

Agricultural Buffer Ordinance



Board of Supervisors Hearing
April 9, 2013





Project Summary

Create new Agricultural Buffer
Regulations by amending the:

- A. County Land Use and Development Code (County LUDC)
- B. Montecito LUDC
- C. Coastal Zoning Ordinance (Article II)
- D. Chapter 21, Land Division



Background

- Implements adopted policies
- Staff consulted with
 - Agricultural Commissioner's Office
 - Agricultural Advisory Committee (AAC)
 - Agricultural Buffer Working Group
- Research on agricultural buffers



Buffers Minimize Land Use Conflicts

Ag concerns

- Trespass, vandalism and theft
- Erosion and development impacts
- Introduction of agricultural pests

Public concerns

- Dust, odor, noise
- Night time lighting

Ordinance Content

- Applicability
- Buffer width ranges
- Allowable uses within the buffer
- Establishment and maintenance
- Implementation Guidelines



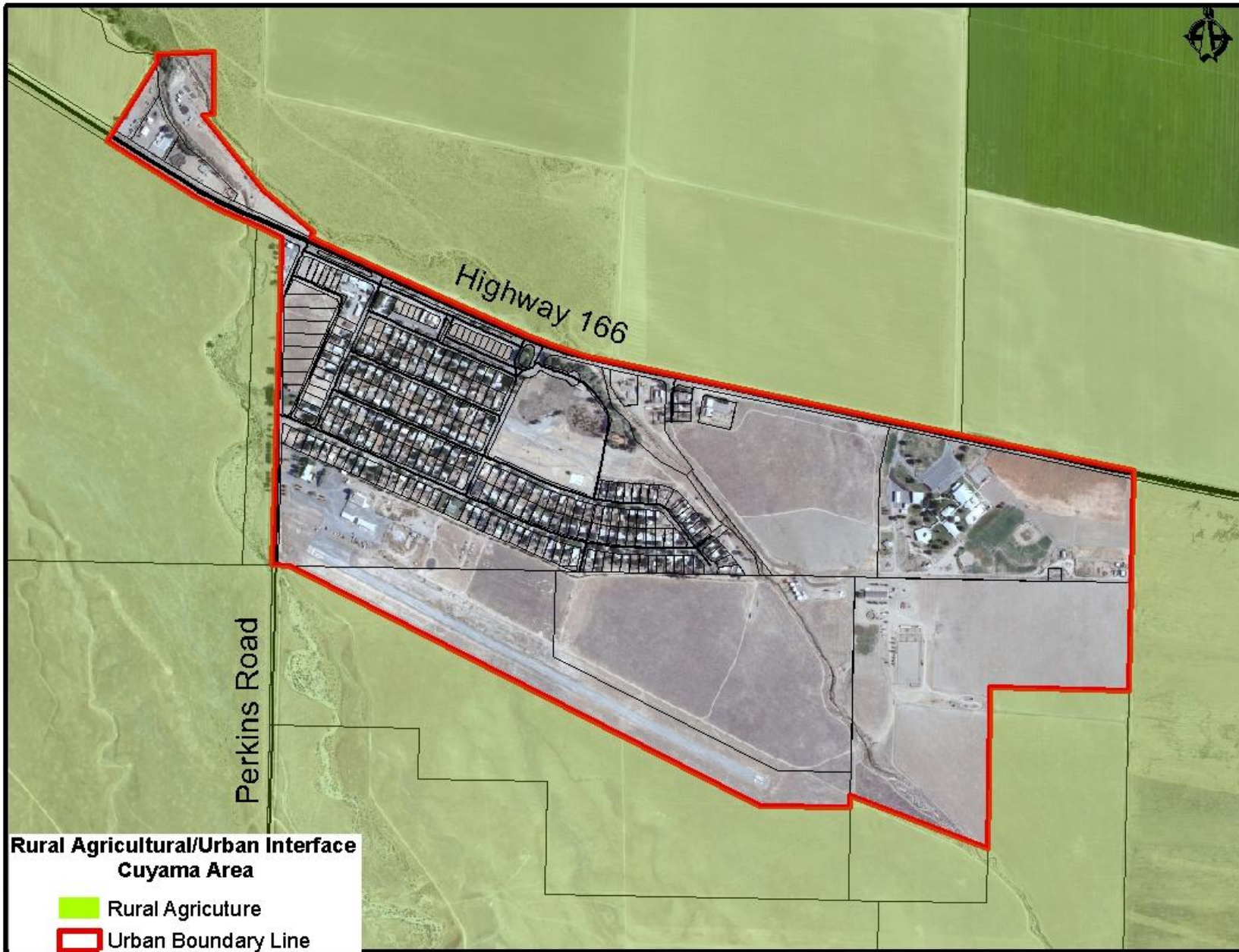
Applicability

1) The project site is located within an Urban, Inner-Rural or EDRN, or an Industrial zone district in the Rural Area;

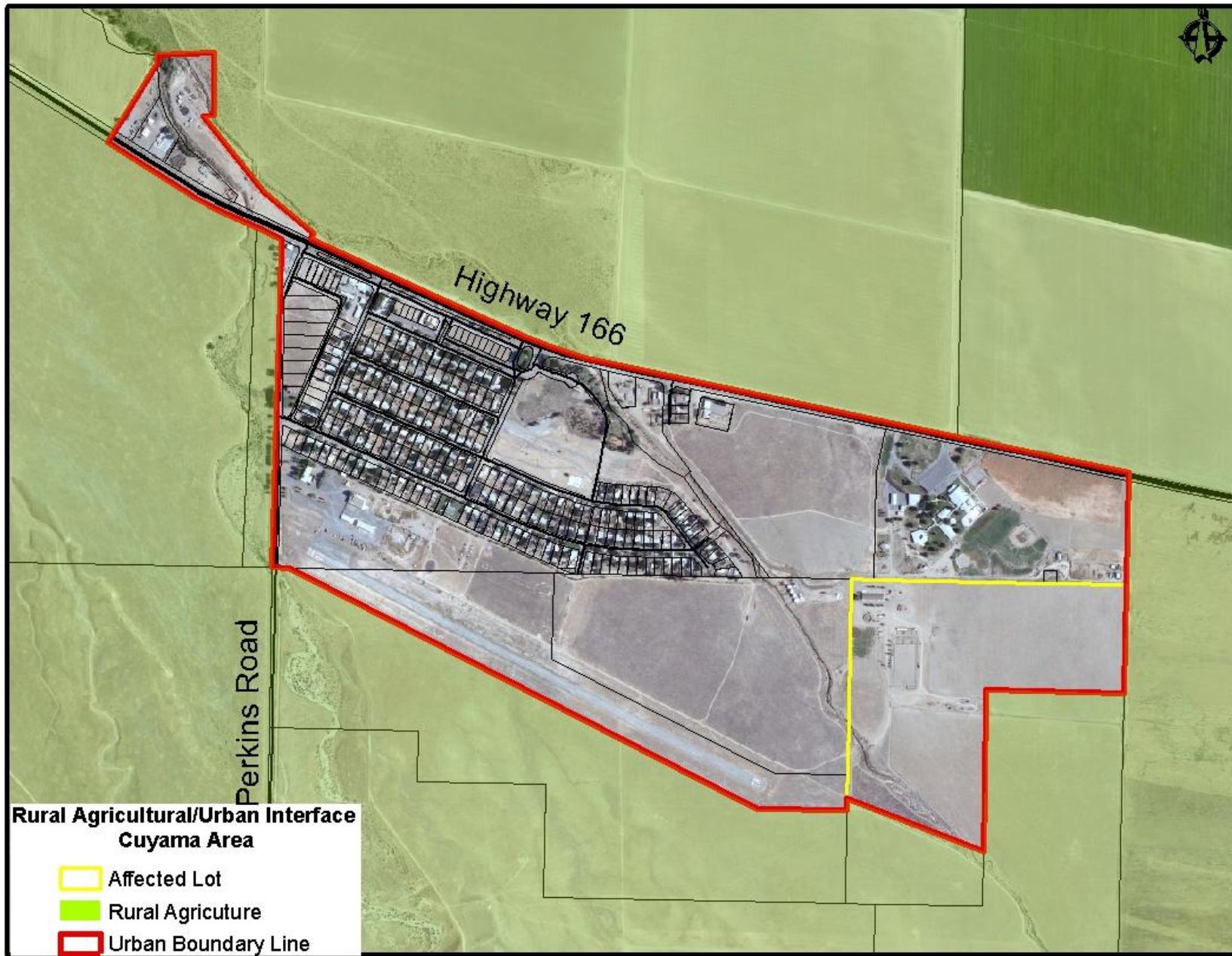
And

2) The immediately adjacent lot is in a Rural Area and zoned Agriculture or under a Williamson Act contract.

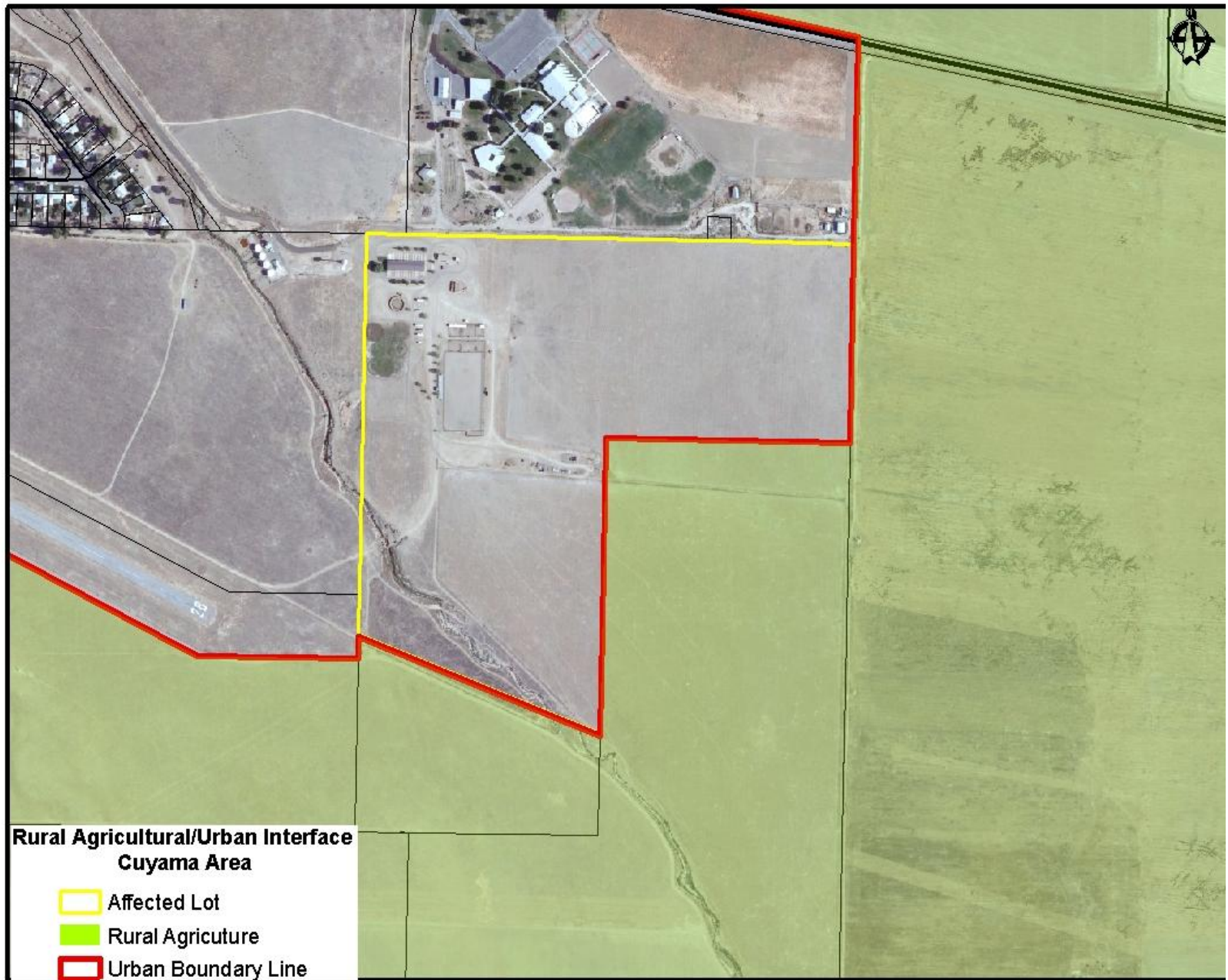
Long Range Planning Division PLANNING AND DEVELOPMENT



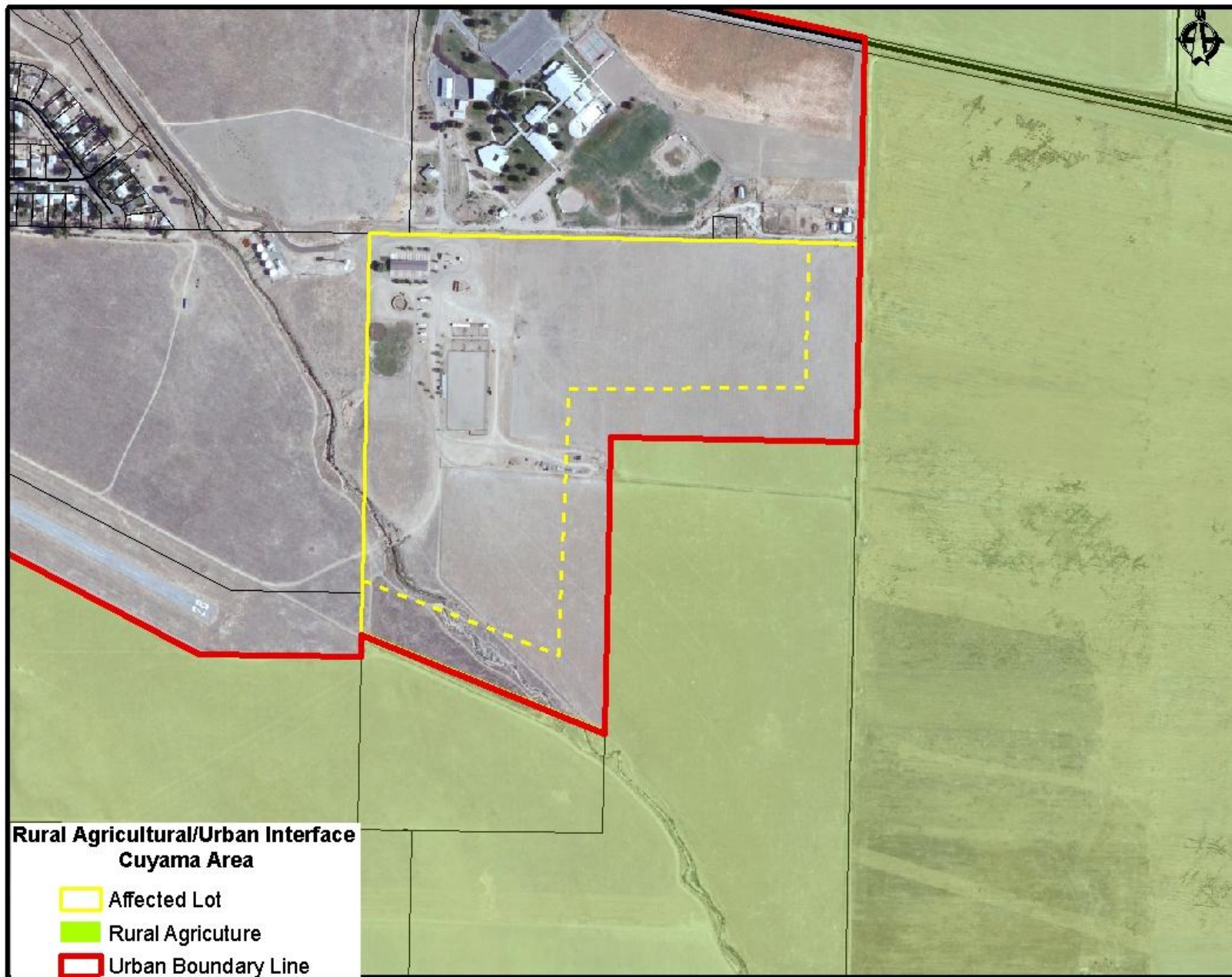
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Ordinance Does Not Apply To

- Ministerial projects
- Single Family Dwellings
- Urban agriculture
- Farm Employee Dwellings
- Existing development
- Minor changes to previously approved projects
- Non-commercial agriculture
- State and County roadway projects
- Minor lot line adjustments

Buffer Width Ranges

Proposed Non Ag Development or use	Minimum	Maximum
Adjacent to production agriculture*		
Commercial or industrial	100 feet	300 feet
Residential	200 feet	300 feet
Residential on a small urban lot*	100 feet	200 feet
Sensitive*	300 feet	400 feet
Adjacent to rangeland or pastureland*	100 feet	150 feet

* Defined in the Ordinance





Allowable Uses Within the Buffer

Unrestricted uses

- Compatible with agriculture
- Allowed anywhere within buffer

Restricted uses

- Less compatible with agriculture
- Allowed no closer than half the buffer width



Establishment and Maintenance

- Landscape, Lighting and Irrigation Plan
 - Ensures successful establishment
 - Includes 5 year performance security
- Maintenance Plan
 - Ensures maintenance for life of project
 - Recorded on property's title and as a condition of project approval



Agricultural Buffer Implementation Guidelines

Assists planners and the review authority

- Buffer width and adjustment
- Allowable uses within the buffer
- Application procedures
- Compatible site design

Summary of Planning Commission Hearings

Montecito LUDC amendments

- Hearings on 9/26/12 and 03/20/13
- Unanimous vote to adopt Board Resolution

County LUDC and Article II amendments

- Hearings on 10/3/12, 11/14/12 and 12/19/12
- Voted 3-2 to adopt Board Resolution





Agriculture Within the Buffer

Subsection E (Allowable uses within agricultural buffers).

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. Agriculture
 - b. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.
 - c. Fences and walls.
 - d. Low-lying landscaping and vegetative screening that does not include trees or hedges exceeding three feet in height.
 - e. Oil and gas, wind energy and cogeneration facilities that are:
 - (1) Permitted in compliance with Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities),
or
 - (2) Operated in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).
 - f. Natural waterways including rivers, creeks, lakes, ponds, and flood plains.
 - g. Signs.
 - h. Solar energy systems permitted in compliance with Section 35.30.160 (Solar Energy Systems).
 - i. Telecommunication facilities permitted in compliance with Chapter 35.44 (Telecommunication Facilities).
 - j. Utility lines and facilities.
 - k. Any other use determined by the review authority to be consistent with the purpose and intent of the buffer requirement.
 - l. 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.



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Environmental Review

Amendments to Article II

- Notice of Exemption, CEQA 15265

Amendments to the LUDC, MLUDC and Chapter 21

- Negative Declaration
- Concluded no impacts



Staff Recommendation

Approve recommendations for:

- A. County LUDC (Case 12ORD-00000-00011)
- B. Montecito LUDC (Case 12ORD-00000-00012)
- C. Article II (Case 12ORD-00000-00013)
- D. Chapter 21 (Case 13ORD-00000-00013)
 - 1. Approve the first reading of the Ordinance
 - 2. Set a hearing for April 16, 2013





Thank You