

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE December 6, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing for December 20, 2011 at 6:35 p.m. to Consider the Planning Commission's Recommendation for Approval of General Plan Amendment No. 2011-01, Revised Agricultural Buffers

STAFF RECOMMENDATIONS:

1. Set a public hearing for December 20, 2011, at 6:35 p.m. to consider the Planning Commission's recommendation for approval of General Plan Amendment No. 2011-01, Revised Agricultural Buffers, a request to revise Appendix "A": Stanislaus County Buffer and Setback Guidelines of the Stanislaus County Agricultural Element.
2. Authorize the Clerk of the Board to publish the Public Hearing Notice as required by law.

FISCAL IMPACT:

There are no fiscal impacts associated with setting the public hearing. Impacts associated with the amendment will be evaluated and included in the subsequent report for the public hearing.

BOARD ACTION AS FOLLOWS:

No. 2011-734

On motion of Supervisor Withrow, Seconded by Supervisor De Martini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Set a Public Hearing for December 20, 2011 at 6:35 p.m. to Consider the Planning Commission's Recommendation for Approval of General Plan Amendment No. 2011-01, Revised Agricultural Buffers
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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 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.

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.

At this time, this item simply sets the date and time for a public hearing on the matter before the Board of Supervisors to consider the proposed request.

POLICY ISSUES:

The Board of Supervisors should determine if setting a public hearing for the proposed amendment furthers the goals of the Efficient Delivery of Public Services.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSONS:

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

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

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:~~

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.

~~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.~~
- ~~• 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.

**NOTICE OF PUBLIC HEARING FOR
GENERAL PLAN AMENDMENT NO. 2011-01
REVISED AGRICULTURAL BUFFERS**

NOTICE IS HEREBY GIVEN that on December 20, 2011, at 6:35 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider the Planning Commission's recommendation for approval of a request to amend the Stanislaus County Buffer and Setback Guidelines of the Stanislaus County General Plan Agricultural Element. This project is Exempt from CEQA. APN: Countywide

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: December 6, 2011

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California

BY: 
Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Dec 10, 2011

NOTICE OF PUBLIC HEARING
GENERAL PLAN AMENDMENT NO.
2011-01, REVISED AGRICULTURAL
BUFFERS

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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: December 6, 2011.
ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk
Pub Dates Dec 10, 2011

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

December 12th, 2011

(By Electronic Facsimile Signature)

Marie Dickman

12/6/11 DI