

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Agricultural Buffer Ordinance

Hearing Date: October 3, 2012
Staff Report Date: September 13, 2012
Case Nos.: 12ORD-00000-00011, & -00013

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Environmental Document: Negative Declaration
(11NGD-00000-00004) (County LUDC) and
CEQA Guidelines Section 15265 (Article II CZO)

1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission:

1.1 Case No. 12ORD-00000-00011. Adopt a recommendation to the Board of Supervisors that the Board adopt an ordinance (Case No. 12ORD-00000-00011) amending Division 35.3, Site Planning and Other Project Standards, Division 35.10, Glossary, and add a new Appendix I titled "Agricultural Buffer Implementation Guidelines" of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County code, as set forth in Attachment B; and

1.2 Case No. 12ORD-00000-00013. Adopt a recommendation to the Board of Supervisors that the Board adopt an ordinance (Case No. 12ORD-00000-00013) amending Division 2, Definitions, and Division 7, General Regulations, and add a new Appendix H titled "Agricultural Buffer Implementation Guidelines" of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, as set forth in Attachment E.

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

2.0 RECOMMENDATION AND PROCEDURES

2.1. Case No. 12ORD-00000-00011. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 12ORD-00000-00011 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); and
2. Recommend that the Board of Supervisors adopt the Final Negative Declaration 11NGD-00000-00004 (Attachment F) 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 recommending that the Board of Supervisors adopt Case No. 12ORD-00000-000011, an ordinance amending 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment B).

2.2. Case No. 12ORD-00000-00013. Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 12ORD-00000-00013 as shown in Attachment E based on the ability to make the appropriate findings. Your Commission's motion should include the following:

1. Make the required 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 C); and
2. Recommend that the Board of Supervisors 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 (Attachment D); and
3. Adopt a Resolution recommending that the Board of Supervisors approve Case No. 12ORD-00000-000013, an ordinance amending Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, as set forth in Attachment E.

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-00000-00011. This project is being considered by the County Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Chapter 35.104 of the Santa Barbara County Land Use and Development Code (LUDC). The Government Code and the LUDC require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside the Montecito Community Plan area, review and consider proposed amendments to the County LUDC and provide a recommendation to the Board of Supervisors.

3.2 Case No. 12ORD-00000-00013. This project is being considered by the County Planning Commission based upon Sections 65854 to 65857, inclusive, of the California Government Code and Section 35-180 of the Article II Coastal Zoning Ordinance. The Government Code and Article II require that the County Planning Commission, as the designated

planning agency for Coastal Zone portion of the unincorporated area of the County, review and consider proposed amendments to Article II and provide a recommendation to the Board of Supervisors. .

4.0 ISSUE SUMMARY

4.1 Background

The Ordinance implements adopted Comprehensive Plan policy through establishment of development standards for agricultural buffers between new non-agricultural development and agricultural uses. 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 some 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.

5.0 PROJECT INFORMATION AND ANALYSIS

5.1 Location

The Ordinance is County-wide and applies to all unincorporated Urban, Inner-Rural/Existing Developed Rural Neighborhood, 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 H) shows the majority of 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.

5.2 Draft Ordinance

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, Inner-Rural or Existing Developed Rural Neighborhood/Rural Neighborhood, or Industrial zone district in the Rural Area; and
- 2) The project is on a lot immediately adjacent to land in a Rural Area with agricultural zoning or immediately adjacent to land subject to a Williamson Act contract.

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.

Staff recommended revision: The State of California Department of Transportation submitted a comment letter on the Draft Negative Declaration (Attachment F) expressing concerns about the potential effect the Ordinance would have upon State highway projects. State and County roadway projects located in the Inland areas are exempt from County planning permits. However, State and County roadway projects located within the Coastal Zone require County planning permits and could potentially be affected by the Ordinance. Therefore, staff is recommending the draft Ordinance be revised to exempt State and County roadway projects as amended in Attachment B, Subsection C.

Buffer width ranges: The proposed Ordinance requires agricultural buffers be located on the non-agricultural 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
Proposed Agricultural Buffer Widths

Proposed non-agricultural development or use	Minimum Buffer Width	Maximum Buffer Width
Adjacent to production agriculture		
Commercial or Industrial Development or use	100 feet	300 feet
Residential Development or use	200 feet	300 feet
Residential Development or use on a small parcel located within an Urban Area	100 feet	200 feet
Sensitive non-agricultural development or uses	300 feet	400 feet
Adjacent to rangeland or pastureland	100 feet	150 feet

The minimum buffer width reduces potential land use conflicts to a reasonable, typical level. However, ranges are provided because unique circumstances may require the buffer width to be adjusted. Site specific factors that may warrant a buffer width increase include crop type/agricultural practices, elevation difference 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. The White Paper on Agricultural Buffers (Attachment G) describes the technical research and methodology for the proposed Ordinance.

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, waterways, flood plains, solar energy systems, telecommunications facilities, wind energy conversion systems, utility lines and facilities, signage and any other use determined 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 waive or reduce use restrictions based on supporting evidence. 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 the 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 implemented. A Maintenance Plan ensures the agricultural buffer will be maintained for the life of the project by requiring a recorded deed restriction or conservation easement.

Small residential urban lots: Staff analyzed the extent to which the agricultural buffer may affect small, residential urban lots. The results of the analysis (Attachments I, J, K, and L) indicate eight residential urban lots ranging in size from one acre to at least 10,000 sq ft. in size, had discretionary development potential. 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 D6 of the Ordinance includes a reasonable use clause, which states. “This Section is not intended, and shall not be construed as authorizing the review authority acting pursuant to 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”.

5.3 Definitions

The proposed Ordinance adds the following new definitions for “Agricultural Buffer”, “Production Agriculture”, “Rangeland or Pastureland”, “Small Lot” and “Sensitive Non-agricultural Uses”. See Attachment B, Exhibit 1, Section 2.

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. A commercial agricultural operation that supports forage for cattle, horses or other grazing animal and includes 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 X) for details.

Small Lot. A lot equal 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.

6.0 ENVIRONMENTAL REVIEW

6.1 Case No. 12ORD-00000-00011. Pursuant to Section 15073 of the State Guideline for the Implementation of the California Environmental Quality Act (CEQA) and the County of Santa Barbara Guidelines for the Implementation of CEQA, a Draft Negative Declaration (Attachment F) was prepared for the proposed ordinance amendment to the Santa Barbara County Land Use and Development Code. The Draft Negative Declaration was released for public review on August 8, 2012 and concludes there are no significant adverse impacts or proposed mitigation measures associated with the proposed Ordinance. Public Comment period closed on September 6, 2012. During the public review period, eight comment letters were received. Several of the comments addressed the merits of the project and did not identify an inadequacy in the environmental analysis or conclusions. As described in Section 5.2 of this report, staff recommends a revision in response to a comment letter from the State of California Department of Transportation expressing concerns about the potential effect the Ordinance would have upon State highway projects. Other comments did not require changes to the Final Negative Declaration.

6.2. Case No. 12ORD-00000-00013. The proposed ordinance amendment to the Article II Coastal Zoning Ordinance is recommended to be determined to be exempt from environmental review pursuant to Section 15265 of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15265, the statutory exemption for the adoption of coastal plans and programs, including amendments thereto, shifts the burden of CEQA compliance from the local agency to the California Coastal Commission.

7.0 POLICY CONSISTENCY

The proposed Ordinance does not alter the purpose and intent of any Comprehensive Plan, Coastal Land Use Plan and community and area plan policies and development standards. Adoption of the proposed ordinance amendments will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan, Coastal Land Use Plan and community and area plan policies..

In order for a development permit to be approved based on these proposed amendments, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, Coastal Land Use Plan and community and area plans.. As part of this process, a policy consistency analysis will be performed during the review of the application, and projects will not be approved unless they are determined to be consistent with applicable policies, and the findings required for approval can be made. Therefore, this Ordinance may be found consistent with the adopted Comprehensive Plan, the Local Coastal Program, and community and area plans..

The following discussion demonstrates how the proposed ordinance implements existing policies in the Comprehensive Plan and the Coastal Land Use Plan regarding Agricultural Buffers.

REQUIREMENT	DISCUSSION
<p><i>Agricultural Element</i></p> <p><i>Policy I.A.</i> The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.</p> <p><i>Policy I. F.</i> The quality and availability of water, air and soil resources shall be protected through provisions including but not limited to, the stability of Urban/Rural Boundary lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.</p> <p><i>Goal II.</i> Agricultural lands shall be protected from adverse urban influence.</p>	<p><i>Consistent. The proposed Ordinance establishes development standards for agricultural buffers between agricultural uses and new non-agricultural development. Agricultural buffers are intended to minimize potential land use conflicts resulting from normal agricultural practices, such as noise, dust, light and odors. Additionally, agricultural buffers will serve to minimize potential conflicts resulting from roaming pets, invasive exotic plants species and trespassing issues often associated with encroaching non-agricultural uses. The Ordinance establishes buffer requirements, buffer width adjustment factors, allowable uses within buffers,</i></p>

REQUIREMENT	DISCUSSION
<p>Policy II. B. Santa Barbara County shall recognize and give high priority to, the need for protection from trespass, thievery, vandalism, roaming dogs, etc., and all agricultural lands.</p> <p>Goal III. Where it is necessary to for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations.</p> <p>Coastal Land Use Plan</p> <p>Coastal Act Policy 30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:</p> <p>a. By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban uses.</p>	<p>landscape, lighting and irrigation plan requirements, vegetative screening standards, and buffer maintenance requirements.</p>
<p>Summerland Community Plan Agriculture</p> <p>Policy LUA-S-2: New Development adjacent to agriculturally zoned property shall include buffers to protect the viability of agricultural operations adjacent to the community.</p> <p>Action LUA-S-2.1: All new homes in residential zones shall be setback a minimum of 50 feet from the property line of adjacent agriculturally-zoned parcels.</p> <p>Action LUA-S-2.2: All new development in residential zones adjacent to agriculturally-zoned land shall include a six foot high fence on the property line abutting the agricultural use.</p> <p>Action LUA-S-2.3: All new development in residential zones shall include dense screen plantings of shrubs and trees on the border</p>	<p>Consistent. The 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, Inner-Rural or Existing Developed Rural Neighborhood/Rural Neighborhood, or Industrial zone district in the Rural Area; and 2) The project is on a lot immediately adjacent to land in a Rural Area with agricultural zoning or immediately adjacent to land subject to a Williamson Act contract. Buffer widths range from 100 feet to 400 feet for non-agricultural uses adjacent to production agriculture and 100 feet to 150 feet for non-agricultural uses adjacent to rangeland and/or pastureland. The agricultural buffer may be adjusted if certain site specific factors are present. Non-habitable structures, carports and garages are</p>

REQUIREMENT	DISCUSSION
<p><i>adjacent to agriculturally-zoned land. The species, location and maintenance of these trees and shrubs shall be compatible with the adjacent agricultural operations.</i></p> <p>Los Alamos Community Plan Land Use-Residential</p> <p><i>Policy LUR-LA-2.2: Proposed residential development adjacent to agriculturally designated land shall integrate mechanisms (such as fences and/or buffer areas into the project design to reduce conflicts between residences and agricultural operations. This policy does not apply to RR-5 zoned parcels in the Plan Area.</i></p> <p><i>Dev Std LUR-LA-2.2.1: Residential development located on the far western end of Bell Street, within the CM-LA zone, shall be set back at least 100 feet from parcels zoned for agriculture. If the residential development is part of a multi-parcel development concept or the project design demonstrates other adequate buffering, the agricultural buffer setback shall be established by Planning and Development during project design.</i></p> <p>Orcutt Community Plan Agricultural & Rural Policies and Development Standards</p> <p><i>DevStd LUA-0-2.3: All new urban and EDRN development which borders agriculturally designated lands shall include a minimum 100-foot buffers between structures and agricultural lands, and shall include the planting of hedges and/or windrows with a sufficient density of trees and shrubs to reduce noise, odor, dust or chemical effects associated with the agricultural operations. This buffer is a minimum adjacent to lighter agricultural uses (such as grazing) and should be adjusted upward if the adjacent agricultural operation is considered more intensive (such as strawberry cultivation).</i></p> <p>Santa Ynez Valley Community Plan</p>	<p><i>considered restricted uses within the agricultural buffer and are allowed no closer than half the width of the buffer as measured from the adjacent agricultural lot.</i></p> <p><i>Vegetative screening is encouraged for all projects and fencing (or other barrier) and landscaping for the buffer is required as part of the Landscape, Lighting and Irrigation Plan.</i></p>

REQUIREMENT	DISCUSSION
<p><i>Agriculture and Rural Lands Goals, Policies, Actions and Development Standards</i></p> <p><i>DevStd LUA-SYV-3.1: New non-agricultural development adjacent to agriculturally zoned property shall include appropriate buffers, such as trees, shrubs, walls, and fences to protect adjacent agricultural operations from potential conflicts and claims of nuisance. The size and character of the buffers shall be determined through parcel-specific review on a case-by-case basis.</i></p>	

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of the County LUDC and Article II that are not revised by this ordinance. In order to approve a development project, it still must be determined that the project is consistent with the whole of the County LUDC and Article II as applicable.

9.0 PROCEDURES

County Land Use and Development Code: The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

Article II Coastal Zoning Ordinance: The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance to the Board of Supervisors.

10.0 APPEALS PROCEDURES

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

11.0 ATTACHMENTS

- A. 12ORD-00000-00011 Findings
- B. 12ORD-00000-00011 Resolution and Ordinance
- C. 12ORD-00000-00013 Findings
- D. 12ORD-00000-00013 Notice of Exemption
- E. 12ORD-00000-00013 Resolution and Ordinance
- F. Final Negative Declaration (copy available at http://longrange.sbcountyplanning.org/programs/ag_buffer/AgBufferordinance.php)
- G. White Paper on Agricultural Buffers
- H. Map of Santa Barbara County Rural Agricultural Interface Areas

- I. Map of Rural Agriculture Zone Interface for the Cuyama Area
- J. Map of Rural Agriculture Zone Interface for the Los Alamos Area
- K. Map of Rural Agriculture Zone Interface for the Orcutt Area
- L. Map of Rural Agriculture Zone Interface for the Santa Ynez Area

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