



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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**KATHLEEN MOLLOY, PLANNING DIRECTOR**

**AGENDA DATE:** November 15, 2018

**Agenda Item #9**

Agricultural Policy Advisory Commission  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**SUBJECT: Interpretation of County Code Section 16.50.095 (B) to establish the recommended scope of uses subject to the required agricultural buffer setback regulations.**

Members of the Commission:

County Code Section 16.50.095 (Exhibit A) regulates agricultural buffer setbacks. Section 16.50.095 (A) and (B) provided herein requires a minimum 200-foot agricultural buffer setback for a variety of uses located adjacent to agricultural resource type land. Several areas require clarification to ensure consistent application of regulations for continued protection of agricultural resource land. Areas of uncertainty are underlined below for consideration by your Commission. This will also allow your Commission to provide recommendations regarding the scope of uses subject to the agricultural buffer setback and to provide input about how buffer standards are recommended to be applied to more recent agricultural uses.

### **16.50.095 Agricultural buffer setbacks.**

(A) The purpose of the agricultural buffer setback requirements is to prevent or minimize potential conflicts between either existing or future commercial agricultural and habitable land uses (i.e., residential, recreational, institutional, commercial or industrial). This buffer is designed to provide a physical barrier to noise, dust, odor, and other effects which may be a result of normal commercial agricultural operations such as: plowing, discing, harvesting, spraying or the application of agricultural chemicals and animal rearing.

(B) All development for habitable uses within 200 feet of the property line of any parcel containing Type 1, Type 2, or Type 3 commercial agricultural land shall:

- (1) Provide and maintain a 200-foot buffer setback between Type 1, Type 2 or Type 3 commercial agricultural land and nonagricultural uses involving habitable spaces, including dwellings, habitable accessory structures and additions thereto; and commercial, industrial, recreational, or institutional structures, and their outdoor areas designed for public parking and intensive human use, except that if an existing legal dwelling already encroaches within the 200-foot buffer setback, proposed additions thereto, habitable accessory structures or private recreational facilities, none exceeding

1,000 square feet in size, shall be exempt from this subsection so long as they encroach no further than the existing dwelling into the buffer setback and an appropriate vegetative and/or other physical barrier for all existing and proposed development, as determined necessary, either exists or is provided and maintained. For the purposes of this section, outdoor areas designed for intensive human use shall be defined as surfaced ground areas or uncovered structures designed for a level of human use similar to that of a habitable structure. Examples are dining patios adjacent to restaurant buildings and private swimming pools. The 200-foot agricultural buffer setback shall incorporate vegetative or other physical barriers as determined necessary to minimize potential land use conflicts.

The attached agricultural buffer setback requirement list (Exhibit A) is provided for your consideration. The list identifies whether a setback reduction is required for each use type. Uses that are not entirely clear or uses that are emerging uses are in bold typeface. The list is intended to reflect how setback standards are applied currently.

Areas in question include whether employee parking areas and various cannabis uses require agricultural buffer setback compliance. It is not entirely clear whether the required agricultural buffer setback was meant to apply to employee parking areas because the County Code is explicit to public parking only. Further, it is not clear that “outdoor areas designed for intensive human use” would apply to employee parking, though employee parking areas have occasionally been subject to the setback requirement in the past, particularly office uses in land zoned commercial agriculture. It is reasonable that employee parking associated with agricultural zoning be excluded from the buffer setback given worker safety regulations currently in place. In addition, employee parking areas may provide the required buffer to proposed buildings. However, a distinction may be made regarding employee parking depending on whether employee parking is located in a non-agriculture zone district where employee awareness of agricultural operational use conflicts may differ. Notwithstanding, employee parking associated with commercial, industrial, institutional, recreational, or agricultural uses are not recommended to require agricultural buffer setback compliance unless otherwise recommended by your Commission.

Regarding the more the recent adoption of the cannabis regulations, cannabis uses are agricultural uses by nature, thus, setback standards are recommended to apply to structures exclusively, similar to the current practice for agricultural uses, as noted.

## Conclusion

If your commission recommends that additional uses are included in the attached list, please add as appropriate. If your Commission has a difference in interpretation of “intensive human use”, revisions may be recommended to achieve consistency, as appropriate.

Staff recommends that your Commission:

1. Recommend that the Planning Department interpret application of the agricultural buffer setback standard in keeping with the attached agricultural buffer setback list.

Sincerely,

A handwritten signature in black ink that reads "Sheila McDaniel" followed by a long horizontal line.

Sheila McDaniel  
Project Planner  
Development Review

Reviewed By: Jocelyn Drake  
Principal Planner  
Development Review

Exhibits:

A. Agricultural Buffer Setback Requirement list

# Agricultural Buffer Setback Application List

## Subject to Ag Buffer Setback

### **Residential**

Houses, accessory dwelling unit, habitable accessory structures	Yes
Detached Non-Habitable Barns	No
Home Occupations	Yes
Non- habitable Workshops	No
Attached non-habitable garages (attached to dwelling)	Yes
Detached garages	No
Patios, swimming pools	Yes
Outdoor use areas associated with dwelling	Yes

### **Commercial Uses**

Office Buildings (with employees)	Yes
<b>Employee parking areas</b>	No
Public parking areas	Yes
Outdoor use areas/seating/patios	Yes

### **Recreation Uses**

Recreation Structures (with employees)	Yes
<b>Employee parking areas</b>	No
Public parking areas	Yes
Public Recreation Trails	Yes
Public assembly areas	Yes
Outdoor use areas/seating/patios	Yes

### **Institutional Uses**

Institution structures (with employees)	Yes
Public parking areas	Yes
<b>Employee parking areas</b>	No

EXHIBIT A

**Industrial Uses**

Industrial Structures (with employees)	Yes
Public parking areas	Yes
<b>Employee parking areas</b>	<b>No</b>
Buildings	Yes

**Agricultural Uses**

Farm worker Housing/Agricultural employee housing	Yes
Cultivation	No
Hoop houses	No
Employee parking for cultivation	No
Greenhouses, including employees for operations	No
Offices (with employees)	Yes
Public Parking	Yes
Research labs	Yes
Workshops	Yes
Processing	Yes
<b>Employee parking</b> associated with offices/labs/workshops	No

**Cannabis**

<b>Outdoor Cultivation</b>	<b>No</b>
<b>Hoop Houses</b>	<b>No</b>
<b>Distribution/processing in buildings with employees</b>	<b>Yes</b>
<b>Greenhouses, including employees for operations</b>	<b>No</b>
<b>Manufacturing in buildings with employees</b>	<b>Yes</b>
<b>Employee parking associated with buildings</b>	<b>No</b>