



# Planning and Development Department

## Long Range Planning Division

### Transmittal Memorandum

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**DATE:** October 7, 2010

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**TO:** GavPAC Members

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**FROM:** David Lackie, Supervising Planner  
Brian Tetley, Planner

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**CC:** Supervisor Doreen Farr, 3<sup>rd</sup> Supervisorial District  
Vicki Parker, Deputy Director, Long Range Planning

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**SUBJECT:** GavPAC Meetings No. 20, 21, & 22

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The items listed below have been included as part of the meeting materials for GavPAC Meeting Nos. 20, 21, & 22, to be held Wednesday October 13, 27, and November 10, 2010, 6:30 p.m. at the Vista de Las Cruces School auditorium:

1. **Meeting Agenda:** Please see the attached agenda for the October 13, 27, and November 10, 2010 GavPAC meeting (Attachment 1). For details, please see discussion of agenda items below.
2. **Draft Meeting Minutes:** Staff has provided draft meeting minutes from the September 29, 2010 GavPAC meeting for review and approval (Attachment 2).
3. **Agricultural Planning Deliberations:** Staff has attached the Agriculture Working Paper as reference for the deliberations on agricultural issues (Attachment 3).
4. **Long Term GavPAC Meeting Schedule:** The revised GavPAC long term meeting schedule (Attachment 4) is attached for your review.
5. **Uniform Rules for Agricultural Preserves and Farmland Security Zones:** Staff has attached a copy of the Uniform Rules (Attachment 5) for your reference.

In addition to this packet, please bring the GavPAC documents binder with you to the meeting.

All GavPAC materials are also available for download from the following webpage:  
<http://longrange.sbcountyplanning.org/planareas/gaviota/gaviota.php>

## **Agricultural Planning Deliberations (Agenda Item Nos. 5-8)**

This meeting represents the beginning of the deliberative phase of the land use planning process for the Gaviota Coast. The deliberative phase builds upon the recent GavPAC work to identify core planning issues, and will provide an opportunity to discuss these issues in greater detail, and explore different planning options and approaches. Keep in mind that the goal in the deliberative stage is not to fully write or vet policy or ordinance language, but to develop consensus or at least refinement of GavPAC policy preferences which can be used by staff to craft draft policy statements and implementing tools. The review and revision to draft policy or ordinance language will occur later in the process after all of the deliberative meetings and a period of time for staff to develop the language. Some issue areas, such as agriculture, may require more detailed analysis or contain a large work product that could benefit from assistance by a subcommittee. This possibility will be considered by the committee and could result in the nomination of a subcommittee prior to moving onto the next issue area.

The first series of meetings will focus on visual resource issues with an emphasis on the County's existing policy framework and the unique characteristics of the Gaviota Coast Plan Area. This discussion will hopefully result in a more refined list of planning issue priorities that are important to the committee and are within the reach of local land use policy.

Once priorities have been expressed, staff can help initiate the discussion on appropriate planning tools for consideration by the committee. These planning tools can run the gamut from ordinances, policy language refinements or clarifications, the application of planning overlays, new or existing, etc. In addition, staff's research into the approaches taken by other jurisdictions in addressing similar planning issues may be helpful.

In preparation for the upcoming meeting, please read the attached agriculture Working Paper. This will provide some context for the deliberations to come. Also, please read and consider the following policy issues, which are meant to describe some of the key agricultural policy considerations on the Gaviota Coast:

Land Use and Agricultural Element goals:

*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.*

*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.*

Many site-specific factors, regional characteristics, and climate define the productivity of agricultural land on the Gaviota Coast. The focus of current county agricultural land use policy is protection of the productivity of the land. Land use changes, especially on the Southern California coast, trend toward the development of agricultural lands to non-agricultural uses. These trends have raised the following key planning issues on how best to facilitate the continuation of productive agriculture on the Gaviota Coast into the future:

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

Some other jurisdictions have taken a broader approach to agricultural zoning that allows a larger classification of allowable land uses, including alternative quasi-agricultural uses, such as processing, agritourism, and agricultural support uses that could provide additional income streams to agricultural properties. And although the county allows for the establishment of many of these types of uses on agricultural land, they often require approval of a Conditional Use Permit, which is often viewed as insurmountably costly in time and fees. In addition, the Williamson Act restrictions, of which the county does not have complete control, often preclude these types of uses on contracted land outright.

## Providing for Additional Multi-Generational Housing Opportunities

The ability of upcoming generations to work the land for retiring generations is a concern in many agricultural areas. A component of this issue is the limited ability to provide housing for those extended and multigenerational family members that choose to stay on the productive agricultural lands. Typically, only one single-family dwelling is allowed per legal lot. In addition, and up to four farm employee dwellings are allowable with approval of a land use permit. Although additional residences are available to immediate family members under the revised Uniform Rules, there are a number of restrictions and criteria that must be met in order to take advantage of this opportunity.

### **Attachments:**

1. October 13, 27, & November 10, 2010 Meeting Agenda
2. September 29, 2010 Meeting Minutes
3. Working Paper No. 2: Agriculture
4. Long-Term Meeting Schedule
5. Uniform Rules



# Notice of Public Meeting

## Gaviota Coast Planning Advisory Committee (GavPAC) Meeting Nos. 20, 21 & 22

**Note: This agenda lists discussion topics for the GavPAC meetings on:**

**Wednesday, October 13, 2010 – 6:30 p.m.,  
Wednesday, October 27, 2010 – 6:30 p.m. and,  
Wednesday, November 10, 2010 – 6:30 p.m.**

**Attendees:** GavPAC Members, County Staff, and Public Participants  
**Please review:** Meeting Materials Packet for Meetings on 10/13/10, 10/27/10 & 11/10/10  
**Please bring:** Meeting Materials Packet for Meetings on 10/13/10, 10/27/10 & 11/10/10  
**Location:** Vista de Las Cruces School - Auditorium, 9467 San Julian Rd, Gaviota, CA 93117

Agenda Item	Discussion Topics
<b>CALL TO ORDER</b>	
1	<b>Pledge of Allegiance &amp; Roll Call</b>
2	<b>Public Comment</b> <i>The Public Comment period is set aside to allow public testimony on items not on today's agenda. The time allocated to each speaker will be set at the discretion of the Chair.</i>
3	<b>Administrative Briefings</b> <i>Staff updates regarding local or other legislative activities, local planning decisions, or other updates of interest to the Committee.</i>
4	<b>Meeting Minutes Review and Approval</b>
<b>AGRICULTURE PLANNING DELIBERATIONS:</b>	
5	<b>Discussion of Existing Agricultural Policy</b>
6	<b>Consideration of Agricultural Preferences for the Gaviota Coast</b>
7	<b>Consideration of Agricultural Planning Tools</b>
8	<b>Consideration of Subcommittee Nominations</b>

Questions or comments about the Gaviota Coast Plan may be directed to Brian A. Tetley at 805-884-6848 or [btetley@co.santa-barbara.ca.us](mailto:btetley@co.santa-barbara.ca.us) and further information may be obtained on the following web site: <http://longrange.sbcountyplanning.org/planareas/gaviota/gaviota.php>

Writings that are a public record under Government Code § 54957.5(a) and that relate to an agenda item of a regular meeting of the Planning Advisory Committee that are distributed to a majority of all of the members of the Planning Advisory Committee less than 72 hours prior to that meeting shall be available for public inspection at Santa Barbara County Office of Long Range Planning 30 E. Figueroa Street, Santa Barbara, CA, and also on the County's website at <http://longrange.sbcountyplanning.org/>

Attendance and participation by the public is invited and encouraged. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Hearing Support Staff (805) 568-2000. Notification at least 48 hours prior to the meeting will enable the Hearing Support Staff to make reasonable accommodations.

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**9**                    **Discussion of Land Use & Development Code Certification Process**

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**10**                   **Discussion of Long-Term Meeting Schedule**

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**Adjourn**

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# Gaviota Coast Planning Advisory Committee

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## ***DRAFT MEETING MINUTES MEETING No. 19***

***Wednesday September 29, 2010  
Vista de Las Cruces School Auditorium***

**Meeting Called to Order:** By Chair Lloyd at 6:32 p.m.

### **1. Roll Call**

**GavPAC Members Present:** Baer, Boise-Cossart, Bowman, Feeney, Lloyd, McGinnis, McKenna, McNabb, Tautrim, Van Leer

**GavPAC Members Absent:** Kimbell

#### **County Staff Present:**

David Lackie, Long Range Planning Division Supervising Planner

Brian Tetley, Long Range Planning Division Senior Planner

Katie Haldeman, Long Range Planning Division Assistant Planner

### **2. Public Comment for Items not on the Agenda:** None

### **3. Administrative Briefings**

**Staff:** Four public information sessions on the LUDC certification process, per the Board of Supervisors (BOS) request, will be held in the County in the upcoming month. California Coastal Commission (CCC) staff has been invited by the County to attend these sessions, but CCC staff attendance has yet to be confirmed. Noticing of these public information sessions has been conducted through Community Plan Area interested parties email lists, and display ads will likely be run in local newspapers.

### **4. Meeting Minutes from Meeting No. 17 on September 1, 2010 and Meeting No. 18 on September 15, 2010**

**Deliberations:** The Committee asked that the italicized boilerplate language on the GavPAC agenda be revised to reflect the Committee's new policy on introducing information and documents before a GavPAC meeting.

**ACTION:** Boise-Cossart moved, seconded by McNabb, and carried by a vote of 7-0, with 3 abstaining due to an absence from Meeting 17 or 18, to approve the minutes without modifications.

### **5. Visual Resources Planning Deliberations**

**Deliberation:** The GavPAC listed additional items the subcommittee should consider when deliberating about visual resource issues. The visual resources subcommittee will be reporting back to the committee and visual resources issues will be reviewed in the context of the other issue areas. The additional items for the subcommittee to consider include:

- Landscaping and the identification of appropriate landscaping guidelines.
- Compatibility of residential structures with existing home sizes. McKenna requested that Staff provide the results of their research on current home sizes on the Gaviota Coast to the subcommittee.



- Potential Exemption of agricultural structures from visual resource policies or guidelines.
- Size, bulk and scale of development across the Plan Area, regardless of whether it is in the public viewshed or can be seen from Highway 101.
- Adopting thresholds for residential development in the Plan Area that would trigger CBAR review.
- Ways to ensure that building materials are compatible with the existing setting.
- Working within the context of existing County policies, provide clarification and refinement of these policies so that they are tailored for the Plan Area.
- Standards to minimize visual impacts of road grading for access roads and structures.
- Creating separate road grading standards for agricultural and residential roads.
- Creating incentives for utilizing green building practices.
- Looking to the guidelines/process used by the Hollister Ranch design review committee.
- Visual impacts from existing and proposed wind and solar energy projects, water impoundments, the County landfill, and eucalyptus trees.
- That optimal siting of structures is the key to protecting visual resources.
- Obtaining Officially Designated State Scenic Highway status for Highway 101, in coordination with Caltrans.

#### **Public Comment:**

**Bill Giorgi:** Agricultural operations, such as reservoirs, fire breaks, and agricultural employee housing, should be treated separately from residential development, when the subcommittee develops visual resource guidelines.

**Chris Shaeffer representing Caltrans:** Bob Carr, Caltrans landscape architect, is available to work with the subcommittee on visual resource issues and Caltrans can provide further input on subcommittee and GavPAC efforts.

**ACTION:** McGinnis moved, seconded by McKenna, to amend the GavPAC Visual Policy Preferences, as presented by Staff, to replace the word “should” with “shall”, and to change the wording of item c) of the Grading & Visibility Preferences, to express that limiting visibility of development would not necessarily take precedence over minimization of grading volume. The Motion failed to pass with a vote of 3-7.

**Deliberation:** The Committee elicited four volunteers for the visual resources subcommittee. McNabb asked whether a member of the public could be on the subcommittee and Staff responded that the General Planning Advisory Committee (GPAC) guidelines state that subcommittee members must also be a member of the GavPAC). Feeney encouraged the public and people with experience with visual resources to stay involved with the visual resources subcommittee.

**ACTION:** McNabb moved and Feeney seconded to accept the four volunteers: McGinnis, Boise-Cossart, McKenna, and Lloyd, for the visual resources subcommittee. Motion passed with a vote of 10-0.

#### **7. Discussion of Plan Area Boundary**

**Deliberation:** Staff explained that seven landholdings are bisected by the current Plan Area Boundary (PAB). Staff has identified three of those seven landholdings where “minor” adjustments could be made to the PAB, as directed by the BOS resolution. Those three landholdings identified were: Pueschel, Presbyterian Camp and Conference Centers, Inc (Synod), and Nojoqui Falls Ranch. A draft Gaviota Coast Plan is anticipated to be released in the Spring or Summer of 2011, and any major changes to the PAB



could be packaged with other Gaviota Coast Plan materials going to the BOS for initiation.

Feeney commented that what could be considered a “minor” or “major” PAB change is a matter of semantics. Baer suggested defining the PAB using a singular rule: the watershed boundary, without exceptions, so that the protocol for delineating the PAB is clear and easy to explain to the public. Baer recommended amending the boundary to strictly follow the watershed boundary, such as in the Vista de Las Cruces area. Feeney stated that the boundary issue should be settled now. McNabb is concerned about the PAB splitting existing development envelopes, such as the telecommunications installation on the Young Americas Foundation property. The Committee recognized that adjusting the PAB to an Assessor Parcel Number (APN) boundary, which is not the legal lot boundary, particularly for a parcel internal to a larger landholding, may cause bisecting of parcels in the future, if the legal lots boundaries were determined.

**Public Comment:**

**Bill Giorgi representing Nojoqui Falls Ranch:** Submitted mailing addresses for Louise Hansen (Lloyd’s Bank property) and her nephew for Staff’s records. He stated that the agriculture, weather, and topography seven miles inland are quite different from the conditions on the Gaviota Coast. Mr. Giorgi requested that the PAB end at the Gaviota Tunnel and that his family’s landholdings be located outside of the Plan Area.

**ACTION:** Baer moved, seconded by McKenna, to have the PAB follow the watershed boundary only, and the PAB to be adjusted to follow the watershed boundary where it currently does not. The motion failed to pass by a vote of 4-6

**ACTION:** Lloyd moved, seconded by Van Leer, to adjust the PAB to strictly follow the watershed boundary, and to make adjustments to the PAB only in areas where the current PAB bisects an existing development envelope or an existing conservation easement development agreement. If the majority of the development envelope is within the Plan Area, then the rules of the Plan Area would apply to the entire development envelope, and if a majority of the development envelope was outside the Plan Area, then the rules of the Plan Area would not apply to that development envelope. The determination of whether or not the rules of the Plan Area applied to a particular development envelope would be determined by a planner once development is proposed on a development envelope that is bisected by the PAB. This motion is made as a first layer recommendation and a guiding principle. The motion failed to pass by a vote of 4-6.

**ACTION:** Feeney moved, seconded by McNabb, to accept Lloyd’s previously proposed Motion, with an amendment to the motion that would keep the existing PAB as adopted by the BOS, and therefore the PAB would not be adjusted to strictly follow the watershed. The motion passed by a vote of 9-1.

**8. Discussion of Long Term Meeting Schedule**

**Public Comment:** None

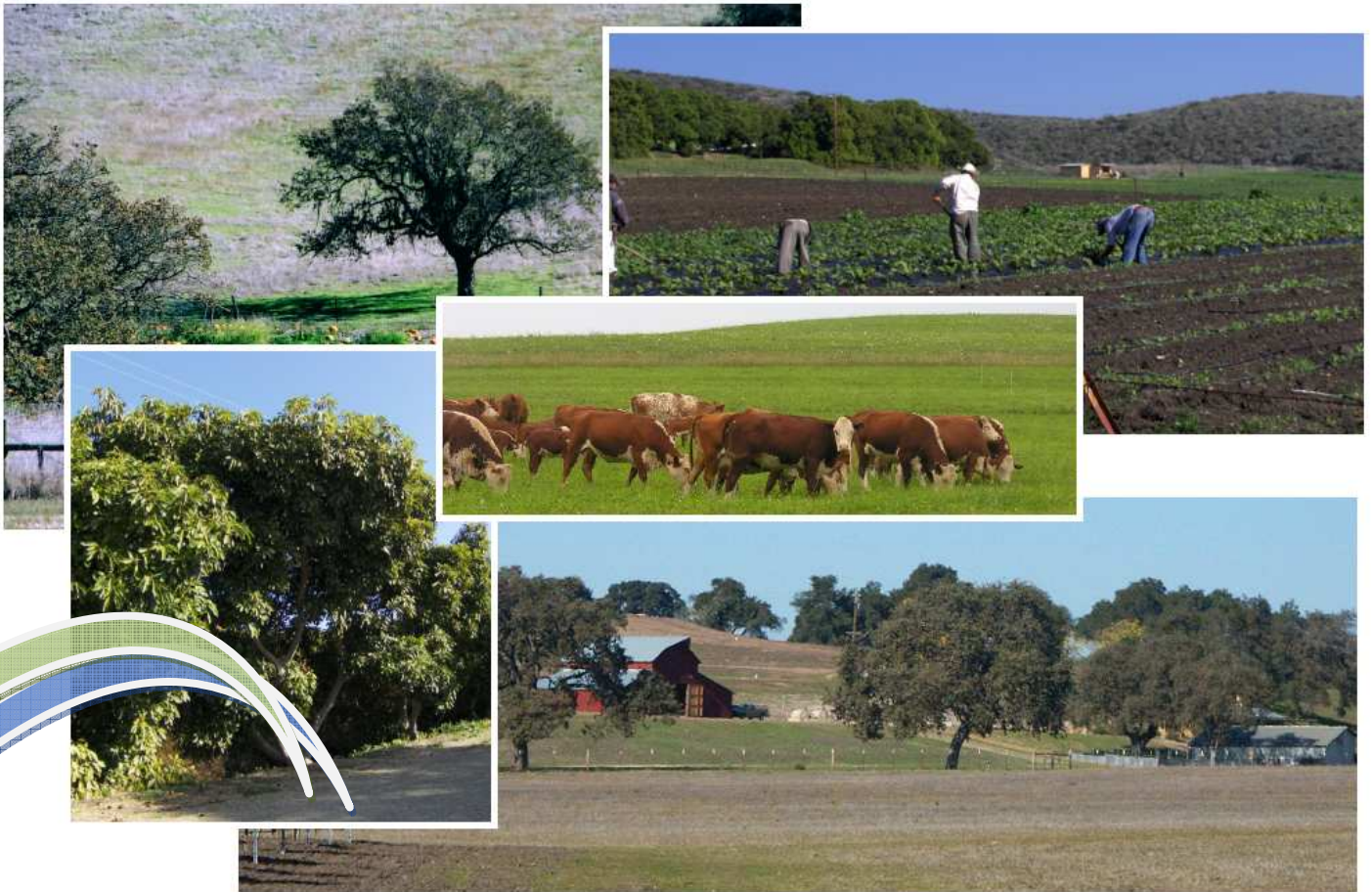
**Deliberation:** None

**Meeting Adjournment** – 9:38 p.m.





# Gaviota Coast Planning Advisory Committee



## *Working Paper #2: Agriculture*

*October 13, 2010*



# **Working Paper # 2: Agriculture**

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Gaviota Coast Planning Advisory Committee  
October 13, 2010

County of Santa Barbara – Long Range Planning Division  
Staff: Vicki Parker, David Lackie, Brian Tetley, Katie Haldeman

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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



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).

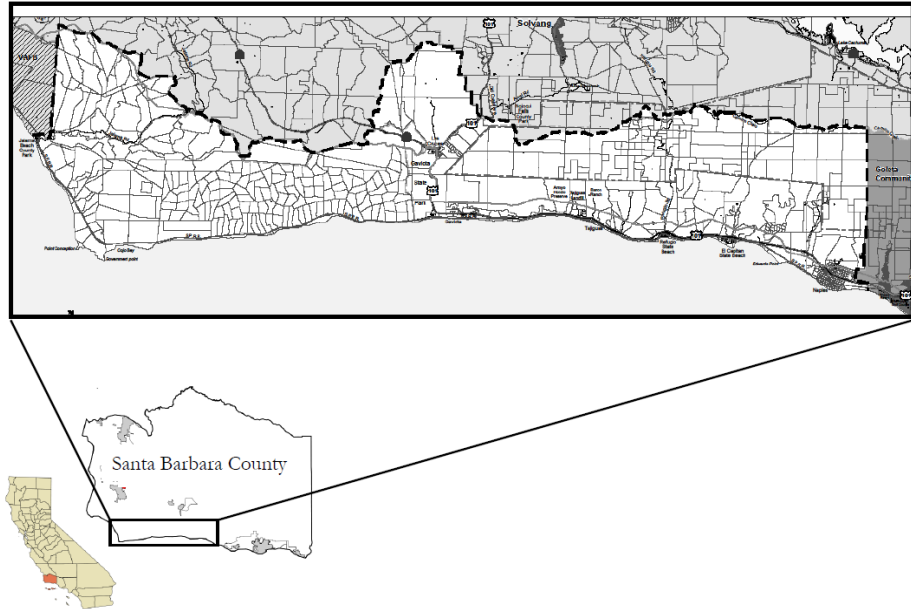


Figure 1 Gaviota Coast Plan Area

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



### 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.

#### ***2-1.1.1. 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



## 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			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<b>AG-I</b>	<b>AG-I CZ</b>	<b>AG-II</b>	<b>AG-II CZ</b>	

**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			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<b>AG-I</b>	<b>AG-I CZ</b>	<b>AG-II</b>	<b>AG-II CZ</b>	

**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**

<b>AG-I</b>	Agriculture I	<b>CZ</b>	Coastal Zone
<b>AG-II</b>	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			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<b>AG-I</b>	<b>AG-I CZ</b>	<b>AG-II</b>	<b>AG-II CZ</b>	

**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**

<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 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			
<b>LAND USE (1)</b>	<b>PERMIT REQUIRED BY ZONE</b>				<b>Specific Use Regulations</b>
	<b>AG-I</b>	<b>AG-I CZ</b>	<b>AG-II</b>	<b>AG-II CZ</b>	

**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**

<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) 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
<b>Residential density</b>	<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.

(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)

## **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)



# Gaviota Coast Plan GavPAC Meeting Schedule

Meeting Dates and Discussion Topics

[Meeting dates, times, and locations are subject to change]

October 4, 2010

Meeting/ Workshop Type	Date and Time	Location	Discussion Topics
GavPAC Meeting #24	Wednesday, December 15, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Planning Goals Development: Resources Stewardship &amp; Open Space II</b>
GavPAC Meeting #23	Wednesday, December 8, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Planning Goals Development: Resources Stewardship &amp; Open Space I</b>
GavPAC Meeting #22	Wednesday, November 10, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Planning Goals Development: Agriculture III</b>
GavPAC Meeting #21	Wednesday, October 27, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Planning Goals Development: Agriculture II</b>
GavPAC Meeting #20	Wednesday, October 13, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Planning Goals Development: Agriculture I</b>
GavPAC Meeting #19 <b>***COMPLETED***</b>	Wednesday, September 29, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Plan Boundary Discussion</b> <b>Planning Goals Development: Visual Resources III</b>
GavPAC Meeting #18 <b>***COMPLETED***</b>	Wednesday, September 15, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Planning Goals Development: Visual Resources II</b>
GavPAC Meeting #17 <b>***COMPLETED***</b>	Wednesday, September 1, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Planning Goals Development: Visual Resources I</b>
GavPAC Meeting #16 <b>***COMPLETED***</b>	Monday, August 9, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Plan Boundary Discussion</b> <b>Discussion of Guiding Principles and Subcommittee Report</b>
GavPAC Meeting #15 <b>***COMPLETED***</b>	Wednesday, July 21, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Discussion of Issue Area Priorities for Planning Goal Development</b> <b>Strategy Discussion for Policy Issue Area Deliberations</b>

GavPAC Meeting #14 <b>***COMPLETED***</b>	Wednesday, June 30, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Presentation of Potential Options to Facilitate Restoration Projects: Ms. Turenchalk Discussion of Issue Area Priorities for Planning Goal Development</b>
GavPAC Meeting #13 <b>***COMPLETED***</b>	Monday, June 21, 2010 6:30 p.m.	Goleta Union School District Board Hearing Room	<b>Discussion of Coastal Commission Suggested Modifications to County Land Use and Development Code</b>
GavPAC Meeting #12 <b>***COMPLETED***</b>	Wednesday, May 26, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Presentation &amp; Discussion of Coastal Commission Suggested Modifications to County Land Use and Development Code Discussion of Issue Area Priorities for Planning Goal Development</b>
GavPAC Meeting #11 <b>***COMPLETED***</b>	Wednesday, May 12, 2010 6:30 p.m.	Brandon School Auditorium	<b>Discussion of Issue Area Priorities for Planning Goal Development</b>
GavPAC Meeting #10 <b>***COMPLETED***</b>	Wednesday, April 21, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Requested Topic Presentations</b> Natural Resource Conservation Service (NRCS) Coordination and Beneficial Projects Process Agricultural Permit Process Streamlining Project Coastal Commission Land Use and Development Code (LUDC) Certification Process
GavPAC Meeting #9 <b>***COMPLETED***</b>	Wednesday, April 7, 2010 6:30 p.m.	Brandon School Auditorium	<b>Post-Workshop Strategy Session</b> Summary of Information Gathered from Workshop Identification of Issue Area Priorities for Planning Goal Development Long Term Meeting Schedule
GavPAC Workshop #1 <b>***COMPLETED***</b>	Saturday, March 20, 2010 9:00 a.m.	Goleta School District Board Hearing Room	<b>Public Workshop</b> Saturday Public Workshop (Round table format with topic area discussions hosted and facilitated by GavPAC members)
GavPAC Meeting #8 <b>***COMPLETED***</b>	Wednesday, March 3, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Visual Resources</b> Visual Resources Policies Development & Project Review Challenges <b>County Riding and Hiking Trails Advisory Committee Presentation</b> <b>Public Workshop Format &amp; Topics Discussion,</b> Public Workshop Format (GavPAC roles and responsibilities, table topic questions, public workshop objectives)
GavPAC Meeting #7 <b>***COMPLETED***</b>	Wednesday Feb. 17, 2010 6:30 p.m.	Vista de Las Cruces School Auditorium	<b>Plan Area Boundary Discussion</b> <b>Public Workshop Format &amp; Topics Discussion,</b> Public Workshop Format (GavPAC roles and responsibilities, table topic questions, public workshop objectives)
GavPAC Meeting #6 <b>***COMPLETED***</b>	Wednesday, Feb. 10, 2010 6:30p.m.	Vista de Las Cruces School Auditorium	<b>Agricultural Resources and Heritage</b> Land Use Policies Supporting Agriculture Agricultural Statistics for Plan Area Agricultural Preserve Program Panel Discussion: Challenges and Opportunities for Gaviota's Rural Agricultural Heritage

GavPAC Meeting #5 <b>***COMPLETED***</b>	Wednesday, Jan. 6, 2010 6:30p.m.	Vista de Las Cruces School Auditorium	<p align="center"><b>Overview of Watershed Planning, Ecology &amp; Biological Diversity of Gaviota Coast Watershed</b></p> <p align="center">(planning, floodplains, riparian corridors, Coastal Zone planning) Ecological/Biological Resources (Gaviota coast diversity, Environmentally Sensitive Habitat areas, endangered and indicator species)</p> <p align="center"><b>Applicable Zoning Ordinances – Relationship To Comprehensive Plan</b></p>
GavPAC Meeting #4 <b>***COMPLETED***</b>	Monday, Dec. 7, 2009 6:32 p.m.- 9:05 p.m.	Vista de Las Cruces School Auditorium	<p align="center"><b>Overview of Zoning Ordinances, Current Projects, and Energy Facilities (cont.)</b></p> <p align="center">Summary of Land Use and Plan Area Statistics <b>Overview of Public Recreation and Access</b> Recreation, Trails and Public Access (State Parks Department Presentation)</p>
GavPAC Meeting #3 <b>***COMPLETED***</b>	Wednesday, Dec. 2, 2009 6:33 p.m.- 9:07 p.m.	Vista de Las Cruces School Auditorium	<p align="center"><b>Overview of Zoning Ordinances, Current Projects, and Energy Facilities</b></p> <p align="center">Energy Facilities and Applicable Policies (Energy Division presentation) Current Development Projects and Trends (Development Review Division – South Presentation)</p>
GavPAC Meeting #2 <b>***COMPLETED***</b>	Wednesday, Nov. 18, 2009 6:37 p.m.- 8:58 p.m.	Vista de Las Cruces School Auditorium	<p align="center"><b>Overview of the Comprehensive Plan and LCP</b></p> <p align="center">Election of Vice-Chair &amp; Recording Secretary Role, Function and Structure of County Comprehensive Plan and Local Coastal Plan Review of Land Use Designations and Overlays within Plan Area</p>
GavPAC Meeting #1 <b>***COMPLETED***</b>	Wednesday, Nov. 4, 2009 6:42 p.m.- 9:05 p.m.	Vista de Las Cruces School Auditorium	<p align="center"><b>GavPAC Kickoff Meeting</b></p> <p align="center">GavPAC Empaneled and Oath of Office Administered Open Meeting Law Discussion GavPac Acceptance of GPAC Guidelines and GavPAC Ground Rules Future Meetings Scheduled</p>



# Uniform Rules for Agricultural Preserves and Farmland Security Zones



Santa Barbara County

September 2007



**UNIFORM RULES**  
**FOR AGRICULTURAL PRESERVES**  
**AND**  
**FARMLAND SECURITY ZONES**

**Approved by the Board of Supervisors**  
**September 25, 2007**

**Resolution 07-193**



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# INTRODUCTION

## I. PURPOSE OF AGRICULTURAL PRESERVE PROGRAM AND UNIFORM RULES

The *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (hereafter referred to in this document as Uniform Rules or 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 program to enroll land in Williamson Act or Farmland Security Zone contracts whereby the land is enforceably restricted to agricultural, open space, or recreational uses in exchange for reduced property tax assessments. Participation in the program is voluntary by the County and by the eligible landowners.

The Act requires that each participating local government have a set of uniform rules for administering Williamson Act and Farmland Security Zone contracts within its jurisdiction. The County's Uniform Rules establish the basic requirements of all contracts and are incorporated as a part of each contract. As a part of every contract, therefore, any change in the County's Rules applies to every contract currently in effect with the exception of rules specifically applied prospectively and those compatible uses permitted under Section 51238.3 of the Williamson Act.

Conservation of agricultural and open space land benefits the general public by discouraging premature conversion of land to urban land uses, thereby curtailing sprawl and promoting logical urban growth and provision of urban services. The Agricultural Preserve Program both protects agriculture and retains open space for its scenic qualities and value as wildlife habitat. Most directly, it contributes to the state's agricultural economy and the availability of fresh, nutritious, varied and affordable food. To ensure the long-term retention of these benefits, land enrolled in the program is prevented from being readily converted to urban or other non-agricultural uses. This is achieved by the County through conscientious and consistent enforcement of the Uniform Rules and the terms of the contracts, which also maintains the constitutionality of administering preferential property tax assessments for these lands.

## II. AGRICULTURAL PRESERVES AND WILLIAMSON ACT CONTRACTS

As a participating county, the Williamson Act mandates that areas of the County be designated as agricultural preserves for application of the program. Land within the preserves that meets the eligibility requirements may enroll in the Agricultural Preserve Program through a Williamson Act or Farmland Security Zone contract with the County. It is Santa Barbara County's practice to establish the preserves simultaneously with enrollment in a contract, resulting in coterminous boundaries between the preserves and the contracts. Thus land anywhere within the County that

meets the zoning, size, use and other requirements set forth in these Rules may be eligible to participate in the program.

Farmland Security Zone contracts, also referred to as “Super-Williamson Act contracts” are a special type of Williamson Act contract that receive greater tax benefits (35% reduction from assessed Williamson Act or Proposition 13 value) in exchange for longer contracts. In Santa Barbara County, the Farmland Security Zone program is not yet widely used. For this reason, these Uniform Rules refer primarily to Williamson Act contracts when discussing eligibility requirements, compatible uses, and contract termination provisions. However, in most cases the requirements are the same for both Williamson Act and Farmland Security Zone contracts. Therefore, whenever these Rules mention Williamson Act contracts, it shall be presumed to include Farmland Security Zone contracts as well, unless specifically stated otherwise. Requirements specific to Farmland Security Zones are discussed in Rule 5.

Under the Act, contracts are automatically renewed each year following the first year of a 10-year Williamson Act contract (or 20 years for Farmland Security Zones), unless the owner or County serves a notice of nonrenewal or the contract is terminated as may be provided for by the Act and these Rules. When the County or a landowner serves a notice of nonrenewal upon the other party sufficiently prior to the renewal date (i.e. 90 days if served by the landowner, 60 days if served by the County), the contracted land must continue to meet County eligibility and compatible use requirements throughout the remaining duration of the 10-year or 20-year contract. For example, if a landowner nonrenews a Williamson Act contract in September of 2006, the contract remains in effect for 9 years from the start of the next calendar year (e.g. January 1, 2007). Therefore the contract would expire at the end of 2015.

### **III. CONTRACTS - ASSESSED VALUE OF LAND, IMPROVEMENTS AND LIVING IMPROVEMENTS**

The State Legislature enacted the California Land Conservation Act (Williamson Act) in 1965, with the intent of preserving agricultural lands for food and fiber production. At the time, property taxes were recalculated yearly, on the basis of market value. The Williamson Act changed this practice for open space and agricultural lands. With California taxpayer approval, the law prescribed specific methods for appraising properties under the Williamson Act. The Legislature determined that the assessed value of the agricultural use would be calculated based on the income approach to value, rather than the market approach. Adopting the Williamson Act was an effort to motivate landowners towards the goal of the program. It was “*an attempt to stop or at least slow down increases in real property taxes on farmland by providing methods for restricting land to agricultural purposes.*”<sup>1</sup>

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<sup>1</sup> SBE Assessment of Agricultural and Open Space Properties, AH521 II-1.

## **Presumptions for Williamson Act Valuation Today**

The spirit and intent of the Williamson Act remain today under Proposition 13. Foremost in the appraisal process is the presumption that the agricultural (restricted) use of the land will continue into the foreseeable future and that the restrictions affect value. The non-restricted uses are valued at their market value, in accordance with Proposition 13.

## **Valuation Procedures for Enforceably Restricted Property**

The basic appraisal method for Williamson Act valuation is by the income approach to value. The assessor capitalizes all income attributed to the agricultural use of the land, (along with income from compatible uses such as radio towers, television repeaters, cell sites, commercial enterprises, the sale of water, mineral exploration leases, production contracts and recreation) into an indication of value. The assessor also capitalizes income produced from living improvements (fruit and nut bearing trees and vines) into an indication of value. The land and living improvement values comprise the restricted portion of the total assessment.

Under the 1999 Farmland Security Zone Act, landowners that enter into a 20-year Farmland Security Zone contract can benefit from an additional 35% reduction on the restricted portion of their assessment.

## **Valuation Procedures for Unrestricted Property**

Non-restricted portions of the contracted property are valued at their market value, in accordance with Proposition 13. For example, residences and residential home sites are expressly excluded from the restricted calculation. If a 100-acre avocado ranch has a home with garage, pool, tennis court, guesthouse and an employee house, each home site and each of the structures will be assessed at market (Proposition 13) value. Any physical changes associated with the residential uses, such as driveways, grading, landscaping, domestic wells, etc. are also assessed at market value.

## **Total Assessed Value**

Each year the assessor sums the restricted and unrestricted values to calculate the final Williamson Act or Farmland Security Zone value for the contracted property. The Assessor also calculates the Proposition 13 base value and the current market value. The value placed on the tax roll will be the lesser of: 1) the Williamson Act value or Farmland Security Zone value, 2) the Proposition 13 base value, factored, or 3) the current market value.

## **IV. RELATIONSHIP OF PROGRAM TO OTHER LAND USE REQUIREMENTS**

The Uniform Rules implement the Williamson Act by defining eligibility requirements and compatible uses which each participating landowner must adhere to in order to receive a reduced

tax assessment. The Uniform Rules do not authorize any development on agricultural land that is not otherwise permitted by the applicable zone district. Often the Rules are more restrictive than the underlying agricultural zoning requirements. However, the Rules do not supersede the County's land use requirements contained in the Comprehensive Plan and zoning ordinances, nor obviate the need for permits. The Agricultural Preserve Advisory Committee (APAC) is responsible for reviewing a land use application for consistency with the Uniform Rules and the Williamson Act, but does not make a decision on the permit. The land use permit must be reviewed and approved by the appropriate decision-maker in the permit process.

A landowner can obtain an early indication whether or not a proposed land use or activity may be allowed by bringing their proposal to the Agricultural Preserve Advisory Committee (APAC) for advisory review and by consulting with Planning and Development or submitting a pre-application to the County for any required permits.

## **V. AGRICULTURE AND URBAN INTERFACE**

The Board of Supervisors recognizes not only agriculture's contribution to the County but also its vulnerability to conversion to urban or other non-agricultural uses. In addition to the Agricultural Preserve Program, goals and policies in the County's Land Use and Agricultural Elements afford protection to both prime and nonprime agricultural lands. This includes protection from urban expansion and urban influences. It is important to reaffirm these policies here in the Uniform Rules. Two primary considerations regarding the interface of agricultural and urban lands are:

1. Agriculture does not ordinarily require urban services such as sanitary sewers, transit and lighting, and therefore such service districts should not be extended to cover agricultural land in, or eligible for inclusion in agricultural preserves. Taxing agriculturists for these services may impose an unnecessary tax burden and could hasten conversion to urban land uses.
2. To deter expansion of urban areas onto productive agricultural lands, the County encourages the entry of prime and producing agricultural lands adjoining urban areas into the Agricultural Preserve Program.

## **VI. ROLE OF THE APAC**

The Agricultural Preserve Advisory Committee was created by, and is advisory to, the Board of Supervisors and includes representatives from the Agricultural Commissioner's Office, Assessor's Office, County Surveyor's Office, Cooperative Extension, Planning and Development and the agricultural community. The Committee is responsible for administering the County's Agricultural Preserve Program and the Uniform Rules. Its duties include reviewing applications and making recommendations for creating agricultural preserves, entering new contracts, making revisions to existing preserves or contracts, terminating contracts and disestablishing preserves. In conjunction with these duties, the APAC is responsible for monitoring and enforcement of the

Agricultural Preserve Program. When an application for a permit (or other County entitlement) involves land in a Williamson Act contract, the APAC has the responsibility to review the application to determine its consistency with the County's Uniform Rules. In addition, the APAC is responsible for determining the compatibility of land uses under the provisions of the Uniform Rules and the Williamson Act. From time to time it is also responsible for recommending revisions to the Rules to ensure their continuing consistency with the Williamson Act and suitability to Santa Barbara County. The APAC is a committee subject to the Ralph M. Brown Act and the public is welcome to attend meetings and provide input and comments on proposed recommendations or issues being discussed.

## DEFINITIONS

Some of the terms defined below are taken directly from the Williamson Act. The definitions in the Williamson Act (WA) may be amended from time to time by the state legislature. Any changes made to the Act's definitions will supersede the definitions included in these Rules. Other terms are taken directly from County zoning ordinance (Santa Barbara County Code Chapter 35, Zoning). Those definitions are also subject to change in response to future zoning ordinance amendments. In some cases, definitions are derived from County zoning ordinances or the Williamson Act but have been tailored to the requirements of the County's Agricultural Preserve Program and may be more restrictive than the zoning ordinances or the Williamson Act. Lastly, there are those definitions which have been developed specifically for the purposes of these Rules.

**Agricultural employee:** a person who primarily works or is engaged in agriculture.

**Agricultural preserve:** an area of contracted land devoted to either agricultural use, recreational use, or open space use, as herein defined, or any combination of those uses and which is established in accordance with the provisions of the Williamson Act and these Rules (derived from WA).

**Agricultural use:** the use of land for the purpose of producing an agricultural commodity for commercial purposes (WA).

**Cancellation:** the immediate removal from contract of a parcel or premises under Williamson Act or Farmland Security Zone contract.

**Commercial:** any activity or operation involving compensation or remuneration for its products or services.

**Commercial composting facility:** a commercial facility that is operated for the purpose of producing compost from the onsite and/or offsite organic material fraction of the waste stream and is permitted, designed, and operated in compliance with the applicable regulations contained in the California Code of Regulations, Title 14, Division 7, as may be amended from time to time. Non-commercial composting that is part of an agricultural operation is not included within this definition (derived from the Santa Barbara County Code, Chapter 35, Zoning).

**Contiguous:** Property shall be considered to be contiguous for the purposes of these Uniform Rules if two or more properties are adjoining, touch at a point or share a common boundary, or are separated by a road, street, utility easement, railroad right-of-way or other public facility so long as the property is owned in common and can reasonably be operated as a single agricultural unit (derived from Subdivision Map Act).

**Contract:** the legal document that binds the parties under the terms of the Williamson Act and these Rules.

**Contracted land:** land under either a Williamson Act or Farmland Security Zone contract; used generally to refer to all land in the County enrolled in the Agricultural Preserve Program.

**Development envelope:** the area of land in an agricultural preserve within which all residential, residential accessory structures, and other structures and uses not associated with the commercial agricultural operation, including landscaping and access to the buildings or structures, are located. Examples of such structures include, but are not limited to, guest houses, non-agricultural roads, and personal horse stables. Septic systems would be included in this development envelope if they take land out of agricultural production.

**Fully planted:** in conjunction with prime and superprime land, land devoted to active crop production, excluding both agricultural and non-agricultural buildings and structures as well as non-producing land. Fully planted land does not include: diseased or otherwise previously producing land which is not currently producing an adequate income for qualification as prime or superprime land; unplanted easements or unplanted setbacks; driveways and roads; waterways, wetlands and other terrain features that will not support commercial agricultural production.

**Guest ranch:** agricultural tourism that provides accommodation to paying guests incidental to or in conjunction with the principal commercial agricultural operation (derived from Santa Barbara County Code Chapter 35, Zoning).

**Guest house:** detached living quarters of a permanent type of construction without kitchen or cooking facilities of any kind, intended and used primarily for temporary guests of the occupants of the main building on the parcel on which such guest house is located, and not rented or otherwise used as a separate dwelling (Santa Barbara County Code Chapter 35, Zoning).

**Historic structure:** a structure that was built on or moved onto land prior to the land being placed under a Williamson Act contract and meets the requirements of the Cultural Resource Guidelines Historical Resources Element for a historic structure.

**Immediate family:** the spouse of the landowner, the natural or adopted children of the landowner, the parents of the landowner, the siblings of the landowner, or the grandchildren of the landowner.

**Land reclamation fill:** fill consisting of solid materials or soil that is non-toxic, noncombustible, non-organic and not hazardous, and which is used as fill to contour existing uneven terrain for the purpose of reclaiming land for agricultural use (County Grading Ordinance).

**Managed wetland area:** an area, which may be an area diked off from the ocean or any bay, river or stream to which water is occasionally admitted, and which, for at least three consecutive years immediately prior to being placed within an agricultural preserve pursuant to these Rules, was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes (WA).

**Multiple contract preserve:** the situation whereby two or more contiguous prime and/or superprime premises, none of which qualify independently as an agricultural preserve, are combined to meet the minimum preserve size of 40 acres; each ownership remains under a separate contract, but each ownership's continuing individual eligibility depends on remaining within a minimum 40-acre block of contracted land.

**Nonprime land:** land that is not prime (or superprime). This may include, but is not limited to, land used for grazing or dry farming (derived from WA).

**Nonrenewal:** withdrawal of land under contract whereby the contract remains in effect for the remainder of the term of the contract (i.e. 9 years for a Williamson Act contract or 19 years for a Farmland Security Zone contract).

**Notification of Assumption of Williamson Act Contract:** when all the land under a single contract is transferred to a new owner and no changes to contract boundaries result, the new owner shall assume the original contract and all of the requirements therein, and submit to the County such a notification.

**Open space use:** the use or maintenance of land in a manner that preserves its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, if the land is within a scenic highway corridor, a wildlife habitat area, a saltpond, a managed wetland area, or a submerged area, as these terms are herein defined in these Rules (derived from WA).

**Parcel:** a single parcel of land in one ownership, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, or Certificate of Compliance recorded in the County Recorder's Office or deed provided that such recorded deed does not create or attempt to create a parcel in violation of the provisions of any applicable California law or County ordinance (Santa Barbara County Code Chapter 35, Zoning); also referred to as legal parcel. Unless otherwise specified, the gross acreage of the parcel is considered to be the parcel size.

**Premises:** the area of land under a single Williamson Act or Farmland Security Zone contract; the premises may comprise a single legal parcel or multiple contiguous legal parcels under the same ownership.

**Prime land:** means any of the following:

1. All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.
2. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
4. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing

period on an annual basis from the production of unprocessed agricultural plant production not less than five hundred dollars (\$500) per acre.

5. Land which has returned from production of unprocessed agricultural plant products an annual gross value of not less than five hundred dollars (\$500) per acres for three of the previous five years, except that for irrigated pasture this figure will be two hundred dollars (\$200) per acre for three of the previous five years(derived from WA).
6. In all cases, prime land must have a secure water source adequate to support the agriculture on the premises.
7. Superprime land is a subset of prime land – see definition.

**Principal dwelling:** a dwelling serving as the primary inhabited structure.

**Recreational use:** the use of the land in its agricultural or natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, wilderness camping, scenic viewing, swimming, boating, fishing, hunting, horseback riding or other similar low intensity recreational activities (derived from WA).

**Replacement contract:** a contract that is required when the boundaries or principal uses (i.e. Agriculture, Open Space, or Recreation) of the original contract are changed.

**Rescission:** the process of simultaneously voiding an existing contract and entering into a new contract where there is no reduction in the amount of land under contract.

**Residential Agricultural Unit (RAU):** an attached or detached single family dwelling unit on a permanent foundation located in the AG-I-40, AG-II-40, AG-II-100, and AG-II-320 zone districts, or a detached duplex on a permanent foundation located in the AG-II-320 zone district, which provides complete, independent living facilities for one or more persons in addition to a principal one-family dwelling. A RAU shall not be sold, transferred, or financed separately from the principal structure, but may be rented or leased on a non-exclusive basis. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, and shall be located entirely on the same parcel that contains the principal dwelling (Santa Barbara County Code Chapter 35, Zoning).

**Submerged area:** any land determined by the Board of Supervisors to be submerged or subject to tidal action and found by the Board to be of great value to the state as open space (WA).

**Superprime land:** prime agricultural lands of the County south of the Santa Ynez Mountains and east of Gaviota Pass which are highly productive due to the combination of soils and climate that are uniquely suitable to specialty horticultural produce and floral varieties, and that are capable of supporting commercially viable agricultural operations on parcels as small as five acres. Superprime land is a subset of prime land and can be combined with either prime contracts or other superprime contracts to form a prime preserve of at least 40 acres. In order to qualify, it must meet specific production requirements that are different than regular prime land, as outlined in section 1-2.3 and Table 1-2 of these Rules.

**Wildlife habitat area:** a land or water area designated by the Board of Supervisors, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state (WA).

**Winery:** A bonded establishment primarily used for the purpose of processing grapes or other fruit products. Processing includes, but is not limited to, crushing, fermenting, blending, aging, storage, bottling, and wholesale/retail sales (Santa Barbara County Code Chapter 35, Zoning).

# UNIFORM RULE 1

## Requirements for Agricultural Preserves, and Williamson Act and Farmland Security Zone Contracts

*Adopted August 9, 1971, Amended by Resolution Nos. 73-28 (January 15, 1973), 74-84 (February 4, 1974), 74-344 (May 13, 1974), 75-825 (October 27, 1975), 76-29 (January 12, 1976), 78-466A (October 30, 1978), 84-464 (October 8, 1984), 99-268 (July 6, 1999), 07-193 (September 25, 2007)*

### 1-1. INTRODUCTION

The Williamson Act establishes certain minimum requirements and encourages participating local governments to establish requirements (which may be stricter than the Act but not more lenient) to tailor the program to better reflect local characteristics and objectives. This Rule sets out the County's criteria to be used in judging the qualifications of parcels for the creation and continuance of Agricultural Preserves and Williamson Act contracts, under the terms of the California Land Conservation Act of 1965 and these Rules, both as amended or to be amended. It includes such requirements as zoning, minimum preserve size, minimum parcel size, and agricultural production.

The signing of the Williamson Act contract and the adoption of the resolution creating the Agricultural Preserve shall be completed concurrently for all proposals.

As mentioned in the Introduction to these Rules, because Farmland Security Zone contracts are similar to Williamson Act contracts in terms of eligibility requirements and compatible uses, references to Williamson Act contracts in this Rule shall be presumed to include Farmland Security Zone contracts as well, unless specifically stated otherwise. Additional eligibility requirements specific to Farmland Security Zones are discussed in Rule 5.

#### 1-1.1 COUNTY OBJECTIVES

In determining initial and ongoing eligibility or reviewing related proposals, the Agricultural Preserve Advisory Committee shall take into consideration the following objectives of the County:

##### A. Commercial Agricultural Production

Land eligible for inclusion in the Agricultural Preserve Program shall be used principally for the commercial production of agricultural commodities. Lands not used for commercial agricultural production, but desirable for preservation, may qualify for inclusion in the program as preserves for recreational or open space use.

##### B. Land Quality

The quality of agricultural land varies widely, depending on soil, terrain, water availability, climate, and other factors. The County wishes to protect the maximum amount of

productive and potentially productive agricultural land, which can be either prime or nonprime land.

**1-2. ELIGIBILITY REQUIREMENTS**

In order to enter land into a Williamson Act contract or amend an existing contract, and maintain continued eligibility during the life of the contract, land must meet all of the applicable requirements identified in this Rule.

Only whole, legally created and recorded parcels shall be accepted in an agricultural preserve. Where a landowner applies to enroll their entire contiguous landholding in a single contract, and the landholding complies with these rules, the landowner shall not be required to provide a certificate of compliance or other evidence that the landholding is a legally created parcel or parcels. Documentation of parcel validity will be required should the landowner make a request for development on the parcel or parcels.

**1-2.1. COMPREHENSIVE PLAN AND ZONING REQUIREMENTS**

Eligible land shall have land use and zoning designations consistent with those listed in Table 1-1.

**Table 1-1. Comprehensive Plan and Zoning Requirements**

<b>Contract Type</b>	<b>Comprehensive Plan Designation</b>	<b>Zone Districts</b>
Agriculture and Recreation	Agricultural Commercial, Agriculture I, Agriculture II, and Mountainous Area	Agriculture, Mountainous, and Resource Management
Open Space	Agricultural Commercial, Agriculture I, Agriculture II, Mountainous Area, and Other Open Lands	Agriculture, Mountainous, and Resource Management

The zoning designation shall include a minimum parcel size consistent with the provisions of section 1-2.2 (e.g., AG-I-40 or MT-GOL-40 for a prime preserve or AG-II-100 or MT-TORO-100 for a nonprime preserve). The AG-I-5 zoning district may be used or applied only in conjunction with the provisions of subsection 1-2.2.C.3, Superprime Land.

Interested landowners with ineligible land use or zoning designations should request and secure a general plan amendment and/or rezone prior to or concurrent with the processing of the agricultural preserve and Williamson Act contract, subject to the provisions outlined in section 1-2.4. Land zoned under Ordinance 661 is not eligible for a Williamson Act contract unless the application is accompanied by a general plan amendment, rezone, or consistency rezone request.

**1-2.2. MINIMUM PRESERVE AND CONTRACT SIZE****A. Preserve Size**

Except as provided for in subsection C.4 below, the minimum size for an agricultural preserve comprising nonprime land shall be 100 acres and the minimum size for an agricultural preserve comprising prime or superprime land shall be 40 acres.

**B. Existing and Assumed Contracts**

Existing prime and nonprime contracts for which no changes are proposed that meet the minimum preserve size, but which are made up of parcels which do not meet the minimum parcel size set forth in subsection 1-2.2.C below, shall continue to be eligible with respect to minimum preserve and contract size. The assumption of an existing contract shall also continue to be eligible with respect to minimum preserve and contract size, assuming no changes to contract boundaries occur. If the owner of an existing or assumed contract proposes a change to the contract (e.g. changing the contract boundary or obtaining a permit for development) then the contract would need to adhere to all of the eligibility requirements contained in section 1-2.2 of this Rule.

**C. New and Replacement Contracts**

Applications for new or replacement contracts shall be considered for land if its size and type are one of the following:

**1. Nonprime Land**

When the land is classified as nonprime, the minimum preserve size is 100 acres under single ownership.

**2. Prime Land**

When the land is classified as prime, as defined in these Rules, the preserve can be made up of either of the following:

- a. A single parcel contract of at least 40 acres in size; or
- b. Two or more contiguous parcels (under one or more contracts) which total at least 40 acres, when each parcel (and contract where applicable) is either:
  - (1) A minimum of 20 acres; or
  - (2) A minimum of 5 acres of superprime land as defined in subsection C.3 below;  
or

(3) A combination of (1) and (2) above.

Subsections (1) through (3) above apply when contract applications for an aggregate preserve of 40 acres or more are concurrently processed or when a new contract for less than 40 acres is added to other contracts in an existing prime preserve.

### 3. Superprime Land

Prime agricultural lands of the County south of the Santa Ynez Mountains and east of the Gaviota Pass which are highly productive due to the combination of soils and climate are uniquely suitable to specialty horticultural produce and floral varieties, and are capable of supporting commercially viable agricultural operations even on smaller properties. The Board of Supervisors has determined that such “superprime” agricultural lands are important to protect and therefore finds that parcels between 5 acres and less than 20 acres in size are eligible for inclusion in 40-acre minimum prime preserves, pursuant to subsection 1-2.2.C.2.b above.

### 4. Prime Preserves Reduced in Size with Special Findings

Notwithstanding the above, the Board of Supervisors may at its discretion reduce the requirements for minimum size for the creation of a prime preserve to not less than 30 acres in one parcel, or in several contiguous parcels as stipulated in subsection 1-2.2.C.2, if it finds that such a smaller preserve is necessary due to the unique characteristics of agricultural enterprises in this County, that the establishment of such a preserve of lesser size is consistent with the Comprehensive Plan, as provided for in section 1-2.1, and that all of the following findings apply to the proposed preserve of lesser size:

- a. No other contiguous owners desire to enroll their land in a Williamson Act contract simultaneously to create a multiple contract preserve of 40 acres or more, pursuant to subsection 1-2.2.C.2 above;
- b. Each parcel meets the minimum requirements established for prime or superprime land pursuant to subsection 1-2.2.C.2;
- c. Each landowner maintains annual production records demonstrating that the land is being used for commercial agricultural production and continues to meet the eligibility requirements set forth in section 1-2.3, and makes such records available to the County upon request;
- d. The contracts will be subject to annual monitoring by the County for a period of no less than 5 years and thereafter as required pursuant to section 6-1.7 of these Rules. If at any time it is demonstrated that there is no longer a commercial agricultural operation on the premises, then the County shall proceed with issuing a notice of nonrenewal pursuant to section 6-1.7 of these Rules.

5. Special consideration

Other than superprime land, non-preserve islands surrounded by preserve lands may be considered as eligible when all criteria other than size are met.

D. Additions to Contracts

Additions to existing contracts of contiguous parcels shall be allowed as follows:

1. Nonprime Land

Any individual parcel 100 acres or greater in size, and which meets the definition of nonprime as set forth in these Rules, may be added to an existing nonprime contract provided the existing parcel(s) and parcel to be added are contiguous and are under the same ownership.

No sub-100 acre additions to nonprime contracts shall be allowed, except when the parcels to be added and existing contract are under the same ownership.

2. Prime and Superprime Land

Any individual parcel that meets the definition of either prime land or superprime land as set forth in subsection 1-2.2.C.2, and is a minimum of 20 acres or 5 acres, respectively, may be added to an existing prime or superprime contract within a prime preserve that is contiguous and under the same ownership. Any individual parcel that meets the definition of either prime land or superprime land as set forth in subsection 1-2.2.C.2, and is a minimum of 20 acres or 5 acres, respectively, may be added to a preserve containing both nonprime and prime land only when the total resulting prime or superprime land in the two or more adjacent parcels is 40 acres or more and when these prime or superprime lands are contiguous and under the same ownership.

No sub-20 acre additions to prime contracts or sub-5 acre additions to superprime contracts shall be allowed, except when the parcels to be added and existing contract are under the same ownership and any lot line is eradicated between a parcel within the existing contract and the added land, or adjusted pursuant to section 1-3 below, provided that all resulting parcels meet the individual parcel size requirements and combine to meet the minimum prime preserve size requirements for Williamson Act contracts as set forth in subsection 1-2.2.C.2.

### 1-2.3. COMMERCIAL PRODUCTION AND REPORTING REQUIREMENTS

To qualify for a Williamson Act contract and maintain ongoing eligibility, it must be demonstrated that the land is and will be used principally for the production of commercial agricultural products. This is particularly important for prime and superprime land which tends to be enrolled in smaller parcels. Therefore, contracts for prime and superprime land shall comply with the following productive acreage and annual production value/prime soils requirements, as presented in subsections A and B below. Nonprime land is addressed in subsection C, while subsection D applies to all contracted land.

#### A. Prime Land

In order to qualify and maintain eligibility for a contract, prime land shall comply with the following:

##### 1. Minimum Productive Acreage:

Prime land must maintain a minimum of either 50% of the premises or 50 acres, whichever is less, fully planted (as defined herein) in commercial agricultural production (with allowances for fallow periods, change of crop or production method), unless it can be demonstrated to the APAC that this is unreasonable due to terrain, sensitive resources or other similar constraints. Where constraints are determined to exist, the APAC will recommend the minimum productive acreage particular to the premises.

**In addition** to meeting this minimum productive acreage requirement, prime contracts shall also comply with either 2 or 3 below.

##### 2. Average Annual Production Value:

- a. Agricultural production on prime land must yield an annual gross product value equal to or exceeding five hundred dollars (\$500) per gross acre<sup>2</sup> per year averaged over at least three (3) of the previous five (5) years; or
- b. The land is planted with fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than 5 years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$500<sup>3</sup> per gross acre; or
- c. For irrigated pasture, agricultural production must yield an annual gross product value equal to or exceeding two hundred dollars (\$200) per gross acre per year

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<sup>2</sup> Gross acre refers to the entire number of acres under a single contract, not just the acres in production. For example, if only 20 acres on a 40-acre contract were in cultivation, the annual gross product value would need to be at least \$1,000 per planted acre in order to meet the \$500 per gross acre requirement.

<sup>3</sup> The product value is determined by multiplying the total annual productive acreage on the premises by the average value of the commodity for the previous five years as determined by the Agricultural Commissioner's Office, then dividing this total by the number of acres on the premises.

averaged over at least three (3) of the previous five (5) years, or must be able to support at least 1 animal unit month (AUM) per acre.

3. Prime Soils:

The land is composed of prime soils (i.e. qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classification or 80 through 100 in the Storie Index Rating).

B. Superprime Land

In order to qualify and maintain eligibility for a contract, superprime land shall comply with the requirements of either Column 1 or 2 of Table 1-2 below (as described in more detail in subsections B.1 and B.2 below), though in no case shall superprime land yield an annual gross product value per parcel less than \$5,000 **and** have fewer than 4.75 acres fully planted in commercial production:

**Table 1-2. Production Requirements for Superprime Land**

<b>Parcel Size (acres)</b>	<b>Column 1 Average Annual Production Value</b>	<b>Column 2 Minimum Productive Acreage per Parcel (acres)</b>
5 to 10	\$5000 per parcel	4.75
> 10 to 11	\$10,000 per parcel	5.00
> 11 to 12		5.50
> 12 to 13		6.00
> 13 to 14		6.50
> 14 to 15		7.00
> 15 to 16	\$15,000 per parcel	7.50
> 16 to 17		8.00
> 17 to 18		8.50
> 18 to 19		9.00
> 19 to < 20		9.50

1. Average Annual Production Value:

Agricultural production on superprime land must yield an annual gross product value per parcel equal to or in excess of the values listed in Column 1 of Table 1-2. The average annual production value is averaged over at least three (3) of the previous five (5) years, or the land is planted with fruit or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than 5 years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than the minimums set forth in Table 1-2. The production value is determined by multiplying the total production per parcel by the average value of the commodity for the previous five years as determined by the Agricultural Commissioner’s Office; or

## 2. Minimum Productive Acreage:

Contracts on superprime land must maintain a minimum acreage fully planted (as defined herein) in commercial agricultural production consistent with Column 2 of Table 1-2 (with allowances for fallow periods, change of crop or production method), unless it can be demonstrated to the APAC that this is unreasonable due to terrain, sensitive resources or other similar constraints. Where constraints are determined to exist, the APAC will determine the minimum productive acreage particular to that contract, however, in no case shall this be less than 4.75 acres.

### C. Nonprime Land

Contracted land that is nonprime shall be engaged in active commercial agricultural production as its principal use. Nonprime land may be used for either grazing and/or cultivated agriculture and shall have a secure water source if required to support the agricultural activity.

### D. Production Records

In order to ensure compliance with the production requirements in section 1-2.3, agricultural operations on contracted land shall maintain records of annual productive acreage and its production value to demonstrate continued eligibility, and make this information available to the County upon request.

## **1-2.4. ADJUSTMENTS TO PARCELS AND ZONING**

- A. Except as provided for in 1-2.2.D above, whenever a landowner wishes to enter only part of an existing parcel, the landowner shall record a subdivision map or lot line adjustment prior to or simultaneously with submitting an application for enrollment into the Agricultural Preserve Program and prior to execution of a Williamson Act contract.
- B. For prime and superprime contracts, parcels in the same ownership which are too small individually to qualify must be merged or adjusted before the contract may be recommended for approval by the APAC.
- C. After a contract is entered into, any size reduction of any parcel resulting from a land division or lot line adjustment within the contract shall be allowed only if all parcels thus created meet the eligibility criteria of this Rule and, if the exterior boundaries of the contract change, are accompanied by an application for a replacement contract.
- D. In order for a parcel or group of parcels to be eligible for new and replacement contracts, the parcel(s) shall be zoned to the applicable zoning designation consistent with the qualifying preserve.

### 1-3. LOT LINE ADJUSTMENTS

A lot line adjustment proposed on parcels which are under Williamson Act contract shall only be approved provided the landowner(s) and County mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to the requirements set forth in this Rule, and the Board of Supervisors finds all of the following:

- A. The lot line adjustment shall comply with all the findings for lot line adjustments in Chapter 35, Zoning, of the Santa Barbara County Code.
- B. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term of at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- C. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.  
*[Aggregate acreage refers to the total contract acreage combined between the parcels involved in the lot line adjustment.]*
- D. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.  
*[This finding refers to the location of the Williamson Act contract. Through the lot line adjustment, 90 percent of the new contract(s) would need to remain in the location of the original contract(s).]*
- E. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use.
- F. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- G. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- H. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the Comprehensive Plan.

### 1-4. PERMITTED RESIDENTIAL LAND USES

The Board of Supervisors recognizes the importance of providing housing opportunities on agricultural land enrolled in the Agricultural Preserve Program, in order to accommodate landowners and their agricultural employees. However, the Board also recognizes that the primary purpose of the Williamson Act is the long-term preservation of the maximum amount of agricultural and open space land. In an effort to balance these issues, the Uniform Rules allow for limited residential opportunities on contracted land. These allowances may be more restrictive than the applied zoning designation permits for residential site use.

All requests for residential structures including additions to existing residences, residential agricultural units (RAU), agricultural employee housing and accessory improvements and structures shall be reviewed by the APAC for a compatibility determination that the improvement or structure is sited in accordance with this section and the compatibility guidelines set forth in Rule 2.

The following sections present the types of housing units potentially available on contracted land, including principal dwellings, Residential Agricultural Units (RAUs), and agricultural employee housing. Table 1-3 highlights the various housing types and combinations permitted within each zone district. Please refer to the applicable zoning ordinances for more detailed information on the housing requirements and limitations for each zone district.

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

Zone District	Principal Dwelling	Ag Employee Housing <sup>1</sup>		RAU <sup>2,3</sup>		Guest House <sup>2</sup>		Residential Second Unit <sup>2,4</sup>
AG-I-5	✓	✓			+	✓	or	✓
AG-I-10	✓	✓		N/A	+	✓	or	✓
AG-I-20	✓	✓			+	✓	or	✓
AG-I-40	✓	✓	+	✓	or	✓		N/A
AG-II-40	✓	✓	+	✓	or	✓		
AG-II-100	✓	✓	+	✓	or	✓		
AG-II-320	✓	✓	+	one or duplex	+	✓		
MT-TORO	✓	N/A			+	✓		
MT-GOL	✓	✓		N/A	+	✓		
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> RAUs are only permitted on contracted land and are not permitted at all within the coastal zone.  
<sup>4</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).

**1-4.1. PRINCIPAL DWELLING**

- A. A single principal dwelling shall be allowed on the premises.
  
- B. Premises made up of parcels less than 100 acres in size
  - 1. For premises with parcels between 20 acres and less than 100 acres, the principal dwelling and all accessory structures (including Residential Agricultural Units), landscaping, and non-agricultural roads serving the dwelling shall occupy no more than 2 acres or 3% of the parcel, whichever is smaller.
  - 2. In the case of superprime contracts (premises with parcels between 5 acres and less than 20 acres in size), the principal dwelling and all accessory structures, landscaping, and non-agricultural roads serving the dwelling shall occupy no more than 10,000 square feet or such larger area as is provided for under subsection D below.
  - 3. Farm buildings, corrals, and permitted agricultural employee housing shall not be subject to the above site limitation, except in the case of superprime contracts as described in subsection D below.
  
- C. Premises containing parcels greater than or equal to 100 acres in size
  - 1. For premises with multiple parcels with a zoning minimum parcel size of 100 acres or greater, a maximum of three principal dwellings may be allowed provided each dwelling is located on a separate legal parcel at least 100 acres in size. As a condition of a land use permit, the additional principal dwelling(s) shall be occupied by an immediate family member as defined herein, and the property owner shall provide evidence of a written agreement that all lands within the agricultural preserve contract shall be managed principally for agricultural purposes, subject to the terms and conditions of the Williamson Act and Uniform Rules, for the duration of the contract.
  - 2. Where premises contain parcels both less than 100 acres and equal to or greater than 100 acres in size, and an existing principal dwelling is located on a parcel less than 100 acres in size, no further principal dwellings are allowed.
  - 3. In the case of a single principal dwelling on the premises, the dwelling and all accessory structures (including Residential Agricultural Units), landscaping, and non-agricultural roads serving the dwelling shall occupy no more than 2 acres or 3% of the parcel, whichever is smaller.
  - 4. In the case of two or three principal dwellings on the premises, the total area occupied by all of the dwellings and all accessory structures (including Residential Agricultural Unit), landscaping, and non-agricultural roads serving the dwellings shall be no more

than 3 acres. Farm buildings, corrals, and permitted agricultural employee housing shall not be subject to the above site limitation.

- D. Notwithstanding the commercial production requirements set forth in section 1-2.3.B, Superprime Land, superprime parcels greater than 10 acres (but less than 20 acres) may increase their development envelope allocation by planting additional land to commercial production. For each acre (or portion thereof) in size beyond a 10-acre parcel an additional 1,000 square feet may be added to the development envelope if 1 additional acre beyond the required minimum productive acreage is fully planted (as herein defined) in commercial agricultural production. Table 1-4 describes the increased allowances and planting requirements that are available for each parcel size. For example, a 15-acre parcel could increase its development envelope to a maximum of 15,000 square feet if at least 12 acres (5 acres above the minimum) are fully planted in commercial agricultural production. If a 15-acre parcel only wishes to add 2,000 square feet to its development envelope, then it would only need to plant 2 additional acres beyond its minimum productive acreage requirement of 7 acres. However, the maximum amount of square feet that a 15-acre parcel could add to its development envelope is 5,000, even if 6 or more acres above the minimum were planted.

This development envelope shall include the principal dwelling, landscaping, driveways, and accessory structures. Roads used for agricultural purposes are not included within the development envelope. Horse and other animal facilities (e.g. stables and corrals), new agricultural employee housing, and other similar agriculturally-related structures on superprime land may be remotely sited from the principal dwelling, as long as the total area occupied by these structures, when added to the area occupied by the principal dwelling and residential accessory structures, does not exceed the permitted envelope allowance as set forth in this section.

**Table 1-4. Development Envelope Allowances on Superprime Land**

<b>Parcel Size (acres)</b>	<b>Maximum Development Envelope Allowance (square feet)</b>	<b>Planting Requirement to Receive Allowance (acres)</b>	<b>Minimum Productive Acreage (from Table 1-2)</b>
for: 5 – 10	up to: 10,000	If: 4.75	4.75
> 10 – 11	11,000	6.00	5.00
> 11 – 12	12,000	7.50	5.50
> 12 – 13	13,000	9.00	6.00
> 13 – 14	14,000	10.5	6.50
> 14 – 15	15,000	12.0	7.00
> 15 – 16	16,000	13.5	7.50
> 16 – 17	17,000	15.0	8.00
> 17 – 18	18,000	16.5	8.50
> 18 – 19	19,000	18.0	9.00
> 19 – < 20	20,000	19.5	9.50

- E. In order to preserve productive agricultural land to the maximum extent feasible, the development envelope shall minimize intrusion into agricultural areas and minimize 'barbell', 'peninsula', and 'finger' type configurations. A guest house or RSU, where allowed under the zoning ordinance, shall be included in the development envelope and must be clustered with the principal dwelling.

#### **1-4.2. RESIDENTIAL AGRICULTURAL UNIT**

The purpose of a Residential Agricultural Unit (RAU) is to protect, promote and enhance an agricultural operation by providing either an additional housing opportunity for the agriculturist and his/her family or a potential additional income source that is incidental and supportive of the principal agricultural use of the land, while preserving the integrity of the agricultural area. The RAU may be occupied by the owner, a family member, an employee of the agricultural operation or a renter. RAUs are subject to the following provisions:

- A. In addition to the principal dwelling, one RAU may be permitted on the premises in AG-I-40, AG-II-40, AG-II-100, and AG-II-320 zone districts, in accordance with the RAU Program in the Santa Barbara County Code Chapter 35, Zoning. The RAU may be remotely sited in AG-II-100 and AG-II-320 zone districts, otherwise the RAU must be clustered with the principal dwelling.
- B. Whether the RAU is clustered or remotely sited, the combined area dedicated to residential uses (including the principal dwelling, RAU, and all accessory structures and improvements, e.g. non-agricultural driveways) shall not exceed 3% of the total parcel size or 2 acres, whichever is smaller. If remotely sited, the RAU shall be limited to a 1-acre building site.
- C. A RAU shall be located on the same parcel as the existing principal dwelling in compliance with the size, siting and other restrictions set forth in the Santa Barbara County Code Chapter 35, Zoning.

Nothing in this section affects an owner's ability to build agricultural employee housing pursuant to section 1-4.3 below.

#### **1-4.3. AGRICULTURAL EMPLOYEE HOUSING**

All requests for agricultural employee housing units subject to a Williamson Act contract, including trailers, mobile homes on permanent foundations, and other types of permanent residential structures that are proposed on the premises shall be reviewed by the Agricultural Preserve Advisory Committee for a determination of need. Along with the agricultural employee, his or her family may occupy the agricultural employee housing.

- A. Prior to the issuance of a land use permit or conditional use permit<sup>4</sup>, the landowner shall sign and record a *Notice to Property Owner* with the County that runs with the land affirming that the agricultural employee housing is occupied by an agricultural employee as defined herein. The *Notice to Property Owner* shall include a statement that if at any time the unit is occupied by someone other than an agricultural employee and his/her family, the owner must vacate or remove the unit, or convert the agricultural employee housing unit to a permitted use.
- B. Any new agricultural employee housing should be located to minimize the use of agricultural land, and avoid prime soils and conflicts with agricultural production to the maximum extent feasible.
- C. Given the unique characteristics of superprime land, landowners of superprime contracts shall demonstrate to the APAC that any new agricultural employee housing will not interfere with the agricultural operation on the subject premises or on other adjacent agricultural lands. To ensure this, any new agricultural employee housing subject to a superprime contract shall count towards the allotted development envelope as set forth in section 1-4.1 of this Rule, though it may be remotely sited from the principal dwelling.

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<sup>4</sup> The Zoning Ordinance currently requires that any agricultural employee for which housing is being provided work only on the premises, unless part of a farm labor camp (5 or more units). Any agricultural employee housing units subject to a Williamson Act contract shall be consistent with the Zoning Ordinance, as amended.

## UNIFORM RULE 2

### Compatible Uses within Agricultural Preserves

Land enrolled in the Agricultural Preserve Program is to be used principally for commercial agricultural production, with the exception of land enrolled for open space or recreational purposes. However, the Board recognizes that it may be appropriate to allow secondary uses on contracted land that are either incidental to, or supportive of, the agricultural operation on the property. This Rule provides guidance and criteria for evaluating these uses on land under Williamson Act and Farmland Security Zone contracts in terms of their compatibility and consistency with the purpose and intent of the Williamson Act. It is the goal of this County that, through application of the principles of compatibility in the Act, compatible uses allowed on contracted land will be beneficial to and inherently related to the agricultural use of the land.

It should be noted that some uses that are allowed by zoning are not allowed on contracted land because they would not be considered compatible with the Williamson Act. At the same time, there are uses that would be deemed compatible under the Williamson Act but would not be allowed under County zoning ordinances. Therefore, for a use to be allowed on contracted land, it must be both permitted by County zoning and found to be compatible under the Act and these Rules. Compatibility is evaluated by the APAC on a case-by-case basis. Uses deemed compatible through application of this Rule are still subject to all applicable standards and requirements in County zoning ordinances as well as the County's Comprehensive Plan, where appropriate.

The first section of this Rule provides general compatibility principles, as established under the Williamson Act, to be applied to all land uses and activities occurring within contracted land, including both Williamson Act and Farmland Security Zone contracts. The remaining sections provide more specific criteria and requirements for specific land uses and activities that the Board has determined must be met for the use or activity to be considered compatible with agriculture and consistent with the Williamson Act.

Except as specifically stated in rule 2-2.1.A, the provisions of this rule are in addition to and do not limit applicability of the eligibility requirements of Rule 1.

#### **2-1. COMPATIBILITY GUIDELINES**

##### **2-1.1. PRINCIPLES OF COMPATIBILITY (Section 51238.1 of the Williamson Act<sup>5</sup>)**

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

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<sup>5</sup> Section 2-1.1 is verbatim of state law (2006) with the exception of changes to applicable section references and replacement of the phrase "board or council" with "Board of Supervisors" or "Board".

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.
- B. The Board may include in these compatible use rules conditional uses which, without conditions or mitigations, would not be in compliance with this section. These conditional uses shall conform to the principles of compatibility set forth in subsection 2-1.1.A above or, for nonprime lands only, satisfy the requirements of subsection 2-1.1.C below.
- C. In applying the criteria pursuant to section 2-1.1, the Board may approve a use on nonprime land which, because of onsite or offsite impacts, would not be in compliance with paragraphs A and B of section 2-1.1, provided the use is approved pursuant to a conditional use permit that shall set forth findings, based on substantial evidence in the record, demonstrating the following:
1. Conditions have been required for, or incorporated into, the use that mitigate or avoid those onsite and offsite impacts so as to make the use consistent with the principles set forth in paragraphs A and B of section 2-1.1 to the greatest extent possible while maintaining the purpose of the use.
  2. The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair agricultural operations.
  3. The use is consistent with the purposes of the Agricultural Preserve Program to preserve agricultural and open-space land or supports the continuation of agricultural uses, as defined in these Rules, or the use or conservation of natural resources, on the subject parcel or on other parcels in the agricultural preserve. The use of mineral resources shall comply with Section 51238.2 of the Williamson Act.
  4. The use does not include a residential subdivision.

### **2-1.2. OTHER COMPATIBILITY CRITERIA**

- A. The use does not result in the significant increase in the density of the temporary or permanent human population that could hinder or impair agricultural operations on the subject property and/or other agricultural lands in the vicinity.
- B. The use does not require and will not encourage the extension of urban services such as sewer or the upgrade of public roads to urban standards that could encourage premature conversion of agricultural land to non-agricultural uses.
- C. The use does not include a residential subdivision in any agricultural preserve or farmland security zone.

## **2-2. SUPPORTIVE AGRICULTURAL USES**

*Adopted by Resolution No. 77-157 (March 28, 1977), Amended by Resolution Nos. 77-320 (June 27, 1977) and 84-464 (October 8, 1984), 07-193 (September 25, 2007)*

The purpose of this section is to establish standards for compatible uses within contracted land which permit the preparation for shipment and sale and limited processing of agricultural products.

### **2-2.1. PREPARATION AND PROCESSING**

#### **A. Preparation Facilities.**

The preparation for market of agricultural products in their raw state includes but is not limited to: sorting, grading, cleaning, packing, cooling and shipping, and is deemed compatible provided all the following are met:

1. The facility does not exceed 50% of the parcel or 30 acres, whichever is less, except the Board of Supervisors may allow a preparation facility to exceed 50% of the parcel if it finds that a substantial benefit to the agricultural community and the public can be demonstrated. However, in no case shall the facility exceed 30 acres. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production. Included within this site are roads serving these uses<sup>6</sup>, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural production.

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<sup>6</sup> For dual-use roads, only that portion of the road which is required to serve the facility by extending it beyond the agricultural road will count towards the site acreage limitation. In addition, if widening a dual-use road to meet County standards takes land out of agricultural production, then the extra width will count towards the site acreage limitation.

2. The acreage allowances identified above are maximums and will only be permitted upon a demonstrated need.
3. All such uses are subject to all zoning requirements, including a conditional use permit, when applicable, and its conditions and standards that are found necessary to maintain compatible agricultural land uses.
4. The parcel with the preparation facility has at least 50% of the parcel or 50 acres in commercial agricultural production, whichever is less, unless it can be demonstrated to the Agricultural Preserve Advisory Committee that it is unreasonable due to terrain, sensitive habitat and/or resources or other similar constraints. Where constraints are determined to exist, the Agricultural Preserve Advisory Committee will recommend the minimum productive acreage particular to the premises. Notwithstanding the commercial production eligibility requirements in Rule 1-2.3, the Board of Supervisors may establish different minimum production acreage requirements particular to the parcel and/or premises if the Board finds that a substantial benefit to the agricultural community and public can be demonstrated.

#### **B. Processing of Wine Grapes.**

Due to the unique qualities and desirability of processing premium table wines near the vineyard, wineries are deemed compatible within contracted land, provided that all of the following criteria are met:

1. A vineyard(s) has been planted on the parcel for which the winery is proposed prior to County approval of the winery;
2. At least 51% of the winery case production shall be from grapes grown on the premises and/or from other contracted land under the same ownership in Santa Barbara County. At least 20% of the case production shall be from grapes grown on the parcel with the winery. Additional vineyard planting may be required on the premises to ensure compliance with the commercial production requirements in Rule 1-2.3;
3. For premises 500 acres or less, that such uses do not occupy land exceeding 10% of the premises or 5 acres, whichever is less. Premises greater than 500 acres are permitted 1 additional acre for a winery site for each additional 100 acres above 500 under contract, not to exceed 20 acres. Included within this site are roads serving these uses<sup>7</sup>, all parking and storage areas, landscaping, loading areas, all attached and detached supportive structures and any other related improvements. Wastewater treatment systems are included within this site limitation if they take land out of agricultural

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<sup>7</sup> For dual-use roads, only that portion of the road which is required to serve the facility by extending it beyond the agricultural road will count towards the site acreage limitation. In addition, if widening a dual-use road to meet County standards takes land out of agricultural production, then the extra width will count towards the site acreage limitation.

- production. Winery support facilities, including wastewater facilities and tasting rooms, may be remotely sited from the winery as long as the total area occupied by these uses, when added to the winery development envelope, does not exceed the permitted envelope allowance as set forth in this section. All such uses shall be confined to a single parcel (excepting the access road) within the premises and sited in a manner that minimizes, to the extent feasible, the land area taken out of agricultural production.
4. The acreage allowances identified above are maximums and will only be permitted upon a demonstrated need to support the agricultural operation.
  5. All such uses are subject to all zoning requirements, including a conditional use permit, when applicable, and its conditions and standards that are found necessary to maintain compatible agricultural land uses.
- C. **(Reserved for Future Use)**
- D. **(Reserved for Future Use)**
- E. **Facilities Visible from a State-designated Scenic Highway**

Agricultural preparation and processing facilities visible from a State-designated scenic highway should be sited, screened, and designed to be compatible with the scenic and rural character of the area.

### **2-2.2. RETAIL SALES**

The sale of agricultural products permitted by this Uniform Rule is deemed compatible within contracted land providing:

- A. All retail sales shall comply with all applicable regulations within the County's zoning ordinances.
- B. All retail sales adhere to the compatibility guidelines set forth in section 2-1.
- C. Only one retail sales location is permitted on the premises.
- D. For wineries, a tasting room and retail sales are only allowed if associated with a winery on the parcel. If two or more wineries exist on the premises, they must share a single tasting room and retail sales area.

## **2-3. ANIMAL BOARDING AND BREEDING FACILITIES**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978), 84-464 (October 8, 1984); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

### **2-3.1. INCIDENTAL BOARDING AND BREEDING**

Incidental animal boarding and/or breeding facilities, whether for commercial or personal use, are compatible within contracted land providing all of the following are met:

- A. Only one incidental boarding and/or breeding facility located outside the designated building envelope is allowed on the premises for either commercial, personal or combined commercial/personal boarding and/or breeding.
- B. Such use is genuinely incidental to the principal uses of the land as specified in the criteria set forth in Uniform Rules 1 (Agricultural) and 4 (Recreational);
- C. Any facilities required for personal boarding/breeding use shall be counted toward the designated development envelope, though the boarding/breeding facilities may be remotely sited from the principal dwelling;
- D. Any facilities required for incidental commercial boarding/breeding use on non-prime contracted land shall be limited to 3% of the parcel or 2 acres, whichever is less;
- E. Any facilities required for incidental commercial boarding/breeding use on prime contracted land shall be limited to 3% of the parcel or 2 acres, whichever is less, provided at least 50% of the parcel is devoted to the principal agricultural operation;
- F. Any facilities required for incidental commercial boarding/breeding use on superprime land shall be included within the designated development envelope, though the boarding/breeding facilities may be remotely sited from the principal dwelling;
- G. When required, a conditional use permit has been granted by the County pursuant to the zoning ordinance, for the boarding and/or breeding facilities.

### **2-3.2 PRINCIPAL BOARDING AND BREEDING**

Notwithstanding subsection 1-1.1.A above, boarding and/or breeding facilities for animals developed as the principal use on the premises are compatible within contracted land providing all of the following are met:

- A. The premises must meet the eligibility requirements described in Uniform Rule 1 for either a prime or nonprime preserve. Boarding and/or breeding facilities for animals developed as the principal use of the premises are not compatible within superprime contracts;
- B. The premises meets the following commercial agricultural production requirements:

1. Parcels 40 acres or greater qualifying as a prime preserve or parcels 100 acres or greater qualifying as a non-prime preserve shall maintain a minimum 20 acres of irrigated pasture.
  2. Two contiguous parcels qualifying together as a prime preserve:
    - a. If under a single contract, shall maintain a minimum 20 acres of irrigated pasture combined; or
    - b. If under separate contracts, each parcel for which animal breeding/boarding is the principal use shall maintain as irrigated pasture a minimum of 10 acres, or 50% of the parcel, whichever is greater;
- C. Such facilities shall not produce traffic volumes detrimental to the commercial agricultural productivity of the area;
- D. The total area of land covered by all permanent improvements, excluding the principal dwelling, shall not exceed 20% of the premises or 20 acres, whichever is less. For the purposes of this Rule, permanent improvements include: any object affixed to the ground, landscaping, buildings, and structures, such as stables and exercise rings;
- E. Such facilities adhere to the compatibility guidelines set forth in section 2-1 of these Rules;
- F. When required, a conditional use permit has been granted for such facilities by the County pursuant to the Santa Barbara County Code Chapter 35, Zoning.

## **2-4. RESERVED FOR FUTURE USE**

## **2-5. RECREATION**

Recreational uses, such as walking, hiking, picnicking, wilderness camping, scenic viewing, swimming, boating, fishing, hunting, and horseback riding, are deemed compatible uses on contracted land. Examples of non compatible uses are: motor vehicle use which is detrimental to the productivity of the land, and golf courses. Uses which are compatible shall meet all of the following requirements:

- A. The use is limited to land in its agricultural or natural state;
- B. The use is consistent with the compatibility guidelines set forth in section 2-1 of this Rule and with any restrictions imposed by the applicable zone district in the Santa Barbara County Code Chapter 35, Zoning;
- C. Any facilities or structures necessary to support such uses, and which are not principally used as part of the agricultural operation, must be included within the acreage allowed for

the development envelope on the premises and be sited in a manner that minimizes impacts to agriculture;

- D. Only incidental low-intensity motorized activities shall be allowed.

Contracted land that is used solely for recreation, where no agriculture is taking place, shall adhere to the requirements set forth in Rule 4.

## **2-6. RESERVED FOR FUTURE USE**

## **2-7. WASTE DISPOSAL AND COMMERCIAL COMPOSTING FACILITIES**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978), 84-464 (October 8, 1984); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

- A. Sanitary fill waste disposal facilities and transfer stations are not compatible uses on contracted land.
- B. Commercial composting facilities (as defined herein) may be deemed compatible if all of the following findings are made:
  - 1. The facility is consistent with the compatibility guidelines set forth in section 2-1 of this Rule;
  - 2. The facility provides a direct benefit/link to the agricultural operation on the premises and other agricultural lands in the vicinity;
  - 3. Construction of the facility will require little to no grading or other ground disturbance;
  - 4. The facility is appropriately scaled and sited in such a manner that it will not interfere with the agricultural operation on the premises or other adjacent agricultural operations;
  - 5. A land restoration plan has been prepared for the facility that returns the facility site to agriculture upon its termination;
  - 6. The footprint of the commercial composting facility occupies no more than 10% of the premises, or 20 acres, whichever is less; composting is appropriately sited and scaled; and it is incidental to the primary agricultural use of the premises. Commercial composting facilities shall only occur on premises at least 40 acres in size within the AG-II zone district, in order to ensure compatibility with surrounding agricultural lands.

A conditional use permit may be required pursuant to the Santa Barbara County Code Chapter 35, Zoning.

C. Land Reclamation Fill activities may be deemed compatible if all of the following findings are made:

1. The land reclamation fill meets the definition as set forth in these Rules;
2. The fill activity is consistent with the compatibility guidelines set forth in section 2-1 of this Rule;
3. The fill activity provides a long-term benefit to the agricultural operation on the premises.

A grading permit may be required pursuant to the County's Grading Ordinance.

## **2-8. MINING EXTRACTION AND QUARRYING**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978), 84-464 (October 8, 1984); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

Mining, extraction, and quarrying of natural resources are compatible on contracted land when such uses are incidental and will not be disruptive to the principal agricultural use on the premises and are subject to all of the following provisions:

- A. The material excavated shall be transported within a reasonable time to an off-site use or stockpiling facility. Only stockpiling and/or sorting of the material mined on the premises are permitted on contracted land. Importing material from off-site for processing and recycling activities associated with the mining operations are not compatible uses under these Rules.
- B. Pursuant to section 51238.2 of the Williamson Act, mineral extraction shall only be approved if the Board is able to document that the underlying contractual commitment to preserve prime or nonprime land will not be significantly impaired. Conditions imposed on mineral extraction as a compatible use shall include compliance with the reclamation standards adopted by the Mining and Geology Board pursuant to Section 2773 of the Public Resources Code, including the applicable performance standards for prime agricultural land and other agricultural land, and no exception to these standards may be permitted.

## **2-9. GAS, ELECTRIC, WATER, AND COMMUNICATION FACILITIES**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

- A. The erection, construction, alteration or maintenance of gas, electric, water or communication utility facilities are compatible uses. Communication facilities shall include, among others, radio, television, telecommunications, Cable TV and facilities necessary for the aid of navigation by land, air or sea.
- B. Agricultural accessory structures, including but not limited to, windmills or solar panels for pumping water, wind turbines used for frost protection, and water generation for on-site agricultural uses, are deemed compatible uses.
- C. Energy production structures, such as wind energy conversion systems and solar panels, are permitted subject to applicable zoning requirements and review by the Agricultural Preserve Advisory Committee pursuant to the compatibility guidelines as stated in section 2-1 of this Rule.

## **2-10. OIL AND GAS DRILLING AND PRODUCTION FACILITIES**

*Resolution Nos. 67-193, 70-89, 70-90, 70-752, 75-929 (December 8, 1975), 78-466A (October 30, 1978); Minute Orders of October 18, 1971 and July 17, 1972, 07-193 (September 25, 2007)*

Incidental oil and gas drilling and production facilities as defined hereinafter and pipelines are compatible uses. For the purposes of this section, oil and gas drilling and production facilities are defined as all facilities necessary to:

- A. Drill for and produce oil, gas and other hydrocarbons from a well bore;
- B. Separate oil, water and gas from each other;
- C. Prepare such products for shipping and storage;
- D. Recycle, repressurize or inject such products or other substances for underground disposal, for underground storage and in connection with secondary recovery operations; and
- E. Provide storage facilities for such products pending disposal thereof under A through D hereof and to temporarily store other substances used in A through D hereof. It shall not include refineries nor "tank farms" nor any other use not accessory or incidental to drilling and production facilities as defined above nor any operations not reasonably required to be performed at or within the vicinity of the wellhead.

## **2-11. TEMPORARY FILMING AND SPECIAL EVENTS**

Temporary filming activities<sup>8</sup> and temporary uses (special events)<sup>9</sup>, as may be permitted by the County, may be considered compatible on contracted land if the activity is consistent with the compatibility guidelines set forth in Section 2-1 of this Rule and does not hinder or impair the short-term or the long-term agricultural activities on the premises or on other properties in the vicinity.

Note: All applications for temporary uses on contracted lands requiring an LUP or CUP shall be reviewed by the APAC for consistency with the Uniform Rules, as are all other applications. This note does not obviate the requirement for applications for other uses or requests for other entitlements on contracted lands to be reviewed by the APAC.

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<sup>8</sup> Pursuant to Chapter 14 C, Sections 5, 6 and 13 of the Santa Barbara County Code.

<sup>9</sup> Pursuant to Section 35.42.250 (Temporary Uses and Trailers) of the Santa Barbara County Code.

## UNIFORM RULE 3

### Williamson Act Contracts for Open Space

*Adopted by Resolution No. 75-826 (October 27, 1975), Amended by Resolution No. 84-464 (October 8, 1984) and Resolution No. 07-193 (September 25, 2007)*

This Rule applies to Williamson Act contracts solely for open space, where no agriculture is taking place. Land that is dedicated to a combination of agriculture and open space shall be considered an agricultural operation with compatible open space and must comply with the requirements and provisions for an Agricultural Preserve under Rules 1 and 2. Land used exclusively for open space is not eligible for a Farmland Security Zone contract.

The amount of land in the County that is potentially eligible for a Williamson Act contract for open space is small relative to land eligible for inclusion in the Agricultural Preserve Program on the basis of agriculture. The small number of anticipated applications due to the narrow definition of open space in the Williamson Act, combined with the diversity of open space uses and natural characteristics of the land, necessitates careful review of applications on a case-by-case basis. The sections that follow describe the minimum standards and requirements for lands enrolled in contracts for open space uses.

### **3-1. ELIGIBILITY REQUIREMENTS**

#### **3-1.1. CHARACTER OF LAND**

To be eligible for a Williamson Act contract for Open Space the land must be located in a scenic highway corridor, a designated wildlife habitat area, a managed wetland or a submerged area as defined by these Rules. It shall be the policy of the County to favor lands which have high scenic value adjoining and visible from designated scenic highways, or land that provides necessary wildlife habitats as determined through consultation with the Department of Fish and Game.

#### **3-1.2. COMPREHENSIVE PLAN AND ZONING REQUIREMENTS**

Eligible land shall have a land use and zoning designation consistent with section 1-2.1 of these Rules.

#### **3-1.3. MINIMUM CONTRACT SIZE**

With the exception of land adjoining or visible from a designated scenic highway, each contract shall consist of at least one hundred (100) acres of land in a single ownership in one parcel. Changes of ownership and terminations shall be subject to the provisions of Uniform Rule 6. In the event that an otherwise qualifying parcel has less than one hundred (100) acres but not less than forty (40) acres, the Board of Supervisors may consider it eligible based on the "unique" features of the open space land involved. "Unique" is defined here as a natural feature and/or biological

process not found in other parts of the County, state or nation; a unique feature is, for example, a rare, endangered, endemic and/or exemplary floral or fauna species or geologic feature. The terms and uses of this "unique" open space shall be stated in the contract.

Land adjoining and visible from a State or locally-designated scenic highway in parcels of any size will be eligible for a Williamson Act contract for open space and preserve status under this Rule upon request of the owner. Such contracts shall comply with all other applicable requirements of these Rules.

### **3-2. COMPATIBLE LAND USES**

No uses shall be permitted that produce an income from the property. Limited, non-intensive, incidental recreational uses may be permitted where they are deemed appropriate. These uses, by the owner or a lessee with a minimum five-year lease (or non-paying guests of either), may include hiking, horseback riding, scenic viewing, temporary tent camping (as in Federal Wilderness Areas) and similar activities. The limits and conditions on these incidental recreational uses shall be stated in the contract and may preclude certain specified recreational uses completely. Scientific study may also be conducted within a Williamson Act contract for Open Space, provided it does not result in the removal or disturbance of significant vegetation, geologic features or landforms. Except as provided for in section 51238.(a) of the Williamson Act, no structures shall be built or placed upon the land, and no equipment use or mechanized or motorized vehicle use shall be permitted on the land except in the case of emergencies and necessities, such as fire fighting and prevention, flood control, and other hazard prevention and control. There shall be an imputed income of a minimum of \$2.00 per acre per year for assessment purposes.

### **3-3. MAINTENANCE OF THE LAND**

The owner shall maintain the property in an attractive, scenic way to preserve its natural state. All maintenance activities, including vegetative management such as controlled burning, activities minimizing fire, flood and other hazards, changes to add floral or faunal materials, and changes to the natural character of the existing preserve, must be reviewed in advance by the Agricultural Preserve Advisory Committee. The County reserves the right to monitor and enforce the terms of the contract pursuant to section 6-1.7 of these Rules.

## UNIFORM RULE 4

### Williamson Act Contracts for Recreation

*Adopted by Resolution No. 75-827 (October 27, 1975), Amended by Resolution No. 84-464 (October 8, 1984) and Resolution No. 07-193 (September 25, 2007)*

This Rule applies to Williamson Act contracts solely for recreation, where no agriculture is taking place. Land that is dedicated to a combination of agriculture and recreation shall be considered an agricultural operation with compatible recreation and must comply with the requirements and provisions for an Agricultural Preserve under Rules 1 and 2. Land used exclusively for recreation is not eligible for a Farmland Security Zone contract.

The amount of land in the County that is potentially eligible for a Williamson Act contract for recreational uses is small relative to land eligible for inclusion in the Agricultural Preserve Program on the basis of agriculture. The small number of anticipated applications combined with the diversity of recreational uses and natural characteristics of the land necessitate careful review of applications on a case-by-case basis. The sections that follow describe the minimum standards and requirements for lands enrolled in contracts for recreational uses.

#### 4-1. ELIGIBILITY REQUIREMENTS

##### 4-1.1. COMPREHENSIVE PLAN AND ZONING REQUIREMENTS

Eligible land shall have a land use and zoning designation consistent with section 1-2.1 of these Rules. Additionally, the proposed recreational use of the contracted land must be consistent with the zone district in which it is located.

##### 4-1.2. MINIMUM CONTRACT SIZE

The minimum preserve and contract size shall be one hundred (100) acres in a single parcel, except where sub-100 acre parcels of outstanding scenic, historic or cultural value are deemed to be particularly suited for park and recreation purposes, in which case a minimum of thirty (30) acres in a single parcel may qualify for a Williamson Act contract for Recreation. These sub-100 acre preserves may include, but not necessarily be limited to, access to lake shores, beaches, and rivers and streams; and areas which serve as links between outdoor recreation and natural open space preserves, including utility easements, banks of rivers, trails and scenic highway corridors. Changes of ownership and terminations shall be subject to the provisions of Uniform Rule 6.

#### 4-2. SUBMITTAL REQUIREMENTS

In order to be eligible for a Williamson Act contract for Recreation, the landowner must submit a business plan demonstrating the nature and extent of the recreational use to be provided. The

business plan should include, at a minimum: a description of the recreational activities proposed on the premises and the facilities and accessory structures necessary for its operation; a timeline for implementation of the business plan; and an estimate of the number of visitors anticipated. The owner shall maintain records of visitor usage on an annual basis and provide them to the County upon request.

### **4-3. COMPATIBLE LAND USES**

- A. One principal dwelling, subject to the requirements of these Rules and applicable zoning ordinances, shall be permitted on the premises. The principal dwelling and all accessory structures and landscaping shall occupy no more than 2 acres or 3% of the parcel, whichever is smaller.
- B. Besides the principal dwelling, the land uses shall be limited to those which meet the definition of recreational use established in these Rules and are consistent with the applicable compatibility guidelines set forth in Rule 2.1. An exception to this is provided for in section 51238(a)(1) of the Williamson Act, which allows for certain facilities in any preserve land, unless the Board of Supervisors finds otherwise. Examples of compatible low intensity recreational uses include hiking, picnicking, horseback riding, wilderness camping, scenic viewing, hunting, fishing, boating, swimming, and scientific research and study. Examples of non-compatible uses are: motor vehicle use which is detrimental to the productivity of the land, and golf courses. Any fee charged for the recreational use of the land shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public.
- C. Any recreational facilities, such as buildings, stables, and similar structures, shall be included in the development envelope and together with the residential structures occupy no more than 3% of the parcel or 2 acres, whichever is less.
- D. Requests for remote siting of structures shall be evaluated on a case-by-case basis by the Agricultural Preserve Advisory Committee, and the site for remote structures shall not exceed 1 acre.

### **4-4. MAINTENANCE OF THE LAND**

The landowner shall maintain the property, in an attractive, scenic way, to preserve its natural or rural character. The landowner shall submit to the APAC a management plan that details the ongoing and routine maintenance activities expected on the premises (e.g. trail maintenance), as well as deferred maintenance anticipated in the future. Except for those of a minor nature, any maintenance activities not included within this management plan, including activities minimizing fire, flood and other hazards, changes to add floral or faunal materials, and changes to the natural character of the existing preserve, must be reviewed in advance by the Agricultural Preserve Advisory Committee. The County reserves the right to monitor and enforce the terms of the contract pursuant to section 6-1.7 of these Rules.

## UNIFORM RULE 5

### Farmland Security Zones

*Adopted by Resolution No. 99-318 (August 10, 1999) and amended by Resolution No. 07-193 (September 25, 2007)*

Farmland Security Zones were developed by the state legislature and added to the Williamson Act in 1998 as an added incentive to landowners to retain their land in agriculture for the long-term. Lands entered into contracts under the Farmland Security Zone Program are awarded greater property tax reductions (35% reduction of assessed Williamson Act or Proposition 13 value) in exchange for committing to stay in agriculture for a minimum of 20 years. Lands within a Farmland Security Zone are afforded the same rights and privileges and are administered similarly to lands under the regular Agricultural Preserve Program, though a few differences exist. This Rule sets forth the specific eligibility criteria, contract terms, and methods of contract termination that apply to contracted land in a Farmland Security Zone.

No land shall be included in a farmland security zone unless expressly requested by the landowner. A Farmland Security Zone may be composed of more than one contract. If more than one landowner requests the creation of a farmland security zone and the parcels are contiguous, the County shall place those parcels in the same Farmland Security Zone.

#### 5-1. ELIGIBILITY REQUIREMENTS

- A. Only whole legal parcels are eligible for Farmland Security Zone contracts.
- B. To be eligible, land must either be in an existing Williamson Act contract or the landowner(s) may also petition the Board of Supervisors to create a farmland security zone for the purpose of entering into a Farmland Security Zone contract. If in an existing Williamson Act contract, a landowner or group of landowners may petition the Board of Supervisors to rescind a contract or contracts entered into pursuant to the Williamson Act in order to simultaneously place the land under a contract(s) designating the property as a Farmland Security Zone.
- C. The land must either:
  - 1. Be designated on the Important Farmland Series maps, prepared pursuant to Govt. Code Section 65570 as predominantly (more than 50% of the proposed contract area) one of the following:
    - a. Prime farmland;
    - b. Farmland of statewide significance;
    - c. Unique farmland;

- d. Farmland of local importance; or
  - 2. If not designated on the Important Farmland Series maps, it must qualify as predominantly prime as defined in these Rules.
- D. Any land located within a city's sphere of influence at the time of application for a Farmland Security Zone contract shall not be included within a farmland security zone, unless the creation of the farmland security zone within the sphere of influence has been expressly approved by resolution by the city with jurisdiction within the sphere.
- E. The land subject to a Farmland Security Zone contract may not be reduced to an area which is smaller than that which would qualify under section 1-2.2.B.2 of these Rules.

## **5-2. CONTRACT TERMS**

### **5-2.1. TERM**

The initial term of a Farmland Security Zone contract shall be no less than 20 years, and each contract shall provide for yearly automatic extensions unless a notice of nonrenewal is given pursuant to section 6-1 of these Rules.

### **5-2.2. PERMITTED RESIDENTIAL LAND USES**

The residential land uses permitted within farmland security zone contracts are equivalent to those permitted in regular Williamson Act contracts, pursuant to section 1-4 of these Rules.

### **5-2.3. COMPATIBLE LAND USES**

The compatible uses set forth in Uniform Rule 2 shall be considered compatible uses in a Farmland Security Zone and are governed by the same requirements and restrictions.

## **5-3. CONTRACT TERMINATION**

Terminating a contract in a farmland security zone by way of nonrenewal and cancellation is similar to regular Williamson Act contracts in terms of the process and requirements. Refer to section 6-1 for a discussion of these methods of termination. Pursuant to the Williamson Act, land under a Farmland Security Zone contract is generally protected from termination of a contract by way of annexation and public acquisition. The requirements for contract termination by these means are set forth in sections 51296.3 through 51296.6 of the Williamson Act.

In the case of returning a FSZ contract to a regular Williamson Act contract, a nonrenewal of the Farmland Security Zone is required to initiate the process. After 10 years, the FSZ contract will be rescinded and the premises re-entered into the regular Williamson Act contract. For the first 10 years of the new, regular Williamson Act contract, the restrictions of the FSZ continue to apply as an enforceable restriction cannot be replaced by provisions that are more lenient until such time horizon has expired.

#### **5-4. TRANSFER OF OWNERSHIP**

Transfers of ownership within Farmland Security Zone contracts follow the same process as in regular Williamson Act contracts. Refer to Rule 6-2 for a discussion of these processes.

#### **5-5. LAND DIVISION AND LOT LINE ADJUSTMENTS**

A lot line adjustment or division of land subject to a Farmland Security Zone contract must first obtain County approval.

No division will be approved unless it is consistent with section 5-1.E of this Rule, and can be reasonably established that there will be no loss in the production of food and fiber within the Farmland Security Zone from said transfer and the size of each parcel remaining is economically viable for agricultural production.

Any lot line adjustment must be in accordance with the requirements set forth in section 1-3 of these Rules.

## UNIFORM RULE 6

### Administration

#### 6-1. CONTRACT TERMINATION

*Adopted December 13, 1971, Amended by Resolution No. 84-464, October 8, 1984, and Resolution No. 07-193 (September 25, 2007)*

The purpose of this section is to establish standards for the termination of Williamson Act and Farmland Security Zone contracts and the withdrawal of land from Agricultural Preserves and Farmland Security Zones, without impairing the integrity of the program. The procedures developed under this Rule are in accordance with the Williamson Act, and shall be used to process all requests for withdrawal from Agricultural Preserves and Farmland Security Zones and for termination of Williamson Act and Farmland Security Zone contracts. Methods for terminating Williamson Act contracts include nonrenewal, cancellation, annexation, public acquisition, and rescission. Except where expressly stated otherwise, the methods of termination presented below also apply to Farmland Security Zone contracts.

Under the Williamson Act, contracts are automatically renewed each year following the first year of a 10-year contract (or a 20-year contract for a Farmland Security Zone), unless the landowner or County serves a notice of nonrenewal or the contract is terminated by one of the other methods described below. Once the period of nonrenewal or termination has come to an end, the contract shall expire and the agricultural preserve or farmland security zone making up the boundaries of the contract shall be simultaneously disestablished.

##### 6-1.1. NONRENEWAL (Unilateral notice by landowner or County)

Withdrawal by a notice of nonrenewal is the preferred method considered in all instances, whether for all or part of the contracted land where whole parcels are involved. This method is open to either party to the contract, does not require a finding of fact, and provides for an adjustment in land assessed values, pursuant to Section 426 of the Revenue and Taxation Code.

Upon serving a notice of nonrenewal, the existing contract shall remain in effect for the balance of the period remaining from the date of the original execution or the last renewal of the contract, whichever is more recent.

When landowners seek to nonrenew a part of their contracted land they must serve a notice of nonrenewal for the whole contract and seek a replacement contract for the land remaining; the part to continue under contract must separately be able to meet County eligibility requirements.

## 6-1.2. CANCELLATION

### A. Petition by Owner

An owner may petition the Board of Supervisors for cancellation of his or her Williamson Act or Farmland Security Zone contract because there is a need for a change in land use. Cancellation may occur only if the County consents; it is an exacting process. Cancellation is an expensive method of terminating a contract. To cover administrative costs, each petitioner shall pay a processing fee in an amount established by resolution by the Board of Supervisors. Processing fees may be high due to the need to prepare staff reports, conduct public hearings, and the potential environmental review requirements under the California Environmental Quality Act. The State requires a cancellation fee equal to 12.5% (25% for Farmland Security Zones) of the current fair market value of the land as though it were free from contractual restriction.

The existence of an opportunity for another use of the land under contract shall not be sufficient reason for the cancellation of a contract. A potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the contracted land be put. The uneconomic character of an existing agricultural use shall likewise not be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

When a landowner wishes to cancel a contract, the landowner shall petition the Board of Supervisors for cancellation, and the landowner has the burden of producing evidence to prove the circumstances which warrant contract cancellation. The owner shall cite (1) the reasons why cancellation is desired, (2) what changes in circumstances have occurred, (3) why immediate action is necessary, and (4) how the landowner is affected by the changes in circumstances. The requirements for cancellation differ between Williamson Act and Farmland Security Zone contracts as outlined below.

#### 1. Williamson Act Contracts

The Board of Supervisors may grant tentative approval for cancellation of a Williamson Act contract only if it can make all of the findings for either a. or b. below, as provided in Sec. 51282 of the Government Code:

- a. Cancellation is consistent with the purposes of the Williamson Act:
  - (1) Cancellation is for land on which a notice of nonrenewal has been served; and
  - (2) Cancellation is not likely to result in the removal of adjacent lands from agricultural use; and
  - (3) Cancellation is for an alternative use which is consistent with the applicable provisions of the comprehensive plan; and

- (4) Cancellation will not result in discontinuous patterns of urban development; and
- (5) There is no proximate noncontracted land which is both available and suitable for the proposed use or development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

or

b. Cancellation is in the public interest:

- (1) Other public concerns substantially outweigh the objectives of the Williamson Act; and
- (2) There is no proximate noncontracted land which is both available and suitable for the proposed use, or development of the contracted land would provide more contiguous patterns of urban development of proximate noncontracted land.

2. Farmland Security Zone Contracts

- a. As required by Section 51282 of the Williamson Act, to cancel a Farmland Security Zone contract, the County shall make both of the findings specified in paragraphs a and b of section 1 above, based on substantial evidence in the record. Further, subdivisions (b) through (e) of Section 51282 of the Williamson Act shall apply to the findings made by the County.
- b. In its resolution tentatively approving cancellation of the contract, the County shall find all of the following:
  - (1) That no beneficial public purpose would be served by the continuation of the contract.
  - (2) That the uneconomic nature of the agricultural use is primarily attributable to circumstances beyond the control of the landowner and the local government.
  - (3) That the landowner has paid a cancellation fee equal to 25 percent of the cancellation valuation calculated in accordance with the provision set forth in section 6-1.2.B.3.
- c. The Director of Conservation must approve the cancellation. The Director may approve the cancellation after reviewing the record of the tentative cancellation provided by the County, only if he or she finds both of the following:
  - (1) That there is substantial evidence in the record supporting the decision.
  - (2) That no beneficial public purpose would be served by the continuation of the contract.

- d. A finding that no authorized use may be made of a remnant contract parcel of five acres or less left by public acquisition pursuant to section 51295 of the Government Code, may be substituted for the finding in subsection 2.a above.

## B. Cancellation Process

1. Applications for cancellation for all or part of an Agricultural Preserve (where whole parcels are involved) shall be referred to the County Planning Commission for a recommendation to the Board of Supervisors. The application shall be accompanied by a proposal for a specified alternative use of the land. Once an application for cancellation is deemed complete pursuant to Section 65943 of the Government Code, the County shall immediately mail a notice to the Director of Conservation. Notification and communication with the Director of Conservation shall comply with section 51284.1 of the Williamson Act.

The Planning Commission shall hold a noticed public hearing(s) to consider cancellation of the contract and disestablishment of the Agricultural Preserve or Farmland Security Zone, and any rezoning and amendment of the County Comprehensive Plan necessary to permit the nonagricultural uses contemplated by the applicant.

2. Applications for cancellation shall be referred to the Agricultural Preserve Advisory Committee for comment and report to the Board of Supervisors.
3. Prior to any action by the Board giving tentative approval to the cancellation of any contract, the County Assessor shall determine the current fair market value of the land as though it were free of the contractual restriction. The Assessor shall certify to the Board the cancellation valuation of the land for the purpose of determining the cancellation fee. At the same time, the Assessor shall send a notice to the assessee indicating the current fair market value of the land as though it were free of the contractual restriction. The notice shall advise the assessee of the right to appeal the fair market value of the land under Section 1605 of the Revenue and Taxation Code and that the appeal shall be filed within 60 days of the date of mailing printed on the notice or the postmark date therefore, whichever is later.
4. The Board of Supervisors shall schedule a noticed public hearing to consider the request for cancellation upon receipt of the above reports from the Planning Commission, the Agricultural Preserve Advisory Committee, and the Assessor. If recommended by the Planning Commission, the Board of Supervisors shall also hold concurrent noticed public hearings to consider any rezoning and Comprehensive Plan amendments necessary. Notification of these hearings to the Director of Conservation shall comply with section 51284 of the Williamson Act.
5. Prior to giving tentative approval to the cancellation of any contract the Board shall determine and certify to the County Auditor the amount of the cancellation fee which

- the landowner must pay the County Treasurer as deferred taxes upon cancellation. That fee shall be an amount equal to 12.5% of the cancellation valuation of the property for a Williamson Act contract and 25 % for a Farmland Security Zone contract.
6. Cancellation of the Williamson Act contract shall be contingent upon payment, in full, of the cancellation fee. The cancellation fee shall be paid to the Clerk of the Board of Supervisors, who shall transmit that fee to the County Auditor. The fee shall be paid prior to the final approval of cancellation. If the Board of Supervisors finds that it is in the public interest to do so, it may waive any payment or any portion of a payment by the landowner, or may extend the time for making the payment or a portion of the payment contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, if the requirements set forth in section 51283.(c) of the Williamson Act are met.
  7. The Board of Supervisors shall not grant cancellation for a portion of a contract (where whole parcels are involved) if the land proposed to remain under the contract would not be able to meet County eligibility criteria. Either sufficient qualifying land must remain under contract, or the petition must be made for cancellation of the entire contract.
  8. Once the Board of Supervisors has granted tentative cancellation of a contract, the Clerk of the Board shall record a tentative certificate of cancellation pursuant to Section 51283.4 of the Williamson Act, which enumerates specified conditions and contingencies that must be satisfied prior to issuing a final certificate of cancellation. The landowner shall notify the Board of Supervisors when the conditions and contingencies have been satisfied. Within 30 days of receipt of the notice, and upon determination that the conditions and contingencies have been satisfied, the Board shall execute and record a certificate of cancellation of the contract. If the landowner has been unable to satisfy the conditions and contingencies, the landowner shall notify the Board of the particular conditions or contingencies he or she is unable to satisfy. Within 30 days of receipt of the notice, and upon a determination that the landowner is unable to satisfy the conditions and contingencies listed, the Board shall execute and record a certificate of withdrawal of tentative approval of a cancellation of contract.

### **6-1.3. RESCISSION**

- A. Notwithstanding any other provision of these Uniform Rules, the County, upon petition by a landowner, may enter into an agreement with the landowner to rescind a contract in accordance with the contract cancellation provisions of section 51282 of the Williamson Act in order to simultaneously place other land within the County under an agricultural conservation easement, consistent with the purposes and, except as provided in subsection A.2 below, the requirements of the Agricultural Land Stewardship Program pursuant to Division 10.2 (commencing with Section 10200) of the Public Resources Code, provided that the Board of Supervisors makes all of the following findings:

1. The proposed agricultural conservation easement is consistent with the criteria set forth in Section 10251 of the Public Resources Code.
  2. The proposed agricultural conservation easement is evaluated pursuant to the selection criteria in Section 10252 of the Public Resources Code, and particularly subdivisions (a), (c), (e), (f), and (h), and the Board makes a finding that the proposed easement will make a beneficial contribution to the conservation of agricultural land in its area.
  3. The land proposed to be placed under an agricultural conservation easement is of equal size or larger than the land subject to the contract to be rescinded, and is equally or more suitable for agricultural use than the land subject to the contract to be rescinded. In determining the suitability of the land for agricultural use, the County shall consider the soil quality and water availability of the land, adjacent land uses, and any agricultural support infrastructure.
  4. The value of the proposed agricultural conservation easement, as determined pursuant to Section 10260 of the Public Resources Code, is equal to or greater than 12.5 percent of the cancellation valuation of the land subject to the contract to be rescinded, determined by the County Assessor to be the current fair market value of the land as though it were free of contractual restriction. The easement value and the cancellation valuation shall be determined within 30 days before the approval of the County of an agreement pursuant to this section.
- B. Notwithstanding any other provision of these Rules, the parties may upon their mutual agreement rescind a contract in order simultaneously to enter into an open-space easement agreement pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070)), provided that the easement is consistent with the Williamson Act for the duration of the original contract. The easement would enforceably restrict the same property for an initial term of not less than 10 years and would not be subject to the provisions of Article 4 (commencing with Section 51090) of Chapter 6.6. This action may be taken notwithstanding the prior serving of a notice of nonrenewal, and the land subject to the contract shall be assessed pursuant to Section 423 of the Revenue and Taxation Code.
- C. Notwithstanding any other provision of this chapter, the parties may upon their mutual agreement rescind a contract in order simultaneously to enter into a new contract pursuant to these Uniform Rules, which new contract would enforceably restrict the same property for an initial term at least as long as the unexpired term of the contract being so rescinded but not less than 10 years. Such action may be taken notwithstanding the prior serving of a notice of nonrenewal relative to the former contract.

**6-1.4. ANNEXATION BY CITY**

On the annexation by any city in the County of any land under a Williamson Act contract the city shall succeed to all rights, duties, and powers of the County. Under certain limited circumstances defined in Section 51243.5 of the Williamson Act a city may elect not to succeed to the rights, duties, and powers of the County under the contract. For Farmland Security Zone contracts, see the provisions of sections 51296.3 through 51296.6 of the Williamson Act.

Whenever part of the land under a Williamson Act contract is removed from such status through annexation to a city, the part remaining under contract must be able to meet County eligibility criteria. In the event that unqualified land is left subject to contract, the County shall immediately serve notice of nonrenewal for such land.

In cases of annexation of land under contract, coordination is encouraged between the annexing city, Local Agency Formation Commission (LAFCO), the County, and the landowner to ensure that proper protocol is being followed and that all parties are provided the opportunity to comment and work towards the best possible outcome for all parties involved.

**6-1.5. EMINENT DOMAIN OR OTHER ACQUISITION**

Pursuant to section 51295 of the Williamson Act, upon the termination of an action in eminent domain for the condemnation of the fee title, or of an acquisition in lieu of eminent domain, for a public improvement by a public agency, for land subject to a Williamson Act contract, the contract shall be null and void for all land actually taken or acquired, as of the date the action was filed. If, in either such action, only part of the land under contract is acquired, and the remaining land is not able to meet County eligibility criteria, a notice of nonrenewal shall be filed immediately by the County against such remaining land.

No public agency or person, except as provided for in §51293, shall propose to acquire and locate a public improvement within an agricultural preserve unless the following findings are made:

- A. The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.
- B. If the land is agricultural land covered under a contract pursuant to these Rules for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

When land in an agricultural preserve is acquired by a public entity, the public entity shall notify the Director of Conservation within 10 working days. The notice shall include a general explanation of the decision and the findings made pursuant to A and B above.

For Farmland Security Zone contracts, see sections 51296.3 through 51296.6 of the Williamson Act for the relevant rule and requirements.

### **6-1.6. TERMINATION OF MULTIPLE CONTRACT PRESERVES**

At the time of termination, cancellation, or notice of nonrenewal, parcels in a multiple contract preserve (e.g. contiguous lands qualifying under subsection 1-2.2.A.2) may not be continued under contract if the remaining land cannot qualify by itself. At such time the County may (but shall not be required to) serve a notice of nonrenewal on the remaining land if it does not otherwise qualify for participation in the Agricultural Preserve Program. In the event the remaining land does not qualify for the Agricultural Preserve Program and a determination is made that it would be in the public interest to retain the remaining land in the Agricultural Preserve Program, then those parcels may remain under contract if the Board of Supervisors makes all of the findings set forth in subsection 1-2.2.B.4 of these Rules.

### **6-1.7. MONITORING AND ENFORCEMENT**

Williamson Act and Farmland Security Zone contracts are binding agreements between landowners and the County that assume that the terms of the contract continue to be met in exchange for the restricted property tax assessments. As such, landowners must remain in compliance during the entire life of the contract, even after nonrenewal has been initiated. If, at any time, the APAC finds that the terms of a contract, including the requirements set forth in these Rules, are no longer being met, the County shall give the landowner sixty (60) days to remedy the contract violation. If the violation persists at the end of this period, the issue shall be brought in front of the APAC at its next scheduled meeting for a determination on how to proceed. Options for addressing unresolved violations include recommendation to the Board of Supervisors for the immediate issuance of a notice of nonrenewal or, for those contracts already in nonrenewal, court action.

The County shall monitor the Agricultural Preserve Program to ensure continued compliance by periodically reviewing the continuing eligibility of properties under contract and checking for violations. Methods for monitoring include:

- A. Review of (1) permit applications and recorded documents (e.g. residential construction or processing facility; property transfers), and/or (2) neighbor complaints. In conjunction with a permit application or neighbor complaint, the County may conduct field visits to ensure that the contracted land continues to meet eligibility requirements or determine whether any contract violations have occurred.
- B. For prime and superprime contracts for which enrollment into the Agricultural Preserve Program is dependent upon maintaining sufficient gross annual income from the agricultural operation, minimum land in production, or other contractual requirements, shall make production reports, commodity sales receipts, agricultural income forms from their income tax records, or other use or income records relating to the contracted land available to the County upon request.
- C. The Assessor may report to the APAC any premises which do not appear to meet the eligibility requirements set forth in Rule 1-2.

## 6-2. TRANSFER OF OWNERSHIP OF CONTRACTED LAND

*Adopted by Resolution No. 73-788 (December 3, 1973), Amended by Resolution Nos. 80-407 (September 15, 1980) Resolution No. 84-464 (October 8, 1984) and Resolution No. 07-193 (September 25, 2007)*

The purpose of this section is to establish procedures for the maintenance of contracts wherein changes in legal description and/or ownership occur without impairing the integrity of the program. The procedures developed under this section are in accordance with the Williamson Act, and shall be used to process all transfers of ownership in Williamson Act and Farmland Security Zone contracts.

- A. Transaction that transfers all land restricted by a Williamson Act or Farmland Security Zone contract where no changes in boundaries occur.

The transferee shall cause to be completed and signed immediately subsequent to the instrument creating the new ownership a *Notification of Assumption of Williamson Act/Farmland Security Zone Contract* (form may be obtained by contacting Planning and Development). The assumption notice shall include the legal description set forth in the instrument which transferred the ownership interest or a reference to the recording data for the contract being assumed, and shall submit said document along with the applicable fee to Planning and Development. County Counsel shall then review and approve as to form and return the form to the applicant for subsequent recording by the County Recorder's Office.

- B. Transaction that transfers a portion of land restricted by a Williamson Act or Farmland Security Zone contract, where whole legal parcels are transferred.

1. The transferee(s) shall cause to be completed and filed with the Agricultural Preserve Advisory Committee a new contract application for each of the ownerships, together with such fee as is required. The transferor shall similarly furnish a new application for the portion retained.
2. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s).
3. Should any transfer of ownerships create parcels which do not qualify under the eligibility criteria set forth in these Rules, the County shall serve notice of nonrenewal on the nonconforming parcels, and record its notice of nonrenewal.

- C. Transaction that transfers a portion of land restricted by a Williamson Act or Farmland Security Zone contract where subdivisions occur.

1. Only whole legal parcels are allowed within Williamson Act and Farmland Security Zone contracts. Any boundary changes that subdivide parcels, therefore, must first be processed by the County Planning and Development Department through its subdivision procedures, and must meet all requirements of such process before any action may be taken by the Agricultural Preserve Advisory Committee.

2. The transferee(s) shall cause to be completed and filed with the Planning and Development Department new Williamson Act or Farmland Security Zone contract applications, maps and legal descriptions for each of the ownerships, together with such fees as are required. The transferor shall similarly furnish applications, maps and legal descriptions together with such fees as are required for the portion retained.
  3. New contracts shall be signed and recorded by transferor(s) and transferee(s) immediately subsequent to the transaction creating new ownership(s).
  4. Should any transfer of ownership create parcels which do not qualify under the eligibility criteria set forth in these Rules, the County shall serve and record a notice of nonrenewal on the non-complying parcels.
- D. Transfer of all or a portion of land under a Williamson Act or Farmland Security Zone contract between immediate family members.

Nothing contained in these Uniform Rules shall prevent the transfer of ownership from one immediate family member to another (per section 51230.1 of the Williamson Act) of a portion of land which is currently designated as an agricultural preserve under contract, if all of the following conditions are satisfied:

1. The parcel to be transferred is a whole legal parcel at least 10 acres in size in the case of prime agricultural land or at least 40 acres in size in the case of nonprime land; and
2. The legal parcel to be transferred conforms to the applicable local zoning and land division ordinances and local coastal program; and
3. The parcel to be transferred complies with all applicable requirements of these Rules and relevant County zoning ordinances relating to agricultural income and permanent agricultural improvements which are imposed by the County as a condition of a contract executed covering the land of which the legal parcel to be transferred is a portion. For purposes of this paragraph, if the contracted land already complies with these requirements, the portion of that land to be transferred shall be deemed to comply with these requirements; and
4. There exists a written agreement between the immediate family members who are parties to the proposed transfer that the land which is subject to a Williamson Act or Farmland Security Zone contract and the portion of that land which is to be transferred will be operated under the joint management of the parties subject to the terms and conditions and for the duration of the contract.

A transfer of ownership described above shall have no effect on any contract covering the land of which a portion was the subject of that transfer. The portion so transferred shall remain subject to that contract.

Upon transferring land to an immediate family member pursuant to this section, the landowner shall provide a *Notice to the County Agricultural Commissioner* of said agreement.

E. Successors in Interest.

When title to land subject to contract passes to successors, and in so doing creates circumstances whereby the land, or the remaining land subject to contract, no longer meets County eligibility criteria, a notice of nonrenewal shall be filed immediately by the County against such unqualified land.