

ORDINANCE NO. 3778

1 of 6

AN ORDINANCE ADDING SECTION 3-19,)
 ARTICLE IV, "RIGHT TO FARM",)
 TO CHAPTER 3 AGRICULTURE OF THE SANTA)
 BARBARA COUNTY CODE PERTAINING)
 TO AGRICULTURAL NUISANCES)

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

The Santa Barbara County Code, Chapter 3, is hereby amended to add Article IV, Section 3-19 as follows:

SECTION 1.

Agricultural Nuisances and Consumer Information.

Sec. 1. Purpose and Intent.

The purpose of this division is to protect agricultural land uses on land designated on the Comprehensive Plan/Coastal Plan, Land Use Maps as A-I or A-II, or on land zoned exclusively for agricultural use from conflicts with non-agricultural land uses that may result in financial hardship to agricultural operators or the termination of their operation.

Sec. 2. Definitions.

1. Agricultural land shall mean land within the A-I and A-II categories as designated pursuant to the County of Santa Barbara Comprehensive Plan, Land Use Element, or land zoned exclusively for agricultural use pursuant to the County of Santa Barbara Articles II, III and IV Zoning Ordinances.

2. Agricultural Use shall mean and include, but not be limited to, the tilling of the soil, the raising of crops,

horticulture, aviculture, apiculture, livestock farming, the raising of small animals and poultry, dairying, animal husbandry, wineries processing grapes produced on the premises, and the sorting, cleaning, packing and storing of agricultural products preparatory to sale and/or shipment in their natural form when such products are produced on the premises, including all uses customarily incidental thereto, but not including slaughterhouse, fertilizer works, commercial packing or processing plant or plant for the reduction of animal matter, or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property.

Sec. 3. Findings.

The Board of Supervisors of Santa Barbara County finds that it is in the public's interest to preserve and protect agricultural land and operations within the County of Santa Barbara and to specifically protect these lands for exclusive agricultural use. The Board of Supervisors also finds that residential development adjacent to agricultural land and operations often leads to restrictions on farm operations to the detriment of the adjacent agricultural uses and economic viability of the County's agricultural industry as a whole. The purposes of this Chapter, therefore, are to promote the general health, safety and welfare of the County, to preserve and protect for exclusive agricultural use those lands zoned for agricultural use, to support and encourage continued agricultural operations in the County, and to forewarn

prospective purchasers or residents of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations.

The further purpose of this provision is to promote a good neighbor policy between agriculturalists and residents by advising purchasers and residents of property adjacent to or near agricultural operations of the inherent potential problems associated with such purchase or residence including, but not limited to, the sounds, odors, dust and chemicals that may accompany agricultural operations so that such purchasers and residents will understand the inconveniences that accompany living side by side to agriculture and be prepared to accept such problems as the natural result of living in or near agricultural areas.

Sec. 4.

No agricultural activity, operation or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after the same has been in operation for more than three years if it was not a nuisance at the time it began.

Sec. 5 Public Information

Information concerning this ordinance shall be made available by the County of Santa Barbara Resource Management Department, including the following notice:

Santa Barbara County is an agricultural county with many areas zoned for agricultural operations. The presence of farms and ranches yields significant aesthetic and economic benefits to their residents of the County. Thus, the County's agriculture must be protected, including in areas where it is near residential development and Santa Barbara County has enacted Chapter 3-19 of its County code which provides that properly conducted agricultural operations will not be deemed a nuisance.

The ordinance further requires the County to make information on the ordinance and its provisions available to the public. Accordingly, if the property you own, rent, or lease is located close to agricultural lands or operations, you may be subject to inconvenience or discomfort from the following agricultural operations: cultivation and tilling 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; and production, irrigation, pruning, growing, harvesting and processing of any agricultural commodity, including horticulture, timber, apiculture, the raising of livestock, fish, poultry and commercial practices performed as incident to or in conjunction with such agricultural operation, including preparation for market, delivery to storage or market, or to carriers or transportation to market. These operations may generate dust, smoke, noise and odor."

Sec. 6 Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of the Chapter.

SECTION 2.

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara news Press a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED this 22nd day of August 1989, by the following vote:

AYES: Supervisors: Rogers, Wallace, Owens

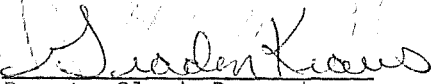
NOES: None


ABSTAIN: None

ABSENT: Supervisors: Ochoa, Miyoshi

ATTEST:

KENNETH A. PETTIT
COUNTY CLERK RECORDER

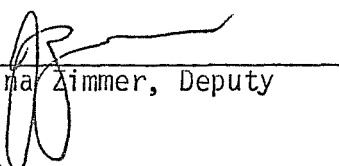
By 
Deputy Clerk-Recorder


VICE CHAIR, BOARD OF SUPERVISORS

[DO NOT PUBLISH APPROVAL]

APPROVED AS TO FORM:

MARVIN LEVINE
ACTING COUNTY COUNSEL

By 
Jana Zimmer, Deputy

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12-2-87