

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *MS*

BOARD AGENDA # 6:35 p.m.

Urgent Routine

AGENDA DATE December 20, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation for Approval of General Plan Amendment No. 2011-01, Revised Agricultural Buffers

PLANNING COMMISSION RECOMMENDATIONS:

1. Find the project is generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(d)(3) and order the filing of the Notice of Exemption.
2. Find that there is no substantial evidence the project will have a significant effect on the environment and that the general exemption reflects Stanislaus County's independent judgment and analysis.
3. Find the project is consistent with the overall goals and policies of the Stanislaus County General Plan.
4. Approve General Plan Amendment No. 2011-01 - Revised Agricultural Buffers.

FISCAL IMPACT:

There are no fiscal impacts associated with this amendment. The amendment is County sponsored and associated costs for processing this amendment are covered under the Planning and Community Development Department's approved budget using General Plan Maintenance funding. Operational changes resulting from the amendment will be addressed with existing departmental budgeted appropriations in the current year and be incorporated into future budgets as necessary.

BOARD ACTION AS FOLLOWS:

No. 2011-790

On motion of Supervisor De Martini, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: Chiesa, De Martini and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: O'Brien and Withrow

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: County Counsel determined that Supervisors O'Brien, Chiesa, Withrow and De Martini have potentially disqualifying conflicts of interest with 6:35 p.m. public hearing item because they all own agricultural property that might be affected by the proposed revision to the Agricultural Element. Therefore, in order to establish a quorum to consider this matter, the Board invoked the rule of necessity and Supervisor Chiesa and Supervisor De Martini drew long straws and thus participated in the decision.

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

The proposed amendment is to Appendix "A": Stanislaus County Buffer and Setback Guidelines of the Stanislaus County General Plan Agricultural Element. The proposed amendment eliminates the need for vegetative screening, solid fencing, and support from the Agricultural Advisory Board (AAB) for Planning Commission approval of a buffer and setback design standard alternative. The amendment also: exempts low people intensive Tier 1 and 2 uses within the A-2 (General Agriculture) zoning district from having to provide buffers; allows adjacent non-agricultural uses zoned A-2 to be considered as part of a buffer; requires fencing only when new uses establish a potential for increased trespassing onto adjacent agricultural lands; and allows expansion of a project site where existing development does not intensify on-site activity or an alternative standard is approved.

The draft of the revised Buffer and Setback Guidelines is provided as Exhibit A of the November 3, 2011 Stanislaus County Planning Commission Memo (See Attachment 1). The Planning Commission memo also provides a complete analysis of the amendment along with an overview of the comments/concerns expressed by both the AAB and General Plan Update Committee in response to the proposed amendment. The two most significant components of the proposed amendment are the elimination of the vegetative screening and the need to obtain AAB support for alternative design standards.

The purpose of the vegetative screen is to use plant spacing, height, and porosity to reduce pesticide drift exposure by providing a filter; however, the true effectiveness of a recently planted vegetative screen in reducing drift exposure is questionable. While vegetative screens also serve the purpose of providing a visual screen, the screening effects are also limited until the vegetation reaches a mature height and density and may be obtained with a lesser standard in terms of plant rows, spacing, and overall location.

The requirement for the AAB to support all alternative buffer design proposals conflicts with the Planning Commission's land use authority and, at times, delays the application process since the AAB meets only once a month. The Buffer and Setback Guidelines are intended to be a tool to help minimize agricultural conflicts between proposed non-agricultural uses and adjacent agricultural operations by establishing guiding standards. It is within the Planning Commission's authority to approve alternatives to guiding standards; however, the support needed from the AAB before consideration of any alternative buffer design proposal restricts the Planning Commission's authority. As revised, alternative design proposals are to be referred to the County's Agricultural Commissioner prior to consideration by the Planning Commission. The Planning Commission shall consider the Agricultural Commissioner's referral response in making a determination on the proposed alternative. A finding that the proposed alternative will provide equal or greater protection to surrounding agricultural uses is still required.

As proposed, this amendment will not restrict the County's flexibility to require vegetative screening, solid fencing, or some other type of buffer design feature not required by the Buffer and Setback Guidelines but necessary on a project-by-project basis to address any potential conflict with surrounding agricultural uses.

The only public comment which was received regarding this amendment is from the City of Turlock in a letter dated October 25, 2011 (See Attachment 2). This letter was provided to the Planning Commission as part of the November 3, 2011 agenda packet. While the letter expresses support for certain parts of the proposed amendment, it raises concern regarding the applicability and alternative standards being proposed. Some of the concern seems to be based on a misunderstanding of how the County's Buffer and Setback Guidelines may be applied to city projects and/or annexation requests. The County's Buffer and Setback Guidelines only apply to discretionary permits within the County's jurisdiction and not to city projects and/or annexations. The County's General Plan does encourage the Local Agency Formation Commission (LAFCO) to consider the County's Guidelines when cities and districts expand boundaries; however, consideration is limited to the broader design standards since the technical aspects of the Guidelines are County specific. For projects subject to the Guidelines, the decision to allow an alternative buffer lies with the Planning Commission and not the Agricultural Commissioner.

On November 3, 2011, the Stanislaus County Planning Commission held a public hearing and on a 7-0 (Layman/Pires) vote recommended the Board of Supervisors approve the amendment as proposed. One Planning Commissioner did raise a question regarding the subjective nature of exempting "low people intensive" Tier 1 and 2 uses. The Planning Commissioner also raised a concern that "process needs" and not just the "low people intensive" nature of a use should also be considered. The proposed amendment grants the decision making body the ultimate authority to determine if a use is "low people intensive." Staff acknowledges that the term is subjective, but, like many of the findings required for project approval, must be assessed based on case-by-case facts. No one from the public spoke in favor or in opposition to the proposed amendment during the public hearing.

POLICY ISSUES:

The proposed amendment furthers the Board of Supervisor's priorities of A Strong Agricultural Economy/Heritage, A Well Planned Infrastructure System, and The Efficient Delivery of Public Services by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

STAFFING IMPACTS:

There are no staffing impacts associated with this item. The Planning Department and the Agricultural Commissioner's Office will work together to evaluate alternative buffer proposals using existing staffing.

Public Hearing to Consider the Planning Commission's Recommendation for Approval
of General Plan Amendment No. 2011-01, Revised Agricultural Buffers
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CONTACT PERSONS:

Angela Freitas, Deputy Director, Telephone: (209) 525-6330

Kirk Ford, Planning & Community Development Director, Telephone: (209) 525-6330

ATTACHMENTS:

1. Stanislaus County Planning Commission Report, November 3, 2011
2. Stanislaus County Planning Commission Minutes, November 3, 2011

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November 3, 2011

MEMO TO: Stanislaus County Planning Commission
FROM: Stanislaus County Department of Planning and Community Development
SUBJECT: **GENERAL PLAN AMENDMENT NO. 2011-01 – REVISED AGRICULTURAL BUFFERS**

The 2007 update of the Agricultural Element of the Stanislaus County General Plan includes Appendix "A": Stanislaus County Buffer and Setback Guidelines. (See Attachment A – Adopted Appendix "A": Stanislaus County Buffer and Setback Guidelines.) The guidelines are reflected in the following goal, objective, policy, and implementation measure of the Agricultural Element:

Goal One: Strengthen the agricultural sector of our economy.

Objective Number 1.3: Minimizing agricultural conflicts.

Policy 1.10: The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

Implementation Measure 1: The County shall require buffers and setbacks for all discretionary projects introducing or expanding non-agricultural uses in or adjacent to an agricultural area consistent with the guidelines presented in Appendix "A".

As adopted, the Buffer and Setback Guidelines apply to all new or expanding non-agricultural uses approved by discretionary permit in the A-2 (General Agriculture) zoning district or on a parcel adjoining the A-2 zoning district. Discretionary permits for the purpose of the guidelines means any general plan amendment, rezone, tentative map, parcel map, use permit (excluding single-family dwellings in the A-2 zoning district), or variance.

The following is an overview of the buffer design standards for new non-agricultural uses:

- All projects are required to incorporate a minimum 150-foot wide buffer. Projects which propose people intensive outdoor activities, such as athletic fields, are required to incorporate a minimum 300-foot wide buffer. Permitted uses within a buffer area may include: public roadways, utilities, drainage facilities, landscaping, parking lots, and similar low people intensive uses;
- All projects are required to install a 6-foot high solid wall of uniform construction along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line; and
- All buffers are required to include a vegetative screen consisting of two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown. Plants are required to be drought tolerant and at least 6-feet in height at the time of installation and have 50% to 70% porosity (i.e., approximately 50% to 75% of the plant is air space).

ATTACHMENT 1

The purpose of the vegetative screen is to use plant spacing, height, and porosity to reduce pesticide drift exposure by providing a filter. The Buffer and Setback Guidelines also establish design standards for expanding non-agricultural uses and maintenance requirements. Alternative buffer and setback design standards are allowed provided the alternative proposal is reviewed and supported by the Stanislaus County Agricultural Advisory Board (AAB) prior to consideration by the Stanislaus County Planning Commission. In no case shall the required standards be reduced unless the proposed alternative is found to provide equal or greater protection to surrounding agricultural uses.

The adopted guidelines actually state that support by the AAB is required prior to consideration by the Stanislaus County "Planning Department" and not the "Planning Commission"; however, the Planning Commission is ultimately responsible for consideration of discretionary projects and adoption of the findings necessary for approval of an alternative design standard. The Department's role in consideration of an alternative is limited to the project review process and recommendation to the Planning Commission.

The proposed amendment eliminates the need for vegetative screening, solid fencing, and support from the AAB for Planning Commission approval of a buffer and setback design alternative. The amendment also:

- Exempts low people intensive Tier One and Two uses (within the A-2 zoning district) from having to provide buffers;
- Allows adjacent non-agricultural uses zoned A-2 to be considered a part of a buffer;
- Requires fencing only when new uses establish a potential for increased trespassing onto adjacent agricultural lands; and
- Allows expansion of a project site where existing development does not allow a buffer, as required by the guidelines, provided the expansion does not intensify on-site activities or an alternative standard is approved.

A draft of the revised Buffers and Setback Guidelines is provided as Attachment A of this report.

Since adoption of the Buffer and Setback Guidelines, 48 proposals have been presented to the AAB for support of alternative design standards. Of those 48 proposals, 46 have been supported and only two (2) have been denied. All of the approved proposals have included elimination or reduction of the vegetative screening requirement. The two (2) denied proposals were for a solar facility and a gravel mine requiring approval of a use permit. The solar facility has since been granted a use permit without alternative design standards, but the gravel mine project is on hold and could return to the AAB for consideration of a revised alternative design standard.

Of the other 46 proposals considered by the AAB, all but four (4) were for use permits in the A-2 zoning district. The use permit requests included, but were not limited to, the establishment of agriculturally related Tier One and Two uses, cemeteries (both new and expanding), driving ranges/baseball fields, kennels, and churches. The Tier One and Two uses included almond hullers, agricultural service establishments, processing facilities, wholesale nurseries, and commodity storage facilities. Members of the AAB, including those who participated in the original development of the Buffer and Setback Guidelines, have questioned if the original intent was to include Tier One and Two uses as uses required to comply with the guidelines; however, the AAB has not supported complete elimination of design standards for such uses. The other

four (4) proposals were general plan amendment and rezone requests to expand existing non-agricultural uses and establish a veterinary clinic for both large and small animals.

The Planning Department has also presented the AAB with two (2) alternative design proposals, on September 8, 2008, and November 2, 2009, covering a variety of design standards applicable to multiple projects. (See Attachment C – September 8, 2008, and November 2, 2009, Agricultural Buffer Alternatives.) These proposals have been supported by the AAB and applied to projects presented to the Planning Commission. The draft revised Buffer and Setback Guidelines incorporate the Department's AAB supported alternatives.

The two most significant components of the proposed amendment are the elimination of the vegetative screening and the need to obtain AAB support for alternative design standards. As previously stated, the purpose of the vegetative screen is to use plant spacing, height, and porosity to reduce pesticide drift exposure by providing a filter; however, the true effectiveness of a recently planted vegetative screen in reducing drift exposure is questionable. While vegetative screens also serve the purpose of providing a visual screen, the screening effects are also limited until the vegetation reaches a mature height and density and may be obtained with a lesser standard in terms of plant rows, spacing, and overall location.

The requirement for the AAB to support all alternative buffer design proposals conflicts with the Planning Commission's land use authority and, at times, delays the application process. The Buffer and Setback Guidelines are intended to be a tool to help minimize agricultural conflicts between proposed non-agricultural uses and adjacent agricultural operations by establishing guiding standards. It is within the Planning Commission's authority to approve alternatives to guiding standards; however, the support needed from the AAB before consideration of any alternative buffer design proposal restricts the Planning Commission's authority. As revised, alternative design proposals are to be referred to the County's Agricultural Commissioner prior to consideration by the Planning Commission. The Planning Commission shall consider the Agricultural Commissioner's referral response in making a determination on the proposed alternative. A finding that the proposed alternative will provide equal or greater protection to surrounding agricultural uses is still required.

The draft revised guidelines were presented to the AAB on October 3, 2011. In general, the AAB supports the revisions with the following comments/concerns expressed:

- Vegetative screens are helpful in minimizing conflict; however, buffers offer limited benefits until mature.
 - Current guidelines allow for small minimum plant sizes.
 - Plant density and height are needed for an effective buffer.
 - The time and money needed to establish an immediately effective buffer are not practical.
 - Fast growing trees, such as coast redwoods, require lots of water which conflicts with water conservation efforts.
 - AAB has supported the elimination of vegetative screens.
- As proposed, the Planning Commission will not be required to impose conditions recommended by the Agricultural Commissioner.
- Individual farmers are at the greatest risk of being harmed by the development of non-agricultural uses adjacent to agricultural operations.
- The development of people intensive outdoor uses will have a negative impact on surrounding agricultural operations.

The draft revised guidelines were presented to the Stanislaus County General Plan Update Committee on October 6, 2011. The Committee supports the revisions provided there is flexibility to require solid fencing and vegetative screening on a project-by-project basis. The existence of guidelines does not preclude the Planning Commission and/or the Board of Supervisors from requiring stricter development standards as a means of minimizing potential conflicts. In addition to compliance with local Buffer and Setback Guidelines, projects must undergo environmental review in accordance with the California Environmental Quality Act (CEQA) and meet general land use findings necessary for approval. CEQA requires an assessment of potential impacts to agricultural resources and findings generally require projects to be consistent with the General Plan and not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.

The draft revised guidelines still provide a separation through the use of setbacks, to aid in addressing noise, odor, dust, spray drift, and glare factors commonly associated with normal agricultural practices, but often viewed by adjoining non-agricultural development as a nuisance. Stricter development standards in the form of mitigation measures and conditions of approval may still be applied to projects, as necessary, to minimize any potential conflicts between non-agricultural uses and adjacent agricultural operations.

RECOMMENDATION

Based on the foregoing discussion, staff recommends approval of the proposed draft revised Buffer and Setback Guidelines. The following actions are needed to return a recommendation of approval to the Board of Supervisors:

1. Find the project is generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(d)(3) and order the filing of the Notice of Exemption;
2. Find that there is no substantial evidence the project will have a significant effect on the environment and that the general exemption reflects Stanislaus County's independent judgment and analysis;
3. Find the project is consistent with the overall goals and policies of the Stanislaus County General Plan; and
4. Approve General Plan Amendment No. 2011-01 – Revised Agricultural Buffers.

Contact Person:

Angela Freitas, Deputy Director. Telephone: (209)525-6330

Exhibits:

- A - Adopted Appendix "A": Stanislaus County Buffer and Setback Guidelines
- B - Draft Revised Appendix "A": Stanislaus County Buffer and Setback Guidelines
- C - September 8, 2008, and November 2, 2009, Agricultural Buffer Alternatives

APPENDIX "A"
STANISLAUS COUNTY
BUFFER AND SETBACK GUIDELINES

Stanislaus County Buffer and Setback Guidelines

Purpose and Intent:

The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding non-agricultural uses approved in or adjacent to the A-2 (General Agriculture) zoning district.

The intent of these guidelines is to establish standards for the development and maintenance of buffers and setbacks designed to physically and biologically avoid conflicts between agricultural and non-agricultural uses.

Applicability:

These guidelines shall apply to all new or expanding non-agricultural uses approved by discretionary permit¹ in the A-2 zoning district or on a parcel adjoining the A-2 zoning district. Non-agricultural uses located within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for an incorporated city shall be subject to these guidelines if the project site is located within 300 feet of any production agriculture operation, as defined by the Stanislaus County General Plan Agricultural Element, or the outer boundary of the SOI at the time of approval.

Buffer and setback requirements established by these guidelines shall be located on the parcel for which a discretionary permit is sought and shall protect the maximum amount of adjoining farmable land.

Buffer Design Standards for New Non-Agricultural Uses:

- All projects shall incorporate a minimum 150-foot wide buffer. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot wide buffer. All buffers shall incorporate a solid wall and vegetative screen consistent with the following standards:

Fencing: A 6-foot high solid wall of uniform construction shall be installed along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.

Vegetative Screen: (*minimum standards*)

- Two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown. Fast growing plants with a short-life span shall be discouraged.
- Trees and shrubs should be vigorous, drought tolerant and at least 6-feet in height at the time of installation.
- Plants shall have 50% to 70% porosity (i.e., approximately 50% to 75% of the plant is air space).
- Plant height shall vary in order to capture drift within 4-feet of ground application.
- A mature height of 15-feet or more shall be required for each tree.

¹For purposes of these guidelines discretionary permit shall mean any general plan amendment, community plan amendment, rezone, tentative map, parcel map, use permit (excluding single-family dwellings in the A-2 zoning district), or variance processed by the County Planning & Community Development Department.

- To ensure adequate coverage, two staggered rows shall be located 5-feet apart and consist of minimum 5 gallon plants at least 6-feet tall planted 10-feet on center. Alternative spacing between rows may be authorized to accommodate the needs of specific plant species.
- Permitted uses within a buffer area shall include: public roadways, utilities, drainage facilities, landscaping, parking lots and similar low human intensity uses. Walking and bike trails shall be allowed within buffers provided they are designed without rest areas.
 - Landscaping shall be designed to exclude turf areas which could induce activities and add to overall maintenance costs and water usage.

Buffer and Setback Design Standards for Expanding Non-Agricultural Uses:

- Where existing development on a project site will allow, accommodation of a buffer as required for new non-agricultural uses shall be provided.
- Where existing development on a project site will not allow a buffer as required for new non-agricultural uses, fencing and vegetative screening as required for new non-agricultural uses shall be provided within the area available.
- A minimum building setback of 150-feet, measured from the property line of any adjoining property located in the A-2 zoning district, shall be required for any addition to an existing building or any new building associated with the expansion of a non-agricultural use.

Buffer and Setback Maintenance:

- Projects subject to these guidelines shall be conditioned to require the property owner(s) be responsible for all aspects of on-going maintenance of buffers and setback areas. The property owner(s) shall be responsible for maintaining landscape plants in a healthy and attractive condition.
- A landowners association or other appropriate entity shall be required to maintain buffers to control litter, fire hazards, pests, and other maintenance problems when a project consists of multiple parcels which may be held under separate ownership.
- The property owner, landowners association, or responsible entity shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30-days of weather permitting.
- When buffers are required as part of a specific plan, the County may require dedication of buffer areas and formation of service district to insure long-term up keep and maintenance of the buffer.

Agricultural Transition:

- The Board of Supervisors may authorize the abandonment and reuse of buffer areas if agricultural uses on all adjacent parcels within 150-foot radius of the project site have permanently ceased.

Alternative Buffer and Setback Design Standards:

- Any alternative buffer and setback design standards proposed by a project applicant shall be reviewed and supported by the Stanislaus County Agricultural Advisory Board prior to consideration by the Stanislaus County Planning Department. In no case, shall the required standards be reduced, unless the proposed alternative is found to provide equal or greater protection to surrounding agricultural uses.

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APPENDIX "A"
STANISLAUS COUNTY
BUFFER AND SETBACK GUIDELINES
DRAFT REVISIONS

***** All proposed revisions are reflected in bold/underlined or stricken text. *****

Stanislaus County Buffer and Setback Guidelines

Purpose and Intent:

The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding ~~non-agricultural~~ uses approved in or adjacent to the A-2 (General Agriculture) zoning district.

The intent of these guidelines is to establish standards for the development and maintenance of buffers and setbacks designed to physically ~~and biologically~~ avoid conflicts between agricultural and non-agricultural uses.

Applicability:

These guidelines shall apply to all new or expanding ~~non-agricultural~~ uses approved by discretionary permit¹ in the A-2 zoning district or on a parcel adjoining the A-2 zoning district. ~~Non-agricultural~~ Uses located within a Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for an incorporated city shall be subject to these guidelines if the project site is located within 300 feet of any production agriculture operation, as defined by the Stanislaus County General Plan Agricultural Element, or the outer boundary of the SOI at the time of approval.

Low people intensive Tier One and Tier Two Uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public shall not be subject to compliance with these guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval. The decision making body shall have the ultimate authority to determine if a use is “low people intensive”.

Buffer and setback requirements established by these guidelines shall be located on the parcel for which a discretionary permit is sought and shall protect the maximum amount of adjoining farmable land.

Buffer Design Standards for New ~~Non-Agricultural~~ Uses:

- 1) All projects shall incorporate a minimum 150 foot wide buffer **setback**. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300 foot wide buffer **setback**. ~~All buffers shall incorporate a solid wall and vegetative screen consistent with the following standards:~~

~~Fencing: A 6-foot high solid wall of uniform construction shall be installed along any portion of a buffer where the project site and the adjoining agricultural operation share a common parcel line.~~

¹ For purposes of these guidelines discretionary permit shall mean any general plan amendment, community plan amendment, rezone, tentative map, parcel map, use permit (excluding single-family dwellings in the A-2 zoning district), or variance processed by the County Planning & Community Development Department.

Vegetative Screen: (minimum standards)

- ~~Two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown. Fast growing plants with a short life span shall be discouraged.~~
- ~~Trees and shrubs should be vigorous, drought tolerant and at least 6 feet in height at the time of installation.~~
- ~~Plants shall have 50% to 70% porosity (i.e., approximately 50% to 75% of the plant is air space).~~
- ~~Plant height shall vary in order to capture drift within 4 feet of ground application.~~
- ~~A mature height of 15 feet or more shall be required for each tree.~~
- ~~To ensure adequate coverage, two staggered rows shall be located 5 feet apart and consist of minimum 5 gallon plants at least 6 feet tall planted 10 feet on center. Alternative spacing between rows may be authorized to accommodate the needs of specific plant species.~~

a. Permitted uses within a buffer area shall include:

- i. Public roadways, utilities, drainage facilities, **rivers and adjacent riparian areas**, landscaping, parking lots, and similar low human intensity **people intensive** uses. Walking and bike trails shall be allowed within buffers **setback areas** provided they are designed without rest areas.
- ii. **Permitted non-agricultural uses adjoining or surrounding a project site (including but not limited to legal non-conforming uses and homesites) which are of a permanent nature and not likely to be returned to agriculture.**

- b. Landscaping within a buffer setback area shall be designed to exclude turf areas which could induce activities and add to overall maintenance costs and water usage.

- 2) **A six foot high fence of uniform construction shall be installed along the perimeter of the developed area of the use to prevent trespassing onto adjacent agricultural lands. Fencing shall not be required for uses which do not directly establish the potential for increased trespassing onto adjacent agricultural lands.**

Buffer and Setback Design Standards for Expanding Non-Agricultural Uses:

- Where existing development on a project site will allow, accommodation of a buffer as required for new ~~non-agricultural~~ uses shall be provided.
- Where existing development on a project site will not allow a buffer as required for new ~~non-agricultural~~ uses, fencing and vegetative screening as required for new ~~non-agricultural~~ uses shall be provided within the area available **the expansion may be permitted only if it does not intensify on-site activities or an alternative buffer and setback design standard is approved for the expansion.**
- ~~A minimum building setback of 150 feet, measured from the property line of any adjoining property located in the A-2 zoning district, shall be required for any addition to an existing building or any new building associated with the expansion of a non-agricultural use.~~

Buffer and Setback Maintenance

- Projects subject to these guidelines shall be conditioned to require the property owner(s) be responsible for all aspects of on-going maintenance of buffers and setback areas. The property owner(s) shall be responsible for maintaining landscape plants in a healthy and attractive condition.
- A landowners association or other appropriate entity shall be required to maintain buffers to control litter, fire hazards, pests, and other maintenance problems when a project consists of multiple parcels which may be held, or have the potential to be held, under separate ownership.
- The property owner, landowners association, or responsible entity shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30-days of weather permitting.
- When buffers are required as part of a specific plan, the County may require dedication of buffer areas and formation of service district to insure long-term up keep and maintenance of the buffer.

Agricultural Transition:

- The Board of Supervisors may authorize the abandonment and reuse of buffer areas if agricultural uses on all adjacent parcels within a 150-foot radius of the project site have permanently ceased.

Alternative Buffer and Setback Design Standards:

- Any alternative buffer and setback design standards proposed by a project applicant shall be ~~reviewed and supported by~~ referred to the Stanislaus County Agricultural Advisory Board Commissioner as part of the planning review process prior to consideration by the Stanislaus County Planning Department Commission. The Planning Commission shall consider the Agricultural Commissioner's referral response in making a determination on the proposed alternative. In no case shall the required standards be reduced, unless the proposed alternative is found to provide equal or greater protection to surrounding agricultural uses.

On September 8, 2008 the Stanislaus County Agricultural Advisory Board considered and motioned to support the following Agricultural Buffer Alternatives as providing equal or greater protection than the Buffer and Setback Guidelines adopted in December of 2007 as Appendix 'A' of the Stanislaus County General Plan - Agricultural Element.

AGRICULTURAL BUFFER ALTERNATIVES

The December 2007 update to the Agricultural Element of the Stanislaus County General Plan established a buffer requirement for all new or expanding non-agricultural uses within or adjoining the A-2 zoning district. Appendix A of the Agricultural Element lays out guidelines for these buffers, which includes the following:

- ✓ A 150 ft buffer (300 feet for people intensive outdoor activities) from all property lines.
- ✓ A 6 ft high solid fence along the perimeter where a project adjoins agricultural property and 2 rows of vegetative screening (including evergreen trees and shrubs).
- ✓ Expansion of existing uses must provide fencing and vegetative screening in the area available and a 150-foot minimum building setback is required.

Any alternative to the currently adopted buffer standards must be reviewed and supported by the Stanislaus County Agricultural Advisory Board prior to Planning Commission consideration. ***These alternative standards shall be determined to provide equal or greater protection.***

*Planning staff would like the Agricultural Advisory Board to review and give its support to the following buffer alternative applicable to **all non-agricultural uses** within the A-2 General Agriculture zoning district:*

- ✓ Fencing is not required to be made up of a solid material, but shall be required to be at least 6 feet in height. The intent of the fencing requirement is to prevent trespassing.
- ✓ As a point of clarification, fencing may be installed around the perimeter of the non-agricultural use, rather than the perimeter of the property lines containing the use.
- ✓ Vegetative screening along road frontages shall only be required to the greatest extent possible giving consideration to driveways and other existing hardscape.
- ✓ Buffer and Setback standards shall not apply to projects located on a site surrounded by a minimum of 150-feet of residential type uses (including parcels of 3-acres or less in size), parks, schools or other similar non-agricultural uses.

*In addition, Planning staff would like the Agricultural Advisory Board to support the following buffer alternative, applicable to **Tier 1 and Tier 2 uses** such as nut hulling, shelling, dehydrating, grain warehousing, ag processing facilities (without incidental tasting rooms or sales) and other similar low people intensive uses:*

- ✓ When trespassing onto neighboring property is determined not to be an issue, the fencing requirement may be waived.
- ✓ Expansions of existing non-agricultural uses that are intended to improve efficiency and are not increasing exposure risk to spray, shall not be required to meet the 150 foot setback.
- ✓ Provided an overall distance of 150 feet or greater exists between the proposed use and the property line, no vegetative screening shall be required.

Additional alternative standards may be presented to the Agricultural Advisory Board for review and for a recommendation of approval to the Planning Commission. Ultimate approval will be based upon a determination of equal or greater protection.

On November 2, 2009 the Stanislaus County Agricultural Advisory Board considered and motioned to support the following Agricultural Buffer Alternatives as providing equal or greater protection than the Buffer and Setback Guidelines adopted in December of 2007 as Appendix 'A' of the Stanislaus County General Plan - Agricultural Element.

AGRICULTURAL BUFFER ALTERNATIVES

The December 2007 update to the Agricultural Element of the Stanislaus County General Plan established a buffer requirement for all new or expanding non-agricultural uses within or adjoining the A-2 zoning district. Appendix A of the Agricultural Element lays out guidelines for these buffers, which includes the following:

- ✓ A 150 ft buffer (300 feet for people intensive outdoor activities) from all property lines.
- ✓ A 6 ft high solid fence along the perimeter where a project adjoins agricultural property and 2 rows of vegetative screening (including evergreen trees and shrubs).
- ✓ Expansion of existing uses must provide fencing and vegetative screening in the area available and a 150-foot minimum building setback is required.


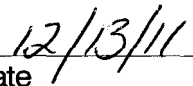
Any alternative to the currently adopted buffer standards must be reviewed and supported by the Stanislaus County Agricultural Advisory Board prior to Planning Commission consideration. ***These alternative standards shall be determined to provide equal or greater protection.***

*Planning staff would like the Agricultural Advisory Board to review and give its support to the following buffer alternative applicable to **all expanding non-agricultural uses** within the A-2 General Agriculture zoning district:*

- ✓ Allow the expansion of an existing non-agricultural use without a 150-foot setback or vegetative screening provided the expansion does not intensify the on-site activity.
- ✓ Allow riparian areas adjacent to rivers to serve as setbacks and vegetative screening.
- ✓ Allow permitted non-agricultural uses (including but not limited to legal non-conforming uses and homesites) adjoining the subject property to serve as part of the required setback area, provided the adjoining use is of a permanent nature which is not likely to be returned to agriculture. The overall distance from the requested use and the nearest agricultural operation (as defined by the Stanislaus County General Plan Agricultural Element) must be equal to or greater than the required setback distance. Vegetative screening shall not be required provided the minimum setback to the nearest agricultural operation is provided.

Additional alternative standards may be presented to the Agricultural Advisory Board for review and for a recommendation of approval to the Planning Commission. Ultimate approval will be based upon a determination of equal or greater protection.

- B. GENERAL PLAN AMENDMENT NO. 2011-01 – REVISED AGRICULTURAL BUFFERS** – Request to amend Appendix “A”: Stanislaus County Buffer and Setback Guidelines of the Stanislaus County General Plan Agricultural Element. This project is Exempt from CEQA.
APN: Countywide
Staff Report: Angela Freitas Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Layman/Pires, 7-0 (Unanimous), **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"> _____ Secretary, Planning Commission</p> <p style="text-align: center;"> _____ Date</p>

Buffer and Setback Guidelines

Appendix “A” – Agricultural Element

- ▶ Apply to all new or expanding non-agricultural uses in or adjoining the A-2 (General Agriculture) zoning district.
- ▶ 150-foot wide buffer setback area.
 - 300-foot wide for people intensive outdoor uses.
- ▶ 6-foot solid fencing.
- ▶ Vegetative Screening.

Buffer Design Standards

Vegetative Screen

- ▶ Purpose is to use plant spacing, height, and porosity to reduce pesticide drift exposure by providing a filter.
 - Two staggered rows of trees and shrubs characterized by evergreen foliage.
 - Drought tolerant plants at least 6-feet in height at the time of installation.

Buffer Design Standards

Buffer Alternative

- ▶ Alternative buffer and setback standards allowed provided:
 - Supported by County Agricultural Advisory Board (AAB) prior to consideration by the Planning Commission.
 - Alternative must be found to provide equal or greater protection to surrounding agricultural uses.

Alternative Buffer Proposals

Current Statistics

- 46 of 48 proposals presented to the AAB have been supported.
 - All have included elimination or reduction of the vegetative screen requirement.
 - All supported proposals have been approved by Planning Commission.
 - Of the 46 proposals, all but four (4) were for Use Permits in the A-2 zoning district.
 - UP for Tier One/Two, churches, cemetery, ...
 - Others include GPA/REZ to expand non-agricultural uses and establish a veterinary clinic.

General Alternative Proposals

September 8, 2008 & November 2, 2009

- Supported by the AAB to allow a variety of alternative design standards applicable to multiple projects. Examples:
 - Allows use of non-solid fencing.
 - Requires fencing to be installed around the perimeter of a use and not the property.
 - Allows riparian areas to serve as setback and vegetative screening.

Buffer Design Standards

Proposed Amendment

- ▶ Eliminates need for vegetative screening, solid fencing, and support from the County's AAB for use of alternative standards.
- ▶ Exempts low people intensive Tier One and Tier Two uses.
- ▶ Allows adjacent uses to be considered as part of the buffer.
- ▶ Requires fencing only when the potential for increased trespassing exists.

Alternative Buffer Proposals

Proposed Amendment

- ▶ Proposals will be referred to the County's Agricultural Commission.
- ▶ Planning Commission will need to consider the Commissioner's referral response.
- ▶ Finding that the proposed alternative will provide equal or greater protection will still be required.

Agricultural Advisory Board (AAB)

October 3, 2011

- ▶ In general, the AAB supports the revisions.
- ▶ Comments / Concerns expressed:
 - Vegetative screens are helpful, but benefit is limited until mature.
 - As proposed, Planning Commission will not be required to impose conditions recommended by Agricultural Commissioner.
 - Individual farms at risk from development.
 - People intensive outdoor uses will have a negative impact on surrounding agriculture.

General Plan Update Committee

October 6, 2011

- ▶ Committee supports the revisions provided there is flexibility to require solid fencing and vegetative screening on a project-by-project basis.

Public Comment

- ▶ City of Turlock – October 25, 2011
 - Concerns with Applicability and Alternative Standards
 - Guidelines only apply to County discretionary projects and not city projects/annexations.
 - LAFCO is encouraged to consider County guidelines when cities or districts expand boundaries; however, guidelines are County specific.
 - Decision to allow an alternative buffers lies with Planning Commission and not Agricultural Commissioner.

Planning Commission

November 3, 2011

- ▶ On a 7–0 vote recommended approval of the amendment as proposed.
- ▶ Planning Commission Comments:
 - Subjective nature of “low people intensive” uses and need to also consider the “nature” of the uses.