APPENDIX T

San Luis Obispo County Agricultural Buffer Policies and Procedures

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COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Measurement Standards

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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.