a. Separate document required to record information.**
 - (1) A separate document and/or additional map sheet in compliance with Subsection D.7.a.(2), below shall be:
 - (a) Filed or recorded simultaneously with the Final or Parcel Map subject to this Section.
 - (b) Included in the project description of a Conditional Certificate of Compliance subject to this Section 21-32A (Agricultural Buffers) prior to approval or conditional approval in compliance with Division 13,

Certificates of Compliance and Conditional Certificates of Compliance, of Article I, Subdivisions, of this Chapter.

- (c) Included in the project description of a Lot Line Adjustment subject to this Section 21-32A (Agricultural Buffers) prior to approval or conditional approval in compliance with Article III, Lot Line Adjustments, of this Chapter.
 - (d) Included in the project description of a Modification to a Final or Parcel Map, Lot Split Plat or Lot Line Adjustment subject to this Section 21-32A (Agricultural Buffers) prior to approval or conditional approval in compliance with Division 3, Modifications to Recorded Maps, Lot Split Plats and Lot Line Adjustments, of Article I, Subdivisions, of this Chapter.
- (2) Said document or additional map sheet shall include and depict, as applicable:
- (a) An exhibit showing the location of the agricultural buffer by metes and bounds description or surveyor's description.
 - (b) The uses that are allowed within the agricultural buffer in compliance with Subsection E (Allowable uses within agricultural buffers).
 - (c) The Landscape, Lighting and Irrigation Plan required in compliance with Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements).
 - (d) The Maintenance Plan required in compliance with Subsection G (Agricultural buffer maintenance requirements).
- (3) The requirement to record said separate document and/or additional map sheet in compliance with this Subsection D.7 (Buffer recordation) shall be included as a condition of approval of a discretionary application subject to this Section 21-32A (Agricultural Buffers).

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 B) for information on the purpose and intent of restricting uses within agricultural buffers and how to incorporate site design and other features that are compatible with agriculture.

1. Unrestricted uses within agricultural buffers. Subject to other provisions 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. Oil and gas, wind energy and cogeneration facilities that are:
 - (1) Permitted in compliance with:
 - (a) Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities) of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - (b) Chapter 35.446 (Wind Energy Conversion Systems) of Section 35.-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - (c) Division 9 (Oil and Gas Facilities) of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code.
 - (2) Operated in compliance with:
 - (a) Chapter 35.101 (Nonconforming Uses, Structures, and Lots) of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - (b) Chapter 35.491 (Nonconforming Uses, Structures, and Lots) of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - (c) Division 10 (Nonconforming Structures and Uses) of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code.
- e. Natural waterways including creeks, flood plains, lakes, ponds and rivers.
- f. Signs.
- g. Solar energy systems that are allowed as an accessory use to the principal use in compliance with:
 - (1) Section 35.30.160 (Solar Energy Systems) of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - (2) Section 35.430.160 (Solar Energy Systems) of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - (3) Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code.

- h. Telecommunication facilities permitted in compliance with:
 - (1) Chapter 35.44 (Telecommunication Facilities) of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - (2) Chapter 35.444 (Telecommunication Facilities) of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - (3) Section 35-144F (Commercial Telecommunication Facilities) of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code.
 - i. Utility lines and facilities.
 - j. Any other use, including agriculture, determined by the decision-maker to be consistent with the purpose and intent of the buffer requirement.
 - k. Modifications or additions to structures legally existing as of [effective date of this ordinance] provided that any addition to a structure that is located within a buffer required by this Section 21-32A (Agricultural Buffers) shall not extend further towards the immediately adjacent agricultural lot.
- 2. Restricted uses within agricultural buffers.** Subject to other provisions 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 when the decision-maker determines that strict compliance with this Subsection E.2 is not required to minimize conflicts with adjacent agriculture.
- a. Industrial or 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.** 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 requirements in:
 - a. Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - b. Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, or
 - c. Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County 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 a minimum of six feet in height that complies with Chapter 35, Zoning, of the County Code, 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 shall be 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).
5. The applicant shall provide a signed and notarized agreement and a performance security acceptable to the Director of the Planning and Development Department 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 of the Planning and Development Department.

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 debris, trash and weeds.
- 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).
- e. Provide for the regular maintenance of the elements as described in Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirement).

H. Future conversion of adjacent agricultural land. If the underlying purpose for the agricultural buffer no longer exists, the decision-maker, upon application for modification in compliance with Division 3 (Modification to Recorded Maps, Lot Split Plats and Lot Line Adjustments) of Article I, Subdivisions, of Chapter 21, Land Division, of the County Code, may modify conditions of approval of the project for the agricultural buffer requirements originally required in compliance with this Section 21-32A (Agricultural Buffers).

I. Findings. In addition to other findings that may be required, the decision-maker 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 existing adjacent agricultural uses and existing uses or zoning of the non-agricultural project site in compliance with the Comprehensive Plan, including applicable Area and Community Plans, the Coastal Land Use Plan, this Section, and Chapter 35, Zoning, of the County Code.
2. The Landscape, Lighting, Irrigation and Maintenance Plans are compatible with the character of the adjacent agricultural land and the rural setting.

SECTION 5:

DIVISION 13, CERTIFICATES OF COMPLIANCE AND CONDITIONAL CERTIFICATES OF COMPLIANCE, of Article I, Subdivisions, of Chapter 21, Land Division, of the Santa Barbara County Code, is amended by amending Subsection B, Conditional Certificates of Compliance, of Section 21-21-71.20, Applicability, by adding a new Subsection (1) to read as follows:

- (1) Applications for Conditional Certificates of Compliance shall also be processed in compliance with the requirements of Section 21-32A, Agricultural Buffers, of Division 5, Subdivision Standards and Principles, of Article I, Subdivisions, of this Chapter.

SECTION 6:

ARTICLE III, LOT LINE ADJUSTMENTS, of Chapter 21, Land Division, of the Santa Barbara County Code, is amended by amending Section 21-90, Filing Lot Line Adjustments for Record, by adding a new Subsection (1) to read as follows:

- (1) Applications for Lot Line Adjustments shall also be processed in compliance with the requirements of Section 21-32A, Agricultural Buffers, of Division 5, Subdivision Standards and Principles, of Article I, Subdivisions, of this Chapter.

SECTION 7:

Chapter 21, Land Division, of the Santa Barbara County Code, is amended to add a new Appendix B titled “Agricultural Buffer Implementation Guidelines” to read as follows:

APPENDIX B. AGRICULTURAL BUFFER IMPLEMENTATION GUIDELINES

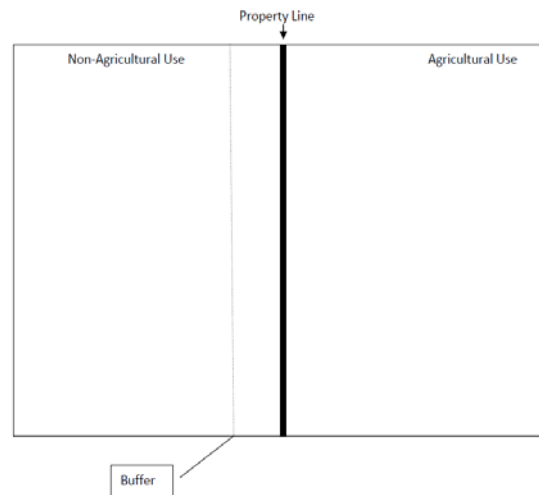
- I. Purpose and Intent.** The Agricultural Buffer Implementation Guidelines (Guidelines) are intended to assist the decision-makers, planners and the public in implementing the requirements of Section 21-32A (Agricultural Buffers). Specifically, the guidelines assist with (1) determining buffer widths for a proposed project, (2) identifying locations of proposed development and land uses allowed within the agricultural buffer, (3) guiding the process and, (4) incorporating site design concepts that are compatible with agriculture.
- II. Agricultural Buffer Width Adjustment.** Table 21-32A-1 (Range of Agricultural Buffer Widths) in Subsection 21-32A.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 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 width of 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 width of the buffer.
 - 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 zoned lot, the project applicant shall prove the land was not used for agriculture within the last 10 years. The Department

of Conservation's Important Farmland Maps and aerial imagery may provide historical agricultural use information.

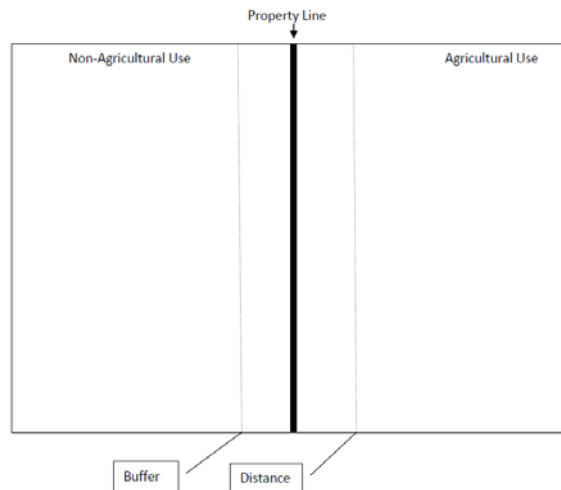
5. **Future farming potential of the agricultural lot.** A buffer width increase may be warranted if the current agricultural use is rangeland/pastureland or not currently used for agriculture but the soils have the potential to support higher value crops and there is a source for agricultural water. 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.** An increase in the width of the buffer should be considered 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 21-32A.D.6. (Reasonable use).
 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 21-32A.D.3.b, 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 21-32A.D.1. The Planning and Development Department and the Agricultural Commissioner's Office may recommend that the buffer width be increased due to site specific factors (e.g. increase an additional 50 feet or 100 feet). The Planning and Development 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 21-32A.D.1.b (Agricultural buffer width) describes how to determine the buffer width. The following steps and diagrams illustrate how to determine the buffer width for those scenarios.

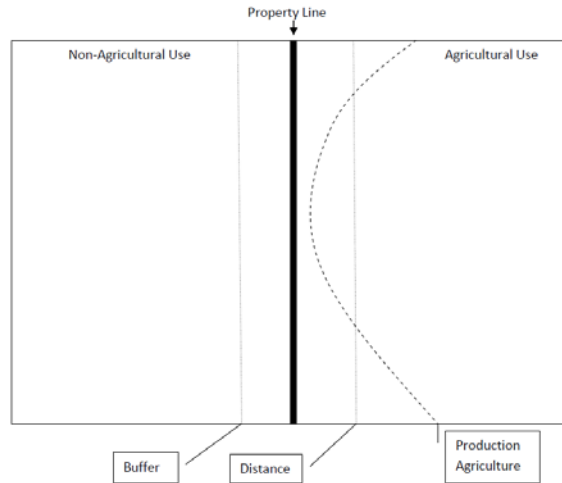
Step 1. Determine the buffer width required for the proposed use for the adjacent Rangeland or Pastureland.



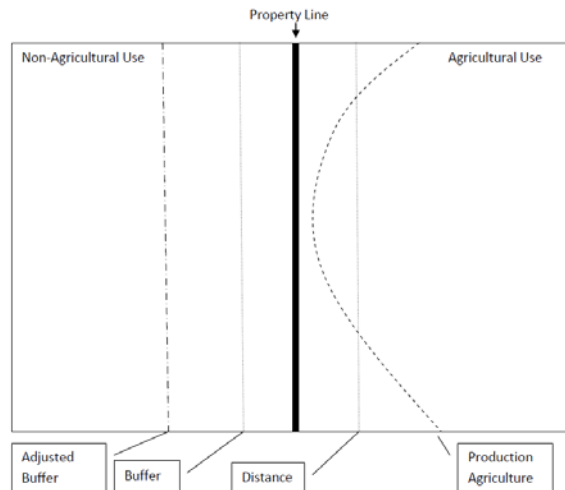
Step 2. Take the distance determined in Step 1 and apply it to the agricultural use side of the property line.



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 2, then 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 21-32A.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 Planning and Development Department, in consultation with the Agricultural Commissioner's Office, may recommend that the decision-maker modify a restricted use within the agricultural buffer if it can be determined that strict compliance with Section 21-32A.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 Planning and Development Department may consider site

specific factors, agricultural practices and input from adjacent agricultural land owners and property operators.

IV. Application Procedures.

- A. Prior to application submittal.** It is recommended the applicant meet with the Planning and Development 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 Planning and Development 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 applications subject to the provisions of Section 21-32A (Agricultural Buffers), the Planning and Development Department in consultation with the Agricultural Commissioner shall review the application and make recommendations to the decision-maker 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 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 8:

All existing indices, section references, and figure and table numbers contained in Chapter 21, Land Division, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 9:

Except as amended by this Ordinance, Division 1, In General, and Division 5, Subdivision Standards and Principles, of Article I, Subdivisions, of Chapter 21, Land Division, of the Santa Barbara County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 10:

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:

SALUD CARBAJAL
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