

ATTACHMENT 4
COUNTY LAND USE AND DEVELOPMENT CODE AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES, AND ARTICLE 35.11, GLOSSARY, TO ADDRESS THE PERMIT REQUIREMENTS FOR HOOP STRUCTURES AND SHADE STRUCTURES LOCATED ON AGRICULTURALLY ZONED LANDS, AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS, AND REVISIONS.

Case No. 17ORD-00000-00005

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Subsection B, Exempt Activities and Structures, of Section 35.20.040, Exemptions from Planning Permit Requirements, of Chapter 35.20, Development and Land Use Approval Requirements, to add a new Subsection 10 titled “Hoop structures and shade structures” and to read as follows, and to renumber existing Subsections 10 through 25 as 11 through 26, respectively:

10. Hoop structures and shade structures. Hoop structures and shade structures that are exempt in compliance with Section 35.42.140.C (Hoop structures and shade structures in agricultural zones).

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change the Agricultural, Mining, and Energy Facilities section of Table 2-1, Allowed Land Uses and Permit Requirements for Agricultural Zones, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

Table 2-1 Allowed Land Uses and Permit Requirements for Agricultural Zones	E	Allowed use, no permit required (Exempt)	
	P	Permitted use, Land Use Permit required (2)	
	MCUP	Minor Conditional Use Permit required	
	CUP	Conditional Use Permit required	
	ZC	Zoning Clearance	
	S	Permit determined by Specific Use Regulations	
	—	Use Not Allowed	
LAND USE (1)	PERMIT REQUIRED BY ZONE		Specific Use Regulations
	AG-I	AG-II	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	P	P	35.42.020
Agricultural processing - On-premise products	P	P (3)	35.42.040
Agricultural processing - Off-premise products	—	CUP (3)	35.42.040
Agricultural processing - Extensive	—	CUP (4)	35.42.040
Animal keeping (except equestrian facilities, see RECREATION)	S	S	35.42.060
Aquaculture	—	CUP	35.42.070
Aquaponics	—	S (5)	35.42.060
Cultivated agriculture, orchard, vineyard	E	E	
Grazing	E	E	
Greenhouse	P	P (6)	35.42.140
<u>Hoop structure and shade structure</u>	<u>S</u>	<u>S</u>	<u>35.42.140</u>
Mining - Agricultural soil export	—	MCUP	35.82.160
Mining, extracting & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	35.82.160
Mining- Surface, less than 1,000 cubic yards (7)	P	P	35.82.160
Mining- Surface, 1,000 cubic yards or more	CUP	CUP	35.82.160
Oil and gas uses	S	S	35.5
Utility-scale photovoltaic facilities	—	CUP	35.59
Winery	S	S	35.42.280

SECTION 3:

ARTICLE 35.4, Standards for Specific Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.42.140, Greenhouses, of Chapter 35.42, Standards for Specific Land Uses, to read as follows:

35.42.140 – Greenhouses, Hoop Structures, and Shade Structures

- A. **Purpose and applicability.** This Section provides standards for the establishment of greenhouses, hoop structures, and shade structures where allowed by Article 35.2 (Zones and Allowable Land Uses).
- B. **Greenhouses.**
 - 1. **Greenhouses in agricultural zones.** The following provides the permit requirements and development standards for greenhouses located within the AG-I and AG-II zones.
 - 1. **a.** **Less than 20,000 square feet, AG-I zone.** For greenhouses and greenhouse related development that are less than 20,000 square feet in area and are located within the AG-I zone, the following requirements and standards shall apply:
 - a-** **(1)** **Landscaping.** Landscaping plans shall be required in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).
 - 2. **b.** **20,000 square feet or more.** For greenhouses and greenhouse related development that are 20,000 square feet in area or more and all additions, which when added to existing

development, total 20,000 square feet or more, the following requirements and standards shall apply:

- ~~a.~~ **(1) Development Plans.** ~~In all agricultural zones,~~ **The** approval of a Development Plan shall be required in compliance with Section 35.82.080 (Development Plans).

- ~~(1)~~ **(a) Application contents.** ~~For greenhouses in agricultural zones the submittal requirements in Section 35.82.080 (Development Plans) shall be waived. Development Plan applications shall instead include a plot plan of the proposed development drawn to scale showing the following:~~

The site plan and topographic map required to be submitted with an application for a Development Plan in compliance with Section 35.82.080 (Development Plans) shall not apply and instead a Development Plan application for a greenhouse(s) shall include a site plan of the proposed development drawn to scale that shows the following:

- ~~(a)~~ **(i)** Gross acreage and boundaries of the property.
~~(b)~~ **(ii)** Location of all existing and proposed structures, their use, and square footage of each structure.
~~(c)~~ **(iii)** Landscaping.
~~(d)~~ **(iv)** Location and number of parking spaces.
~~(e)~~ **(v)** Location of driveways and adjacent streets.

- ~~b.~~ **(2) Landscaping.**

- ~~(1)~~ **(a) AG-I zone.** Landscaping plans shall be required in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).
~~(2)~~ **(b) AG-II zone.** Landscaping plans shall be required in compliance with Chapter 35.34 (Landscaping Standards).

- ~~c.~~ **2. Greenhouses in overlay zones.** Greenhouses are limited to 4,000 square feet per lot when located within the Critical Viewshed Corridor Overlay in the Gaviota Coast Plan Area.

- ~~d.~~ **3. Greenhouses in residential and special purposes zones.**

- ~~1.~~ **a. 300 square feet or less in size.** In the R-1/E-1, R-2, EX-1, DR, MU, and OT-R zones, the following standards shall apply to greenhouses not exceeding 300 square feet in area:

- ~~a.~~ **(1)** Greenhouse structures shall be used only for the propagation and cultivation of plants.
~~b.~~ **(2)** No advertising signs, commercial display rooms, or sales stands shall be maintained.

- ~~2.~~ **b. Greenhouses exceeding 300 square feet and less than 800 square feet.** In the R-1/E-1, R-2 and EX-1 zones, no advertising signs, commercial display rooms, or sales stands shall be maintained in association with greenhouses that exceed 300 square feet and are less than 800 square feet.

- ~~3.~~ **c. Greenhouses exceeding 300 square feet within the RR zone.** ~~a.~~ Greenhouses, hothouses, other plant protection structures and related development (i.e., packing sheds, parking, driveways) shall be subject to the landscaping requirements in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).

C. Hoop structures and shade structures in agricultural zones. The following provides the permit requirements and development standards for hoop structures and shade structures located within the AG-I and AG-II zones.

1. Permit requirements. Prior to the erection or use of a hoop structure or a shade structure a Land Use Permit shall be issued or a Final Development Plan shall be approved, as applicable, unless the project is determined to be exempt from a Land Use Permit or a Final Development Plan in compliance with Subsection C.1.a (Exempt), below. See also Section 35.42.075 (Cannabis Regulations) for additional permit requirements and development standards for the cultivation of cannabis.

a. Exempt. Hoop structures and shade structures that are 20 feet or less in height do not require a land use entitlement provided the proposed project is in compliance with the following:

- (1) The development standards of Subsection C.3.a (Development standards for hoop structures and shade structures), below.
- (2) The requirements of Subsection 35.20.040.A (Exemptions from Planning Permit Requirements).
- (3) The hoop structures and shade structures are located on historically intensively cultivated agricultural land. Historically intensively cultivated agricultural land, for purposes of this section, shall mean land that has been tilled for agricultural use and planted with a crop for at least one of the previous three years.
- (4) The hoop structures and shade structures are located on slopes averaging 20% or less. Average slope shall be calculated over the area of the lot where hoop structures and shade structures will be used.
- (5) Hoop structures and shade structures located in the Critical Viewshed Corridor (CVC) Overlay within the Gaviota Coast Plan area or in the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area cover no more than 4,000 square feet per lot.
- (6) Hoop structures and shade structures located in the Critical Viewshed Corridor (CVC) Overlay within the Gaviota Coast Plan area or in the Design Control (D) Overlay within the Santa Ynez Valley Community Plan area cover more than 4,000 square feet per lot, but are not visible from public roadways or other areas of public use. Landscape screening shall not be taken into consideration when determining whether the structures are visible from public roadways or other areas of public use.

b. Land Use Permit required. A Land Use Permit issued in compliance with Section 35.82.110 (Land Use Permits) is required for the following:

- (1) Hoop structures and shade structures that are more than 20 feet in height and cover less than 20,000 square feet in area, including all additions, which when added to existing development located on the same lot cover less than 20,000 square feet in area.
- (2) Hoop structures and shade structures that are 20 feet or less in height and cover less than 20,000 square feet in area, including all additions, which when added to existing development located on the same lot cover less than 20,000 square feet in area, and are not in compliance with Subsections C.1.a.(3), C.1.a.(4), C.1.a.(5), or C.1.a.(6), above.

c. Final Development Plan required. The approval of a Final Development Plan in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for the following:

- (1) Hoop structures and shade structures that are more than 20 feet in height and cover 20,000 square feet in area or more, including all additions, which when added to existing development located on the same lot cover 20,000 square feet in area or more.

(2) Hoop structures and shade structures that are 20 feet or less in height and cover 20,000 square feet in area or more, including all additions, which when added to existing development located on the same lot cover 20,000 square feet in area or more, and are not in compliance with Subsections C.1.a.(3), C.1.a.(4), C.1.a.(5), or C.1.a.(6), above.

2. Application requirements. Except as provided below in Subsection C.2.a (Site plan and topographic map requirements), below, an application for a Land Use Permit or a Development Plan shall be submitted in compliance with Section 35.80.030 (Application Preparation and Filing).

a. Site plan and topographic map requirements. The site plan and topographic map normally required to be submitted with an application for a Development Plan in compliance with Section 35.82.080 (Development Plans) shall not apply and instead a Development Plan application for hoop structures or shade structures shall include a site plan of the proposed development drawn to scale that shows the following:

- (1) Gross acreage and boundaries of the property.
- (2) Location of all existing and proposed structures, their use, and square footage of each structure.
- (3) Landscaping.
- (4) Location and number of parking spaces.
- (5) Location of driveways and adjacent streets.
- (6) Topography – contour intervals to depict slopes.
 - (a) Ten or 25 foot intervals for lots of more than 20 acres.
 - (b) Five or ten foot intervals for lots of five to 20 acres.
 - (c) Five foot intervals for lots less than five acres.

3. Development standards for hoop structures and shade structures.

a. Development standards for hoop structures and shade structures. Hoop structures and shade structures shall comply with the following standards in addition to any other applicable standards of this Development Code. Hoop structures and shade structures not in compliance with Subsection C.3.a.(1) (Lighting) and C.3.a.(2) (Structural elements), below, may be permitted in compliance with Subsection 35.42.140.B (Greenhouses).

- (1) **Lighting.** Interior and exterior lighting associated with hoop structures and shade structures is not allowed.
- (2) **Structural elements.** Hoop structures and shade structures shall not have permanent structural elements such as footings and foundations, and shall not have any utilities including plumbing, natural gas, or electricity.
- (3) **Setbacks.** Hoop structures and shade structures shall comply with applicable setbacks of the zone in which they are located.
- (4) **Streams and Creeks.** Hoop structures and shade structures shall be setback 50 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.¹

¹ Hoop structures and shade structures located within community plan areas that set forth an applicable setback that is greater than the setback identified herein must comply with the applicable setback of the community plan to qualify for the permit exemption. As of the effective date of this ordinance amendment, the Gaviota Coast Plan, Santa Ynez Valley Community Plan, and Toro Canyon Plan include policies or development standards that specify a greater setback from streams and creeks (100 feet within Rural Areas).

b. **Development standards for hoop structures and shade structures more than 20 feet in height.** In addition to the development standards contained in Subsection C.3.a (Development standards for hoop structures and shade structures), hoop structures and shade structures that are more than 20 feet in height shall also comply with the following development standards:

(1) Landscaping.

(a) AG-I zone. Landscaping plans shall be required in compliance with Section 35.34.050 (Agricultural Zones Landscaping Requirements).

(b) AG-II zone. Landscaping plans shall be required in compliance with Chapter 35.34 (Landscaping Standards).

SECTION 4:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is hereby amended to change Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to revise the existing definition of “Greenhouse” to read as follows:

Greenhouse. A structure, including a hothouse, used for the indoor propagation of plants that has permanent structural elements (e.g. footings, foundations) that is typically constructed with a translucent roof or walls, and may have utility facilities (e.g., electrical, natural gas, plumbing).

~~1. **Greenhouse – Coastal Zone.** A structure with permanent structural elements (e.g. footings, foundations, plumbing, electrical wiring) used for cultivation and to shade or protect plants from climatic variations. Any hothouse or plant protection structure that does not fall within the definition of shade structure or hoop structure shall be included in the definition of greenhouse.~~

~~2. **Greenhouse – Inland Area.** A facility, including hothouses, for the indoor propagation of plants, constructed with a translucent roof and/or walls.~~

SECTION 5:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 6:

Except as amended by this Ordinance, Article 35.2, Article 35.4, and Article 35.11, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

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 _____, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: _____
Deputy County Counsel