



County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

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Time Set 10.

Planning Commission

Meeting Date: 07/13/2017

Information

SUBJECT

ZF #2016-0013: Public hearing to consider a proposed Zoning Code Amendments related to commercial and tourism uses in the agricultural zones, including substantive changes to the Zoning Code regulations for special event facilities, bed and breakfast uses, and other agricultural commercial uses. A Negative Declaration has been prepared for this project. Owner/applicant: numerous/Yolo County. (Planner: E. Parfrey)

SUMMARY

FILE ZF#2016-0013	
APPLICANT: Yolo County	OWNER: numerous
LOCATION: all properties in the unincorporated area GENERAL PLAN: AG, CL, CG, RR, RL, RM, RH ZONING: all agricultural zones, some commercial and residential zones SUPERVISORIAL DISTRICT: all	SOILS: all FLOOD ZONE: all FIRE SEVERITY ZONE: all
ENVIRONMENTAL DETERMINATION: Negative Declaration	

RECOMMENDED ACTION

That the Planning Commission hold a public hearing to:

1. Receive public comment and review the staff proposal to amend the agricultural commercial Zoning Code regulations (Attachment A);
2. Give direction to staff on any further revisions to the Zoning Code Amendment;
3. Recommend the Board of Supervisors:
 - (a) Approve the resolution (Attachment B) to adopt the Initial Study/Negative Declaration (Attachment C) as the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines; and
 - (b) Approve the ordinance adopting the Zoning Code Amendment (Attachment D).

REASONS FOR RECOMMENDED ACTIONS

At the last two meetings on May 11 and June 8, 2017, the Planning Commission held hearings, heard public testimony, and deliberated on the most recent versions of the proposed agricultural commercial zoning regulations. At this third and final hearing, the Commission should again hear from members of the public, review the most recent version of the proposed agricultural commercial zoning regulations, consider the environmental analysis prepared for the project (the Negative Declaration), and adopt a formal recommendation to the Board of Supervisors.

BACKGROUND

On May 11, 2017, the Planning Commission held a hearing to hear a report back from the Planning Commission ad hoc sub-committee that was created at the previous meeting, and to review the most recent version of the proposed commercial zoning regulations. After extensive discussion and debate, the Commission directed staff on a number of specific issues that were raised in the staff memo dated May 3, 2017, which summarized the ideas discussed at the ad hoc sub-committee meeting.

The following is repeated from the previous staff report for the June 8, 2017 Planning Commission hearing. A summary and analysis of the discussion from the June 8, 2017 meeting is included under "Analysis," below.

At the May 11, 2017 meeting, the following direction was given to staff. The specific issues analyzed below were identified in the staff memo dated May 3, 2017 (Attachment E), which summarized the ideas discussed at the ad hoc Planning Commission sub-committee meeting.

The Commission considered the first five items in the memo, which are inter-related:

1. Eliminating the cap of "150 attendees at each event, and each event generates less than 100 vehicle trips" applied to "by right" uses (Sec. 8-2.306(k)(1) and (2));
2. For "by right" special event facilities (Sec. 8-2.306(k)(2)) consider a decrease in the minimum parcel to qualify from 40 acres to 20 acres; increase maximum number of annual events from 8 to 12; and delete requirement to limit 150 attendees at each event, and less than 100 vehicle trips;
3. Based on (2), above, delete the "small" special event facilities category and require all special event facilities with more than 12 events, or located on a parcel less than 20 acres, to apply for a Major Use Permit;
4. Explicitly exempt certain activities from definition of "events," including (unpaid) farm tours by school children, FHA groups, other small farm tours.
5. Exempt one-time annual activities from definition of "events," including festivals, Day in the Country, etc.

After discussion and a 3-3-0 straw vote, there was no Commission direction to staff to pursue

changes to the status quo (i.e., retain the caps of 8 events per year, 150 attendees and 100 vehicle trips per event; keep the minimum parcel size of 40 acres; and keep the “small” special event facilities category).

During the previous discussion, Commissioner Friedlander proposed that all special event facilities and B&Bs should be subject to public hearing, regardless of size. The Commission did not take a straw vote on whether to direct staff to pursue this issue and may wish to revisit it. The current zoning regulations allow the issuance of a non-discretionary Site Plan Review by staff without a hearing, for small special event facilities (no more than 12 events per year, 150 attendees and 100 vehicles trips) and small B&Bs (six guest rooms or less with no newly constructed cottages or buildings). Note that if the Commission recommends a change to require discretionary review (such as a Minor Use Permit) for small special event facilities and small B&Bs, this modification to the zoning regulations may require modifying Table 1 of the draft Williamson Act Guidelines to remove small event facilities and small B&Bs from the list of compatible uses. The reason is that under the currently-proposed Guidelines, uses approved by right and site plan are considered compatible, but uses that require discretionary review are considered compatible only if separate, site-specific, findings are made as part of that discretionary review.

The Commission generally supported the changes proposed for Issues #4 and #5, although Commissioner Dubin recommended that "unpaid" be taken out of #4 and Commissioner Friedlander suggested that the #5 needed to be word-smithed some more.

Staff has reflected this direction in the revised proposed regulations included in Attachment A.

For the next four issues identified in the memo regarding agricultural spraying buffers, after further discussion the Commission directed staff to keep a placeholder phrase in the draft regulations of "300/500 feet with the Agricultural Commissioner able to modify."

Commissioner Friedlander requested that further research be conducted on what buffers other ag counties have adopted.

The Commission directed staff to not delete the requirement for an ag spraying buffer for small special event facilities located on 20 acres or more and for small bed & breakfasts/lodging.

Finally, the Commission grappled with the last Issue #10 in the memo, how to ensure large event facilities and large B&Bs are "incidental to an agricultural operation" (as referenced in Sec. 8-2.306 (k)(11)). This requirement may need a method of measurement (economic, geographic/footprint, or other metric).

Commissioners expressed the wish to take into account individual circumstances of a property rather than rely on a strict metric or set of criteria. Commissioners said they needed more legal guidance on the issue. Commissioner Campbell reiterated that she is interested in a metric (such as requiring that incidental uses could take up no more than 10% of the total land and/or 5 acres).

PROJECT DESCRIPTION

The "project" is the adoption of a packet of proposed amendments to the Yolo County Zoning Code related to commercial and tourism uses in the agricultural zones, including substantive changes to the Zoning Code regulations for special event facilities, bed and breakfast uses, and other agricultural commercial uses. Special event facilities, and bed and breakfast uses are also permitted in some commercial and residential zones.

Yolo County has been discussing the effectiveness of zoning regulations governing agricultural commercial uses for the last two years. Some of the issues that have been raised and discussed at public workshops, Planning Commission hearings, and Board of Supervisors sessions include the following:

- How to define "agri-tourism";
- How or whether to require that agricultural commercial and tourism-related uses be "incidental" to existing agriculture;
- How to define what constitutes a "Special Event";
- The appropriate level of review (discretionary permit or non-discretionary permit) and whether to continue to allow "by right" special event facilities on large parcels;
- How to ensure consistency with the Williamson Act; and
- Appropriate agricultural spray buffer setback standards.

The latest version of the revised Zoning Code amendments is described below and included in Attachment A.

ANALYSIS

At the last meeting on June 8, 2017, the Commission heard testimony from five individuals. Following the comments, the Commission deliberated on several issues.

On the issue of agricultural spray buffers, individual Commissioners debated whether a 300/500 foot buffer is adequate and would address health risks. Three of the five Commissioners participating (Chair Muller recused and Commissioner Hall was absent) expressed an interest in a different approach on how a buffer is applied. Commissioners wanted more flexibility to apply a buffer on a case-by-case basis. Staff responded that such case-by-case review occurs for applications that require discretionary review but for ministerial review (such as Site Plan Review off small events centers or B&Bs) specific development standards must be applied, which the proposed requirement for a 300 foot or 500 foot buffer fulfills. Unfortunately, the Agricultural Commissioner was not present at the meeting, after he had been invited by Planning Staff to advise the Commission on the buffer issue.

To respond to the Commission direction on ag buffers, staff has proposed the deletion of the reference to a specific distance ("300 to 500 feet") in the most recent draft of the regulations (Attachment A). Staff agrees that if the Commission does not feel comfortable with the range of distances for an ag buffer, then putting numbers like this into the Zoning Code unless we are very certain of them is not good practice.

Several other relatively minor changes have been added to the proposed zoning regulations since the last meeting, including a provision that requires that ag buffer agreements be filed and recorded (Sec. 8-2.306(k)(9) and 307(l)(5)). The ordinance adopting the zoning amendment also clarifies that the ordinance does not apply to "ongoing operations and uses already in existence, or to pending applications that have been deemed complete for processing, as of July 1, 2017."

During the discussion at the last meeting, Commissioner Friedlander also reiterated his request that staff provide some summary of agricultural buffer regulations that have been adopted by other counties. Staff has surveyed the zoning ordinances (and, in some cases, General Plans) for approximately one dozen agricultural counties in the State. The results of that survey are included in Attachment E. As staff anticipated, no other jurisdiction has adopted regulations that set buffers between two different types of uses within the agricultural zones, such as event centers or B&Bs, and adjacent orchards or farmland. Several of the counties have adopted buffers that regulate distances between agricultural-zoned lands and proposed new urban uses in residential or other urban zoning districts, such as proposed housing developments. The range of the buffers between ag/urban uses or zoning ranges from about 50 feet to 500 feet.

At the last meeting, the Planning Commission also deliberated on the issue of whether "small" special event facilities should be subject to a ministerial Site Plan Review or to a discretionary Use Permit. In a straw vote on the issue, the Commission deadlocked in a tie, so the Commission provided no direction to staff to consider changes to the status quo (i.e. Site Plan Review required for small facilities).

Since the last meeting, staff has completed an environmental analysis (Initial Study/Negative Declaration) for the proposed Zoning Code Amendments. The Initial Study/Negative Declaration (IS/ND) has been circulated to the State Clearinghouse for review by State agencies, posted on the County Web site, and circulated to interested individuals and groups for a 30-day review period leading up to this Commission meeting.

One comment was received on the content of the IS/ND, from Sheri Rominger (Attachment F). Ms. Rominger, in the last paragraph of her e-mail dated June 20, 2017, asked "Because until Board approval the draft changes are a work in progress how can the County even analyze potential environmental effects at this point?" The staff response is that it is not uncommon for details of a project under analysis to be refined and modified as it proceeds through the hearing and approval process. The Initial Study/Negative Declaration found that adoption of the ordinance draft dated June 9, 2017 (which was included as an Appendix in the IS/ND) would result in no potentially significant impacts to the physical environment. The latest changes to the ordinance proposed by staff, based on direction from the Commission, would not alter the conclusion of no significant environmental impacts.

Ms. Rominger's e-mail raised several other issues related to the specific wording of some sections of the zoning regulations. Staff has responded to each of the issues and the responses are also included in Attachment F.

Two letters were received from the Farm Bureau dated June 6 and June 21, 2017. The June 6 letter primarily addresses issues related to Williamson Act compatibility issues, but also touched upon the level of review for specific uses such as event centers. That letter has been discussed in the separate staff report for the Williamson Act Guidelines agenda item for this meeting. The June 21, 2017 letter is included in Attachment F.

Attachments

Att. A. Proposed Zoning Code Amendment

Att.B. CEQA resolution

Att.C. Initial Study/Negative Declaration

Att.D. Rezoning ordinance

Att.E. Adopted Ag Buffers

Form Review

Inbox

Eric May

Leslie Lindbo

Form Started By: Eric Parfrey

Final Approval Date: 07/05/2017

Reviewed By

Eric May

Julie Dachtler

Date

06/29/2017 03:45 PM

07/03/2017 11:33 AM

Started On: 06/12/2017 01:51 PM

Adopted Ag/Urban Buffers by Jurisdiction

Required buffer between approved urban use and ag

Butte County	300 feet
Kern County	buffer required but no minimum width specified
Delta Protection Commission	500 – 1,000 feet
Solano County	no buffer specified
Sacramento County	no buffer specified
Sutter County	50 – 500 feet
Yuba County	no buffer specified
San Luis Obispo	50 -- 600 feet, depending on ag crop (see policy)
Santa Barbara County	100 – 400 feet (see policy)

Required buffer between approved urban use/non-ag uses in ag zones, and ag

Ventura County	150 – 300 feet (depending on vegetation)
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“New dwellings, non-agricultural work sites and ongoing outdoor public activities potentially conflict with agricultural operations. A buffer/setback and fencing are therefore needed on these sites when they are developed adjacent to the qualifying agricultural land. A 300-foot setback to new structures and sensitive uses is required on the non-agricultural property unless a vegetative screen is installed. With a vegetative screen the buffer/setback is a minimum of 150-feet.”

Web sites and attached files:

County of San Luis Obispo; *San Luis Obispo County Agricultural Buffer Policies and Procedures* (November 2005); Website:
http://www.slocounty.ca.gov/Assets/AG/assets/Buffer+Policy_2005.pdf

County of Ventura; *County of Ventura Agricultural/Urban Buffer Policy* (Revised 7/19/06; Website:
http://vcportal.ventura.org/AgComm/onestoppermitting/docs/APAC_AgriculturalUrban_Buffer_Policy.pdf

Santa Barbara County Ag Buffers, excerpt from Section 35.30.025 of the County Zoning Code:
<http://sbcountyplanning.org/pdf/forms/LUDC/LUDC.pdf> (entire Code, 844 pages)

Other citations found on the Web:

“Most jurisdictions that use buffers require a range of 100 – 500 feet, including Yolo”
(Dr. Handy lecture, Environmental Science and Policy, UCD, May 26, 2016)



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Agricultural Commissioner
W. Earl McPhail

Chief Deputy
David Buettner

County of Ventura
Agricultural/Urban Buffer Policy – Revised 7/19/06

The purpose of this policy is to protect the public health, safety and welfare of the citizens of Ventura County *and* protect the economic viability and long-term sustainability of the Ventura County agricultural industry.

New urban developments (and non-farming activities) should be required to lessen public and animal exposure to agricultural chemicals, dust, noise and odors *and* protect agricultural operations and land from vandalism, pilferage, trespassing and complaints against standard legal agricultural practices.

This Policy provides guidelines to prevent and/or mitigate conflicts that may arise at the agricultural/urban interface. It applies where urban structures or ongoing non-farming activities are permitted adjacent to land 1) in crop or orchard production; or 2) classified by the California Department of Conservation Important Farmland Inventory as Prime, Statewide Importance, Unique or Local Importance farmland. These guidelines apply to projects requiring discretionary approval by the county or a city where the proposed non-farming activity is abutting or on land zoned AE, OS or RA, and the farming activity is located outside a Sphere of Influence, as adopted by LAFCO. The Agricultural Policy Advisory Committee (APAC) or the Agricultural Commissioner may grant an exemption to these policies on a case-by-case basis, where physical factors prevent or alleviate the need for compliance.

Where applicable, urban developments or non-agricultural uses shall be conditioned to provide and maintain a 300-foot setback and chain-link fence on the non-agricultural property between the urban use and the agriculture, or a 150-foot buffer/setback if a vegetative screen as described below is used.

APPLYING THE POLICY TO NEW DEVELOPMENT

New dwellings, non-agricultural work sites and ongoing outdoor public activities potentially conflict with agricultural operations. A buffer/setback and fencing are therefore needed on these sites when they are developed adjacent to the qualifying agricultural land. *A 300-foot setback to new structures and sensitive uses is required on the non-agricultural property unless a vegetative screen is installed. With a vegetative screen the buffer/setback is a minimum of 150-feet.*

Fencing requirements:

A reinforced 8-foot chain link fence with top bar is required on applicable urban developments to deter pilferage and vandalism of crops. Placement is nearest the agricultural side. If the agricultural field has a fence, the requirement may be satisfied.

Minimum standards for vegetative screen (shelter belt):

- Two staggered rows of trees and shrubs characterized by evergreen foliage that extends from the base of the plant to the crown
- Trees and shrubs should be vigorous, drought tolerant and at least 6 feet in height at the time of installation
- Plants should have 50% to 75% porosity (i.e., approximately 50% to 75% of the plant is air space)
- Plant height should vary in order to capture drift within 4 feet of ground applications
- A mature height of 15 feet or more is required for trees

- To ensure adequate coverage, 2 staggered rows should be located 5 feet apart and consist of minimum 5 gallon plants at least 6 feet tall planted 10 feet on center
- Recommended plants include: Toyon (*Heteromeles arbutifolia*), Sugarbush (*Rhus ovata*), Laurel sumac (*Malosma laurina*) and Italian cypress (*Cupressus sempervirens*)
- A long-term plan shall be in place for maintaining the vegetative shelter belt

The following uses are acceptable within 300 feet of agriculture:

- Parking lots and garages
- Landscaping/hardscape
- Storage sheds or open storage
- Greenhouse structures with venting away from the non-agricultural area
- Wooden or chain link fencing
- Some types of livestock such as range cattle or sheep (other livestock only as approved by APAC)
- Roads and drainage facilities
- Farmworker dwellings where notification between farmer and occupants can easily occur prior to spraying
- Low human-intensity uses as approved by APAC

The following uses are acceptable within 150 feet of agriculture with a vegetative screen (shelter belt):

- All uses acceptable within 300 feet
- Front yard setbacks
- Hiking, bike or bridle paths
- Single-use facilities for government, institutional or educational use where agreements and notification between parties can easily occur prior to spraying
- Farm and produce stands where notification between farmers and occupants can easily occur prior to spraying
- Agricultural Tourism in accordance with a Condition Use Permit (CUP)

APPLYING THE POLICY TO MODIFICATIONS OF EXISTING USES/ACTIVITIES

- All Policy guidelines apply where feasible

The following apply where existing structures do not allow a 300-foot or 150-foot setback:

- Installation of a reduced vegetative screen
- Reinforced 8-foot chain link fence (minimum requirement)
- Information exchange for agricultural spraying notification
- Posting of Right-to-Farm Ordinance at the site of existing uses/activities
- Agreement to modify existing cooperative practices, if needed

The following apply where a school is located directly within 300 feet of agriculture:

- All K-12 school construction within 300 feet of agriculture requires a public meeting by APAC – and is strongly discouraged within ¼-mile of agriculture
- When a school is located directly within 300 feet of agriculture, the recommendations in *Farming Near Schools, A Community Guide for Protecting Children* (available from the Agricultural Commissioner's Office or www.agfuturesalliance.net) shall be followed by both the farmer and the school

These Guidelines were developed in part from data from *Spray Drift Task Force (1997)*, established in response to EPA spray drift data requirements.



COUNTY OF SAN LUIS OBISPO Department of Agriculture/Measurement Standards

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November 2005

AGRICULTURAL BUFFER POLICIES AND PROCEDURES

Policy Statement

It is the policy of the Agricultural Commissioner and Planning Director through the county's Agriculture and Open Space Element to:

1. Promote and protect agriculture
2. Protect the public's health and safety
3. Provide the Board of Supervisors, LAFCO, School Districts, and City Councils with technical information, assistance, and buffer recommendations to address land use compatibility and issues affecting agriculture.

Objectives

The Agricultural Commissioner will evaluate referrals to determine if potential "significant land use conflict" between agricultural lands and non-agricultural lands will occur with the proposed project. The basis for the determination and recommended mitigation measures will be provided in a written report. Determinations and recommendations are advisory and made on a site-specific basis within the established buffer policies and procedures.

Buffers Reduce Land Use Conflict from:

1. Pesticide Use
 - A. Provides for a margin of safety for the public and sensitive non-target areas.
 - B. Reduces the need for spray buffers or other governmental restrictions, which negatively impact agriculture.
 - C. Helps maintain the feasibility of pesticide use as a tool for agriculture.
 - D. Reduces local neighbor conflict and complaints to agriculturalist and government agencies.
2. Noise and Night time lighting
 - A. Reduces the potential for nuisance from a variety of agricultural sources such as bird frightening devices, pumps, heavy equipment, wind machines, etc.
 - B. Reduces local neighbor conflict and complaints to governmental agencies.
 - C. Reduces the disturbance from noise and light associated with night harvesting.

3. Dust
 - A. Creates distance or screening for dust to settle out before affecting homes or people.
4. Trespass/Vandalism/Theft/Litter/Liability
 - A. Helps reduce the potential negative impact that people and pets can have on agricultural property.
 - B. Helps reduce the impact that stray livestock can have on neighbor's property.
5. Rodent Control
 - A. Helps maintain the use of agricultural rodent control materials, which may be otherwise prohibited in close proximity to homes, schools, and other urban areas.
 - B. Reduces the likelihood of accidental poisoning of pets.
6. Agricultural Burns
 - A. Helps maintain agricultural burning as a cultural management tool. Otherwise, burns may be prohibited or further regulated if dwellings are built too close to agricultural property.
 - B. Protects the public's health and safety.
7. Beekeepers
 - A. Helps preserve the use of bees for honey production and pollination. Otherwise, beekeepers may be forced to move hive sets out of agricultural areas due to close proximity to urban areas.
 - B. Protects the public's health and safety from bees searching for food and water.
8. Erosion and Development Impacts
 - A. Reduces the sources of soil erosion in agricultural areas from development activities on adjacent lands.
 - B. Reduces impacts on agriculture from flooding and siltation.
9. Harborage and introduction of agricultural disease and pests
 - A. Protects agriculture by reducing the incident of insect and diseases moving from backyard situations to adjacent agriculture.
10. Other sources of land use conflict unique to certain situations.

Referral Process

1. The Agricultural Commissioner's office responds to referrals sent by the Planning Department, Public Works, LAFCO, School Districts, or city government. Issues usually relate to proposed development, land divisions, lot line adjustments, zoning or general plan changes adjacent to or in the vicinity of existing agricultural land use. Responses are in writing and advisory only.
2. An on-site evaluation shall be conducted with the applicant and/or agent. Nearby agricultural operators are contacted whenever possible.
3. Existing agricultural use, within an appropriate range, is evaluated for potential significant land use conflict with the proposal. Realistic future agricultural uses on agricultural zoned parcels shall also be considered.
4. Buffer determinations and other mitigation measures are made on a case-by-case basis considering established buffer distance ranges and all relevant factors. Countywide standards or minimum setback distances are used only when specified in the LUO. However, this procedural guideline is followed to provide for maximum consistency.
5. Recommended mitigation measures are subject to review and modification by the department as long as the margin of safety is maintained, potential nuisance issues are adequately addressed and potential land use conflict is maintained at a level below significance.
6. Agricultural Commissioner land use reports shall also identify potential land use conflicts and negative impacts to agriculture in situations, which may be partially or not at all mitigated. Even with buffer setbacks, etc., agriculturalists may be further restricted in their production practices or experience losses due to adjacent development.
7. Agricultural Commissioner's staff is available for testimony at public hearings upon the request of the Board of Supervisors, Planning Commission, Subdivision Review Board, Planning and Building Department, LAFCO, or city government.

Procedural Guidelines

Introduction

The type and extent of agricultural use, zoning, site specific non-crop factors, and the nature of the land use proposal are the most significant factors in a determination of significant land use conflict and subsequent mitigation measures.

1. Agricultural Use

- A. Extent: An evaluation is made if existing agricultural use is of a "production agriculture" scope. This differentiates "hobby farms", "ranchettes", or other smaller non-commercial type agricultural uses.
- B. Type: Farming practices vary considerably by type of agricultural use. Subsequently, land use conflict determinations and recommended mitigation measures are often directly related to the type of agricultural use potentially impacted by the referred land use proposal.
- C. Historical/Current/Future: An evaluation shall be made concerning the suitability of a particular parcel or area for certain types of agricultural uses.

2. Zoning

Zoning on agricultural use parcels adjacent/near the referred land use proposal are evaluated. The zoning of the referred parcels and the overall zoning of the area may also be evaluated. (See Table 2, Page 7)

- A. Parcels adjacent to the referral project, zoned agriculture, with an existing or realistic future agricultural use normally provides a basis for a land use conflict determination and subsequent mitigation measures.
- B. Parcels adjacent to the referral project not zoned agriculture may provide a basis for a land use conflict determination only if a "production agriculture" use exists at the time of evaluation.

3. Site Specific Non-Crop Factors

Various site-specific factors are evaluated and potentially utilized in land use conflict determinations and mitigation measures. These include, but are not limited to: topography, prevailing wind direction, natural screening (e.g.; vegetation, stream channels), soil type, location of existing roads, and the extent of existing development.

4. Nature of the Proposal

Specific factors related to the referred land use proposal that may be significant include, but are not limited to: parcel size, configuration, density of development, and intended type of land use. Developments, which include dwellings or schools, may need larger buffers than businesses where the presence of people may be limited.

Mitigation Measures

Objective

Building setbacks (buffers) and/or screening techniques (walls, landscaping, etc.), are useful to increase the likelihood of compatibility between development (homes, schools, etc.) and agricultural property. Buffer distances are the most effective mitigation measure.

Scope

The buffer is placed on the developer's property and will be recorded as a distance from the property line to the proposed occupied structure. However, the total buffer distance calculation and recommendation is measured from proposed occupied structure to the edge of the agricultural operation. The buffer will allow for such land uses as landscaping, barns, storage buildings, orchards, pastures, etc., while protecting the agricultural use and the public's health and safety.

The County does not have the authority to restrict the agricultural land use in order to accomplish the recommended buffer. However, the Agricultural Commissioner does have the authority, and has at times, imposed spray buffers and other restrictions to pest management practices due to development or other potential hazards near agricultural operations.

Agricultural Buffer Distance Determinations

1. General Guidelines
 - A. Determinations are made within this policy based on all relevant site and project criteria, practical knowledge of agricultural practices, technical literature, contact with other professionals within the University, industry, government agencies and training.
 - B. "Margin of safety" and "probability" concepts are used in determining setback distances.
 - C. The department's land use reports will identify recommended mitigation measures and will not provide alternatives.
 - D. Existing dwellings or other development adjacent to agricultural use may already negatively impact agriculture. Buffer mitigations address reducing future or additional impacts and aren't necessarily affected by existing dwellings unless the extent of existing development is such that the proposal does not significantly worsen the land use conflict already present.
2. Buffer Distance Ranges by Crop

Agricultural practices associated with the production of crops are the most important contributing factor to land use conflict when development occurs in close proximity to agricultural areas. Since production practices vary considerably by

type of crop, buffer distances may vary accordingly. Ranges in distance are necessary due to the influence that site or project specific factors may have.

Buffer Distance Range by Crop
Table 1

Type of Agricultural Use		Buffer Distance Range
1.	Intensive Agricultural Uses	
	Vineyards	200 - 600 feet
	Irrigated orchards	200 - 600 feet
	Irrigated vegetables and berries	200 - 600 feet
	Irrigated Forage and Field Crops	100 - 400 feet
	Wholesale nurseries - Outdoors	100 - 500 feet
	Greenhouses	100 - 300 feet
2.	Non-Intensive Agricultural Uses	
	Dry farm field crops, orchards and vineyards	100 - 200 feet
	Rangeland/pasture	50 - 200 feet

Site-specific non-crop factors (such as topography, prevailing wind direction, and elevation differences) and proposal specifications often affect the final buffer distance recommendation within the ranges listed above in Number 1 and 2. Significant overriding factors or land unsuitable for agricultural use could justify recorded buffers less than the indicated range.

3. Buffers and Development Potential

Potential development on the referred land use proposal will always be considered. However, with certain types of production agricultural crop uses as defined in Table 2 below on agricultural zoned land, the analysis may lead to a recommendation to alter the project.

4. Zoning and Buffers

A. Affect of Agricultural Use Zoning on Project Mitigation.

The zoning on agricultural use parcels adjacent to the proposed land use referral may affect buffer determinations.

The following table applies to the zoning of parcels potentially affected by proposed projects. These parcels usually adjoin the proposed project, but may also encompass other parcels in the nearby area (regional considerations).

Zoning and Buffer Recommendations

Table 2

Adjacent Parcel			Project Parcel Mitigation
Zoning	Ag Use	Buffers May Be Recommended	Proposed Development Possibly Affected
Ag. Zone	Production Ag. Use	Yes	Yes
Ag. Zone	Prime Soils	Yes	Yes
Ag. Zone	Realistic Future Ag. Use	Yes	No
Non-Ag. Zone	Production Ag. Use	Yes	*Yes
Non-Ag. Zone	Non-production Ag. Use	No	No
Non-Ag. Zone	Realistic Future Production Ag. Use	No	No

*Production agricultural use parcels in non-agricultural zones which have historic agricultural value, prime soils, or other unique agricultural characteristics, will receive the same level of recommended mitigation protection as do agricultural zoned parcels.

B. Use of Project Mitigation on Agriculturally Zoned Parcels

Typically, buffers are not necessary on parcels zoned agriculture. However, buffers will be recommended on parcels zoned agriculture which are under 20 acres in size (substandard sized lots commonly known as antiquated subdivisions). Maximum appropriate buffer distance within approved ranges will be recommended, but distances may need to be reduced to allow for reasonable home sites on existing parcels.

Specific Situational Issues

1. When buffers are recommended for proposed land use projects adjacent to production agriculture on non-agriculturally zoned property, the report will normally state: "The buffer shall become null and void if future development on adjacent parcel(s) precludes production agriculture." Such a determination shall be made in consultation with the Department of Agriculture.
2. The Agricultural Commissioner will not recommend the specific type of plant material or construction material for a wall or fence for screening purposes, but may state objectives and evaluate the applicants written proposal.
3. Organic farming practices will not typically influence mitigation measures.
4. Proposed industrial land uses adjacent to agricultural areas may also present significant land use conflict. Specific types of industrial use will be evaluated on a case-by-case basis through the normal referral process.
5. Land use conflict may be significantly reduced if the agricultural use and the proposed use is owned/operated by the same party (e.g., winery or a roadside stand added to an existing agricultural operation.)
6. Occupied structure(s) that already exist within a "buffer zone" are not affected by the buffer restrictions. Buffers will only affect the location of proposed occupied structures. Mobile homes are considered home sites and subsequently can be replaced by permanent home construction within the buffer zone. Permanent home replacement (e.g., fire destruction) would also be unaffected by the buffer.

Disclosure

The agricultural buffer document will be duly recorded in the chain of title of the subject property.

CHAPTER 35.30 - STANDARDS FOR ALL DEVELOPMENT AND LAND USES

Sections:

- 35.30.010 - Purpose
- 35.30.020 - Applicability
- 35.30.025 - Agricultural Buffers
- 35.30.030 - Bikeways
- 35.30.040 - Reserved
- 35.30.050 - Density
- 35.30.060 - Design Compatibility Standards
- 35.30.070 - Fences and Walls
- 35.30.080 - Flood Hazard Development Standards
- 35.30.090 - Height Measurement, Exceptions and Limitations
- 35.30.100 - Infrastructure, Services, Utilities and Related Facilities
- 35.30.110 - Lot Line Adjustments
- 35.30.120 - Outdoor Lighting
- 35.30.130 - Performance Standards
- 35.30.140 - Recreation and Visitor Serving Uses
- 35.30.150 - Setback Requirements and Exceptions
- 35.30.160 - Solar Energy Systems
- 35.30.170 - Solid Waste and Recycling Storage Facilities
- 35.30.180 - Storm Water Runoff Requirements
- 35.30.190 - Subdivisions, Lot Size

35.30.010 - Purpose

This Article expands upon the standards of [Article 35.2 \(Zones and Allowable Land Uses\)](#) by addressing the details of site planning and project design. These standards are intended to ensure that all development:

- A. Produces an environment of stable and desirable character;
- B. Is compatible with existing and future development; and
- C. Protects the use and enjoyment of neighboring properties, consistent with the Comprehensive Plan.

35.30.020 - Applicability

The requirements of this Article shall apply to all proposed development and new land uses, except as specified in [Chapter 35.101 \(Nonconforming Uses, Structures, and Lots\)](#) and shall be considered in combination with the standards for the applicable zone in [Article 35.2 \(Zones and Allowable Land Uses\)](#) and those in [Article 35.4 \(Standards for Specific Land Uses\)](#). If there is a conflict, the standards in [Article 35.4 \(Standards for Specific Land Uses\)](#) shall control.

35.30.025 - Agricultural Buffers

- A. **Purpose and intent.** The purpose of agricultural buffers is to implement adopted Comprehensive Plan policies that assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County through establishing development standards that provide for the creation of buffers between agricultural uses and new non-agricultural development and uses. The intent of agricultural buffers is to minimize potential conflicts between agricultural and adjacent land uses that result from noise, dust, light, and odor incidental to normal agricultural operations as well as potential conflicts originating from residential and other non-agricultural uses (e.g., domestic pets, insect pests and invasive weeds).

B. Applicability. This Section applies to all discretionary applications for non-agricultural development and uses (project) which satisfy all of the following criteria:

1. The project site is located within an Urban or Inner-Rural Area, or an Existing Developed Rural Neighborhood, as designated on the Comprehensive Plan maps; or located on property zoned industrial that is located in the Rural Areas as designated on the Comprehensive Plan maps.
2. The project site is located immediately adjacent to land that is:
 - a. Located in a Rural Area as designated on the Comprehensive Plan maps, and
 - (1) Has an agricultural zone designation as identified in Section 35.014.020 (Zoning Map and Zones) or Section 35-52 (Zoning District Designations and Applicability) of Article II, the Santa Barbara Coastal Zoning Ordinance or Article V of Ordinance No. 661, excluding state or federally owned land, or
 - (2) Is subject to a contract executed in accordance with the County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

C. Exceptions. This Section does not apply to the following:

1. Single-family dwelling, residential second units and residential accessory structures.
2. Farm employee dwellings and farm labor camps.
3. Non-agricultural, discretionary development approved prior to May 9, 2013.
4. Changes to a non-agricultural, discretionary project approved prior to May 9, 2013, provided that prior to an action by the review authority to approve an application in compliance with Subsection 35.84.040 C or D the review authority shall first determine that the changes to the project proposed by the application do not result in any new or greater impacts to agriculture than those resulting from the already approved project.
 - a. If the review authority cannot make the determination required in compliance with Subsection C.4, above, then the project shall be subject to the provisions of this Section.
5. **Non-commercial agricultural uses.** An agricultural buffer is not required adjacent to a common lot line between the project site and an adjacent agriculturally zoned lot if the adjacent lot is used for non-commercial agriculture.
6. State and County roadway projects.
7. Lot line adjustments and modifications to lot line adjustments that:
 - a. Do not exceed a 10 percent increase or decrease in the area of the smallest existing lot; and
 - b. Do not result in an increase in the number of developable lots in compliance with Subsection 35.30.110.B.3.c.

D. Agricultural buffer requirements. All applications subject to this Section shall designate and maintain an agricultural buffer on the project site in compliance with this Section.

1. **Agricultural buffer width.** The width of the agricultural buffer shall be in compliance with the range of agricultural buffer widths as shown in the following Table 3-1 (Range of Agricultural Buffer Widths). Ranges are provided because unique circumstances may require the buffer width to be adjusted; however, the agricultural buffer width as adjusted shall neither be less than the minimum buffer width nor greater than the maximum buffer width shown in the following Table 3-1 (Range of Agricultural Buffer Widths). If the proposed project is located adjacent to a lot that contains both Production Agriculture and Rangeland or Pastureland, then the most protective buffer:
 - a. Shall be applied adjacent to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is immediately adjacent; and

- b. May be applied to any portion of the common lot line between the project site and the adjacent agriculturally zoned lot where Production Agriculture is not immediately adjacent, if Production Agriculture is located on the adjacent lot within the distance, as measured from the common lot line, that is equal to the width of the required buffer that would otherwise be applicable to the project site.

Refer to Section II.C. (Agricultural Buffer Width Adjustment) of the Agricultural Buffer Implementation Guidelines (Appendix I) for guidance.

Table 3-1 - Range of Agricultural Buffer Widths

Project Land Use or Zoning	Project Location	Minimum Buffer Width (feet)	Maximum Buffer Width (feet)
Commercial or Industrial	Adjacent to production agriculture	100	300
	Adjacent to rangeland or pastureland	100	150
Residential, not located on a Small Lot located within an Urban Area	Adjacent to production agriculture	200	300
	Adjacent to rangeland or pastureland	100	150
Residential, located on a Small Lot located within an Urban Area	Adjacent to production agriculture	100	200
	Adjacent to rangeland or pastureland	100	150
Sensitive Non-agricultural Uses	Adjacent to production agriculture	300	400
	Adjacent to rangeland or pastureland	100	150

2. **Agricultural buffer location.** The agricultural buffer shall be located:
 - a. On the lot on which the non-agricultural project is proposed.
 - b. Adjacent to the common lot line between the project site and the adjacent agriculturally zoned lot.
3. **Agricultural buffer width measurement.** The agricultural buffer width shall be measured from the common lot line between the project site and the adjacent agriculturally zoned lot. The agricultural buffer shall be coterminous with the length of said common lot line.
4. **Agricultural buffer width adjustment.** The following factors shall be considered when determining the agricultural buffer width in compliance with Subsection D.1 (Agricultural buffer width), above. See the Agricultural Buffer Implementation Guidelines (Appendix I) for guidance in determining the appropriate agricultural buffer width.
 - a. **Site specific factors.** The following factors shall be considered when determining the agricultural buffer width:
 - (1) Crop type/agricultural practices.
 - (2) Elevation differences and topography.
 - (3) Extent and location of existing non-agricultural development.
 - (4) Location of existing roads or naturally occurring barriers.
 - (5) Historical land use on the agricultural lot.
 - (6) Future farming potential of the agricultural lot.
 - (7) Site design of the non-agricultural proposal.
 - (8) Non-agricultural lot size/configuration.
 - (9) Prevailing wind direction.
 - b. **Vegetative screening adjacent to production agriculture.** Vegetative screening may be used to offset an increase in the buffer width for projects adjacent to Production Agriculture, as it

may be adjusted in compliance with Subsection D.4.a (Site-specific factors). See Subsection F.3 for vegetative screening criteria and the Agricultural Buffer Implementation Guidelines (Appendix I) for guidance.

- c. **Constrained agricultural areas.** If the adjacent lot is used for production agriculture and contains land areas that are constrained by physical features or easements such that those land areas cannot be used for agriculture, then the agricultural buffer width may be reduced on the project site by an amount equal to the width of the constrained land area located on the adjacent agricultural lot, provided:

- (1) The physical feature is permanently part of the landscape (e.g., a protected riparian area, or rock out-cropping); and
- (2) The physical feature or easement precludes any kind of agricultural use and be located adjacent to the non-agricultural project site.

- 5. **Comprehensive Plan consistency.** Where Comprehensive Plan policies and this Section both address agricultural buffer requirements, the most protective agricultural buffer requirement shall prevail.

- 6. **Reasonable use.** This Section is not intended, and shall not be construed as authorizing the review authority acting in compliance with this Section to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States or under this Development Code.

7. **Buffer recordation.**

- a. **Notice to Property Owner required.** Prior to the approval of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) or a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearance) following the approval of a discretionary planning permit, a Notice to Property Owner shall be required to be recorded by the property owner that will provide notification to all future owners and successors of the restrictions of this Section 35.30.025. Said Notice shall include:

- (1) An exhibit showing the location of the agricultural buffer by metes and bounds description or surveyor's description.
- (2) The uses that are allowed within the agricultural buffer in compliance with Section 35.30.025.E (Allowable uses within agricultural buffers).
- (3) The Landscape, Lighting and Irrigation Plan in compliance with Section 35.30.025.F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements).
- (4) The Maintenance Plan in compliance with Section 35.30.025.G (Agricultural buffer maintenance requirements).

- b. The requirement to record said Notice in compliance with this Subsection D.7 shall be included as a condition of approval of an application for a discretionary planning permit subject to this Section.

- E. **Allowable uses within agricultural buffers.** The property owner shall use his best efforts to consult with the adjacent agricultural land owner(s) to address food safety and agricultural production concerns with regard to landscape, lighting, and vegetative screening design and siting. See the Agricultural Buffer Implementation Guidelines (Appendix I) for information on the purpose and intent of restricting uses within agricultural buffers and how to incorporate site design and other features that are compatible with agriculture.

- 1. **Unrestricted uses within agricultural buffers.** Subject to other provisions of this Section, or other

provisions of the County Code, the following uses may be allowed within a designated agricultural buffer:

- a. Drainage channels, irrigation canals, storm water retention basins and Low Impact Development (LID) drainage features.
 - b. Fences and walls.
 - c. Low-lying landscaping and vegetative screening that does not include trees or hedges exceeding three feet in height.
 - d. Oil and gas, wind energy and cogeneration facilities that are:
 - (1) Permitted in compliance with Article 35.5 (Oil and Gas, Wind Energy and Cogeneration Facilities), or
 - (2) Operated in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).
 - e. Natural waterways including rivers, creeks, lakes, ponds, and flood plains.
 - f. Signs.
 - g. Solar energy systems permitted in compliance with Section 35.30.160 (Solar Energy Systems).
 - h. Telecommunication facilities permitted in compliance with Chapter 35.44 (Telecommunication Facilities).
 - i. Utility lines and facilities.
 - j. Any other use determined by the review authority to be consistent with the purpose and intent of the buffer requirement.
 - k. Modifications or additions to structures legally existing as of May 10, 2013 provided that any addition to a structure that is located within a buffer required by this Section shall not extend further towards the immediately adjacent agricultural lot.
2. **Restricted uses within agricultural buffers.** Subject to other provisions of this Section, or other provisions of the County Code, the following uses may be allowed within the agricultural buffer provided they are not located any closer to the common lot line between the project site and the adjacent agriculturally zoned lot than half the width of the buffer. This requirement may be modified by the review authority when it is determined that strict compliance with this section is not required to minimize conflicts with adjacent agriculture.
- a. Industrial or commercial loading docks and rear service areas.
 - b. Landscaping and vegetative screening.
 - c. Lighting.
 - d. Non-habitable structures such as those used for storage.
 - e. Parking areas including carports and garages.
 - f. Public and private open space areas with limited passive recreational uses such as trails, bike paths and walking paths.
 - g. Roads and transportation infrastructure.
3. **Prohibited uses within agricultural buffers.** Recreational uses such as parks, picnic areas, playgrounds and ball fields shall not be allowed in an agricultural buffer.
4. **Open space credit.** The agricultural buffer may be counted toward open space requirements as long as the limits on allowed uses are consistent with the requirements of this Section and the Development Code.

5. The unrestricted uses, restricted uses and prohibited uses within the designated agricultural buffer shall be included as a condition of approval of the approved project.

F. Agricultural buffer Landscape, Lighting and Irrigation Plan requirements.

1. A Landscape, Lighting and Irrigation Plan (Plan) shall be required for all agricultural buffers. The Plan shall:
 - a. Graphically depict and label the agricultural buffer.
 - b. Graphically depict and label the following elements within the agricultural buffer:
 - (1) Erosion control measures.
 - (2) Hardscape.
 - (3) Irrigation systems.
 - (4) Landscaping, vegetation, and materials.
 - (5) Lighting.
 - c. Incorporate Low Impact Development (LID) measures to maximize runoff retention and groundwater infiltration on-site.
 - d. Incorporate a fence or other barrier that complies with the Development Code, with a minimum height of six feet, that discourages trespassing and domestic animals from crossing the common lot boundary between the project site and the adjacent agricultural land.
 - e. Prohibit the planting or installation of turf within 50 feet of the adjacent agricultural land unless required by County, State or Federal regulations.
 - f. Be compatible with the surrounding land uses and rural character of the agricultural area.
2. Landscaping, lighting and irrigation are not required within the agricultural buffer. However, if vegetation is included within the buffer, the plant palette shall meet the following requirements:
 - a. The plants shall be compatible with agriculture.
 - b. Shading of adjacent agricultural crops shall be minimized.
 - c. To the maximum extent feasible, the plants shall be fire resistant and drought- tolerant or low water use.
 - d. The plants shall not be considered noxious according to Section 4500 of the California Code of Regulations or considered invasive by the California Invasive Plant Council (Cal-IPC).
3. If a vegetative screen is used to offset an agricultural buffer width increase for production agriculture as described in Subsection D.4.b (Vegetative screening adjacent to production agriculture), the vegetative screen shall be consistent with the requirements in this Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirements) and shall be in compliance with the following additional criteria:
 - a. The vegetative screen shall consist of two staggered rows of vegetation consisting of a layered canopy with evergreen trees and shrubs with foliage extending from the base to the crown.
 - b. The plants shall thoroughly screen the agricultural use from the non-agricultural use within five years from time of installation.
 - c. The minimum height of trees at maturity shall be 15 feet.
 - d. The vegetative screen shall be at least 25 feet deep.
4. The Landscape, Lighting and Irrigation Plan shall be compatible with the requirements in Subsection E (Allowable uses within agricultural buffers).
5. The applicant shall provide a signed and notarized agreement and a performance security acceptable

to the Director that guarantees the installation of landscaping, lighting and irrigation and provides for the successful establishment of the agricultural buffer for a minimum of five years. The performance security shall be released upon approval by the Director.

G. Agricultural buffer maintenance requirements.

1. A Maintenance Plan shall be required that provides for the maintenance of the agricultural buffer for the life of the project. The Maintenance Plan shall:
 - a. Include provisions for managing agricultural pests such as vertebrate pests, invasive weeds, and crop threatening insects. Integrated Pest Management practices shall be used to the extent feasible.
 - b. Include provisions for removing weeds, trash and debris.
 - c. Provide for regular fuel management and removal of accumulated plant matter within the agricultural buffer so as to minimize fire risk.
 - d. Be consistent with the requirements in Subsection F (Agricultural buffer Landscape, Lighting and Irrigation Plan requirement).
 - e. Provide for the regular maintenance of the elements as described in Subsection F (Agricultural Buffer Landscape, Lighting and Irrigation Plan requirements).

H. Future conversion of adjacent agricultural land. If the underlying purpose for the agricultural buffer no longer exists, the review authority, upon application for permit revision in compliance with Division 35.8, (Planning Permit Procedures), may remove agricultural buffer requirements originally required in compliance with this Section.

I. Findings. In addition to other findings that may be required, the review authority shall not approve or conditionally approve any application subject to the requirements of this Section for which an agricultural buffer is required unless it first makes all of the following findings:

1. The design and configuration of the agricultural buffer minimizes, to the maximum extent feasible, conflicts between the adjacent agricultural and non-agricultural uses which are the subject of the permit application.
2. The Landscape, Lighting, Irrigation and Maintenance Plans are compatible with the character of the adjacent agricultural land and the rural setting.

35.30.030 - Bikeways

Within the Inland area, bikeways shall be provided where determined by the review authority to be appropriate and feasible for recreational and commuting use.

35.30.040 - Reserved

35.30.050 - Density

- A. The densities specified in the Comprehensive Plan are maximums and may be reduced through discretionary project review if the review authority determines that a reduction is warranted by conditions specifically applicable to a site, including topography, geologic or flood hazards, habitat areas, or steep slopes.
- B. Density may be increased for an affordable housing project in compliance with Housing Element policies, provided that any project in the Coastal Zone is found consistent with all applicable provisions of the Local Coastal Program.

Article 19

Agricultural Buffers

CHAPTER 1500-19

Sections:

- 1500-19-010: Purpose**
 - 1500-19-020: Applicability**
 - 1500-19-030: Buffer Design**
 - 1500-19-040: Buffer Setbacks**
 - 1500-19-050: Reductions in Buffer Widths**
 - 1500-19-060: Maintenance**
 - 1500-19-070: Waiver and Termination**
-

1500-19-010 Purpose

The purpose of agricultural buffers and setbacks is to provide for the long-term viability of agricultural operations and to minimize potential conflicts between adjacent agricultural and new, non-agricultural development and uses.

1500-19-020 Applicability

Permanent agricultural buffers are required for any new or expanded non-agricultural use or development such as the subdivision of Estate Residential properties or other residential subdivisions, or development of commercial or industrial projects that are:

- A. Located on land that is not zoned AG;
- B. Located outside established City sphere of influence boundaries or rural communities boundaries. Projects located within but adjacent to these boundaries shall buffer from adjacent properties located outside the boundaries; and
- C. Require discretionary approval from the County.

1500-19-030 Buffer Design

- A. Where agricultural buffers are required they shall be located on the non-agricultural property.
- B. Agricultural buffers should be designed to ensure that the buffer does not provide a host environment for pests or carriers of disease which could potentially impact adjacent agricultural operations.
- C. Agricultural buffers should be designed to accommodate drainage, trails, roads, parks, greenbelts, infrastructure, community gardens, native landscaping, and other uses that are compatible with ongoing agricultural operations and provide multiple use opportunities.

- D. Hedgerows, berms, walls, or other types of barriers may be incorporated into the buffer design to reduce impacts between adjacent agricultural operations and non-agricultural uses.

1500-19-040 Buffer Setbacks

Table 1500-19-1 identifies recommended minimum agricultural buffer setbacks which are required to be provided on the property on which the new or expanded non-agricultural use or development (i.e. new residential subdivision, commercial or industrial use) is proposed. The minimum agricultural buffer setback shall be measured from the proposed non-agricultural project site to the property line of the adjacent agricultural property and may include the width of adjacent road right-of-ways, canals, or other similar features. These buffers shall not apply to accessory uses and structures such as shops, barns, ground mounted solar facilities, and other similar uses and structures.

Table 1500-19-1: AGRICULTURAL BUFFER SETBACKS	
Crop/Type/Agricultural Use	Minimum Buffer
Rangeland/Grazing	50 feet
Rice, field crops, orchards and vineyards	300 feet
Wholesale Nurseries	300 feet
Animal Husbandry	200 feet
Dairies	500 feet
Feed Lots	800 feet
Slaughterhouses	1,000 feet

1500-19-050 Reductions in Buffer Widths

Agricultural buffers may be reduced with approval of a Use Permit where the approving authority determines that:

- A. Specific site characteristics exist such as topography, prevailing winds, vegetation, and other site features that provide adequate buffering such that the required setback is not necessary to promote and protect agriculture and protect public health and safety; or
- B. Site constraints such as parcel size and configuration are such that the required setback is infeasible and the reduced setback provides the maximum feasible buffer from the Agricultural District or use.

1500-19-060 Maintenance

All buffers shall provide an ongoing maintenance program for the buffer area.

1500-19-070 Waiver and Termination

Buffer requirements may be waived or subsequently terminated if determined by the Director, in consultation with the Agricultural Commissioner, that all adjacent parcels zoned AG have been irreversibly converted to non-agricultural uses.

**STAFF REPONSES TO ISSUES RAISED
IN SHERI ROMNGER E-MAIL OF JUNE 20, 2017
(STAFF RESPONSE IN ITALICS)**

Dear Eric,

As we spoke about after the last Planning Commission hearing I have some questions and concerns regarding the proposed changes and also the Initial Study/NegDec. I have attached below the letter I sent to the commissioners before the last hearing that addresses my continuing concerns on the matter.

My main concern is the new language of Sec 8-2.306 (c) While the first clause of the first sentence seems to require "incidentalness" the next clause states ***"as well as some tourism-related uses that may be the primary use of a particular property"*** (I will put aside the fact that the original language of the very first sentence is much too broad as the terms "of the area" "preserve the rural lifestyle" and "stimulate the agricultural economy" are not defined anywhere in the Code. What geographical region is referenced by "of the area"? What exactly is a "rural lifestyle"? A cleaner approach would be to require the use be incidental to the agricultural or horticultural use of a specific property.)

This clause is confusing for many reasons. The first sentence relates incidentalness to the amorphous geographic "area" etc. while the second clause addresses the use of "a particular property". Is the "incidentalness" requirement in the first clause then applied also to a "particular property"? If so, is the overly broad language of "area" "rural lifestyle" and "stimulate the agricultural economy" applied to both clauses and, if so, how so? I guess it would be helpful to know what the County is trying to accomplish with the first clause of the sentence. If you know what that is, I would appreciate it if you could pass it along.

My main concern with the second clause of that sentence is that it is the exception that will swallow the "rule" that comes before it. You stated at the hearing that this language was meant to address those pieces of property in the A-X zone that are too small to run agricultural operations as a primary use. How many properties in the County's A-X zone fit that description? Is that number large enough to warrant such expansive language? If the number is zero then what are we putting this language in there for, and if there are thousands of them then the County should not craft language to allow them all to become event facilities. Also, how is it determined that a particular property is unable to sustain agricultural operations, and who makes that determination? When in the process is that determination made?

It would be better policy to more narrowly tailor that language to fit the situation the County is trying to address. It would be less confusing if the clause read something along the lines of: *"This Use Type includes commercial uses incidental to the agricultural or horticultural operations of the use property. Where a particular property has been found to have no agricultural or horticultural potential or ability this Use Type may also include commercial uses that may be the primary use of that property."*

It is also confusing because the new language uses the term "tourism-related uses" rather than "agricultural commercial and rural recreation". What does "tourism related" mean and is there a difference between "tourism-related" and agricultural commercial and rural recreation? If they mean the same thing then it is less confusing to lay people when the code is consistent.

I am also perplexed by the interplay between Section 8-2.306 (k)(1) and the definitions for Special Event Facility and Special Event found in 8-2.307. (k)(1) states *"Special event facilities include farm and residential land and structures that are used for special events such as weddings, tastings, special or seasonal celebrations, rodeos, and other gatherings, and may include tasting rooms."* Special event facility is defined in 8-2.307 as *"The use of land and/or facilities, for which a fee is normally charged, for a community or private event that is held on the premises of an agricultural property...."* Special event is *"a community or private gathering such as a harvest festival, wedding, farm dinner, corporate retreat, party, seasonal tasting, or rodeo, that is held at a special event facility/tasting room....However an event does not include....small informal gatherings of family members or personal friends of the special event owner/operator..."*

(k)(1) seems to encompass all land in the Ag zone since the list of "special events" examples includes "weddings.. special or seasonal celebrations... and other gatherings". Most residents hold special celebrations and other gatherings. Moreover, the definition of Special Event includes "party" and "farm dinner" held at a "special event facility" which in (k)(1) is farms and residences holding "events". The definition of special event facility in 8-2.307 does not help since it is as broad as (k)(1) by defining a facility as agricultural property that is used for a community or private event. The modifying language of "for which a fee is normally charged" is also unclear. Does it mean for which a fee is normally charged for that type of event, at that property, at other properties, customarily in the event industry etc? For example, normally a fee is charged to hold my child's birthday party at a restaurant, ice rink, pool or gym. Apparently under this language now I, and everyone else in the Ag zone, is a special event facility for hosting one of your children's birthday parties. The same would hold true for hosting your child's wedding.

Also how is a "small, informal gathering" defined? The use of the term "special event owner/operator" in the definition of special event leads one to believe that these sections are not meant to encompass all agricultural landowners in the zone but rather only those that are operating commercial hospitality businesses. However it is not clear if that is the County's intent. If it is then a more clear, concise way of stating that is needed.

There must be some way to more narrowly draft this language so that those of us who are not running commercial hospitality businesses in the ag zones are reclassified as event facilities.

The Bed and Breakfast language must include a length of stay requirement. If there is no limit a rural B&B would not be any different than a motel/hotel which are not permitted in the ag zones. How will the County restrict B&B's, cottages and rural lodging from becoming rental properties or subdivisions?

Furthermore, I believe it is bad policy to allow these types of lodging operations to now be run with only a manager on-site. Under this new language a purchaser of ag land from anywhere in the world can operate a lodging facility in the ag zones, never even visit this area, and install a "manager" who may not reside in the area let alone on the property. How is that different from a hotel/motel operation? How can that owner/operator and manager appreciate the unique realities of being located in Yolo County agricultural land? The original language ensures that a lodging operator will be responsive to both guests and neighbors.

With regards to the Initial Study/Neg Dec, if changes are made to the draft proposal at the Commission or Board how does that affect the NegDec? Because until Board approval the draft changes are a work in progress how can the County even analyze potential environmental effects at this point?

Thank you Eric for your attention to this email.

Best,

Sheri Rominger

Dear Planning Commissioners:

June 7 2017

Thank you for your thoughtful consideration in past hearings on the Proposed Zoning Changes to the Commercial Ag Regulations. This process has often been frustrating but arriving at an end product that participants can support is, I believe, not far off. Unfortunately we cannot say, at this point, that we are able to support these draft proposals. Below please find the areas of concern that are keeping us from being able to approve of the Draft.

Sec 8-2.303 (c) Agricultural Commercial and Rural Recreation Uses

1). The County continues to group what are more accurately characterized as Commercial Rural Hospitality uses into Agricultural Commercial uses. We realize that this is not a huge obstacle, but it is very confusing to a layperson attempting to navigate the County's zoning code. It appears a misnomer as many of the use types that are causing the most consternation are ones that actually have no agricultural use other than that their patrons drive through ag lands to arrive at their destination.

If a commercial rural hospitality business has a primary or underlying agricultural use then, yes, classify that as Agricultural Commercial. However, where there is no primary agricultural use then that use type should either have its own zone designation or a new use type (perhaps "Rural Commercial Hospitality") should be created. The confusion is also compounded because the code has an Agricultural Commercial Zone that does not include all the Ag Commercial uses. This seems neither sensible nor precise.

2). The biggest sticking point to us is the proposed language reading "as well as some

tourism-related uses that may be the primary use of a particular property. " It is, we fear, the exception that will swallow the rule as this language is much too broad. Strict parameters should be drafted that delineate just what "particular property" the County is intending to target. This would give much needed clarity and calm fears that this loophole will not be abused.

Problematically, according to the Yolo Code if "the primary use is for significant commercial agricultural activities" then they must take place in the Agricultural Commercial zone. (Sec. 8-2.302 c)

Additionally, the terms "of the area," "preserve the rural lifestyle" and "stimulate the agricultural economy" are undefined and also overly-broad. What exactly do any of those actually mean and how are they determined? For example, "the area" clearly does not mean County-wide as that could easily have been said originally. Therefore, it is some ill-defined geographic region within the County. Is it a one mile radius around the use type, or five miles, or twenty? Leaving these types of terms undefined may give leeway to decision-makers but it also leaves the County open to challenge.

Also why is the last paragraph included? How is this use type different from those that "entertain visitors"? For that matter, what does "entertain visitors" mean?

Sec 8-2.306 Specific Use Requirements or Performance Standards

To begin, we do not believe that the County has performance standards for special event facilities that are rigorous enough. For instance, with respect to access to the facility in (7), we appreciate that the listed agencies will review access points but there is no language regarding what that entails, nor what comments will affect a project's moving forward. This amorphous review, we afraid, will be given short shrift if what access elements are required are not fleshed out (for example, will the subject road be measured for adequate level of service? Will road conditions and hazards be accounted for?)

(k)(1) Special event facilities. The first sentence is, again, much too broad. It encompasses everybody living in the Ag zones. Perhaps we are reading it wrong but it appears that because one has "farm and residential land and structures" and holds a "special events" or "seasonal celebrations" or "any other gatherings" then one will be classified as a Special Event Facility. Wouldn't it be more prudent and less broad to have the sentence read "Special event facilities include farm and residential land and structures operated as a commercial rural hospitality business..." Why must *all* landowners be reclassified? For hundreds of years rural residents have been hosting birthday, anniversary, graduation and retirement parties, to name a few. Now, because the County desires to introduce a new use into the Agricultural zones, we must be reclassified to continue doing so? It is unclear why this drastic incursion into the most basic right to associate with family and friends in our homes now requires regulation. Perhaps an explanation by County Counsel or the Planning Commissioner at your upcoming hearing would be helpful.

(k)(2) With respect to "by right" events we feel that the number of events and attendees is too great. The more sensible path is to correlate the by-right numbers to the "Farm Stay" numbers (see (k)(m) allowing 4 events and 50 guests and requiring more stringent compatibility findings). What is the purpose of the different standards and how do they mesh?

Furthermore, because the Williamson Act requires incidental uses to be compatible to the underlying agricultural use it is advisable to strictly limit the number of events held at a facility, especially "by-right" events that the County has acknowledged on several occasions that they have no way to track, monitor or regulate. It is telling that the Department of Conservation has opined that while they are supportive of agritourism on Williamson land that encourages and promotes the commodity grown on the premises, the number of events and attendees at such uses

must not abuse the Act's leniency in allowing Counties to determine compatible uses. We fear that 8 events and 150 attendees at a special event facility, especially where that event may be the primary use of the property, exploits this allowance and is compounded by the fact that the County conducts little to no enforcement in this area.

(k)(8) The language "designed to be compatible" in this subsection and other sections of the code is imprecise. Does that mean the special event facility was meant to be compatible at the planning stage but ultimately is not compatible? How is that determined? A clearer, more precise wording would be helpful.

(l) Bed and Breakfast lodging

(1) Language limiting the length of stay is imperative. Because most stays are tied to a special event either at the B&B facility or a nearby commercial rural hospitality venue the length of stay should be limited to 3 nights. Without a limitation on length of stay how would a rural B&B operation be any different from a motel or hotel, which are not permitted in the Ag zones? What in the code is there to deter this type of lodging from merely becoming rental property or a subdivision?

(i) We feel it unwise to delete the wording requiring that "a minority of" guest rooms may be outside the primary dwelling. The majority of rooms should be contained in the original primary dwelling so as not to encourage urban, leapfrog development.

(ii) Why is the language "Lodging other than a traditional bed and breakfast is not required to serve breakfast guests" being added? What situation is that meant to address? Since hotels and motels are not permitted in the Ag zones this language appears out of place.

Moreover, we strongly object to the language added to the B&B definition in 8-2.307 that permits a B&B operation to be run with only a manager on-site. Formerly an owner was required to be in residence, presumably because that is how the term "bed and breakfast" was traditionally defined.

The addition of this language means that a purchaser of ag land from out of the area can operate a lodging facility, never even visit this area, install a "manager" who does not reside in the area let alone on the property. How is this different from a hotel/motel operation? How can that owner/operator and manager appreciate the unique realities of being located in Yolo County agricultural land? It is better policy to keep the original language. That ensures that a B&B owner will be responsive to both guests and neighbors.

Sec. 8-2.307 Definitions

Special Event - we appreciate that this definition is narrower than the language regarding Special Event facilities in 8-2.303 since it defines an event as one "held at a special event facility" but are concerned at the interplay between this definition and 8-2.303.

Special event facility/tasting room - How does this definition mesh with the language in 8-2.303? Also, the wording "for which a fee is normally charged" is indefinite. Is it a fee that is "normally" charged at that facility? Or what is customarily charged in the industry in general? More specific language would be helpful.

Thank you for your attention to our concerns. It is appreciated.

Sincerely,
Joe and Sheri Rominger
28047 County Road 29
Winters, CA

**STAFF RESPONSES TO ISSUES RAISED
IN SHERI ROMINGER E-MAIL OF JUNE 20, 2017
(STAFF RESPONSE IN ITALICS)**

Dear Eric,

As we spoke about after the last Planning Commission hearing I have some questions and concerns regarding the proposed changes and also the Initial Study/NegDec. I have attached below the letter I sent to the commissioners before the last hearing that addresses my continuing concerns on the matter.

My main concern is the new language of Sec 8-2.306 (c) While the first clause of the first sentence seems to require "incidentalness" the next clause states ***"as well as some tourism-related uses that may be the primary use of a particular property"*** (I will put aside the fact that the original language of the very first sentence is much too broad as the terms "of the area" "preserve the rural lifestyle" and "stimulate the agricultural economy" are not defined anywhere in the Code. What geographical region is referenced by "of the area"? What exactly is a "rural lifestyle"? A cleaner approach would be to require the use be incidental to the agricultural or horticultural use of a specific property.)

This clause is confusing for many reasons. The first sentence relates incidentalness to the amorphous geographic "area" etc. while the second clause addresses the use of "a particular property". Is the "incidentalness" requirement in the first clause then applied also to a "particular property"? If so, is the overly broad language of "area" "rural lifestyle" and "stimulate the agricultural economy" applied to both clauses and, if so, how so? I guess it would be helpful to know what the County is trying to accomplish with the first clause of the sentence. If you know what that is, I would appreciate it if you could pass it along.

Response: Note that the reference to Sec 8-2.306 (c) is actually directed to Sec 8-2.303 (c). Sec 8-2.303 (c) is titled "Agricultural Use Types Defined" and the introductory paragraph of this section states the purpose of the section: "The descriptions of the Use Types in this chapter also contain individual specific uses that are classified within the Use Type. These specific typical uses are examples and are not meant to include all uses that may properly be classified within the Use Type." Thus, the text of this section is meant to be descriptive not regulatory in application.

The regulations of specific uses such as special event centers and B&Bs are included in Secs. 8-2.306 and 307. The definitions of individual uses are found in Sec. 8-2.307.

Regarding "incidentalness," based on direction from the Commission, the most recent version of the zoning regulations contains a requirement that certain uses (large special event facilities and B&Bs on contracted lands) must be found to be incidental to an agricultural operation.

My main concern with the second clause of that sentence is that it is the exception that will swallow the "rule" that comes before it. You stated at the hearing that this language was meant to address those pieces of property in the A-X zone that are too small to run agricultural operations as a primary use. How many properties in the County's A-X zone fit that description? Is that number large enough to warrant such expansive language? If the number is zero then what are we putting this language in there for, and if there are thousands of them then the County should not craft language to allow them all to become event facilities. Also, how is it determined that a particular property is unable to sustain

agricultural operations, and who makes that determination? When in the process is that determination made?

It would be better policy to more narrowly tailor that language to fit the situation the County is trying to address. It would be less confusing if the clause read something along the lines of: *"This Use Type includes commercial uses incidental to the agricultural or horticultural operations of the use property. Where a particular property has been found to have no agricultural or horticultural potential or ability this Use Type may also include commercial uses that may be the primary use of that property."*

Response: Staff does not agree with the proposed edit. The phrase "Where a particular property has been found to have no agricultural or horticultural potential or ability" is too restrictive. There may be instances where an ag commercial use may be the primary uses of the property not because of a lack of ag viability but because the property has not been historically farmed (such as a homesite surrounded by a large lawn or other non-ag uses or vegetation).

It is also confusing because the new language uses the term "tourism-related uses" rather than "agricultural commercial and rural recreation". What does "tourism related" mean and is there a difference between "tourism-related" and agricultural commercial and rural recreation? If they mean the same thing then it is less confusing to lay people when the code is consistent.

Response: The zoning regulations implement General Plan policies. The confusion (if there is any) is due to the language of specific General Plan policies which refer to "agritourism," "tourism," as well as "agricultural commercial" activities. Staff has tried to use the term "agricultural commercial" instead of "agri-tourism" as a broader more descriptive label, but the term "tourism-related uses" is still accurate to define certain uses that are permitted.

I am also perplexed by the interplay between Section 8-2.306 (k)(1) and the definitions for Special Event Facility and Special Event found in 8-2.307. (k)(1) states *"Special event facilities include farm and residential land and structures that are used for special events such as weddings, tastings, special or seasonal celebrations, rodeos, and other gatherings, and may include tasting rooms."* Special event facility is defined in 8-2.307 as *"The use of land and/or facilities, for which a fee is normally charged, for a community or private event that is held on the premises of an agricultural property...."* Special event is *"a community or private gathering such as a harvest festival, wedding, farm dinner, corporate retreat, party, seasonal tasting, or rodeo, that is held at a special event facility/tasting room....However an event does not include....small informal gatherings of family members or personal friends of the special event owner/operator..."*

(k)(1) seems to encompass all land in the Ag zone since the list of "special events" examples includes "weddings.. special or seasonal celebrations... and other gatherings". Most residents hold special celebrations and other gatherings. Moreover, the definition of Special Event includes "party" and "farm dinner" held at a "special event facility" which in (k)(1) is farms and residences holding "events". The definition of special event facility in 8-2.307 does not help since it is as broad as (k)(1) by defining a facility as agricultural property that is used for a community or private event. The modifying language of "for which a fee is normally charged" is also unclear. Does it mean for which a fee is normally charged for that type of event, at that property, at other properties, customarily in the event industry etc? For example, normally a fee is charged to hold my child's birthday party at a restaurant, ice rink, pool or gym. Apparently under this language now I, and everyone else in the Ag zone, is a special event facility

for hosting one of your children's birthday parties. The same would hold true for hosting your child's wedding.

Response: The issue of how to accurately define a "special event" has been extensively debated at the Planning Commission. The final language in the definition in Sec. 8-2.307 applies to ag properties as well as some residential zoned properties that can receive a permit to hold special events, e.g., a small event facility may receive a Use Permit on a parcel greater than one acre that is zoned RR-5, RR-1, or R-L (see the last Table 8-2.504(a) in Attachment A).

Also how is a "small, informal gathering" defined? The use of the term "special event owner/operator" in the definition of special event leads one to believe that these sections are not meant to encompass all agricultural landowners in the zone but rather only those that are operating commercial hospitality businesses. However it is not clear if that is the County's intent. If it is then a more clear, concise way of stating that is needed.

There must be some way to more narrowly draft this language so that those of us who are not running commercial hospitality businesses in the ag zones are reclassified as event facilities.

Response: This comment is not clear. Certain small and limited "special events" are already allowed "by right" (without a zoning permit) in ag areas, see sec. 8-2.306(k)(1).

The Bed and Breakfast language must include a length of stay requirement. If there is no limit a rural B&B would not be any different than a motel/hotel which are not permitted in the ag zones. How will the County restrict B&B's, cottages and rural lodging from becoming rental properties or subdivisions?

Furthermore, I believe it is bad policy to allow these types of lodging operations to now be run with only a manager on-site. Under this new language a purchaser of ag land from anywhere in the world can operate a lodging facility in the ag zones, never even visit this area, and install a "manager" who may not reside in the area let alone on the property. How is that different from a hotel/motel operation? How can that owner/operator and manager appreciate the unique realities of being located in Yolo County agricultural land? The original language ensures that a lodging operator will be responsive to both guests and neighbors.

Response: The definition of "cottages" already includes a clear statement that "Cottages are not motel rooms and are not used to house permanent, year-round residents." Limiting the length of stay at a B&B has not been an issue in the County. However, if length of stay becomes an issue in the future, it can be addressed through specific Conditions of Approval attached to the Use Permit.



Yolo County Farm Bureau

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June 21, 2017

Yolo County Planning Commissioners
ATTN: Amon Muller, Chair
292 W Beamer Street
Woodland, CA 95695

RE: Restructure Approach to uses on Ag Zoned Land in YC

Yolo County Farm Bureau (YCFB) appreciates the commitment Yolo County has continuously shown to its farmers and ranchers through its history of measured and progressive land use policies designed and implemented for the protection of agricultural lands. The County currently holds forth, as General Plan goals, a "Sustainable Environment" and "Flourishing Agriculture". These goals go hand in hand: the rural environment we all see, planted to crops, trees and providing habitat and forage for animals, will exist only so long as agriculture is able to flourish. Both the State of California and Yolo County have long recognized that to remain viable agriculture is a land use that typically must be isolated from urban uses, especially those involving the introduction of large numbers of people for purposes unrelated to agriculture into its midst.

In addition to its general plan and zoning ordinances, the County has been a strong partner with its farmers and ranchers through its implementation of the Williamson Act. However, the approach to allowing various uses to locate on Williamson Act contracted lands and in Williamson Act preserves changed with the 2014 zoning revisions. The County has requested that YCFB provide a list of land uses other than agricultural that can work without conflict in an Ag Preserve. Unfortunately, we cannot. Location is always the critical factor.

Unfortunately, although unintended, these ordinance changes resulted in redirection of the County's focus from protecting its existing agriculture. Thus, essentially urban uses, which negatively impact neighboring growers by increasing their costs and risks, and limiting their methods of operation, have been allowed into Williamson Act preserves.

In light of its continuing emphasis on "Agricultural Land Preservation" (Yolo County, 4/2017) and its General Plan commitments, YCFB assumes that the County's primary goal remains to protect agriculture, the largest industry in our county. We believe that there is a workable and simple solution by which the emphasis could be shifted back to where it belongs: The County administrative structure by which land use decisions are evaluated could be changed at minimal, if any, additional cost, in a manner which would assure the focus is on protecting a sustainable, flourishing agriculture.

The present process by which land use proposals in agriculturally zoned areas are evaluated does not take advantage of a valuable resource Yolo County has in house: the history and knowledge readily available in the office of the Yolo County Agricultural Commissioner. YCFB understands that all land use proposals which have any impact on agriculture are circulated to the Ag Commissioner for comments: however, these comments, occurring later in the process, generated by a limited staff, cannot be as complete and do not have the same impact on the planning process as would a protocol whereby the foundational project assessments are based on a thorough understanding of the agriculture existing in the project area with a guiding focus not to negatively impact it.

It is understandable - Planners plan: their emphasis will necessarily be how to “make a project work” in the applicant’s desired location. They will use conditions from their planning toolbox in an effort to “fit” the desired project into the agriculturally zoned area. These conditions can potentially minimize the incompatibility with agriculture, but they cannot erase it. And, neighboring incompatible uses place the continued ability to farm at risk.

YCFB proposes that the County’s emphasis on protecting existing agriculture be both clarified and simplified by locating a designated land use planner in the Ag Commissioner’s office. This planner would be the point person and recipient of any land use application that would be located on any Ag Zoned parcel. The overarching emphasis for that planner, and the planning process, would be to protect the County’s agriculture. That planner would have the understanding of crop patterns and requirements, impact of roads, typical cultivation and harvest practices, hours and seasons, spray requirements, pesticide regulations in the context of the Department of Pesticide Regulation and etc. It would no longer be necessary for the Planning Commission members to ask at hearings: “what is the position of the ag commissioner” when they are looking at a project that would be situated in an agriculturally zoned area.

Unfortunately, both the Planning Commission and the Board of Supervisors have made decisions without sufficient knowledge of their consequences that negatively impact surrounding agriculture. We believe this protocol would eliminate much of the difficulty that the Planning Department has had in recent attempts to understand ag issues in considering situating urban and other uses in the County’s ag zones. The costs of the Ag Planner would be basically funded by the project applicant who pays up front a fee for processing: instead of paying the entirety of a fee to Community Development, a portion would be paid at the inception to the County Ag Commissioner’s office. It would basically be shifting current income between the two agencies.

The benefits would be an informed perspective on integrating possibly incompatible uses into ag areas; a demonstrated County commitment to protecting agriculture by setting up the Ag Commissioner’s office as the gatekeeper in these instances, and less conflict between landowners. We note that San Luis Obispo County has adopted a similar land use application process to ensure the continued viability of its agriculture.

YCFB strongly urges that you consider adopting this proposed protocol to process applications for uses on Ag Zoned parcels as soon as possible.

Sincerely,



Nancy Lea
President

cc:
Darin Hall
Elisabeth Dubin
Daniel Friedlander
Pat Reynolds
Amon Muller
Trini Campbell, Jack Kasbergen
Patrick Blacklock, County Administrator
John Young, Yolo County Agricultural Commissioner
Taro Echiburu, Director of Community Services
California Farm Bureau Federation



County of Yolo

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M_E_M_O_R_A_N_D_U_M

TO: Yolo County Planning Commission
FROM: Eric Parfrey, Principal Planner
DATE: May 3, 2017
RE: Summary of Planning Commission ad-hoc sub-committee meeting

At the last meeting, the Planning Commission agreed to establish an ad-hoc sub-committee to discuss the commercial agricultural (ag-tourism) Zoning Code amendments. Chair Muller appointed himself, and Commissioners Campbell and Kasbergen to the sub-committee. The group met this morning with County staff.

The following notes summarize the issues that were discussed at the meeting. The proposed changes refer to the April 27, 2017 draft of the "Proposed Text Amendments to the Commercial Ag Regulations."

1. Consider eliminating the cap of "150 attendees at each event, and each event generates less than 100 vehicle trips" applied to "by right" uses (Sec. 8-2.306(k)(1) and (2)).
2. For "by right" special event facilities (Sec. 8-2.306(k)(2)) consider the following changes:
 - decrease minimum parcel to qualify from 40 acres to 20 acres;
 - increase maximum number of annual events from 8 to 12;
 - delete requirement to limit 150 attendees at each event, and less than 100 vehicle trips;
3. Based on (2), above, delete the "small" special event facilities category and require all special event facilities with more than 12 events, or located on a parcel

less than 20 acres, to apply for a Major Use Permit. (The County has not received any applications for a “small event facility” during the recent past.)

4. Explicitly exempt certain activities from definition of “events,” including (unpaid) farm tours by school children, FHA groups, other small farm tours.
5. Exempt one-time annual activities from definition of “events,” including festivals, Day in the Country, etc.
6. In place of ag spraying buffer text in Sec. 8-2.306(k)(9) and Sec. 8-2.306(l)(5), insert text that repeats (or paraphrases) existing General Plan Land Use Policy LU-2.1:

Policy LU-2.1: The intent of this policy is to protect existing farm operations from impacts related to the encroachment of urban uses. The expertise of the County Agricultural Commissioner shall be used in applying this policy. Urban development shall bear the primary burden of this policy. Ensure that development will not have a significant adverse effect on the economic viability or constrain the lawful practices of adjoining or nearby agricultural operations, except for land within the Sphere of Influence (SOI) around a city or within the growth boundary of an unincorporated community. New urban (non-agricultural) development should be setback a minimum of 300 feet from adjoining agricultural land where possible, but special circumstances can be considered by the decision-making body. Except as noted below where no buffer is required, in no case shall the buffer be reduced to less than 100 feet... [emphasis added]

7. Revise ag spraying buffer regulation text to make clear that the buffer is measured and taken from applicant's parcel boundary and within the applicant's property (unless an agreement is reached with the adjacent property owner).
8. Delete requirement for an ag spraying buffer for small special event facilities (if that category is retained) located on 20 acres or more and for small bed & breakfasts/lodging.
9. Clarify that there is no ag spraying buffer requirement for small wineries, small special event facilities, and small bed & breakfasts/lodging approved through a Use Permit located on properties of 1 acre or more in residential zones (see Table 8-2.504(a) (unless there is productive ag on a large adjacent residential-zoned lot?))
10. The group also spent some time discussing how to ensure large event facilities and large B&Bs are "incidental to an agricultural operation" (as referenced in Sec. 8-2.306 (k)(11)). This requirement may need a method of measurement (economic, geographic/footprint, or other metric).

For example, the criteria could be based on a finding that the income derived from the proposed incidental use is less than the agricultural productivity of the larger parcel, based on the economic information that each contracted landowner is required to file with the County Tax Assessor each year. Or, a certain maximum portion of the total parcel and/or maximum acreage be established for an allowed incidental use (as employed by Santa Clara County, see e-mail below).

From Commissioner Trini Campbell e-mail:

I found this verification of income form that Santa Clara County uses to verify income for the WA parcel owners. It looks like they also use the geographic method. See excerpts below and the links.

https://www.sccgov.org/sites/dpd/DocsForms/Documents/WA_Affidavit.pdf

"The Williamson Act compatible use determination is an evaluation of the contracted land proposed for development to determine if it is devoted to the commercial production of agricultural commodities and if the proposed uses and development are "compatible" with and "incidental" to the commercial agricultural use as required by Division C13 of the County Ordinance Code.

Williamson Act contracted land must be devoted to the commercial production of agricultural commodities, as defined in the Guideline for Commercial Agricultural Use, as a pre condition to development. Any other uses or development of contracted lands must be compatible with and ancillary to the use of the land for commercial agriculture. A maximum of 10% of the parcel, not to exceed 5 acres, may be devoted to compatible uses and development. Whether the agricultural use would continue to be the primary use of the land involves evaluating the amount/intensity of commercial agriculture on the parcel as compared to the size and scale of the proposed compatible use development."

From: <https://www.sccgov.org/sites/dpd/Iwantto/Permits/Pages/WA.aspx>

Dear Planning Commissioners:

July 5, 2017

I am writing in response to the Preliminary Draft of the Proposed Text Amendments to the Commercial Ag Regulations. I sent my concerns to you on June 5th in preparation for last month's hearings. I will do a short recap here.

1. Agritourism must be on a working farm or ranch. The intent of agritourism has always been to help existing farmers and ranchers boost their primary income from ag operations by holding secondary, incidental events. Taking the agriculture out of agritourism, as suggested in the definition of agritourism on page 6 contradicts the intent of agritourism and is nothing more than the outright commercial development of ag lands for non-ag purposes.
2. (Page 6) Spray buffer requirement of 300/500 feet. The language should specify that a 500 foot spray buffer should be required in all cases. Farmers cannot see into the future to know what type of materials will be required to prevent crop damage or loss. Weather conditions or sudden, intense pest infestations can require an immediate response by the farmer. Depending upon the situation, various materials (restricted or non-restricted) would need to be used. Having the 500 foot buffer in all cases protects the farmer, the business owner and the public.

Stating that "a buffer or setback may be reduced or eliminated with the approval of all owners of neighboring properties affected by the buffer" is inadequate. The owner of the event center/B&B may waive the buffer requirements for him/herself, but their guests do not have that opportunity. The best way to protect the public is to have a mandatory 500 foot buffer for small and large event facilities and B&Bs.

3. (Page 6) A single-family dwelling, and accessory buildings, cottages and bungalows, with an owner or manager in residence or on-site...
How is this different from a hotel with an out-of-county/state/country owner? There is no connection to the land which is what these regulations are supposed to be about. Who proposed this language and why has it been included?

I would still like to see a working committee of interested parties address these important and challenging issues. Other counties are doing so. I wish we could do the same in Yolo County.

Sincerely,

Patty Rominger

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Winters, CA 95694