

SANTA BARBARA MONTECITO PLANNING COMMISSION
Staff Report for Agricultural Buffer Ordinance

Hearing Date: March 20, 2013
Staff Report Date: February 28, 2013
Case Nos.: 12ORD-00000-00012

Deputy Director: Jeff Hunt, AICP
Long Range Planning
Supervising Planner: David Lackie
Staff Contact: Stephanie Stark
Phone #: (805) 568-2048

Environmental Document: Negative Declaration
(11NGD-00000-00004) (Montecito LUDC)

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission reconsider their previous action of September 26, 2012, and adopt a revised recommendation as follows:

- 1.1 Case No. 12ORD-00000-00012.** Adopt a recommendation to the Board of Supervisors that the Board adopt an Ordinance (Case No. 12ORD-00000-00012) 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" of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, as set forth in Attachment B.

The purpose of the proposed Ordinance is to create and implement an Agricultural Buffer Ordinance.

2.0 RECOMMENDATION AND PROCEDURES

- 2.1. Case No. 12ORD-00000-00012.** Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 12ORD-00000-00012 as shown in Attachment B based upon the ability to make appropriate findings. Your Commission's motion should include the following:

1. Make the findings for approval, including CEQA findings, and recommend that the Board of Supervisors make the required findings for approval of the proposed amendment, including CEQA findings (Attachment A);
2. Recommend that the Board of Supervisors adopt the Final Negative Declaration 11NGD-00000-00004 (Attachment C) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, no significant effects on the environment are anticipated; and
3. Adopt a Resolution superseding Resolution 12-08 and recommending that the Board of Supervisors adopt 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 (Attachment B).

Please refer the matter back to staff if your Commission takes other than the recommended action for appropriate findings.

3.0 JURISDICTION

3.1 Case No. 12ORD-00000-00012. This project is being considered by the Montecito Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.494 of the Santa Barbara County Montecito Land Use and Development Code (Montecito LUDC). The Government Code and the Montecito LUDC require that the Montecito Planning Commission, as the designated planning agency for the unincorporated area of the County within the Montecito Community Plan Area, review and consider proposed amendments to the Montecito LUDC and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY

4.1 Background

At the September 26, 2012 hearing, the Montecito Planning Commission considered the original amendments to the Montecito LUDC and similar amendments to Article II Coastal Zoning Ordinance (Article II). At this hearing your Commission voted unanimously to adopt staff's recommendations. For the Montecito LUDC amendment, this included staff's recommendation regarding the required findings for the project, the Final Negative Declaration, and the resolution recommending the Board adopt the amendment to the Montecito LUDC. For the Article II amendment, this included staff's recommendation regarding the required findings, the Notice of Exemption, and the resolution recommending that the County Planning Commission recommend that the Board adopt the amendment to Article II.

The County Planning Commission made several revisions to the proposed amendments to the County Land Use and Development Code (LUDC) (12ORD-00000-00011) and Article II (12ORD-00000-00013) during their hearings on October 3, 2012, November 14, 2012 and December 19, 2012. On December 19, 2012, the County Planning Commission, by a vote of three to two, adopted staff's recommendations including amendments to the County LUDC and Article II, as revised by the County Planning Commission during their hearings.

As part of their action at the December 19, 2012 hearing, the County Planning Commission recommended adding "agriculture" to Subsection E.1, which would allow agriculture as an unrestricted use within agricultural buffers. However, the Agricultural Advisory Committee (AAC) and the Agricultural Commissioner expressed concerns with adding agriculture as an allowed use within the agricultural buffer. The AAC discussed this proposed change at their March 6, 2013 meeting and recommended to not include agriculture as an unrestricted use within the buffer and recommended adding agriculture to Subsection E.1.j, which allows the review authority the ability to consider other uses within the agricultural buffer on a case by case basis.

Staff is requesting that the Montecito Planning Commission consider the revisions recommended by the County Planning Commission, and with one exception discussed in the following section of this staff report, recommend the Board of Supervisors adopt amendments to the Montecito LUDC (Attachment B) consistent with the County Planning Commission's recommended amendments to the County LUDC and Article II, the Coastal Zoning Ordinance. The County Planning Commission recommended revisions are discussed in the following section of this staff report.

5.0 PROJECT INFORMATION AND ANALYSIS

5.1 Summary of revisions to the Ordinance

Excluding minor, non-substantive amendments to formatting and grammar, summarized below are the County Planning Commission recommended changes to the Agricultural Buffer Ordinance since the Montecito Planning Commission first considered the proposed Ordinance on September 26, 2012. Please refer to Exhibit 1 of Attachment B for the actual language of the recommended Ordinance.

Section C. Exceptions

- Amended the exception for single-family dwellings as follows: Single-family dwellings, residential second units and residential accessory structures ~~on existing lots~~. (Section C.1).
- Added a new exception for changes to non-agricultural discretionary projects approved prior to the effective date of this Ordinance, provided certain criteria are met (Section C.4).
- Added a new exception for minor lot line adjustments and amendments to minor lot line adjustments (Section C.7).

Section D. Agricultural buffer requirements

- Added language to clarify how to determine the appropriate width of the buffer when Production Agriculture and Rangeland/Pastureland are both located on the lot that is immediately adjacent to the lot with the proposed development (Section D.1.a and b). Similar changes were also made to the Agricultural Buffer Implementation Guidelines (Section II.C).
- Moved the vegetative screening requirements to another section under Landscape, Lighting and Irrigation Plan (Section F.3).

Section D.7 Buffer Recordation

Removed the requirement to record the buffer as a deed restriction or conservation easement and replaced it with a requirement to record a Notice to Property Owner (NTPO). The NTPO is required to include an exhibit showing location of the buffer, allowable uses within the buffer, a Landscape, Lighting and Irrigation Plan, Maintenance Plan and lastly, the requirement to record the NTPO must be included as a condition of approval (Section D.7.a and b).

County Code Chapter 21, Land Division will also be amended to ensure the agricultural buffer requirements are recorded on an informational sheet associated with the subdivision or lot line adjustment. The Planning Commission did not consider the proposed amendment to Chapter 21, Land Division, since they do not have any review authority over that portion of the County Code.

Section E. Allowable uses within agricultural buffers

Added the following unrestricted uses within the buffer (Section E.1):

- Oil and gas and cogeneration facilities.
- Modifications or additions to legally existing structures provided certain provisions are met.

- Agriculture

As noted above, the County Planning Commission recommended adding “agriculture” as an unrestricted use within agricultural buffers as part of their action at the December 19, 2012 hearing. The Agricultural Advisory Committee 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.

Subsection E.1.j allows the review authority flexibility to determine other appropriate uses within the buffer (including agriculture) on a case-by-case basis as long as the use is consistent with the purpose and intent of the buffer requirement. The AAC’s recommendation to add “including agriculture” to Subsection E.1.j further clarifies the review authority’s ability to consider agriculture within the buffer on a case by case basis. The 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.

Therefore, staff is recommending the Montecito Planning Commission not include “agriculture” as an unrestricted use within the buffer (Section E.1). This recommendation is reflected in the proposed amendments to the Montecito LUDC (Exhibit 1 of Attachment B.)

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

- Added language requiring specific contents for the Landscape, Lighting and Irrigation Plan (LLIP) such as graphically depicting and labeling the buffer and elements contained within the buffer (Section F.1.).
- Added a requirement that the LLIP be compatible with surrounding land uses and rural character of the agricultural area (Section F.4).
- Added language explaining that although a LLIP is required, landscaping, lighting and irrigation are not required within the buffer (Section F.2).
- Amended plant palette requirements regarding shading of crops, fire-resistant plants, and weeds (Section F.2).
- Added a requirement that vegetation within the LLIP must be regularly maintained (Section G.1.e).
- Moved details for vegetative screening requirement from Agricultural Buffer width measurement section to the LLIP requirements (Section F.3). This included removing some redundancies such as the reference to “fire resistant plants” that was previously mentioned in two places of the Ordinance.
- Added requirement that the LLIP must be compatible with Section F.4, Allowable uses within the agricultural buffer.

Definition of Rangeland or Pastureland.

- Changed the definition to include horses.

Agricultural Buffer Implementation Guidelines

- Added language and diagrams to illustrate how to determine the buffer width for a scenario when the agricultural lot contains both Production Agriculture and Rangeland or Pastureland and the Production Agriculture is not immediately adjacent to the non-agricultural project site (Section II.C).
- Expanded the Site Design section to include more specific examples of site design that is compatible with agriculture (Section V).

6.0 ENVIRONMENTAL REVIEW

6.1 Case No. 12ORD-00000-00012. Pursuant to Section 15073 of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA) and the County of Santa Barbara Guidelines for the Implementation of CEQA, a Final Negative Declaration (Attachment C) was prepared for the proposed Ordinance amendment to the Montecito LUDC. The Draft Negative Declaration was released for public review on August 8, 2012 and concluded there were no significant adverse impacts or proposed mitigation measures associated with the proposed Ordinance.

7.0 ORDINANCE COMPLIANCE

The proposed Ordinance is consistent with the remaining portions of the Montecito LUDC that will not be revised by this Ordinance. In order to approve a development project based on these amendments, it still must be determined that the project is consistent with the whole of the Montecito LUDC as applicable.

8.0 PROCEDURES

The Montecito Planning Commission may recommend to the Board of Supervisors that the Board of Supervisors adopt, adopt with revisions, or not adopt the proposed Ordinance to the Board of Supervisors.

9.0 APPEALS PROCEDURES

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

10.0 ATTACHMENTS

- A. 12ORD-00000-00012 Findings
- B. 12ORD-00000-00012 Resolution and Ordinance
- C. Final Negative Declaration (if not attached, copy available
at:http://longrange.sbcountyplanning.org/programs/ag_buffer/AgBufferordinance.php)