

# Agricultural/Rural 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 Country. 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))

#### **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.