

Proposed Agricultural Buffer Policy for Santa Barbara County



Santa Barbara County Ag Futures Alliance
February 2010

About the Santa Barbara County Ag Futures Alliance

The Santa Barbara County Ag Futures Alliance is a unique volunteer collaboration between leaders from agriculture, environmental, and community interests who have come together to “promote the long-term viability of agriculture in Santa Barbara County while addressing environmental and social concerns through an alliance that values dialogue and collaboration.”

The Alliance was formed in 2007 when leaders from the Santa Barbara County Farm Bureau and the Environmental Defense Center invited a small group of growers, environmentalists, and community activists to meet at the Alma Rosa Winery in Buellton. Their invitation was simple: we can do a better job promoting agriculture and protecting the environment by working together.

The first year of the Alliance was devoted to building trust and mutual understanding between members through the development of the group’s “Constitution.” This document lays out the principles that guide an effective collaboration between agriculture, environment, and community interests.

Since then, the Alliance has been immersed in the question of how to protect Santa Barbara County’s unique and valuable agriculture land and heritage. The focus ultimately turned to the challenge of conflicting land uses at the urban/ag boundary and resulted in the development of a “Proposed Agricultural Land Buffer Ordinance.” Work on this proposal was completed in January 2010.

The Alliance is part of the statewide Ag Futures and Food Systems Alliances sponsored by Ag Innovations Network (AIN). The Alliance gratefully recognizes the financial support for its work provided by Roots of Change (<http://rocfund.org>), AIN, and local donors.

Alliance Members¹

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¹ Organization names provided for reference only. Members serve as individuals

February 4, 2009

Re: Agricultural Buffer Policy for Santa Barbara County

To All Interested Parties:

The Ag Futures Alliance of Santa Barbara County (AFA) is pleased to provide to you this copy of the proposed draft of an Agricultural Buffer Policy for Santa Barbara County, which members of the Alliance adopted by consensus in January 2010. This Draft is the culmination of many months of work by the members of our AFA, involving research, field studies, and hours of deliberation. It is the hope of the AFA that by developing and distributing this Draft, there will be momentum started which will result in the successful implementation of an Ag Buffer Policy in Santa Barbara.

An Ag Buffer Policy is intended to benefit agriculturalists that have operations adjacent to a proposed development project, such as a residential neighborhood or commercial center. The Ag Buffer will help ensure growers and ranchers that future conflicts are avoided with their future urban neighbors by requiring developers to create protective areas in their projects that will provide buffers from noise, dust, light, and odor that are generated from ordinary agricultural operations. The buffers will also provide the agricultural operations further protection from trespass, litter, pets, and pests generated by the urban uses.

Founded jointly in 2007 by the Santa Barbara County Farm Bureau and the Environmental Defense Center, Santa Barbara County AFA is an alliance consisting of agricultural, environmental, and community leaders that have the common goal to promote and preserve agriculture in Santa Barbara County, while maintaining a healthy environment. We believe that through collaboration versus confrontation, the difficult issues facing local agriculture can be more productively resolved.

The Santa Barbara County AFA appreciates your interest in this draft Agricultural Buffer Policy, and your input towards a successful implementation.

Respectfully,

SANTA BARBARA COUNTY AG FUTURES ALLIANCE

Proposed Agriculture Buffer Policy

1. Purpose/goal of policy

The County of Santa Barbara has stated that the continued use of agriculturally zoned property for agricultural operations is a high priority. When development is located adjacent to agricultural land, it has the potential to create conflicts due to abutting incompatible land use(s). To address this concern, the County has created the following agricultural buffer policy 1) to protect land that is currently agriculturally zoned, 2) to promote a long-term perspective in land use planning, and, 3) to increase the compatibility of proposed non-agricultural land uses when they are located adjacent to agricultural uses.

This policy is intended to provide all stakeholders with technical information, assistance, and tools in order to incorporate buffers into land use projects.

Agricultural buffers will help to address the following issues:

Noise and night time lighting

- A. Reduce nuisance from a variety of agricultural sources such as bird frightening devices, pumps, heavy equipment, wind machines, night harvesting and other night operations. etc.
- B. Reduces local neighbor conflict and complaints to governmental agencies.

Dust

- A. Creates distance or screening for dust to settle out before affecting homes or people.

Trespass/Vandalism/Theft/Litter/Liability

- A. Helps reduce the negative impact people and pets can have on agricultural property.
- B. Helps reduce the impact that stray livestock can have on neighboring properties.

Pesticide Use

- A. Helps reduce potential impacts of pesticide use for non-target areas, including homes, schools, and other urban areas to further protect public health and safety.
- B. Maintains the feasibility of pesticide use as an agricultural tool.
- C. Reduces local neighbor conflict and complaints to agricultural and government agencies.

Other Pest Control Measures

- A. Helps maintain the use of agricultural rodent control measures.
- B. Reduces the likelihood of accidental poisoning of pets.

Agricultural Burns

- A. Helps maintain agricultural burning as a management tool. (Otherwise, burns may be prohibited or further regulated if dwellings are built close to agricultural property.)
- B. Protects the public health and safety.

Beekeepers

- A. Helps preserve the use of bees for honey production and pollination. (Otherwise, beekeepers may be forced to move hives out of agricultural areas due to close proximity to urban areas.)
- B. Protects the public health and safety from bees searching for food and water.

Erosion and Development Impacts

- A. Reduces the potential for sources of soil erosion from development activities to affect agricultural lands.
- B. Reduces impacts on agriculture from flooding and siltation.
- C. Reduces potential incidences of storm water runoff and mudslides onto developed areas by acting as a bio-filter or filter strip.
- D. Reduces impacts of urban runoff pollution on agricultural land.

Harborage and introduction of agricultural disease and pests

- A. Protects agriculture by reducing the incidences of insects, diseases and/or unwanted pests or plants moving from residential areas to adjacent agriculture.

Other sources of land use conflict unique to certain situations.

- A. Provides buffer to reduce impacts to schools or other such sensitive land uses from ongoing necessary agricultural operations.

2. Policy Application and Procedure

Proposed development projects (hereafter referred to as the Referral Project[s]) shall be required to contain appropriate buffers [defined in item 3 of this policy] when they have the potential to create conflicts with adjacent agricultural land. All Referral Projects located adjacent to land zoned for agriculture shall provide an agricultural buffer/agricultural transition area.

This policy applies when Referral Projects are proposed adjacent to agriculturally-zoned land in 1) active or potentially active agricultural production, including rangeland, crop or orchard production; or 2) is classified by the California Department of Conservation Important Farmland Inventory as Prime, Statewide Importance, or Unique/Local Importance farmland. All annexation proposals shall incorporate provisions of this policy to further protect any adjacent agriculturally zoned parcels from potential impacts.

Application

The Agricultural Planner, considering established buffer distance ranges and all relevant factors, shall make buffer determinations on a case-by-case basis.

Several factors (described in detail below) including the nature of the land use proposal, site specific non-crop factors, type and potential extent of agricultural use, and existing zoning, are the most significant considerations in determining where significant land use conflicts may occur and what types of buffers are appropriate.

Nature of the Proposal

Specific factors related to the Referral Project shall be evaluated including, but not limited to: parcel size, configuration, density of development, and intended type of land use. Certain types of developments, such as residential dwellings or schools, may need larger buffers than for commercial or industrial development proposals. The Agricultural Planner, in conjunction with the Development Review planner, shall conduct an on-site evaluation with the Project applicant and/or agent of the Developer. Abutting agricultural operators shall be contacted whenever possible to discuss perceived conflicts.

Site Specific Non-Crop Factors

Various site-specific factors shall be evaluated in land use conflict determinations and subsequent recommendations for buffer requirements. These include, but are not limited to: topography, prevailing wind direction, riparian corridors or protected vegetative areas, soil type, location of existing roads, and the extent of existing development. Drainage, shading, vegetation, and erosion control shall be considered in the establishment of an agricultural buffer area, and made beneficial to the adjacent agricultural use.

Agricultural Use

- A. Extent: Existing agricultural use shall be evaluated for potential land use conflict.
- B. Type: Farming practices vary considerably by type of agricultural use; recommended buffers shall be related to the type of current and potential agricultural use possibly impacted by the Referral Project.
- C. Historical/Current/Future: An evaluation shall be made concerning the suitability of a particular parcel or area for certain types of agricultural uses, and *all potential* commercially viable agricultural uses shall be considered when determining buffer types and width.

Zoning

This Buffer Policy is applicable to Referral Projects adjacent to agriculturally zoned properties; properties that are actively farmed but are not ag-zoned are not addressed by this policy.

Procedure:

- A. The Planning and Development, Development Review Department shall forward all Referral Projects with any potential to create impacts to

- agriculture for consultation with the County's Agricultural Planner(s). If the Project is adjacent to agricultural land, the Project will automatically be forwarded for review. The Agricultural Planner(s) will review the Project application and provide written input to the assigned Development Review planner, along with application recommendations that include: buffer type, width, maintenance requirements, and detailed reasoning for stated recommendations. Adjacent agricultural landowners shall be notified and consulted.
- B. In the event of a dispute on buffer policy application procedures, the matter will be referred to the Planning Director of the Development Review Department for recommendation to the County's decision-makers.
 - C. Under no circumstances will the agricultural buffer policy be waived for zone changes and subdivisions if it is determined that a Referral Project has the potential to impact agriculture. However, certain exceptions may be granted **only for individual** Single Family Residences under the restrictions described in item 3d of this policy.
 - D. The County's Agricultural Planner shall be available for testimony at public hearings to support buffer requirements upon the request of the Board of Supervisors, Planning Commission, Subdivision Review Board, Planning and Development Department, LAFCO, or city government.

3. Physical parameters of buffers

Buffer General Guidelines

Buffer(s) shall be placed on the developer's property and will be recorded as the distance from the agricultural property line.

- Determinations made in accordance with this policy shall be based on all relevant site and project criteria, practical knowledge of agricultural practices, technical literature, contact with other professionals, industry, government agencies, and training.
- The proposed Referral Project shall be considered for determining buffer type and width. The overall intensity of the proposed Project, potential for conflict, and any potential for future expansion shall be considered.
- Pre-application meetings shall be encouraged to inform applicants of the buffer policy and potential restrictions on proposed Projects located adjacent to agricultural uses so designs can incorporate recommendations early on.
- Applicants for developments near ag zoned land are required to attend an initial informational meeting with the county agricultural planners (and adjacent agricultural landowners/operators if possible).
- The agricultural planners shall recommend specific buffer distances and components (and associated supporting documentation).
- Vegetative parts of the buffer shall be appropriate for the surrounding landscape, and under no circumstances shall exotic invasives or aggressively

- reseeding plants be used. Vegetative buffers shall also consider pollinator-attracting plants where possible.
- Existing dwellings or other development adjacent to agricultural uses may already negatively impact agriculture. Buffers shall specifically address reducing future or additional impacts from development.
 - The surrounding agricultural zoning and uses (particularly if parcels are in “production agriculture”) should be considered, as well as *any* projections for potential intensification of agricultural uses, given the specific site factors of the agricultural land that would be affected by the Referral Project.
 - The County shall ensure that the responsible party for maintaining and monitoring buffer requirements for Referral Projects will do so in perpetuity via a conservation easement or deed restriction. Conditions shall be imposed such that these maintenance requirements are clearly defined and monitorable by County staff on, at a minimum, a bi-annual basis. If a Homeowners Association (HA) is designated as responsible for buffer maintenance, this shall be made a condition of project approval such that the HA cannot change this maintenance/monitoring requirement and responsibility.
 - Maintenance within the buffer shall be accomplished to minimize nuisances to agriculture and shall include vertebrate eradication, invasive weed abatement, and control of crop-threatening insects where necessary. Integrated Pest Management practices shall be incorporated where possible.
 - No parks, bike paths, or other public uses shall be allowed to serve as buffers due to potential conflicts with agricultural uses.
 - When determining buffer widths, it should not be assumed that existing features on the agricultural property, such as trees, will remain.
 - Buffer distances may be reduced from the 300’ starting point median *only* if it can be clearly demonstrated that topographic or other significant overriding conditions would reduce the potential for impacts, and the proposed alternative is found to provide equal or greater protection to surrounding agricultural uses; e.g. a protected riparian corridor on the farm's property line could merit a reduction in buffer width determination.
 - No modification of the buffer requirement shall be granted unless it can be clearly demonstrated that no agricultural land uses would be affected by that modification or as described in *Exceptions* below.

Buffer Components

The County may include any combination of the following land uses toward the fulfillment of the agricultural buffer requirement²:

Open space/greenbelt
Vegetative screen / hedgerows (provided recommended landscaping is not a water-intensive). Required buffer vegetation shall not interfere with safety requirements for leafy greens or other sensitive agricultural crops. [See Appendix 1 for guidelines].
River, creek, lakes, ponds, streams, rivers, or flood plains
Roadways and power line rights-of-way
Hillside / landscaped berm, valleys, cliffs, natural berms or rises
Airport runway or clear area
Cemeteries
Railroad tracks / Utility corridor
Irrigation canals, drainage swales
Storm retention ponds
Non-habitable accessory structures (e.g., barns, stables, garages, and corrals).
Walls, fences (non-scalable).

Note: Stabilization of an “edge condition” between agricultural zoned lands and more urbanized uses is the goal for all buffers. If no existing topographical or permanent land use feature exists (as noted above), a combination of land uses [based on individual site features as determined by the agricultural planner] shall be required that fulfills the buffer requirement, and if appropriate, a “non-scalable” dividing wall or fence.

If buffer components listed above exist adjacent to the proposed development site, and fulfill recommended buffer requirements, no additional buffer components shall be required.

² Uses other than those listed must be approved as serving agricultural buffer requirements by the agricultural planner in conjunction with discretionary land use approvals. Once the buffer is specifically defined for individual discretionary projects, a condition shall be placed on the Referral Project that shall be recorded with the property title and the project conditions of approval (e.g., mitigation measures) that describes the contents of the buffer and maintenance/monitoring requirements. No modifications of recorded conditions of approval shall be allowed.

Buffer Width Determinations

The width of the buffer shall be determined based on a combination of factors depending on site/surrounding characteristics. A range is provided to encourage buffer recommendations that take into account individual site characteristics rather than providing a “one size fits all” solution.

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. Therefore, buffer widths shall be determined, along with the consideration of permanent site characteristics (topography, prevailing wind), by the current *AND POTENTIAL* agricultural use of that land. Discretionary reviews shall consider the potential for all parcels to intensify production agricultural uses (e.g., rangeland to vineyards, etc.) based on individual site characteristics, and shall incorporate this into buffer recommendation.

The following factors shall be considered for potential agricultural uses:

- Water
- Slope
- Prevailing Wind
- Soil Type
- Microclimate Crop Suitability
- Elevation

Two agricultural use classes are defined herein: intensive or potentially intensive agricultural use, and limited agricultural use. Distance ranges for these classes are provided in Table 1:

Table 1

Buffer Distances Determined by Potential Agricultural Uses	
Type of Agricultural Use	Buffer Distance Range
<i>Intensive or Potentially Intensive Agricultural Use:</i> <ul style="list-style-type: none"> • Vineyards • Irrigated Orchards • Irrigated Vegetables and Berries • Irrigated Forage and Field Crops • Wholesale Nurseries • Greenhouses • Dry farm field and grain crops, orchards and vineyards 	200-600 feet
<i>Limited Use Category:</i> Rangeland/pasture	50-200 feet (rangeland pasture only)

Source: San Luis Obispo County (modified)

Exceptions

The buffer determination process shall begin with an assessment of site-specific characteristics (e.g. topographic features, prevailing wind). If these characteristics are 1) of a permanent nature and 2) mitigate potentially intensive agricultural use, then lesser widths may be applied. The buffer shall start with a median width of 300 feet (except for Rangeland/pasture, as noted in Table 1), which shall be adjusted depending on individual site characteristics. If no other developable land is available on the parcel other than where the buffer would be required, or the buffer implementation would present an undue hardship on the landowner of a single-family residence site **as specifically defined below**, exceptions to this policy may apply.

A. Purpose and intent

The purpose and intent of this exception is to allow relief from the strict application of the provisions of this agricultural buffer policy where, because of exceptional conditions (e.g., the location, shape, size, surroundings, or topography, or other extraordinary situation or condition of the subject property), the literal enforcement of this policy would impose practical difficulties.

B. Applicability

The provisions of this Section shall apply to all zones except agricultural.

C. Contents of application

An application for an exception to this policy shall be submitted in compliance with Chapter XX.XX (Permit Application Filing and Processing) and Article II, Chapter XX.XX³

D. Processing

1. In the Inland or Coastal area, the Department may refuse to accept for processing any application for exception the Director finds to be inconsistent with the Comprehensive Plan or LCP.
2. At least one noticed public hearing shall be held on the requested exception that either approves, conditionally approves, or denies the request.
3. Notice of the time and place of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 35.106 (Noticing and Public Hearings).
4. The Hearing Body (either the Planning Commission or the Board of Supervisors), in approving the exception may require conditions as deemed reasonable and necessary to promote the purpose and intent of this buffer policy and the public health, safety, and welfare.
5. The action on the buffer policy exception is subject to appeal as applicable in compliance with Chapter 35.102 (Appeals) of the LUDC and the LCP.

³ Final ordinance to reference specific chapters and pages.

6. Prior to the issuance of any planning permit required to effectuate the approved exception to this policy, the applicant shall agree, in writing, to comply with all conditions imposed by the review authority in the granting of the exception, and shall agree to record a deed restriction in perpetuity that prohibits complaints or claims regarding any agricultural conflicts unless unlawful practices are occurring on the adjacent property.

E. Findings required for approval

An exception to this policy shall be approved or conditionally approved only if the Hearing Body makes all of the following findings:

1. Findings required for all buffer policy exceptions:

- A. Due to special circumstances applicable to the subject property, including either location, shape, size, surroundings, or topography, the strict application of the buffer policy deprives the subject property of privileges enjoyed by other property in the vicinity and under similar zone classification that are subject to the buffer policy.
- B. The granting of the exception shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which the property is situated.
- C. The granting of the exception will not be in conflict with the purpose and intent of the County's Land Use and Development Code or the Comprehensive Plan or Local Coastal Plan.
- D. Any exception granted shall be consistent with historic development patterns (e.g., for infill projects), and would apply only to more urbanized areas of the County.

Specific Situational Issues

1. The Agricultural Planner 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/or limitations in their official recommendations to the Development Review planner.
2. Organic farming practices will not typically influence buffer recommendations, as it cannot be assumed that organic farming practices will always occur in the future for a particular area.
3. Proposed heavy industrial land uses adjacent to agricultural areas may present significant land use conflict that would call for mitigation measures beyond the scope of this policy. Heavy industrial use will be evaluated on a case-by-case basis through the normal referral process.
4. Buffers will only affect the location of proposed occupied structures. Existing occupied structures within the buffer zone are considered home sites and are unaffected by this policy. If a home preexisting within the buffer zone is, for

- whatever reason, destroyed, it may subsequently be replaced in accordance with existing County policies and zoning without restrictions from this buffer policy.
5. When considering future intensification, farm or rangeland that cannot be feasibly intensified due to topography, soil characteristics, or lack of water supply, may receive reduced buffer recommendations with proper documentation.
 6. As a general guideline, any farmland designated by the California Department of Conservation Important Farmland Inventory as Prime, Statewide Importance, Unique or Local Importance, with topographic characteristics adequate for irrigated row-crop, tree or and berry farming shall be a consideration for maximizing the buffer width of a Referral Project.
 7. The BOS may authorize the abandonment and reuse of buffer areas if agricultural uses on all adjacent parcels within a 200-foot radius of the project site have permanently ceased, and the land use designations for those parcels do not contain agricultural zoning.

Disclosure

The agricultural buffer document and associated conditions of approval will be duly recorded in the chain of title of the subject property (In conjunction with the mechanism chosen to enforce buffer requirements [e.g., conservation easement or deed restriction]).

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Appendix 1. Example of Vegetative Buffer

- A. Two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown should be planted. Fast growing or water-intensive plants with a short life span should be discouraged. No turf should be allowed due to excessive water requirements.
- B. Trees and shrubs should be vigorous, drought tolerant and at least 6-feet in height at the time of installation.
- C. Vegetative buffers should be designed to attract pollinators.
- D. Plant height should vary in order to capture drift within 4-feet of ground application.
- E. A mature height of 15-feet or more should be required for each tree.
- F. To ensure adequate coverage, two 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.
- G. Alternative spacing between rows may be required to accommodate the needs of specific plant species.