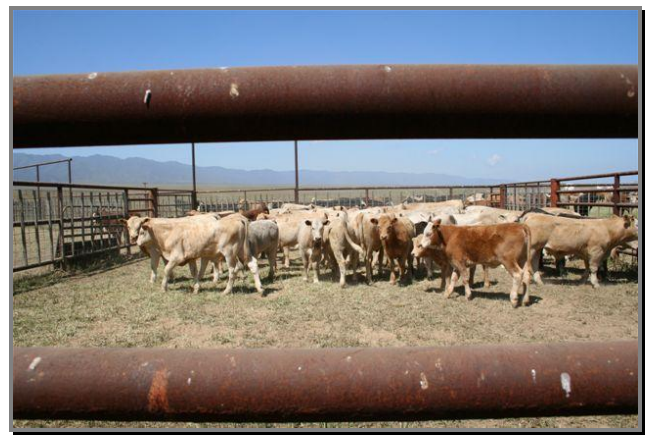


***REVISED DRAFT INITIAL STUDY
& NEGATIVE DECLARATION***

**Agricultural Permit Streamlining
Land Use & Development Code Ordinance Amendment
09ORD-00000-000009
09NGD-00000-000007**

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**Santa Barbara County
Planning and Development**

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1.0 PROJECT DESCRIPTION

PROJECT OVERVIEW

The County of Santa Barbara Planning and Development Department proposes to amend the County's Land Use and Development Code (County LUDC) to streamline the permit process for agricultural projects on lands zoned agricultural. The proposed changes would only apply in the non-Coastal Zone area of Santa Barbara County located outside of the Montecito Planning Area (see Figure 1). The proposal includes amendments to the LUDC that would:

- a. Shift the permitting requirements for certain minor agricultural-related permits from a Land Use Permit to a Zoning Clearance or Exemption and from a Minor Conditional Use Permit to a Land Use Permit. Amendments to achieve these revisions to the permit process would be required in Article 35.2, Zones and Allowable Land Uses, Article 35.3, Site Planning and Other Project Standards, Article 35.4, Standards for Specific Land Uses, and Article 35.11, Glossary.
- b. Change the threshold for requiring the approval of a Development Plan by the Planning Commission when the combined floor area of all structures on a lot in an agricultural zone exceeds 20,000 square feet (County LUDC Section 35.21.030) to a sliding scale based on lot area.

A Draft Initial Study and Negative Declaration was prepared on these agriculture-related amendments and released for public review on May 13, 2009. Public comments received during the public comment period raised issues relating primarily to potential impacts to aesthetics, agriculture, biological resources, traffic issues and the potential for growth inducement. Based on these comments and further analysis of the initial recommendations, the proposed amendments were revised and are analyzed in this revised Initial Study and Negative Declaration. The major changes to the recommendations include:

- Requiring a Land Use Permit for new agricultural accessory structures located within 1,000 feet of any public road or public use area unless determined to not be visible from the road;
- Restricting the exemption for certain gates, cross-members and livestock loading ramps to the AG-II zone;
- Restricting the increased thresholds for requiring a Development Plan to the AG-II zone and reducing the maximum threshold for requiring a Development Plan from 100,000 sq. ft. to 50,000 sq. ft.;
- Adding a new Development Plan threshold of 10,000 sq. ft. for non-residential building area on an AG-II lot;
- Adding a new agricultural compatibility findings for proposed farm employee dwellings (up to four employees) and revising the existing finding for Detached Residential Second Units; and
- Deleting the proposed exemption from permits for new primary single family homes of up to 3,500 sq. ft.

PROPOSED LAND USE AND DEVELOPMENT CODE REVISIONS

Several amendments to existing permit procedures are proposed to simplify the review process for small agricultural projects in AG-I and AG-II Zones (see Figure 1). Each of the proposed amendments is discussed below and summarized in Table 2. The proposed ordinance amendment language is provided in Attachment A.

1. Agricultural accessory structures (AG-II Zone only)

Shift the permit requirement from a Land Use Permit (LUP) to a Zoning Clearance for agricultural structures having a floor area of less than 3,000 sq. ft. when the following standards are met:

- The Director determines that the use of the structure is truly accessory to the overall agricultural use of the property and would not impact the viability of the on-site agricultural production.
- Utilities are limited to electricity and water (half bathroom and hose bibs)
- The structure is not located within 1,000 feet of a public road or public use area (e.g., public park or hiking trail) unless it can be demonstrated that the structure would not be visible from the public road or area.

Agricultural structures up to 3,000 sq. ft. (without utilities) do not require a Building Permit. However, the same size structure currently requires the approval of a LUP. The proposal is to shift the permit requirement from a LUP to a Zoning Clearance for agricultural accessory structures of up to 3,000 gross sq. ft., matching the Building Code exemption for these small structures. A Zoning Clearance has the same application requirements and staff analysis as a LUP (including a determination that the project is consistent with the Comprehensive Plan and complies with all zoning requirements) although public notice is not required and an appeal may not be filed. If a proposed agricultural accessory structure exceeds 3,000 sq. ft. in size, or cannot comply with the standards listed above, it could still be permitted with a LUP.

Review by one of the regional Boards of Architectural Review (BAR) would be required if otherwise subject to design review (e.g., the Ridgeline/Hillside Development Guidelines apply or if located in a Design Overlay District).

2. Entrance gate posts, cross-members and livestock loading ramps (AG-II Zone only)

Shift the permit requirement from a LUP to an exemption for entrance gate posts and cross members subject to the following:

- The gate posts and cross members do not exceed 18 feet in height to the top of the structure.
- The footprint of each gatepost does not exceed two feet in any direction.
- There is no lighting associated with the entrance gate.
- Livestock loading ramps do not exceed 10 feet in height to the top of the structure and 42 inches in width.

Entrance gate posts currently require a LUP if over eight feet in height. The proposed amendments would allow gate posts including a cross-member up to 18 feet in height which is sufficient to allow large trucks to pass through as well as allowing a sign to hang from or be attached to the cross member. The amendment would also allow livestock loading ramps that meet the height and width standards without a LUP. If the entrance gate post, cross-member and livestock loading ramps exceed these standards, it could still be permitted with a LUP.

3. Farm employee housing for up to four employees (AG-I and AG-II Zones)

Shift the permit requirement from a Minor Conditional Use Permit (MCUP) to a LUP for projects housing up to a maximum of four agricultural employees subject to the following standards:

- Employees must work onsite (Existing requirement).
- Documentation is submitted by the applicant demonstrating that occupancy requirements are met in terms of nature of employment, number of employees housed, etc. (Existing requirement)

- A Notice to Property Owners (NTPO) is recorded by the owner against the property that notifies future owners of employment, occupancy and other requirements of the approval. (Existing requirement)
- The location of the proposed farm employee units will minimize impacts to the viability of onsite agriculture, prime soils, or adjacent agricultural operations. (New requirement)

When an employer proposes to construct housing for up to four farm employees (and their families), approval of a MCUP by the Zoning Administrator in a noticed public hearing is required for the unit(s). This requirement can serve as a deterrent to providing employee housing. In lieu of requiring a MCUP, this proposal would allow housing for up to four agricultural employees with the approval of a LUP provided the project complies with the standards shown above. Staff analysis to ensure conformance with County plans and policies and public notice would still be required. The LUP would be noticed and an appeal of the decision could be filed.

4. Detached Residential Second Units (AG-I-5, -10 & -20 Zones only)

Shift the permit requirement from a MCUP to a LUP subject to the following standards:

- The floor area of the unit does not exceed 1,200 square feet. (Existing requirement)
- The height of the unit does not exceed 16 feet. (Existing requirement)
- An additional parking space is provided for each bedroom. (Existing requirement)
- The structure is sited so as to minimize impacts to productive agricultural land, prime soils, or adjacent agricultural operations. (Revised requirement)

Residential Second Units (RSUs) are only allowed in AG-I-5, -10 and -20 Zones. They are not allowed in the AG-I-40 zone or in any of the AG-II zones. An attached RSU is allowed in these AG-I zones with a LUP and a detached unit requires a MCUP. The proposal would change the permit requirements for detached RSUs from a MCUP to a LUP in the AG-I-5, -10, and -20 Zones.¹ The 1,200 sq. ft. maximum size and 16 foot height limitation would apply and the existing special findings required to approve a MCUP for a detached RSU in an agricultural zone would apply to the LUP approval. A revised development standard regarding avoidance or minimization of impacts to agricultural and biological resources is also proposed as follows:

- (1) The development of a detached residential second unit in agricultural zone shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by:
 - (a) ~~Avoiding prime soils or where there are no prime soils be sited so as to~~ Siting structure so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.

This revised finding is intended to better protect productive agricultural land, prime soils and adjacent agricultural operations.

No change is proposed to the LUP requirement for attached RSUs.

5. Change to development plan requirement (AG-II Zone only)

Revise the existing 20,000 square foot threshold for agricultural development in the AG-II Zone for requiring a Development Plan as shown in the following table:

¹ While not a part of this proposed ordinance amendment, the Agricultural Advisory Committee has voted to ask the Board of Supervisors to initiate an amendment that would also allow RSUs in the AG-I-40 and all AG-II zones.

Table 1
Proposed Development Plan Threshold Changes – AG-II Zone only

Lot Size (acres)	Threshold (sq. ft.)
Less than 40	20,000
40 to less than 100	25,000
100 to less than 200	30,000
200 to less than 320	40,000
320 or more	50,000

Additionally, if total onsite non-agricultural building area (primary residence, garages, pool houses, etc.) exceeds 10,000 sq. ft., any additional non-agricultural area would require a Development Plan. If a single agricultural building exceeds 20,000 sq. ft. (the current requirement) a Development Plan would still be required. Projects that are less than these thresholds would require a LUP or other approval depending on the use. Dwellings that are restricted to housing agricultural employees are considered agricultural buildings.

Currently, a Development Plan approved by the Planning Commission is required for any new building(s) once the cumulative building area on a lot exceeds 20,000 sq. ft., regardless of zoning or the size of the lot. In the AG-II Zone, there are many properties that exceed 1,000 acres in size and the same threshold applies. Once the 20,000 sq. ft. threshold has been reached, all subsequent new structures require approval by the Planning Commission. Table 1 shows the proposed Development Plan thresholds for agricultural development on AG-II zoned properties based on lot size.

The proposed change in threshold would not apply to AG-I zoned properties.

6. Projects requiring discretionary and architectural review

Projects in agricultural zones that presently require discretionary review (e.g., Conditional Use Permit or Development Plan) would continue to require that review regardless of the proposed revisions.

These projects include:

- Wineries
- Intensive agricultural processing and processing of products grown off-site
- Greenhouses and greenhouse related development that are 20,000 square feet or more in area, and all additions to greenhouses and greenhouses related developments that when added to existing development total 20,000 square feet or more.
- Aquaculture
- Recreational development
- Guest ranch or hostel
- Schools
- Meeting facilities

Architectural review would still be required if the proposed project were located in a Design Overlay District or in an area subject to the Ridgeline/Hillside Development Guidelines. Discretionary review may also be required pursuant to a previous condition of approval on a Development Plan or other discretionary approval.

Table 2
Summary of Recommended Changes to Agricultural Permits and Processes

Type of Structure	Current permit	Proposed permit	Considerations/Issues
Agricultural Accessory Structure (AG-II Zone only)	Land Use Permit (LUP)	Zoning Clearance (ZC)	a. Size limitation of up to 3,000 sq. ft. for agriculture-related uses; otherwise LUP is required b. Demonstrate accessory to agricultural use onsite & won't affect agricultural viability c. Limited plumbing & electrical (w/ required permits) d. LUP required if w/in 1,000 feet of public road or area & visible; Zoning Clearance if demonstrated not visible
Entrance gate posts, cross-members & livestock loading ramps (AG-II Zone only)	LUP	Exempt	a. Exempt if no lighting, maximum height does not exceed 18 feet, footprint of each gate post and cross-member is not greater than 2 feet in cross-section b. Exempt if livestock loading ramp height does not exceed 10 feet and width does not exceed 42 inches. c.
Housing for up to 4 farm employees & their families (AG-I & AG-II Zones)	Minor Conditional Use Permit (MCUP)	LUP	a. Employees must work onsite b. Documentation of employment & Notice to Property Owners required. c. Add new finding that location of new units will not affect the viability of onsite agriculture, prime soils or adjacent agricultural operations.
Detached residential second units (DRSUs) (AG-I-5, -10 & -20 Zones only)	MCUP	LUP	a. 1,200 sq. ft. size limitation retained b. Change development standard to read: "...shall avoid or minimize significant impacts to agricultural and biological resources to the maximum extent feasible by: (a) Avoiding prime soils or where there are no prime soils be sited so as to <u>Siting structure so as to minimize impacts to productive agricultural land, prime soils, and adjacent agricultural operations.</u>
Development Plan Threshold changes (AG-II Zone only)	Development Plan (if cumulative building area exceeds 20,000 sq. ft.)	Threshold up to 50,000 sq. ft. based on zone & lot size;	a. See Table 1 for proposed new thresholds based on zoning & lot size b. If non-agricultural building area onsite (primary residence, garages, etc.) exceeds 10,000 sq. ft., additional non-agricultural square footage would require DP. c. Single agricultural buildings exceeding 20,000 sq. ft. would require Development Plan).

PROJECT BACKGROUND

Process Improvement

On May 24, 2005, the Board of Supervisors directed that Planning and Development staff work with the Agricultural Commissioner, Agricultural Advisory Committee and other departments to streamline the development review process for small agricultural properties to encourage continued agricultural productivity. Staff has worked with these groups and the Process Improvement Oversight Committee to identify typical small projects that would be appropriate to shift to a lesser permit or an exemption from permits and to address the development plan threshold to address varying lot sizes. In discussions with the Agricultural Advisory Committee (AAC), concern was expressed about the requirement that