

ATTACHMENT A

**December 3, 2014 Coastal Commission Certification Letter
Coastal Commission Case No. LCP -4-STB-13-2011-1-Part A
Agricultural Buffer Regulation**

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CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
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December 3, 2014

Steve Lavagnino, Chair
Board of Supervisors
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

RE: Santa Barbara County Local Coastal Program Amendment No. LCP-4-STB-13-0211-1-Part A (Agricultural Buffer Regulation)

Dear Honorable Chair Lavagnino and Supervisors:

On November 13, 2014 the Coastal Commission approved LCP Amendment LCP-4-STB-13-0211-1-Part A with suggested modifications. The Commission's resolution of certification is contained in the staff report dated October 23, 2014. The suggested modifications, as approved by the Commission on November 13, 2014, are attached to this correspondence.

Section 13544 of the Commission's Administrative Regulations requires that after certification the Executive Director of the Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the governing authority, and any interested persons or agencies. Further, the certification shall not be deemed final and effective until all of the following occur:

- (a) The local government with jurisdiction over the area governed by the Local Coastal Program, by action of its governing body: (1) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program. Unless the local government takes the action described above the Commission's certification with suggested modifications *shall expire six months* from the date of the Commission's action.
- (b) The Executive Director of the Commission determines in writing that the local government's action and the notification procedures for appealable development required pursuant to Article 17, Section 2 are legally adequate to satisfy any specific requirements set forth in the Commission's certification order.
- (c) The Executive Director reports the determination to the Commission at its next regularly scheduled public meeting and the Commission does not object to the Executive Director's determination. If a majority of the Commissioners present object to the Executive Director's determination and find that the local government action does not conform to the provisions of the Commission's action to certify the Local Coastal Program Amendment, the Commission shall review the local

government's action and notification procedures pursuant to Articles 9-12 as if it were a resubmittal.

- (d) Notice of the certification of the Local Coastal Program Amendment shall be filed with the Secretary of Resources Agency for posting and inspection as provided in Public Resources Code Section 21080.5(d)(2)(v).

The Commission and staff greatly appreciate the County's consideration of this matter.

Authorized on behalf of the California Coastal Commission by:

Charles Lester
Executive Director

By: Deanna Christensen
Coastal Program Analyst

Cc: Noel Langle, Santa Barbara County Planning and Development Department

Final Suggested Modifications LCP Amendment 13-0211-1-Part A (Agricultural Buffer Regulation)

The County proposed and approved amended language to the certified LCP Implementation Plan/Coastal Zoning Ordinance is shown in straight type. Language approved by the Commission to be deleted is shown in ~~line out~~. Language approved by the Commission to be inserted is shown underlined.

Suggested Modification 1

Sec. 35-144M – Agricultural Buffers

B. Applicability. This Section applies to all discretionary applications for non-agricultural development and uses (project) which satisfy all of the following criteria:

1. The project site is located within an Urban, ~~Inner Rural~~, or Rural Neighborhood Area, as designated on the Coastal Land Use Plan maps; or located on property zoned industrial that is located in the Rural Area as designated on the Coastal Land Use Plan maps.
2. The project site is located immediately adjacent to land that is:
 - a. Located in a Rural Area as designated on the Coastal Land Use Plan maps, and
 - (1) Excluding state or federally owned land, has an agricultural zone designation as identified in Section 35-52 (Zoning District Designations and Applicability); or if the project site is located outside of the Coastal Zone, as identified in:
 - (a) Section 35.014.020 (Zoning Map and Zones) of Section 35-1, the County Land Use and Development, of Chapter 35, Zoning, of the Santa Barbara County Code; or
 - (b) Article V of Ordinance No. 661.
 - (2) Or is subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

Suggested Modification 2

Sec. 35-144M – 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 H) 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. The agricultural buffer may include natural waterways including rivers, creeks, lakes, ponds, and flood plains.

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, if consistent with all other applicable provisions of this Article:

- a. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.
- b. Fences and walls.
- c. Habitat restoration.
- d. Low-lying landscaping and vegetative screening that does not include trees or hedges exceeding three feet in height.
- ~~d~~e. Oil and gas, wind energy and cogeneration facilities that are:
 - (1) Permitted in compliance with Division 9 (Oil and Gas Facilities), or
 - (2) Operated in compliance with Division 10 (Nonconforming Structures and Uses).
- e. ~~Natural waterways including rivers, creeks, lakes, ponds, and flood plains.~~
- f. Signs.
- g. Solar energy systems allowed as an accessory use to the principal use of the lot.
- h. Telecommunication facilities permitted in compliance with Chapter 35-144F (Commercial Telecommunication Facilities).
- 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 [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. 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 by the decision-maker when it is determined that strict compliance with this section 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, except as allowed in compliance with Subsection E.3, below.
- g. Roads and transportation infrastructure.

3. Regardless of the use restrictions of Subsection E.2, above, passive public recreational uses such as trails, bike paths and walking paths, may be located within an agricultural buffer provided that it complies with the buffer to the extent feasible and strict compliance with Subsection E.2, above, would significantly diminish or result in adverse effects to public access or recreation.

34. Prohibited uses within agricultural buffers. Active Rrecreational uses such as parks, picnic areas, playgrounds and ball fields shall not be allowed in an agricultural buffer.

45. 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 Article II.

56. 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.

Suggested Modification 3

Sec. 35-144M – Agricultural Buffers

F.1 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 this Article H, 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. However, the fence or other barrier shall be sited as close to the approved development project as feasible and shall avoid adverse impacts to scenic resources, sensitive habitat, and potential wildlife migration corridors.
- 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.

<p>Suggested Modification 4</p>
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Appendix H – Agricultural Buffer Implementation Guidelines

II.B.3. Vegetative screening adjacent to Production Agriculture. In compliance with Section 35-144M.D.34.b of this Article, 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 35-144M.D.1 of this Article. The Planning and Development 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 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).

III. Allowable Uses within Agricultural Buffers. Section 35-144M.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~~ minimize potential conflicts between visitors and agricultural operations, do not require frequent maintenance, and do not attract wildlife. ~~Restricted Uses that invite visitors or attract wildlife may conflict~~ are less compatible with agriculture and the location of such uses ~~is~~ are 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 35-144M.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/ property operators.

Suggested Modification 5

Sec. 35-58 – Definitions

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 35-144M (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~~ Coastal Land Use Plan maps.