

# Gaviota Coast Planning Advisory Committee



## *Working Paper #2: Agriculture*

*October 13, 2010*



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October 13, 2010

County of Santa Barbara – Long Range Planning Division  
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## Preface

**T**his paper is one of a series that will describe the existing physical and policy setting and provide policy analysis and recommendations for various issue areas in support of the long-term land use planning process for the Gaviota Coast. On October 20, 2009, the Santa Barbara County Board of Supervisors (BOS) adopted a resolution (09-309) to begin the development of a local Gaviota Coast Plan to reflect the community vision of the Gaviota Coast and guide future development over the long term. To assist with this process, the BOS formed the Gaviota Coast Planning Advisory Committee (GavPAC), an 11-member body tasked with working with the community and County staff to create and tailor policies and other planning tools to help the community realize its land use goals consistent with the communities' vision.

# Introduction



Part of the unique nature of the Gaviota Coast is its status as one of the last remaining working landscapes in Southern California. The coastal hills provide areas for grazing cattle, while as the land approaches the sea orchards and other crops take advantage of the deeper soils and milder climate. Active agricultural operations on the Gaviota Coast build upon a local cultural history as well as contribute to the County's largest industry. This paper will provide background on the existing physical and policy setting, including policy approaches taken by other jurisdictions, as a resource for the Gaviota Coast Planning Advisory Committee (GavPAC) in the course of their deliberations.



*The Gaviota Coast Planning Area has a variety of agricultural resources including cattle ranching, various orchards, and other cultivated crops.  
(Source: Planning & Development)*

# Physical Setting

## 2

The Gaviota Coast Plan Area consists of roughly 100,000 acres extending east from Jalama Beach County Park to Eagle Canyon in western Goleta (see Figure 1).

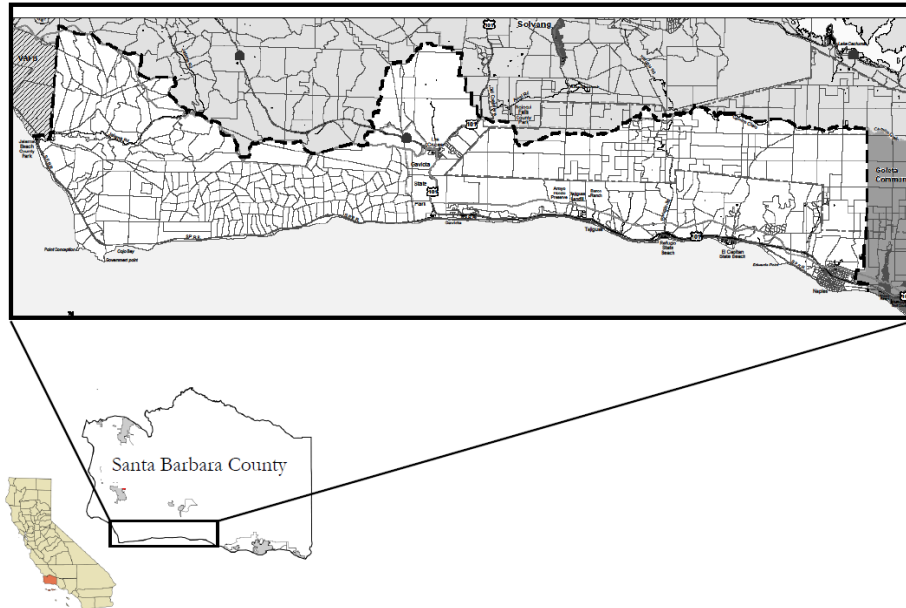


Figure 1 Gaviota Coast Plan Area

The north-south extent of the Plan Area boundary is defined by the extent of the watersheds to the ridgeline south to the Pacific Ocean and ranges from a maximum elevation of approximately 2,500 feet down to sea level.

The climate and soils of the Gaviota Coast provide opportunities for grazing and various crops. The Plan Area contains 97,472 acres (96.2%) of lands zoned for agricultural use, of which 3,204 acres are classified as Important Farmlands by the State Department of Conservation that are highly suitable for cultivation. However, not all of this acreage can be farmed or grazed due to rugged topography, use restriction on public lands (national forest), or other factors. In addition, 60,321 acres (60%) of the Plan Area, or 79% of privately held land, is under Williamson Act contract.

Agricultural operations are active on the hillsides and coastal mesas from Goleta west to Point Conception and up to Jalama. Cattle grazing remains the primary agricultural use in the western Gaviota Coast area which is predominantly comprised of large ranches: Hollister Ranch and Bixby/Cojo/Jalama Ranch. Agricultural operations in the eastern Gaviota Coast area support a wider variety of crops including avocado, citrus and cherimoya orchards, flowers, cattle grazing and an abalone aquaculture farm near Dos Pueblos Creek.

# Policy Setting

## Santa Barbara County

# 3

### **Agricultural Policy Environment**

Agricultural policy in Santa Barbara County resides mainly in the Comprehensive General Plan. The two key Comprehensive General Plan elements addressing agricultural land use are the Land Use Element (and the Coastal Land Use Plan in the Coastal Zone) and the Agricultural Element. The key policy approach for agriculture is the preservation of productive land for agriculture, as exemplified by the Land Use Element and Agricultural Element goals for agriculture:

***In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.***

***Goal I - Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.***

In addition, the purpose and intent of the Agriculture II Zone in the Land Use & Development Code is:

***“...to preserve these lands for long-term agricultural use”.***

The Agricultural Element refines this approach directly for agriculture by establishing policies designed to avoid impacts to productive agriculture from inappropriate land use changes such as urban influences and incompatible recreational uses. In addition, the Agricultural Element contains policies designed to encourage agricultural intensification and on-site agricultural support activities and operations.

Taken together, the existing land use policy and agricultural zoning are fairly restrictive and focus on land productivity. The base agricultural uses are generally limited to agricultural production of food and fiber and processing agricultural products in their raw state. Typically, the permit level increases for uses which may be indirectly related to agriculture or non-agricultural uses permitted in the rural area.

Broadening of the allowable uses, particularly non-agricultural uses, implies a trend which may invite uses that have little or no relationship to agricultural crops grown on the premises. As a result, the intensification of use may impact resources and be incompatible with surrounding agricultural uses.

Agritourism or quasi recreational uses are similarly restricted. Existing restrictions on agritourism uses are justified based on the protection of the rural lands from increased traffic and visitors and potential impacts to active agricultural operations, even though some of these uses are allowable with approval of a site specific Conditional Use Permit.

### **Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules)**

The Santa Barbara County Uniform Rules is the set of rules by which the County administers its Agricultural Preserve Program under the California Land Conservation Act of 1965, better known as the Williamson Act. The purpose of the Williamson Act is the long-term conservation of agricultural and open space lands. The Act establishes a voluntary program to enroll land in Williamson Act contracts whereby the land is restricted to agricultural, open space, or recreational uses in exchange for substantially reduced property tax assessments. Approximately 79% of the privately-held land within the Gaviota Coast is currently under Williamson Act contract.

In the application of the Uniform Rules, the key standard is also agricultural productivity. Landowners must demonstrate continuous agricultural production to retain their agricultural contract eligibility. The available supportive or compatible uses on contracted land are narrowly defined by the Williamson Act “Principles of Compatibility” (Gov. Code Section 51238.1, reproduced below) and the county’s Uniform Rules (Section 2.0)

In fact, most of the requirements of the Uniform Rules are more restrictive than the Zoning Ordinance. This is an important feature for the GavPAC to remember when considering expanding permitted uses or alternative revenue streams on agricultural land.

#### ***2-1.1. PRINCIPLES OF COMPATIBILITY (Section 51238.1 of the Williamson Act)***

***A. Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:***

***1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.***

***2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed***

*compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.*

*3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use. In evaluating compatibility the Board of Supervisors shall consider the impacts on non-contracted lands in the agricultural preserve or preserves.*

# Policy Analysis

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## Introduction

Agriculture plays a substantial role in the economic and cultural history of Santa Barbara County. Agriculture is the single largest industry in terms of dollar value in the county. Moreover, there is immense public value and benefit of having working landscapes and scenic open space in a coastal area such as the Gaviota Coast. As one of the last remaining stretches of lightly developed coastline in Southern California, the county recognizes the need to protect and maintain healthy, productive agriculture.

Although from the outside, agricultural operations can be viewed as stable or unchanging, in some ways agriculture is a highly dynamic market that requires agriculturalists to be able to respond quickly to these market forces. The main thrust of the existing policy approach is the maintenance and enhancement of the productivity of agricultural lands. Although, this is the key to maintaining a vital agricultural industry, some suggest that the existing policy environment is too rigid. Increasing flexibility and/or incentives may allow the agriculturalist to improve land management techniques and broaden allowed uses to enhance income on agricultural lands. In addition, some unique aspects of the landscape and agricultural resources on the Gaviota Coast may warrant additional tailoring of existing policy and ordinances.

## Revised Policy Considerations

The GavPAC has discussed the planning issues involving agriculture and produced a policy issue worksheet (see GavPAC Mtg. 15 packet) that describes important issues to be explored through the development of the Gaviota Coast Plan. Three core

### Challenges to Agricultural Operations

Economic realities make it increasingly difficult for agriculturalists to earn a living at farming or ranching, because costs have been rising much faster than income. The price that a farmer or rancher receives for commodities such as beef is virtually the same as 20 years ago, but costs of fuel and other necessities are rising. Shrinking profit margins, and increasing competition, have made some small farms and ranches unsustainable. Agriculturalists increasingly find that income from other sources or other jobs are necessary to survive.

Throughout the U.S., small farms are being squeezed out by large farms that are able to overcome shrinking profit margins through economies of scale. High land prices make it difficult for small farmers to acquire land to achieve similar economies. At these high prices, carrying costs for a mortgage are far higher than potential farm or ranch income. This leads to many farms and ranches eventually being sold for non-agricultural uses.

Heirs to agricultural land are often forced to sell the land to a developer for much more than another agriculturalist could offer in order to pay the estate taxes on the great increase in land value over the previous generation's lifetime. All of these concerns and issues express themselves as pressure working against the goals of zoning and other programs designed to preserve working landscapes and open space in the land use arena.

issues stand out from this list: 1) expanding permitted uses on agricultural land, 2) providing for additional multi-generational housing opportunities, and 3) exploring alternative revenue streams for agriculturalists. The following discussion will analyze these issues.

## 1. Expanding Permitted Uses/Alternative Revenue Streams on Agricultural Land

As stated above, the uses allowed by right are designed to primarily recognize productive agriculture with some allowance for support or compatible uses, usually with a Conditional Use Permit requirement. Chapter 35.21 of the LUDC lists the land uses that may be allowed within the Agricultural zones established by Section 35.14.020 (Zoning Map and Zones), determines the planning permit/approval required for each use and provides basic standards for site layout and building size. These tables are reproduced below for your convenience.

Under the inland LUDC, the key uses allowed by right are cultivated agriculture and grazing. Some limited processing uses of on-premise products are allowed with approval of a land use permit, and processing of off-premise products with approval of a conditional use permit. However, agricultural production is restricted from processing products beyond the natural state and the use must be accessory to and supportive of agricultural operations on the premises. Moreover, those properties under Williamson Act contract are subject to the Uniform Rules requirements for supportive agricultural uses that add on-site productive acreage requirements. Uses involving further processing of agricultural products beyond the natural state are considered industrial in nature and are not permitted within the Agriculture Zone (with limited exceptions possible within an area designated with an Agricultural Industry Overlay).

There are also a number of potential recreational uses such as sports or recreational facilities, golf courses, or guest ranches) allowed in the Agricultural Zone with approval of a Conditional Use Permit. However, the CUP permitting burden, as well as the severe restrictions on recreational uses placed on Williamson Act contracted lands suddenly results in few practical opportunities or examples of such uses being established.

Although not present on the Gaviota Coast, an example of the ordinance treatment of an income-generating agricultural use is wineries. The special characteristics of wineries led to the development of special use regulations for wineries dealing with visitor serving, special event, and other particulars of the use. The result is a tiered approach that is designed to protect rural lands from undue encroachment of visitor serving components while also re-emphasizing the production and processing of local grapes into wine. Limits are also placed on the frequency and attendees of special events.

## *Agritourism*

Agricultural tourism is a commercial enterprise at a working farm, ranch or agricultural plant conducted for the enjoyment or education of visitors, and that generates supplemental income for the owner. Agritourism can include farm stands or shops, U-pick, farmstays, tours, on-farm classes, fairs, festivals, pumpkin patches, Christmas tree farms, guest ranches, and more.

The potential benefits of agritourism for local agriculture are varied. Agritourism may generate diversification opportunities for local farmers to increase revenues and enhance the viability of their operations. It may also be a tool to educate the public about the importance of agriculture and its contribution to the county's economy and quality of life. Agritourism may also enhance the appeal and demand for local products, foster regional marketing efforts and create value-added and direct-marketing opportunities. Each of these benefits has the resultant potential to promote the preservation of agricultural land and operations thereby preserving rural character.

Agricultural homestays and other agritourism uses have been suggested as a way to diversify income and leverage the agricultural and natural assets inherent to many properties on the Gaviota Coast. In 1999, the State of California (AB 1258) defined an Agricultural Homestay as a 'restricted food service transient occupancy establishment' in which the farm is the primary source of income, and the house is limited to six guest rooms and no more than fifteen visitors per night. This rural type of bed and breakfast on a working farm or ranch in the rural area currently has no presence in county code.

Through the Uniform Rules update process, small scale guest ranches were proposed as a compatible use. As defined, small-scale guest ranches would allow for up to fifteen guests accommodated in no more than six rooms, in conformance with AB1258. The guest ranch facility would be incidental to the agricultural use on the premises. Parcels 100 acres or greater would be eligible to construct additional lodging within the residential development envelope to be used for guest accommodations, while smaller parcels would need to accommodate guests within the existing principal dwelling. This was not adopted by the Board of Supervisors due to comments from the Department of Conservation that the use was not related to agricultural production onsite.

Although there are some potential avenues to explore additional revenue streams and uses, the key for enacting some of these changes, especially contracted lands, is to demonstrate a relationship to local agricultural production and the changes would not be incompatible with neighboring agriculturally productive lands.

### *Agricultural Permit Streamlining Ordinance Amendments*

The Agricultural Permit Streamlining Ordinance Amendments approved by the Board of Supervisors on 05/25/10 amended the Land Use and Development Code (LUDC) to streamline the permit process for agricultural projects on the approximately 600,000 acres of land zoned for agricultural uses located outside of the coastal zone and outside the Montecito Planning Area. The amendments to the LUDC included:

- Shift some minor agricultural-related permits from requiring a Land Use Permit to a Zoning Clearance or Exemption, or from a Minor Conditional Use Permit to a Land Use Permit.
- Change the threshold for requiring the approval of a Development Plan by the County Planning Commission when the combined floor area of all structures on a lot in an agricultural zone exceeds 20,000 square feet.

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

#### AGRICULTURAL, MINING, & ENERGY FACILITIES

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

#### INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Composting facility	MCUP	—	MCUP	—	<a href="#">35.42.100</a>
Fertilizer manufacturing	—	—	CUP(3)	—	

#### RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Country club	CUP	—	CUP	—	
Equestrian facilities	CUP	CUP	P	CUP	
Fairgrounds	CUP	CUP	CUP	CUP	
Golf course	CUP	CUP	CUP	CUP	
Golf driving range	CUP	CUP	CUP	CUP	
Meeting facility, public or private	CUP	—	CUP	—	
Meeting facility, religious	CUP	CUP	CUP	CUP	
Museum	CUP	—	CUP	—	
Rural recreation	—	—	CUP	CUP	<a href="#">35.42.240</a>
School	CUP	CUP	CUP	CUP	
School - Business, professional or trade	CUP	CUP	CUP	CUP	
Sports and outdoor recreation facilities	CUP	CUP	CUP	CUP	

#### Key to Zone symbols

<b>AG-I</b>	Agriculture I	<b>CZ</b>	Coastal Zone
<b>AG-II</b>	Agriculture II		

#### Notes:

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.21.030.C](#).
- (3) Use limited to areas designated on the Land Use Element Maps with the “Agricultural Industry overlay.”
- (4) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, than a CUP is required.

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

**RESIDENTIAL USES**

Agricultural employee housing, 4 or fewer employees	P	MCUP	P	MCUP	<a href="#">35.42.030</a>
Agricultural employee housing, 5 or more employees	CUP	CUP	CUP	CUP	<a href="#">35.42.030</a>
Artist studio	P	P	P	P	<a href="#">35.42.150</a>
Dwelling, one-family (3)	P	P	P	P	
Guesthouse	P	P	P	P	<a href="#">35.42.150</a>
Home occupation	P	P	P	P	<a href="#">35.42.190</a>
Monastery	CUP	—	CUP	—	
Residential accessory uses and structures	P	P	P	P	<a href="#">35.42.020</a>
Residential second unit - attached (4)	P	P	—	—	<a href="#">35.42.230</a>
Residential second unit - detached (4)	MCUP	MCUP	—	—	<a href="#">35.42.230</a>
Special care home, 7 or more clients	MCUP	MCUP	MCUP	MCUP	<a href="#">35.42.090</a>

**RETAIL TRADE**

Agricultural product sales	P	P	P	P	<a href="#">35.42.050</a>
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**SERVICES**

Cemetery	CUP	CUP	CUP	CUP	
Charitable or philanthropic organization	CUP	CUP	CUP	CUP	
Large family day care home	P	P	P	P	<a href="#">35.42.090</a>
Small family day care home	E	E	E	E	<a href="#">35.42.090</a>
Child care center, Non-residential	MCUP	MCUP	MCUP	MCUP	<a href="#">35.42.090</a>
Child care center, Residential	MCUP	MCUP	MCUP	MCUP	<a href="#">35.42.090</a>
Lodging - Guest ranch	—	—	CUP	CUP	
Lodging - Hostel	CUP	—	CUP	—	<a href="#">35.42.240</a>
Mausoleum	CUP	—	CUP	—	
Medical services - Animal hospital	MCUP	CUP	P	CUP	<a href="#">35.42.250</a>
Mortuary, accessory to cemetery	CUP	—	CUP	—	<a href="#">35.42.120</a>

**Key to Zone Symbols**

AG-I	Agriculture I	<b>CZ</b>	Coastal Zone
AG-II	Agriculture II		Changed from MCUP to P with Ag. Permit Streamlining Ordinance Amend. 6/10

**Notes:**

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.21.030.C](#).
- (3) One-family dwelling may be a mobile home on a permanent foundation, see [Section 35.42.205](#).
- (4) Limited to specific locations. See the limitations on location for the use in [Chapter 35.42 \(Standards for Specific Land Uses\)](#).

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

**TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE**

Agricultural product transportation facility	—	—	CUP	CUP	<a href="#">35.42.040.B.2</a>
Airport, public	CUP	—	CUP	—	
Airstrip, private and temporary	CUP	—	CUP	—	
Airstrip, temporary	—	CUP	—	CUP	
Drainage channel, water course, storm drain, less than 20,000 sf	P	P	P	P	
Drainage channel, water course, storm drain, 20,000 sf or more	MCUP	MCUP	MCUP	MCUP(5)	
Electrical substation - Minor (3)	MCUP	MCUP	MCUP	MCUP	
Electrical transmission line (4) (5)	CUP	CUP	CUP	CUP	
Flood control project, less than 20,000 sf total area (6)	P	P	P	P	
Flood control project, 20,000 sf or more total area (6)	MCUP	MCUP	MCUP	MCUP	
Heliport	CUP	CUP	CUP	CUP	
Pipeline - Oil or gas	P	—	P	—	<a href="#">35.5</a>
Public utility facility	CUP	—	CUP	—	
Public works or private service facility	MCUP	—	MCUP	—	
Road, street, less than 20,000 sf total area	P	P	P	P	
Road, street, 20,00 sf or more total area	P	MCUP	P	MCUP	
Sea wall, revetment, groin, or other shoreline structure	—	CUP	—	CUP	
Telecommunications facility	S	S	S	S	<a href="#">35.44</a>
Utility service line with less than 5 connections (4)	—	P	—	P	
Utility service line with 5 or more connections (4)	—	MCUP	—	MCUP	
Wind turbines and wind energy systems	S	S	S	S	<a href="#">35.57</a>

**Key to Zone Symbols**

AG-I	Agriculture I	<b>CZ</b>	Coastal Zone
AG-II	Agriculture II		

**Notes:**

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.21.030.C](#).
- (3) Use is subject to the standards of the standards of the PU zone.
- (4) Does not include electrical transmission lines outside the jurisdiction of the County.
- (5) Not allowed in the VC overlay.
- (6) Not applicable to facilities constructed by the County outside of the Coastal Zone.

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

**WATER SUPPLY & WASTEWATER FACILITIES**

Bulk water importation facilities	—	CUP	—	CUP	
Desalination facility, less than 15 connections	—	MCUP	—	MCUP	
Desalination facility, 15 to less than 200 connections	—	CUP	—	CUP	
Pipeline - Water, reclaimed water, wastewater, less than 20,000 sf	P(3)	P	P(3)	P	
Pipeline - Water, reclaimed water, wastewater, 20,000 sf or more	P(3)	MCUP	P(3)	MCUP	
Reservoir, less than 20,000 sf of total development	P	P	P	P	
Reservoir, 20,000 sf to less than 50,000 sf of total development	P	MCUP	P	MCUP	
Reservoir, 50,000 sf or more of total development	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment system, individual, alternative	MCUP	MCUP	MCUP	MCUP	
Wastewater treatment system, individual	E	P	E	P	
Wastewater treatment facility, less than 200 connections	CUP	CUP	CUP	CUP	
Water diversion project	P	MCUP	P	MCUP	
Water extraction, commercial	CUP	CUP	CUP	CUP	
Water or sewer system pump or lift station (4)	—	P	—	P	
Water system with 1 connection	E	P	E	P	
Water system with 2 to less than 5 connections	P	MCUP	P	MCUP	
Water system with 5 or more connections (5)	MCUP	MCUP	MCUP	MCUP	
Water well, agricultural	E	P	E	P	

**Key to Zone Symbols**

AG-I	Agriculture I	<b>CZ</b>	Coastal Zone
AG-II	Agriculture II		

**Notes:**

- (1) See [Article 35.11 \(Glossary\)](#) for land use definitions.
- (2) Development Plan approval may also be required; see Section [35.21.030.C](#).
- (3) Limited to wastewater pipelines; see [Article 35.5](#) for development standards.
- (4) In the Inland area, such facilities are allowed in compliance with the required planning permit to which the water or sewer pump or lift station is accessory.
- (5) In the Coastal Zone, limited to less than 200 connections.

Table 2-2 - Minimum Lot Area/Building Site Area

Zoning Map Symbol	Minimum Gross Lot Area
AG-I-5	5 acres
AG-I-10	10 acres
AG-I-20	20 acres
AG-I-40	40 acres
AG-II-40	40 acres
AG-II-100	100 acres
AG-II-320	320 acres

Table 2-3 - AG-I and AG-II Zones Development Standards

Development Feature	Requirement by Zone	
	AG-I & AG-I (CZ) Agriculture I	AG-II & AG-II (CZ) Agriculture II
Residential density	<i>Maximum number of dwelling units allowed on a lot. The actual number of units allowed will be determined through subdivision or planning permit approval.</i>	
Maximum density	1 one-family dwelling per lot; plus agricultural employee housing, residential agricultural units, and second units, where allowed by Table 2-1 and applicable standards provided that the lot complies with <a href="#">Section 35.21.040 (Agricultural Zones Lot Standards)</a> .	

## Other Jurisdictions

Other California counties face agricultural market and development pressures similar to Santa Barbara County. Some jurisdictions have tried to address these issues in various ways. The approaches include broadening available uses on agricultural land, enhancing local markets for locally produced agricultural products, and enhancing tools to optimize land management and preservation. The discussion below includes examples of how some counties are attempting to address these issues. Also see Figure 2 below that shows planning tools utilized by other counties.

### Calaveras County

Calaveras County is located in the foothills of the Sierra Nevada Mountains between Yosemite and Lake Tahoe. The CalaverasGROWN organization is a countywide cooperative marketing program designed to assist agricultural producers market their products.

The Calaveras County UC Cooperative Extension facilitated a two-year collaboration of the farm bureau, Calaveras Winegrape Alliance, CalaverasGROWN, Cattlemen's Association, subdivision homeowners' associations, the County Planning Department and the County BOS in order to update the County's agricultural zoning ordinance to expand allowable uses on agricultural land. As a result of zoning ordinance modification adopted in 2005, new land uses on agricultural properties have opened up a multitude of new opportunities for farmers and ranchers to increase annual income. Farm stays, dude ranches and on-farm sales of produce are a few examples of newly allowable uses. In addition, a standing agricultural dispute resolution committee (ADRC) was

### Central Coast Agricultural Cooperative (CCAC)

CCAC is a nonprofit association of family-owned farms and ranches from the tri-counties area, including southern Monterey County. The purpose of CCAC is to provide services to members to 1) Share in the benefits of collectively marketing their diverse assortment of locally grown food products; 2) Promote consistent best practices and food safety guidelines within local farm productions; 3) Provide a platform for food buyers to easily review and select from the producers' assorted products; and 4) Promote the value-added benefits to retailers and institutions using CCAC food products.

Within the cooperative, products can be sold at the price the grower sets and delivered within two days of purchase. Products can sell at a time that is financially advantageous to the members and at price points that are beneficial, allowing decision-making to stay with the producers only. In addition, CCAC members independently label their products, so buyers can choose from which farm or ranch to buy.

A key component for providing high quality meats to local consumers is the Mobile Harvesting Unit (MHU) which is equipped for the on-farm harvest of beef, sheep, goats, buffalo and hogs under United States Department of Agriculture (USDA) inspection. On-farm harvest reduces stress on the animals that occurs with transport and facilitates the distribution of meat to local buyers.

established to hear disputes over agricultural standards and practices (see Appendix B for agricultural zoning ordinance language).

### Preserving Ranch Lands in Pima County

Over the past half-century, the real rate of return to ranching in Pima County has steadily declined while land values have increased. The economic sustainability of ranching is threatened by the growing disparity in land values for agricultural versus suburban purposes. This shift prompted ranch conservation experts to investigate the ecological and economic sustainability of ranching for the County based on historical grazing practices and in light of improvements in ranchland management. Study recommendations have yet to be implemented as policy. For more information, go to: [www.pima.gov/cmo/sdcp/Ranch.html](http://www.pima.gov/cmo/sdcp/Ranch.html)

### Sonoma County

Sonoma County begins 30 miles north of San Francisco and includes the incorporated cities of Santa Rosa, Petaluma, Healdsburg and others. Sonoma County's population has nearly doubled over the past 30 years and continues to increase, a trend that has historically increased development pressures on agricultural land.

Voters chose to form an Agricultural and Open Space special district in 1990 to preserve agricultural and open space lands as a legacy for future generations. Sonoma was one of the first counties in the country to approve a sales tax of one quarter of a cent to fund acquisitions. Total tax revenue ranges from \$15 to \$18 million per year and the District also attracts additional funding partners.

The District can protect land through voluntary land protection agreements ("conservation agreements") and through outright purchases. A Conservation Agreement is a voluntary legal agreement that a landowner makes to restrict the amount and type of development that may take place on the property. Each agreement is tailored to protecting the unique resources of the particular property and remains with the land forever.

Conservation Agreements are an important tool used to protect agriculture and agricultural land uses. The farmer is able to stay in farming instead of selling, while the public benefits because the agriculture sector remains economically viable in the County.

### Amador County

Amador County is located in the foothills of the Sierra Nevada Mountains and has close to 400 farms, including grapes, cattle, goats, fruits and vegetables.

The Farms of Amador Organization, in partnership with the University of California Department of Agriculture and Natural Resources and with the support of the County BOS, is a countywide marketing and education program designed to assist agricultural producers market their products, to increase demand for locally grown

and processed foods and to enhance a more sustainable farming community. The organization's objectives are to create consumer appreciation of the local agricultural products and promote agritourism, stimulate community appeal, profitability and increased production. In addition, Farms of Amador is committed to sustaining and supporting open space and the rural quality of Amador County (see Appendix B for agricultural zoning ordinance language).

County	Farm Trails Guide	Marketing of Local Products	Calendar of Agricultural Events	Agricultural Newsletter	Tours/ Fieldtrips to Agricultural Operations	Expanding Uses on Agricultural Land	Agricultural and Open Space Preservation District	Local Land Trust
	Santa Barbara	✓	✓					✓
	Amador	✓	✓		✓			✓
	Calaveras	✓	✓	✓	✓		✓	✓
	Contra Costa	✓	✓		✓		✓	✓
	El Dorado	✓	✓	✓		✓	✓	✓
	Marin	✓	✓			✓		✓
	San Luis Obispo	✓	✓				✓	✓
	Sonoma	✓	✓	✓				✓
Ventura		✓	✓	✓	✓			✓

Figure 2 Summary of Agricultural Planning Tools by County

2. Providing for Additional Multi-Generational Housing Opportunities

The LUDC currently allows for one single-family residence per legal lot with approval of a Land Use Permit in the AG-I and AG-II Zones. Residential Second Units are not permitted on larger agricultural parcels zoned AG-I-40 or AG-II-40 or larger.

The Uniform Rules are more restrictive and only allow one single-family dwelling per contract, regardless of the number of legal parcels with a single agricultural preserve contract. However, the recent Uniform Rules update included changes to allow more than one single-family dwelling per contract to provide opportunities for multi-generational housing (see discussion below). Up to four farm employee dwellings, which are critical to many agricultural operations, may be permitted also with a Land Use Permit. Housing opportunities on lands under Williamson Contract are reproduced below from Table 1-3 of the county’s Uniform Rules for your convenience.

**Table 1-3. Housing Opportunities on Lands under Williamson Act Contract**

Zone District	Principal Dwelling	Ag Employee Housing <sup>1</sup>		Guest House <sup>2</sup>		Residential Second Unit <sup>2,3</sup>
AG-I-5	✓	✓	+	✓	or	✓
AG-I-10	✓	✓	+	✓	or	✓
AG-I-20	✓	✓	+	✓	or	✓
AG-I-40	✓	✓	+	✓		N/A
AG-II-40	✓	✓	+	✓		
AG-II-100	✓	✓	+	✓		
AG-II-320	✓	✓	+	✓		
MT-TORO	✓	N/A	+	✓		
MT-GOL	✓	✓	+	✓		
RES	✓	N/A	+	✓		

<sup>1</sup> One or more based on demonstrated need.

<sup>2</sup> Limits on maximum size of unit (among other requirements).

<sup>3</sup> Residential second units are not permitted in addition to a guest house, or in the coastal zone in addition to agricultural employee housing (Santa Barbara County Code Chapter 35, Zoning).

*Recent Programs to Address Agricultural Housing*

**Residential Agricultural Units**

The RAU program was intended to support family farms by providing additional housing and rental income opportunities on agricultural lands zoned AG-I-40 and AG-II located throughout the inland areas of the county. The RAU program only applied to inland areas and only legal, conforming lots under Williamson Act Contracts or parcels restricted by an agricultural conservation easement. Although approved by the BOS in 1999, less than 15

RAUs were permitted countywide. The Ordinance expired in 2009 and was not renewed by the BOS.

*Uniform Rules Update*

The uniform rules update contains a new provision for allowing additional housing opportunities for ranching and farming families on their land. Uniform Rule 1-4.1.C expands the opportunities for principal residential dwellings from the current limit of one per premises to a maximum of three principal dwellings per premises if certain criteria are met. Contracted premises with multiple parcels that are 100 acres or greater and zoned AG-II-100 or greater would be permitted one principal dwelling on each qualifying parcel, up to a maximum of three units. For premises qualifying for multiple principal dwelling units, the cumulative residential building envelope would be limited to 3 acres (one net new acre), not to exceed 2 acres on a single parcel. In addition, the residences must be occupied by immediate family members of the landowner.



# Appendix A

## Santa Barbara County Agricultural Policy Compendium

### Agricultural Element

(Available online @

[http://longrange.sbcountyplanning.org/programs/agelement/ag\\_element.php](http://longrange.sbcountyplanning.org/programs/agelement/ag_element.php))

**GOAL I. Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.**

**Policy IA.** The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses. Imposition of any condition requiring an offer of dedication of a recreational trail or other recreational easement shall be discretionary (determined on a case-by-case basis), and in exercising its discretion, the County shall consider the impact of such an easement upon agricultural production of all lands affected by and adjacent to said trail or other easement.

1. On lands which are in agricultural production and have a zoning or Comprehensive Plan designation for agriculture, provisions for recreational trails or other recreational easements defined in the Comprehensive Plan may be imposed by the County as a condition for a discretionary permit or land division only in the following circumstances:
  - a. The area in which the trail is proposed to be located is land which is not under cultivation or being grazed or is not part of a rotation program, or is not an integral part of the agricultural operations on the parcel; or,
  - b. The land use permit requested is not for a use which is compatible with agricultural production on the property, as defined in the County Agricultural Preserve Uniform Rules. In this instance, the recreational trail or other recreational use shall be required to be located only on the portion of the property taken out of agricultural production for the permit; or,
  - c. The land division requested requires a rezoning of the property to a more intensive zone district than that applied to the property prior to the application.
2. A recreational trail or other recreational use shall not be required as a condition for a discretionary permit (except a land division or a rezone

which permits a smaller minimum parcel size than that permitted on the property at the time of the application) on lands which are in agricultural production and have a zoning or Comprehensive Plan designation for agriculture, in the following circumstances:

- a. The permit requested is for a lot line adjustment or Minor Conditional Use Permit only; or,
  - b. The discretionary permit requested is compatible with the agricultural use of the land, as defined in the County Agricultural Preserve Uniform Rules.
3. The following trails shall not be subject to paragraphs 1 and 2 above due to their historic and recreational significance:
- Franklin Trail
  - Arroyo Burro Trail
  - Fremont Trail
  - San Antonio Canyon Trail
4. Where trails are required, they shall be sited to minimize the impacts to prime soils, agricultural operations, public safety, and environmentally sensitive areas.

**Policy I.B.** The County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions. These rights and freedoms shall be conducted in a manner which is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations.

**Policy I.C.** To increase agricultural productivity, the County shall encourage land improvement programs.

**Policy I.D.** The use of the Williamson Act (Agricultural Preserve Program) shall be strongly encouraged and supported. The County shall also explore and support other agricultural land protection programs.

**Policy I.E.** The County shall recognize that the generation of noise, smoke, odor, and dust is a natural consequence of the normal agricultural practices provided that agriculturalists exercise reasonable measures to minimize such effects.

**Policy I.F.** 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.

**Policy I.G.** Sustainable agricultural practices on agriculturally designated land should be encouraged in order to preserve the long-term health and viability of the soil.

**GOAL II. Agricultural lands shall be protected from adverse urban influence.**

**Policy II.A.** Santa Barbara County shall require measures designed for the prevention of flooding and silting from urbanization, especially as such damage relates to approved development.

**Policy II.B.** Santa Barbara County shall recognize, and give high priority to, the need for protection from trespass, thievery, vandalism, roaming dogs, etc., on all agricultural lands.

**Policy II.C.** Santa Barbara County shall discourage the extension by the Local Agency Formation Commission (LAFCO) of urban spheres of influence into productive agricultural lands designated Agriculture II (A-II) or Commercial Agriculture (AC) under the Comprehensive Plan.

**Policy II.D.** Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.

**GOAL III. Where it is necessary for agricultural lands to be converted to other uses, this use shall not interfere with remaining agricultural operations.**

**Policy III.A.** Expansion of urban development into active agricultural areas outside of urban limits is to be discouraged, as long as infill development is available.

**Policy III.B.** It is a County priority to retain blocks of productive agriculture within Urban Areas where reasonable, to continue to explore programs to support that use, and to recognize the importance of the objectives of the County's Right to Farm Ordinance.

**GOAL IV. Recognizing that agriculture can enhance and protect natural resources, agricultural operations should be encouraged to incorporate such techniques as soil conservation and sound fire risk reduction practices.**

**Policy IV.A.** Major wildfires cause severe erosion, property damage, and safety hazards. The County shall encourage range improvement and fire hazard reduction programs, including prescribed burning of brush and alternative non-burning techniques. Such programs shall be designed and conducted to avoid excessive erosion and other significant adverse effects on the environment for the purpose of increasing water yields, improving wildlife habitat, wildlife protection, and increasing agricultural productivity.

**Policy IV.B.** Because of fire-risk reduction or soil instability, the use of certain slopes for agricultural production may be preferable to leaving the land in its natural state, or allowing non-agricultural development provided that adverse effects are minimized.

**Policy IV.C.** Grading and brush clearing for new agricultural improvements on hillsides shall not cause excessive erosion or downslope damage.

**GOAL V. Santa Barbara County shall allow areas and installations for those supportive activities needed as an integral part of the production and marketing process on and/or off the farm.**

**Policy V.A.** Santa Barbara County shall permit on-farm supportive installations for product handling and selling as prescribed in the Uniform Rules of the County's Agricultural Preserve Program.

**Policy V.B.** Santa Barbara County should allow areas for supportive agricultural services within reasonable distance and access to the farm user.

**GOAL VI: The County should make effective-provision for access to agricultural areas and for the necessary movement of agricultural crops and equipment.**

**Policy VI.A.** To the maximum extent feasible, the County Public Works Department shall design roads with the type and size of vehicles and/or equipment in mind which are used in the agricultural operations of the area.

#### **Land Use Element**

(Available online @

[http://longrange.sbcountyplanning.org/landuse\\_element2.php](http://longrange.sbcountyplanning.org/landuse_element2.php))

#### **Land Use Element Goals**

**Agriculture:** In the rural areas, cultivated agriculture shall be preserved and, where conditions allow, expansion and intensification should be supported. Lands with both prime and non-prime soils shall be reserved for agricultural uses.

**Open Lands:** Certain areas may be unsuited for agricultural uses due to poor or unstable soil conditions, steep slopes, flooding or lack of adequate water. These open lands have importance as grazing, watershed, wildlife habitat, mineral resources, recreation, and scenic qualities. These lands are usually so located that they are not necessary or desirable for urban uses. There is no basis for the proposition that all land, no matter where situated or whatever the need, must be planned for urban purposes if they cannot be put to some other profitable economic use.

## **Land Use Definitions**

### **AGRICULTURE**

The purpose of an agricultural designation is to preserve agricultural land for the cultivation of crops and the raising of animals. For the purposes of this Element, agriculture shall be defined as the production of food and fiber, the growing of plants, the raising and keeping of animals, aquaculture, the preparation for marketing of products in their natural form when grown on the premises, and the sale of products which are accessory and customarily incidental to the marketing of products in their natural form which have been grown on the premises. Lands eligible for this designation include, but are not limited to, lands with prime soils, prime agricultural land<sup>xi</sup>, grazing land, land in existing agricultural use, land with agricultural potential, and lands under Williamson Act contracts.

Plant crops include food and fiber crops, orchards and vineyards, field crops, and crops grown in nurseries, and greenhouses. Animal raising includes raising and keeping of horses, grazing, and stock raising activities. In addition to such uses, agricultural lands may be utilized for a limited number of other uses, including related or incidental residential uses; and the preparation for marketing of products as allowed under the appropriate zoning districts. Public works, public service, public utility and oil drilling uses which are found to be compatible with agriculture may also be permitted.<sup>71</sup>

### **Hillside and Watershed Protection Policies**

9. Where agricultural development and/or agricultural improvements will involve the construction of service roads and the clearance of natural vegetation for orchard and vineyard development and/or improvements on slopes of 30 percent or greater, cover cropping or any other comparable means of soil protection, which may include alternative irrigation techniques, shall be utilized to minimize erosion until orchards and vineyards are mature enough to form a vegetative canopy over the exposed earth, or as recommended by the County Public Works Department.

### **Flood Hazard Area Policies**

1. All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.

## **Local Coastal Plan**

(Available online @

[http://longrange.sbcountyplanning.org/programs/coastal\\_lup.php](http://longrange.sbcountyplanning.org/programs/coastal_lup.php))

### **Flood Hazard Area Overlay Designation**

**Policy 3-11:** All development, including construction, excavation, and grading, except for flood control projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.

### **Other**

In order to ensure the long-term preservation of the biological productivity of streams and wetlands, protection of visual resources, and the prevention of hazards to life and property, Policies 3-13 through 3-22 shall apply to all construction and development, including grading for agricultural and non-agricultural purposes which involve the movement of earth in excess of 50 cubic yards. In addition, major vegetation removal for non-agricultural development and agricultural development (agricultural development does not include crop rotation and other activities involving management practices on existing agricultural lands in production) shall be subject to all of the following policies. The Soil Conservation Service shall be consulted for all development on hillsides in excess of 30 percent slope and in the Carpinteria Planning Area on slopes of 20 percent or over to incorporate their management practices as a condition to development, where applicable.

**Policy 3-13:** Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.

**Policy 3-14:** All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited for development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

**Policy 3-15:** For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.

**Policy 3-16:** Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained throughout the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.

**Policy 3-17:** Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.

**Policy 3-18:** Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible to facilitate groundwater recharge.

**Policy 3-19:** Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

**Policy 3-20:** All development within the coastal zone shall be subject to the slope density curve (Plate A) of the County Zoning Ordinance No. 661 (Article VII, Section 20). However, in no case shall above-ground structures, except for necessary utility lines and fences for agricultural purposes, be sited on undisturbed slopes exceeding 40 percent.

**Policy 3-21:** Where agricultural development will involve the construction of service roads and/or the clearance of natural vegetation for orchard development, a brush removal permit shall be required.

**Policy 3-22:** Where agricultural development will involve the construction of service roads and the clearance of major vegetation for orchard development, cover cropping or any other comparable means of soil protection shall be utilized to minimize erosion until orchards are mature enough to form a vegetative canopy over the exposed earth.

**Policy 8-1:** An agricultural land use designation shall be given to any parcel in rural areas that meets one or more of the following criteria:

- a. Prime agricultural soils (Capability Classes I and II as determined by the U.S. Soil Conservation Service).
- b. Other prime agricultural lands as defined in Section 51201 of the Public Resources Code (Appendix A).
- c. Lands in existing agricultural use.

- d. Lands with agricultural potential (e.g., soil, topography, and location that will support long term agricultural use).

These criteria shall also be used for designating agricultural land use in urban areas, except where agricultural viability is already severely impaired by conflicts with urban uses.

**Policy 8-2:** If a parcel is designated for agricultural use and is located in a rural area not contiguous with the urban/rural boundary, conversion to non-agricultural use shall not be permitted unless such conversion of the entire parcel would allow for another priority use under the Coastal Act, e.g., coastal dependent industry, recreation and access, or protection of an environmentally sensitive habitat. Such conversion shall not be in conflict with contiguous agricultural operations in the area, and shall be consistent with Section 30241 and 30242 of the Coastal Act.

**Policy 8-3:** If a parcel is designated for agricultural use and is located in a rural area contiguous with the urban/rural boundary, conversion shall not be permitted unless:

- a. The agricultural use of the land is severely impaired because of physical factors (e.g. high water table), topographical constraints, or urban conflicts (e.g., surrounded by urban uses which inhibit production or make it impossible to qualify for agricultural preserve status), and
- b. Conversion would contribute to the logical completion of an existing urban neighborhood, and
- c. There are no alternative areas appropriate for infilling within the urban area or there are no other parcels along the urban periphery where the agricultural potential is more severely restricted.

**Policy 8-4:** As a requirement for approval of any proposed land division of agricultural land designated as Agriculture I or II in the land use plan, the County shall make a finding that the long-term agricultural productivity of the property will not be diminished by the proposed division.

**Policy 8-5:** All greenhouse projects of 20,000 or more square feet and all additions to existing greenhouse development, i.e., greenhouse expansion, packing sheds, or other development for a total of existing and additions of 20,000 or more square feet, shall be subject to County discretionary approval and, therefore, subject to environmental review under County CEQA guidelines. Prior to issuance of a coastal development permit, the County shall make the finding based on information provided by environmental documents, staff analysis, and the applicant that all significant adverse impacts of the development as addressed in paragraphs “a” through “e” below have been identified and mitigated.

**Policy 8-8:** The existing and future viability of large, non-prime agricultural operations of 10,000 acres or more for which the County of Santa Barbara has

not approved land divisions in the Gaviota Coast and North Coast Planning Areas shall be protected. In order to preserve non-prime agricultural operations and avoid subdivision of large ranches down to the minimum parcel sizes specified in the land use plan, residential development at a density greater than that allowed under the specified minimum parcel size may be permitted only if clustered on no more than two percent of the gross acreage with the remaining acreage to be left in agricultural production and/or open space. The maximum density allowable under a clustered residential development shall be calculated at the rate of one dwelling unit per two acres for each acre included in the two percent area. Residential development to exceed one dwelling unit (du) per two acres in the two percent area up to a maximum of one du per acre may be permitted, provided that the County can make the finding that there is no potential for significant adverse environmental effects with respect to the findings listed below. An additional one percent of the gross area shall be dedicated for public recreation and reserved for commercial visitor-serving uses. Such developments may be considered subject to the following findings which shall be based on data contained in an Environmental Impact Report on each project.

Findings:

- a. The County shall make the finding that the proposed development will be compatible with the long-term preservation of the agricultural operation.
- b. The County shall make the finding that water resources and all necessary services are adequate to serve the proposed development, including residential, public recreation, and commercial visitor-serving uses, and the existing agricultural operation. Water and all necessary services shall be allocated to each land use in the following order of priorities: (1) existing agricultural operations; (2) recreational and visitor serving uses; (3) residential development. Residential density shall be decreased if necessary to reserve adequate water supply for agriculture, recreation, and commercial visitor-serving land uses. The E.I.R. on each project shall include an assessment of the potential alternative of intensification of the agricultural operations (e.g., potential for production of higher economic return crops or expansion of existing operations). If this assessment shows that the ranch has good potential for intensification of agriculture without impacting habitat resources, the County shall require the applicant to reserve sufficient water for expanded or intensified agricultural operations.
- c. The County shall make the finding that the proposed development has been sited and designed so as to: (1) avoid and buffer all prime agricultural areas of the site; (2) minimize to the maximum extent feasible the need for construction of new roads by clustering new development close to existing

roads; (3) avoid placement of roads or structures on any environmentally sensitive habitat areas; (4) minimize impacts of non-agricultural structures on public views from beaches, public trails and roads, and public recreational areas; and (5) minimize risks to life and property due to geologic, flood, and fire hazard. (Minor agricultural development, i.e., fences, irrigation systems, shall be excluded from these findings.)

- d. The County shall make the finding that the residential development has been clustered to the maximum extent feasible so as not to interfere with agricultural production but shall also be consistent with the goal of maintaining the rural character of the area.
- e. The County shall make the finding that that conditions, covenants, and restrictions governing the Homeowners Association and/or individual lots are adequate to insure permanent maintenance of the lands to remain in agriculture and/or open space.

If the County can make these findings, development may be permitted subject to the following conditions and pursuant to adoption of a special overlay district under the applicable County zoning ordinance:

Conditions:

- a. Initial public capital costs created by the development shall be borne by the applicant. Property tax and other revenues accruing to local government from the development shall be equal to or exceed all costs of providing services such as roads, water, sewers, and fire and police protection.
- b. The residential units shall be clustered to the maximum extent feasible within no more than two (2) percent of the gross acreage which shall result in residential lots smaller than the minimum parcel otherwise permitted under the Agriculture II designation. In addition, one (1) percent of the gross acreage shall be reserved for commercial visitor-serving facilities, beach access, bluff top trails, and other public recreational uses. The ownership of the remaining 97 percent of the gross acreage Coastal Land Use Plan shall be held in common ownership in perpetuity. The creation of the residential lots shall fully comply with the provisions of the California Subdivision Map Act. Upon creation or sale of residential lots, a capital fund shall be provided that will be sufficient to make capital improvements and purchase equipment and materials necessary to ensure continuance of the agricultural operation.

- c. Development rights to non-agricultural uses for that portion of the property that will remain in agriculture and commercial visitor-serving uses, i.e., 98 percent of the gross acreage minus the portion to be dedicated for public access and recreation, shall be granted to the County and a third party such as the California Coastal Conservancy free and clear of any financial liens. The portion to remain in agriculture and/or open space shall not be further subdivided.
- d. A Homeowners Association shall be formed and membership shall be mandatory for each home buyer and successive buyer. The Homeowners Association shall be responsible for the permanent maintenance of the agricultural and open space areas held in common by the homeowners. An assessment system, or other form of subsidy, shall be required to ensure compliance with this provision.
- e. A minimum of one (1) percent of the gross acreage including the dry sandy beach shall be dedicated for public recreation and access and reserved for commercial visitor-serving facilities. The County may require the applicant to construct trails, parking lots, or related public recreational facilities as a condition of development. The locations of such public recreational facilities shall be compatible with the goal of protecting habitat resources and the viability of the existing agricultural operation.

Within the one percent area, land shall be reserved for commercial visitor-serving uses at the rate of five acres per 10,000 gross acres. All commercial visitor-serving uses shall require a conditional use permit to ensure that such uses are compatible with the rural and agricultural character of the area. Examples of appropriate uses include: rustic lodge or cabins, hostel, campgrounds, etc. Land and access rights for such development may be provided by long-term leases from the Homeowners Association. At the end of a ten-year period following final approval of the project, the land reserved but not developed for commercial visitor-serving uses may be converted to public recreation and open space if the County makes the finding that commercial uses are not economically feasible.

- f. If a non-agricultural development or portion thereof is determined by the County to be subject to hazards from missile fallout from Vandenberg Air Force Base, the County shall require the owner and all subsequent owners to execute documents holding the County and State harmless against any liability arising from such an occurrence as a condition of project approval.

Note regarding calculation of area to be included in the two percent figure for residential development.

The two percent figure is the maximum area that will be permitted to be taken out of agricultural production and to be committed to residential and related accessory uses. Included in the two percent calculation are: residential units, new roads (excluding existing paved roads), parking areas, structural coverage for non-agricultural buildings, private open space such as yards or gardens, etc.

**Policy 8-10:** Legal parcels of non-prime agricultural land in excess of 2,000 acres which are designed as AG-II-320 may be subdivided into parcels of 320 acres or more provided that the owner grants an agricultural easement or development rights to further subdivide the parcel or to use said parcel for all other non-agricultural purposes to the County and a third party such as the Coastal Conservancy in order to assure that the newly created parcels will not be further subdivided or converted to non-agricultural uses. Conversion of a portion of a parcel to allow for a priority use (i.e., coastal dependent industry, commercial visitor-serving uses, or public recreation) may be allowed if necessary to maintain continued agricultural use on the balance of the parcel.

# Appendix B

## Other Jurisdictions Agricultural Policy Compendium

### Amador County

Title 19 of the Amador County Code defines agricultural operations

#### **19.80.010 Definitions.**

Unless the context otherwise requires, the following definitions govern the construction of this chapter:

"Agricultural operations" mean and include, but are not limited to, cultivation and tillage of the soil; burning of agricultural waste products; lawful and proper use of agricultural chemicals including, but not limited to, the application of pesticides and fertilizers necessary for production; protection against frost; protection against bird and animal damage; irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, viticulture, apiculture, the raising of livestock, fish, poultry; and commercial practices, structures, and appurtenant facilities incident to or used in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers for transportation to market.

Ord. No. 1504(part), 2000

#### **19.80.020 Findings and policy.**

A. It is the declared policy of this county to conserve and protect agricultural land and to encourage agricultural operations within the county. Where nonagricultural land uses, especially residential development, exist on agricultural land or adjacent to or in the vicinity of agricultural operations, agricultural operations have often become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to cease or curtail operations and people are discouraged from making investments in farm improvements to the detriment of agricultural operations and the economic viability of the county's agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance. This chapter is not to be construed as modifying or abridging state law relative to nuisances, but rather it only is to be utilized in the interpretation and enforcement of the provisions of this code.

B. The further purpose of this chapter is to promote a good neighbor policy between agriculturalist and nonagriculturalist residents by advising purchasers of property near agricultural operations of the inherent potential problems associated with such purchase, including but not limited to the sounds, odors, dust, chemicals, and traffic that may accompany agricultural operations so that such purchasers will understand the inconveniences that accompany living near present or future agricultural operations and be prepared to accept such problems as the natural result of living in or near agricultural land.

Ord. No. 1504(part), 2000

**19.80.030 Nuisance.**

No preexisting or future agricultural operation conducted or maintained for and in a manner consistent with proper and accepted customs and standards on agricultural land shall become or be a nuisance, private or public, due to any change in land uses in or about the locality thereof. The provisions of this chapter shall not apply whenever a nuisance results from negligent or illegal agricultural operation or the agricultural operation obstructs the free passage or use in the customary manner of any navigable lake, river, stream, canal or basin or any public park, square, street or highway.

Ord. No.1504(part), 2000

## Calaveras County

Title 14 & Title 17 of the Calaveras County Code defines agricultural operations and the ADRC as follows:

**14.02.010 Definitions.**

As used in this chapter, the following terms shall have the following meanings:  
B. "Agricultural operation" means the use of land for any of the following, whether or not for the purpose of producing income.

1. The preparation of land for agricultural use, including land-leveling and clearing;
2. Range Management Practices. Utilization of techniques to improve grazing potential and wildlife habitat, reduce erosion, protect watershed and minimize the risk of wildfire. These techniques include, but are not limited to, brush removal, tree thinning, control burns, re-seeding, pond and spring development, application of herbicides, and fencing;
3. The cultivation and tillage of the soil, irrigation, pruning, protection against frost, control of bird or animal damage, lawful and proper use of agricultural chemicals, pesticides and fertilizers, and the burning of agricultural waste, growing and harvesting and sale of any agricultural commodity, including timber, trees, shrubs, vines, berries, flowers, herbs, vegetables, hay, grains, and all other plants, food and fiber crops. Includes viticulture, horticulture, apiculture, aquaculture;
4. The raising, production and sale of livestock, including cattle, sheep, goats, pigs, horses, llamas, rabbits, fur-producing animals, poultry, fowl, fish and all other kinds of animal husbandry; including dairying and ranching;
5. The production and sale of wine, cider, juices, vinegar and olive oil products and similar products;
6. Commercial practices performed, uses customarily associated with structures and appurtenant facilities incidental to or used in conjunction with such agricultural operations, including curing, processing, packing, packaging, bottling, canning, tasting, preparation for market, storage, direct on-site sales and delivery to market or to carriers for transportation to market;
7. Customary uses clearly incidental and secondary to the agricultural operation. The foregoing definition of agricultural operation shall be broadly construed unless limited by the strict provisions of the specific uses listed as permitted uses.

(Ord. 2144 § 1(part), 1990).

(Ord. No. 2951, § 1, 6-3-2008).

**17.06.0130 Agricultural homestay.**

"Agricultural homestay" means a business that provides overnight transient occupancy accommodations in five or fewer guest rooms with not more than ten guests and serves meals at any time to only registered guests, who actively participate in the guest's education and the on-site agricultural activities. Agricultural homestays may be located in the primary residence of owner, accessory dwelling or other existing dwelling.

(Ord. 2859 § 2(part), 2005; Ord. 2715 § 3(part), 2002).

**17.06.0132 Agricultural operation.**

"Agricultural operation" means the use of land for any of the following, whether or not for the purpose of producing income.

A. The preparation of land for agricultural use, including land-leveling and clearing;

B. Range Management Practices. Utilization of techniques to improve grazing potential and wildlife habitat, reduce erosion, protect watershed and minimize the risk of wildfire. These techniques include, but are not limited to, brush removal, tree thinning, control burns, re-seeding, pond and spring development, application of herbicides, and fencing;

C. The cultivation and tillage of the soil, irrigation, pruning, protection against frost, control of bird or animal damage, lawful and proper use of agricultural chemicals, pesticides and fertilizers, and the burning of agricultural waste, growing and harvesting and sale of any agricultural commodity, including timber, trees, shrubs, vines, berries, flowers, herbs, vegetables, hay, grains, and all other plants, food and fiber crops. Includes viticulture, horticulture, apiculture, aquaculture;

D. The raising, production and sale of livestock, including cattle, sheep, goats, pigs, horses, llamas, rabbits, fur-producing animals, poultry, fowl, fish and all other kinds of animal husbandry; includes dairying and ranching;

E. The production and sale of wine, cider, juices, vinegar and olive oil products and similar products;

F. Commercial practices performed, uses customarily associated with structures and appurtenant facilities incident to or used in conjunction with such agricultural operations, including curing, processing, packing, packaging, bottling, canning, tasting, preparation for market, storage, direct on-site sales and delivery to market or to carriers for transportation to market;

G. Customary uses clearly incidental and secondary to the agricultural operation. The foregoing definition of agricultural operation shall be broadly construed unless limited by the strict provisions of the specific uses listed as permitted uses.

(Ord. 2859 § 2(part), 2005).

**17.06.0133 Agricultural processing.**

"Agricultural processing" means the processing of harvested crops to prepare them for on-site marketing or processing and packaging elsewhere. Examples of this land use include, but are not limited to, the following:

A. Alfalfa cubing;

B. Canning;

C. Corn shelling;

- D. Customer grist mills;
- E. Customer billing of flower, feed and grain;
- F. Drying of corn, rice, hay, fruits and vegetables;
- G. Grain cleaning and custom grinding;
- H. Hay baling and cubing;
- I. Precooling and packaging of fresh or farm-dried fruits and vegetables;
- J. Sorting, grading and packing of fruits and vegetables;
- K. Tree nut hulling and shelling.

(Ord. 2859 § 2(part), 2005).

**17.06.0134 Agricultural product sales.**

"Agricultural product sales" means the sale of food or fiber commodities of any kind associated with the agricultural operation. Agricultural product sales include:

- A. On-farm sales of products grown, raised or manufactured on-site;
- B. Road-side stands displaying products grown, raised or manufactured on-site, available for purchase;
- C. U-pick operations where the public is invited to select or harvest products grown on-site.

(Ord. 2859 § 2(part), 2005).

**17.06.0135 Agricultural service.**

"Agricultural service" means a use engaging in activities designed to aid farmers and ranchers. Such services may include, but are not limited to, tilling of soil, clearing of land, seeding or planting, application of herbicides, hauling of produce, orchard or vineyard care and other similar services. Service does not include the provision of tangible goods, except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does the service include any business that has the primary function of manufacturing products.

(Ord. 2859 § 2(part), 2005).

**17.06.0136 Agricultural support uses, incidental.**

"Agricultural support uses, incidental" means a land use enterprise on the site of an agricultural operation that either provides direct support to the on-site agricultural operation, or is intended to generate additional income in support of the economic viability of the on-site agricultural operation. These uses are allowed when carried on as a clearly secondary use in conjunction with a bona fide agricultural occupation, where no more than three percent of the total land, or ten acres, whichever is less is used and no more than three persons, other than the owner are employed in such activities, and which are owned and/or operated by the owner or occupant of the premises. These uses include, but are not limited to, the following:

- A. Agricultural services;
- B. Blacksmith, welding shop, machine shop;
- C. Horticultural and landscaping services;
- D. Maintenance, repair and servicing of agricultural machinery, implements and equipment;
- E. Manufacturing or fabrication of agricultural machinery, implements, equipment;

- F. Portable/temporary sawmill for the processing of logs, wood and lumber (for on-site use or off-site sale);
  - G. Pump repair and installation services;
  - H. Tools and supplies (sales permitted when manufactured or fabricated on-site);
  - I. Transportation of agricultural products, supplies or equipment together with the maintenance, storage, repair and servicing of the necessary trucks and equipment;
  - J. Wood chipping and mulching.
- (Ord. 2859 § 2(part), 2005).

**17.06.0151 Agritourism.**

"Agritourism" means an enterprise located at a working farm, ranch, or other agricultural operation or agricultural plant/facility conducted for the enjoyment and education of visitors, guests or clients that generates income for the owner/operator. Agricultural tourism refers to the act of visiting a working farm/ranch or to any agricultural, horticultural or agricultural operation for the purpose of enjoyment, education or active involvement in the activities of the farm/ranch or agricultural operation that also adds to the economic viability of the agricultural operation.

Examples of agritourism enterprises include, but are not limited to, the following:

- A. Outdoor recreation:
  - 1. Camping/picnicking;
  - 2. Cross country skiing;
  - 3. Game preserve;
  - 4. Gold panning;
  - 5. Guide/outfitter operation;
  - 6. Horseback riding/hiking/nonmotorized biking;
  - 7. Wagon/sleigh rides;
  - 8. Wildlife viewing and photography.
- B. Direct agricultural sales:
  - 1. Agricultural-related crafts/gifts.
- C. Entertainment:
  - 1. Special events;
  - 2. Festivals;
  - 3. Hunting/working dog trials/training;
  - 4. Petting zoo.
- D. Educational experiences:
  - 1. Agricultural technical tours;
  - 2. Crop sign identification program;
  - 3. Exotic animal farm;
  - 4. Garden/nursery tours;
  - 5. Historical agricultural exhibits;
  - 6. Historical reenactments;
  - 7. Natural history tours;
  - 8. Ranch/farm tours;
  - 9. School tours;
  - 10. Winery/vineyard tours.
- E. Accommodations:

1. Farm/ranch vacations;
  2. Guest ranch;
  3. Youth exchange.
- (Ord. 2859 § 2(part), 2005).

**17.16.020 Permitted uses.**

Uses marked with a superscript (#) are subject to additional requirements as set forth in Section 17.16.060 of this chapter.

- A. The following uses are permitted in the A1 zone<sup>8</sup> :
  1. Agricultural operations;
  2. Agricultural product storage;
  3. Dairies: mature dairy cows, six to less than two hundred heads;
  4. Field rock extraction/sale;
  5. Fish farm/hatchery wholesale/retail;
  6. Forestry;
  7. Greenhouse and wholesale/retail nursery;
  8. Hog farms: swine (less than fifty-five pounds), thirty to two thousand nine hundred ninety-nine heads;
  9. Hog farms: swine (greater than fifty-five pounds), ten to seven hundred forty-nine heads;
  10. Incidental and accessory structures;
  11. Incidental agricultural support uses<sup>2</sup> ;
  12. Livestock feed lot or feed yard: cattle, ten to two hundred ninety-nine heads;
  13. Livestock feed lot or feed yard: sheep or lambs, fifty to two thousand nine hundred ninety-nine heads;
  14. Poultry facilities: ducks, one hundred to one thousand four hundred ninety-nine;
  15. Poultry facilities: laying hens or broilers, one hundred to eight thousand nine hundred ninety-nine;
  16. Poultry facilities: turkeys, one hundred to sixteen thousand four hundred ninety-nine;
  17. Rabbit facilities: rabbits, twenty-five to one thousand four hundred ninety-nine;
  18. Processing and manufacturing:
    - a. Agricultural accessory structures,
    - b. Agricultural processing,
    - c. Winery (small), oil press or cider mill,
    - d. Winery,
    - e. Wood yard;
  19. Residential uses:
    - a. Accessory dwelling pursuant to Chapter 17.66 of this title,
    - b. Agricultural employee housing,
    - c. Logging camp,
    - d. Residential accessory use or structure,
    - e. Residential care facility, six or fewer clients,
    - f. Rural home business,
    - g. Single-family dwelling (one per legal parcel),
    - h. Temporary farm labor camps;
  20. Retail trade:

- a. Agricultural product sales,
  - b. On-farm sales,
  - c. Roadside stand,
  - d. Produce stand,
  - e. Tasting room,
  - f. U-pick operations;
21. Recreational and educational:
- a. Agritourism activities not otherwise specified (less than seventy-five persons on-site at one time),
  - b. Agricultural/environmental education center, private/public,
  - c. Educational and interpretive seminars, clinic, walks,
  - d. Equestrian facility, personal,
  - e. Equestrian facility, private over twenty acres (one to fifteen clients),
  - f. Hunting/gamebird club<sup>7,3</sup> ,
  - g. Public visitor information or interpretive center,
  - h. Rural recreation and camping,
  - i. Special event, private (seventy-five to two hundred ninety-nine people)<sup>9</sup> ,
  - j. Special event, private (three hundred to nine hundred ninety-nine people)<sup>4,9</sup> ;
22. Agricultural services, business:
- a. Agricultural contractor base,
  - b. Contractor base/yard<sup>2</sup> ,
  - c. Horticultural and landscaping services,
  - d. Rural veterinary clinic,
  - e. Veterinary clinic;
23. General services, business:
- a. Child day care, twelve or fewer children,
  - b. Lodging: agricultural homestay, up to five rooms<sup>6</sup> ,
  - c. Medical services: rural home doctor office;
24. Transportation, communications, infrastructure:
- a. Heliport,
  - b. Power generation (on-site residential or agricultural use)<sup>5</sup> ,
  - c. Public safety facility.

(Ord. 2859 § 4(part), 2005; Ord. 2614 § 3 Exh. A(part), 2000; Ord. 1872 § 2(part), 1987; Ord. 1807 § 1(part), 1986).

**17.18.060 Performance standards.**

In the AP zone, the following performance standards shall apply in addition to any other standards in this title:

- A. No land in the AP zone shall be included in the PD or DR zones.
- B. No restrictions in terms of agricultural land use shall be imposed upon a legally existing agriculture use pursuant to Section 17.18.015 of this chapter.
- C. Agriculture uses shall comply with federal, state, and local regulations in relation to the storage, handling, application, and disposal of toxic and hazardous materials.
- D. Uses listed in Sections 17.18.020 and 17.18.030 of this chapter identified with a numeric superscript are subject to the following:

1. The use is allowed as a primary commercial use.
2. The use is permitted subject to the following limitations:
  - a. When carried on as clearly secondary use/occupation in conjunction with a bona fide agricultural operation;
  - b. Where no more than three percent of the total land or ten acres, whichever is less, is used;
  - c. Where no more than three persons other than the owner are employed in such activities, and which are owned and operated by the owner or occupant of the premises.
3. The use is allowed only on a parcel of twenty acres or contiguous parcels totaling twenty acres or more.
4. The use is allowed only on a parcel of one hundred acres or contiguous parcels totaling one hundred acres or more.
5. Although the use is primarily intended for on-site consumption, the facility is permitted to tie into the main power grid.
6. Agricultural homestay is subject to all of the following requirements:
  - a. The property proposed for an agricultural homestay is at least twenty acres or greater in size;
  - b. Located in the primary residence occupied by the property owner, as evidenced by a homeowners' exemption carried on the latest equalized assessor rolls, accessory dwelling or other existing dwelling. Failure to maintain the homeowners' exemption shall be grounds for prohibition of further occupancy as an agricultural homestay;
  - c. Has not more than five guest rooms and accommodates not more than ten guests;
  - d. Serves food only to its registered guests and serves meals at any time, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation;
  - e. Lodging and meals are incidental and not the primary function of the agricultural homestay establishment;
  - f. The agricultural homestay establishment is located on, and is a part of, a farm, as defined in Section 52262 of the Food and Agricultural Code, that produces agricultural products as its primary source of income;
  - g. The primary purpose of the homestay establishment is the guest's education and active participation in the on-site agricultural activities;
  - h. Any activities or events that involve more than ten guests are not allowed.
7. When utilizing lands within an agricultural preserve zone, a tasting room shall be an incidental use and located on land sustaining a bona fide agricultural operation that is producing the crops or crops associated with the product being offered such as, but not limited to: vineyard/wine, olive orchard/olives or olive oil, apple orchard/cider etc.
8. Any such hunting facility will address the location of property boundaries, proper use of property and facilities, safety areas where

hunting may be restricted and general hunter safety rules, as prescribed by the State Department of Fish and Game.

9. Road Maintenance.

a. Any permitted use, beyond that legally existing at the time of adoption of the ordinance codified in this chapter, having legal access on or over roads maintained by a county service area, a community service district, a recorded road maintenance agreement or pursuant to Civil Code Section 845, may, to the extent allowed by the grant of access, generate additional traffic on those roads. Prior to commencing any nonresidential permitted use, the proponent of the nonresidential permitted use shall secure an administrative use permit to address the permitted use's road impacts only, unless the proponent can demonstrate that the proposed use will not generate traffic in excess of permitted residential uses. To demonstrate the absence of any additional traffic, the proponent shall estimate the average daily traffic (ADT) averaged over a one-month time period that will be generated by the permitted use. If this estimate indicates that traffic generated by such use is less than the ADT generated by a single-family residence (currently seven and one-half ADT), then an administrative use permit will be not required.

b. As a condition of approval of the administrative use permit, the proponent of the use shall be required to pay a road maintenance fee to mitigate the impacts caused by the use. This condition of approval is intended to protect the public health, safety and welfare, as required by Section 17.04.110(E) of this code. Such fees shall be paid as follows:

i. The fee shall be calculated based on the ADT of the use divided by the ADT generated by a single-family residence (seven and one-half ADT) and multiplying the annual fee paid by a single-family residence in the area by this proportional factor. Determination of the ADT generated by the use shall be supported by substantial evidence, as approved by the public works department.

ii. Road maintenance fees for uses having legal access on roads maintained by a county service area shall be paid to the county auditor's office and deposited in the appropriate account, as specified in the condition of approval in the administrative use permit. Evidence of such deposit shall be provided to the planning department prior to the commencement of the use.

iii. Road maintenance fees for uses having legal access on roads maintained by a community service district shall be paid to the community service district, as specified in the condition of approval in the administrative use permit. Evidence of such deposit

shall be provided to the planning department prior to the commencement of the use.

c. Proponents of uses having legal access over private roads not maintained by the county, or a local agency, shall do one of the following:

i. Enter into any existing road maintenance agreement for the road(s) providing access to the use;

ii. Amend any existing road maintenance agreement to which the proponent of the use is already a party to in order to provide for an additional road maintenance fee for the use;

iii. If there is no existing road maintenance agreement, record a road maintenance agreement for that portion of the road located on the real property where the use is located;

iv. Evidence of compliance with any of the above-stated options shall be provided to the planning department prior to the commencement of the use.

d. Failure to obtain an administrative use permit under this section may result in initiation of code compliance proceedings or other remedies, including, but not limited to, the remedies specified in Chapter 17.100 of this code, and may require the proponent of the permitted use to pay a road impact fee for the impact caused by the use that was conducted in violation of this section.

e. The procedures set forth in Section 17.98.070 of this code are applicable to this section.

10. Limitations on Special Events, Private.

a. Up to twelve special events, private, can be held in a calendar year as a permitted use;

b. Thirteen to twenty-four special events, private, during a calendar year requires an administrative use permit;

c. Over twenty-four special events, private, during a calendar year requires a conditional use permit;

d. Incidental to agricultural operations;

e. Limited to between the hours of eight a.m. and ten p.m.

(Ord. 2859 § 5(part), 2005; Ord. 1807 § 1(part), 1986).

#### **14.02.100 Dispute resolution.**

The county shall establish a standing agricultural dispute resolution committee (ADRC) subject to the conditions set forth below:

A. The ADRC will, at its discretion, hear disputes over agricultural standards and/or practices, as well as disputes wherein farms and ranches may suffer losses from residential encroachment.

B. Upon the recommendation of the department head, any county department may refer agricultural disputes to the ADRC. In addition, any member of the public may bring a complaint directly to the ADRC.

C. The ADRC shall consist of seven members and seven alternates. The membership shall be appointed by the BOS for two-year terms and shall be comprised as follows:

1. Three representatives and three alternates of the public from residential areas in close proximity to agricultural zoning.
2. One representative and one alternate from the Calaveras County Farm Bureau, selected by the Calaveras County Farm Bureau.
3. One representative and one alternate from the Calaveras Winegrape Alliance, selected by the Winegrape Alliance.
4. One representative and one alternate from Calaveras Grown, selected by Calaveras Grown.
5. One representative and one alternate from the Calaveras Cattlemen's Association, selected by the Calaveras Cattlemen's Association.

D. The agricultural commissioner or his or her designee shall be the primary lead person for the ADRC. The University of California Cooperative Extension Farm Advisory may, at his/her discretion, help staff the ADRC on a case-by-case basis. The Calaveras County Planning Director may, at his/her discretion, participate with the ADRC. When a county department refers a dispute to the ADRC, the department head shall assign a staff person to facilitate the process.

E. The purpose of the ADRC is to facilitate the voluntary resolution of the types of disputes described above and in those cases wherein statutory authority does not take precedence. In order to accomplish that result, the ADRC is empowered to use the processes of mediation, fair hearing, and fact finding, or any combination thereof as it deems appropriate in light of the nature of the dispute. The ADRC shall adopt procedural rules governing its activities. The rules adopted shall be designed to encourage a full and informal exchange of information pertaining to the dispute. All agreements, settlements, and findings of fact by the ADRC shall be recorded in writing.

F. If a fair hearing is conducted by the ADRC, and findings are made, such findings may, at the discretion of the ADRC, be forwarded to the appropriate county department head who may, but is not required to, take further action in connection with those matters subject to his or her control.

G. All ADRC activities shall be conducted within the context of Title 17, Chapter 17.18, Section 17.18.015 (Right to Farm) and other applicable county resolutions, ordinances, codes and policies. Mediated agreements shall be binding upon the parties to a dispute only upon the voluntary signing of an agreement by all participants. Agreements reached between disputing parties through mediation may contain language providing for monetary penalties in the event of a material breach of terms and conditions of the agreement.

H. This amendment will expire five years from its implementation unless renewed by the BOS prior to that date. If expired, the dispute resolution language as adopted by Ordinance 2144 (1990) shall take precedence.

(Ord. No. 2951, § 2, 6-3-2008).

# Contra Costa County

The Contra Costa County Zoning Code (Title 8) describes the allowed uses in the General Agricultural District (A-2).

## **84-38.202 - General provisions.**

All of the land lying within an A-2 general agricultural district may be used for any of the following uses, under the following regulations set forth in this chapter.

Ord. No, 1569; 1555

## **Article 84-38.4. Uses**

### **84-38.402 - Permitted.**

Uses permitted in the A-2 district shall be as follows:

- (1) All types of agriculture, including general farming, wholesale horticulture and floriculture, wholesale nurseries and greenhouses, mushroom rooms, dairying, livestock production, fur farms, poultry raising, animal breeding, aviaries, apiaries, forestry, and similar agricultural uses.
- (2) Other agricultural uses, including the erection and maintenance of buildings for the storage of agricultural products and equipment; sheds; warehouses; granaries; dehydration plants; hullers; fruit and vegetable packing plants; and agricultural cold storage plants on parcels at least ten acres in size.
- (3) A grower stand or farm stand.
- (4) A detached single-family dwelling on each parcel and the accessory structures and uses normally auxiliary to it.
- (5) Foster home or family care home operated by a public agency, or by a private agency which has obtained state or local approval (license) for the proposed operation, where not more than six minors reside on the premises with not more than two supervisory persons.
- (6) A family day care home where care, protection and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away.
- (7) Residential second units complying with the provisions of Chapter 82-24.

### **84-38.404 - Uses with land use permit.**

The following uses may be allowed in an A-2 district on the issuance of a land use permit:

- (1) Home occupations.
- (2) Publicly owned parks and playground.
- (3) Dude ranches, riding academies and stables, and dog kennels.
- (4) Publicly owned buildings and structures, except as provided in Division 82.
- (5) Commercial radio and television receiving and transmitting facilities but not including broadcasting studios or business offices.

- (6) Wind energy conversion systems. This use is allowed without a land use permit if used only as an accessory to an allowable residential or agricultural use.
- (7) A family care home where care, protection and supervision of thirteen or more children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away.
- (8) Hospitals, animal hospitals, eleemosynary and philanthropic institutions, and convalescent homes.
- (9) Churches, religious institutions, and parochial and private schools, including nursery schools.
- (10) Community buildings, clubs, and activities of a quasi-public, social, fraternal, or recreational character, such as golf, tennis or swimming clubs, or veterans' or fraternal organizations. These uses are prohibited if organized for monetary profit.
- (11) One additional single family dwelling.
- (12) Medical and dental offices and medical clinics.
- (13) Merchandising of agricultural supplies and services incidental to an agricultural use.
- (14) Wineries, commercial kitchens, or other facilities for creating value-added farm products.
- (15) Canneries.
- (16) Slaughterhouses and stockyards.
- (17) Rendering plants and fertilizer plants or yards.
- (18) Livestock auction or sales yards.
- (19) Living accommodations for agricultural workers to be primarily used for temporary housing of agricultural workers while performing seasonal agricultural work on the owner's property.
- (20) Commercial recreational facilities when the principal use is not in a building.
- (21) Boat storage facilities within one mile by public road of a boat launching facility open to the public. Vessels and vessel trailers may be stored in a boat storage facility. Recreational vehicles may be stored in a boat storage facility as long as the number of recreational vehicles stored does not exceed fifteen percent of the total number of storage spaces in the storage facility.
- (22) Retail firewood sales.
- (23) Recycling operations intended to sort or process material for reuse. Junkyards, defined in Section 88-4.206, are prohibited.
- (24) Museums in which objects of historical, artistic, scientific or cultural importance are preserved and displayed.
- (25) A farm market.
- (26) Agricultural cold storage plants on parcels less than ten acres in size.

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(Ords. 2007-23 § 4, 2003-11 § 3, 94-28 § 2, 89-46 § 2, 76-36 § 3, 7437 § 2, 60-82, 1988, 1569 § 2: prior code § 8156(b): Ords. 1406 § 3, 497 § 4, 382 § 4E).

(Ord. No. 2009-12, § III, 5-19-09)

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# El Dorado County

## I. AGRICULTURAL (A) DISTRICTS

### 17.36.030 Uses permitted by right.

The following uses are allowed by right, without special use permit or variance:

A. One-family detached dwelling:

1. The renting of one room within the dwelling,
2. Guest house, not to exceed four hundred square feet as an accessory use to an existing dwelling,
3. Accessory use and structures including but not limited to garage, swimming pool, pumphouse, boathouse,
4. Home occupations such as accountant, advisor, appraiser, architect, artist, attorney, author, broker, dressmaker, draftsman, dentist, handicrafts, insurance, photographer, physician, therapist, musician, teacher and other similar occupations normally conducted by mail or telephone on the premises where the activities do not create a traffic problem; provided, that instruction is not given to groups in excess of four and concerts or recitals are not held and no display of goods is visible from the outside of the property, such use must be carried on in the main building and be incidental to the residential use of the premises and be carried on by a resident thereon;

B. Raising and grazing of livestock and other animals;

C. Growing of trees, fruits, vegetables, flowers, grains and other crops;

D. Packing and sale of agricultural products produced on the premises without changing the nature of the product;

E. Any structure or use incidental or accessory to any of the foregoing uses;

F. Excavation of earth and the drilling of wells exclusively for agricultural or residential purposes on the premises;

G. One unlighted sign located on-site advertising authorized activities. The sign's display area shall not exceed sixteen square feet on either sign face with a total no greater than thirty-two square feet for a double-faced sign.

Freestanding signs shall not exceed twelve feet in height. Grower association signs, such as Farm Trails, Apple Hill, Winery, Farm Bureau, 4-H or any other grower associations representing a group of growers, shall be exempt from these provisions;

H. Packing, processing and sale of agricultural products and edible byproducts grown on-site;

I. The packing, processing and sale of agricultural products grown off-site in conjunction with the processing or sale of products produced on site;

Ord. 4573 (part), 2001; Ord. 3826 (part), 1988; Ord. 3606 §48, 1986; Ord. 3366 §37, 1983; Ord. 3364 §33, 1983; prior code §9415(c)

### 17.36.040 Uses requiring special use permit.

The following uses are allowed only after obtaining a special use permit therefore from the planning commission or zoning administrator:

- A. The processing, and/or sale of agricultural products produced off-site and any accessory structures on parcels less than twenty acres;
  - B. The commercial slaughtering of animals;
  - C. The excavation of earth with processing plants for building material other than for on-premises purposes;
  - D. The mining or drilling of minerals or petroleum;
  - E. The deposition onto land, into the atmosphere, or into water, of solid waste as defined by Public Resources Code Section 40191, as from time to time amended, or the operation of a solid waste facility as defined by Public Resources Code Section 40194, as from time to time amended, or the operation of a load screening program as required by applicable state law, or the operation of a household hazardous waste collection program as required by applicable state law;
  - F. The construction of schools, churches, cemeteries and golf courses and public utility buildings;
  - G. Recreational buildings and uses;
  - H. Other sign sizes and applicable general provisions as itemized in Chapters 17.14, 17.16 and 17.18;
  - I. Airports, heliports, landing strips and their accessory uses and structures;
  - J. Home occupations not listed in subsection A4 of Section 17.36.030 which require special consideration, such as power tools, accessory buildings, noise, and will not change the residential character of the premises, or adversely affect the other uses permitted in a residential area;
  - K. Kennel, as defined in subsection 18 of Section 6.04.020;
  - L. Single-family and multifamily dwellings, including dormitories, for agricultural labor housing where the contiguous ownership of properties used for agricultural purposes contain ten acres or more. Applications for agricultural labor housing may be approved only upon a favorable recommendation from the agricultural commission that the activities conducted on the property or contiguous properties under the same ownership satisfy the criteria for an agricultural operation.
- Ord. 4573 (part), 2001; Ord. 4169 §1, 1991; Ord. 3826 (part), 1988; Ord. 3606 §49, 1986; Ord. 3439 §7, 1984; Ord. 3419 §11, 1984; Ord. 3366 §38, 1983; Ord. 3364 §34, 1983; prior code §9415(d)