

Gridley Planning Commission – Regular Meeting Agenda

Wednesday, October 18th, 2023; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

The Public is encouraged to attend and participate in person. Comments from the public on agenda items will be accepted until 4 pm on October 18th, 2023, via email to csantana@gridley.ca.us or via the payment/document drop box at Gridley City Hall and will be conveyed to the Commission for consideration.

You may view using the following link, ID, and passcode:

https://us06web.zoom.us/j/89599255709?pwd=2B2TaWkM_lAhQC3MqmpZ1Oy4kQUcdw.H4yParJ8fRV6qaJR

Webinar ID: 895 9925 5709

Passcode: 762566

CALL TO ORDER – Chair Espino

ROLL CALL

COMMUNITY PARTICIPATION FORUM - Members of the public may address the Planning Commission on matters not listed on the agenda. The Planning Commission may not discuss nor act on any community participation item brought forward by a member of the community. Comments are requested to be limited to three (3) minutes.

CONSENT AGENDA - None

PUBLIC HEARING

1. **GPA No. 1-23; ZTA 1-23:** A General Plan Amendment to modify various land use policies and implementation strategies related to incompatible land uses and implementing Land Use Implementation Strategy 5.3 to adopt an ordinance clarifying the agricultural buffer width between incompatible land uses.

CITY STAFF AND COMMISSION INFORMATIONAL UPDATES

ADJOURNMENT – Adjourning to the next regularly scheduled meeting on November 15th, 2023.

This agenda was posted on the public bulletin board at City Hall at or before 6:00 p.m. on October 15th, 2023. This agenda along with all attachments, if any, is available for public viewing online at

www.gridley.ca.us and at the Administration Counter in City Hall, 685 Kentucky Street, Gridley, CA. This is a public meeting, and anyone may address the Planning Commission. Any documents that were provided to the Planning Commission after the Agenda packet was distributed are also available for public review during normal business hours.

Meeting facilities are accessible to persons with disabilities. By request, alternative agenda document formats are available to persons with disabilities. To arrange an alternative agenda document format or to arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, contact the City Clerk by calling 846-3631 (voice). This request should be received at least three working days prior to the meeting to accommodate your request.

Planning Commission Agenda Item #1
Staff Report

Date: October 18, 2023

To: Mayor and City Council

From: Donna Decker, Planning Director

X	Regular
	Special
	Closed
	Emergency

Subject: **GPA No. 1-23; ZTA 1-23:** A General Plan Amendment to modify various land use policies and implementation strategies related to incompatible land uses and implementing Land Use Implementation Strategy 5.3 to adopt an ordinance clarifying the agricultural buffer width between incompatible land uses.

Recommendation

Staff recommends the Planning Commission support the City Council to adopt the findings, forward the amendment to the General Plan Amendment, establish Chapter 17.80 defining the development standards for an agricultural buffer setback requirements, and find this action is exempt from CEQA in accordance with Section 15061(b)(3), “common sense exemption” that there are no environmental impacts and that this is not a project.

Summary

The 2030 General Plan outlined policies and implementation strategies to mitigate incompatible land uses such as the expansion of residential into agricultural lands requiring an agricultural buffer, specifically the Planned Growth Area. The buffer width is not clearly defined; it is accepted as a standard of 300 feet, or, based on a case-by-case analysis, may qualify for an exemption of that depth. The Land Use Implementation Strategy 5.3 states:

The Planning Department will consult with Butte County to determine the specific application of the City’s agricultural buffer policy in the Planned Growth Area. The City will consider developing an ordinance to apply this policy in areas adjacent to long-term ongoing agricultural operations.

An amendment to the policies and implementation strategies along with a proposed ordinance to be added to the Gridley Municipal code provides development standards that can be applied for all projects.

Discussion

The City of Gridley has experienced great interest to annex property within the last two years. The annexations have been areas slated for the expansion of residential development lying to the north of the city in the Planned Growth Area, established in 2009-2010 during the 2030 General Plan adoption. The city has wrestled with language in the General Plan that is inconsistent as to its application of the agricultural buffers and the prescribed width. The process looks at each project on a case-by-case basis and coordinates with other agencies to determine an adequate buffer width. This has caused delays and frustrations for the developer with a design that needs to be modified subsequent to these efforts.

Butte County recently amended their code to remove the Unusual Circumstances applicability towards discretionary projects from the ordinance or guidelines. The County also had language allowing a case-by-case review if the buffer width could be reduced which has also led to unknowns and frustration in the planning process as to the width that was required versus a reduction due to unusual circumstances. The County chose to use the 300-foot width standard that is typically accepted as a setback between agricultural uses and residential uses.

In 2013, the City of Chico amended their municipal code determining that a 100-foot buffer between commercial agricultural operations and residential development was adequate in width. Furthermore, the amendment also affirmed that road rights-of-way could be utilized and recommended that uses that are complementary to agricultural uses such as landscaped areas, trails, etc. would be the best. As Chico continues to expand and annex lands to meet its housing needs, LAFCo has supported the reduced buffer width from 300-feet to 100-feet.

In an effort to clarify and ensure that incompatible uses, such as agriculture operations and residential, Planning proposes the adoption of an ordinance which describes and outlines the requirements for a buffer between these uses and establishes it as 100 feet. Furthermore, the ordinance clarifies that the existing east, west, and south boundaries of agriculturally zoned lands are not necessarily commercial agricultural operations but minor and if the parcels are less than 40 acres contiguous to the city boundary, no buffer would be required.

The Planning Commission is provided with a redline text amendment to the General Plan clarifying the land use buffer setback requirements, the proposed Chapter 17.80 ordinance establishing the buffer setback requirements recommending these actions be forwarded to the City Council for adoption.

Public Notice

A notice was posted at City Hall, made available at the Administration public counter, and placed on the city website for review.

Environmental Review

Staff recommends adopting a CEQA Guidelines Section 15061 (b) (3) "Common Sense" exemption. The proposal poses no significant impact on the environment and that this action is not a project; the amendments to the 2030 General Plan Land Use policies and implementation strategies and the establishment of Chapter 17.80 Agriculture Buffer and Setback Ordinance will not affect the ability to mitigate potential effects of future residential development adjacent to agricultural activities.

Attachments –

Exhibit A- Findings to amend the 2030 General Plan and establish Ch 17.80 of the Gridley Municipal Code
Exhibit B- Excerpt from 2030 General Plan; Goal, Policy, and Implementation Strategy
Exhibit C- Draft amendment 2030 General Plan; Goal, Policy, and Implementation Strategy
Exhibit D- Draft ordinance

FINDINGS TO AMEND THE 2030 GENERAL PLAN, LAND USE ELEMENT AND AMEND TITLE 17, GRIDLEY MUNICIPAL CODE BY ESTABLISHING CHAPTER 17.80: AGRICULTURAL BUFFER AND SETBACK STANDARDS

The following findings support amending the Land Use Element of the 2030 General Plan and establish Chapter 17.80 in Title 17, Zoning, Gridley Municipal Code, to develop requirements for an agricultural buffer setback implementing the goals and policies of the 2030 General Plan.

1. The Land Use Element of the 2030 General Plan outlines goals, policies, and implementation strategies that are unclear.
2. The amendments to the 2030 City of Gridley General Plan clarify the policies and implementation strategies in place to buffer incompatible uses one from another.
3. The establishment of Chapter 17.80 recognizes the need to protect commercial agricultural operations that may be located contiguous to the existing and future incorporated boundary of the City of Gridley.
4. The City of Gridley has assessed the available data related to best practices to mitigate drift of chemicals and dust from agricultural practices.
5. Research indicates the distance for drift of chemical components applied to optimize agricultural production varies based upon the chemical composition, type of application, weather conditions and wind direction.
6. Chemical drift and dust created from agricultural operations can be mitigated within 100 feet of the source provided a minimum height of 30-feet can be provided at the boundary furthest from the agricultural operations. The design of a buffer can include road right-of-way, canals, and easements. An effective design will utilize landscaping from lower groundcover and shrubbery to trees developing 30-feet or greater in height thus shielding the residential development mitigating the operations.
7. The intensity of the application of chemicals for commercial agricultural production on acreage of 40 acres or more is greater than the application for smaller holdings that are cultivated for private use or minor production.
8. The provision of a 100-foot buffer has been successfully utilized in other jurisdictions within Butte County, thus allowing for an expansion of the reduced buffer to be used in other jurisdictions including the City of Gridley.
9. The reduction in the buffer width will not cause public health problems for new residential development nor existing residential development and will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area.
10. The project is exempt from CEQA in accordance with Section 15061(b)(3), common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

LAND USE GOAL 5:	To encourage land use patterns that buffer potentially incompatible uses from one another.
LAND USE POLICY 5.1	Commercial or industrial uses that create noise, air pollution, or other substantial impacts for existing or planned residential uses shall be located, buffered, or otherwise designed to avoid such impacts.
LAND USE POLICY 5.2	New residential projects near the Union Pacific railroad and Highway 99 will provide buffering from these rights-of-way to avoid adverse air quality, noise, and aesthetic issues.
LAND USE POLICY 5.3	New residential development adjacent to cultivated agricultural lands shall provide buffers to reduce potential conflicts. The width of such buffers will be determined on a case-by-case basis considering prevailing winds, crop types, agricultural practices, and other relevant factors. In most cases, agricultural buffers should be no less than 300 feet in width. The width of public rights-of-way, drainages, and easements may count as part of the buffer. Lower density residential development may be able to cluster development so that houses are located away from adjacent farmland as a way of providing buffers.
LAND USE POLICY 5.4	Within agricultural buffer areas, allowed land uses include drainage, trails, other infrastructure, community gardens, landscaped areas, and other uses that would be compatible with ongoing agricultural operations.
LAND USE POLICY 5.5	Agricultural buffers are not required adjacent to areas planned for future development in this General Plan or areas designated Urban Reserve. Agricultural buffers are not required along the northern of the Planned Growth Area, which is directly adjacent to lands identified for urban development in the City of Biggs. Agricultural buffers are only required in areas adjacent to Butte County land use designations for cultivated crops and grazing – currently called “Orchard and Field Crops” and “Grazing and Open Land.”
LAND USE POLICY 5.6	Agricultural buffers in the southwestern portion of the Planned Growth Area will be less than 300 feet in width, recognizing that the affected agricultural property to the west is primarily surrounded by existing properties of less than 5 acres in size with residential uses and planned development under this General Plan.
Land Use Implementation Strategy 5.1	The City will review projects against policies in this General Plan, which provide general design guidance and performance standards for noise, light, glare, air pollution, truck traffic, and other issues may be required to allow for a desired mix of uses in close proximity to one another. The City will also review projects using Chapter 17.38 of the City’s Municipal Code, which also provides performance standards that can be used in situations where industrial operations may be located close to residential uses.

Land Use Implementation Strategy 5.2	The City will review projects against policies in this General Plan, which provide general design guidance and performance standards for mixing uses in close proximity to one another, including agricultural uses, the railroad, Highway 99, and residential uses. The City will use guidance in this General Plan to determine the adequacy of proposed buffering between residential land uses, Highway 99 and the Union Pacific railroad.
Land Use Implementation Strategy 5.3	The Planning Department will consult with Butte County to determine the specific application of the City’s agricultural buffer policy in the Planned Growth Area. The City will consider developing an ordinance to apply this policy in areas adjacent to long-term ongoing agricultural operations.

CONVENIENT LOCAL SHOPPING

The amount of land needed for commercial services and retail development depends on future population, disposable income, and other factors. Because there is a finite demand for commercial services and retail, and because there is more than enough vacant, commercial designated land available for development to meet future demand, the City decided not to designate large new areas for commercial development as a part of the 2030 General Plan update. Instead, commercial development and redevelopment will occur in the existing City and SOI where infrastructure and development capacity exists.

The General Plan provides for different types of commercial development, including regional-serving, community-serving, neighborhood-serving, and Downtown commercial development. The City will encourage larger-scale commercial development along Highway 99. Neighborhood-scale commercial development is provided in Neighborhood Centers in the Planned Growth Area. Additional commercial potential is available Downtown. Each commercial setting – regional, community, neighborhood, and Downtown – is important to ensure convenient local shopping opportunities for residents and visitors.

2030 General Plan
City of Gridley
Land Use Policy towards Agricultural Buffers

LAND USE GOAL 5: To encourage land use patterns that buffer potentially incompatible uses from one another.

LAND USE POLICY 5.1 Commercial or industrial uses that create noise, air pollution, or other ~~substantial~~ impacts ~~identified by the CEQA analysis for existing or planned~~ adjacent to existing or proposed residential uses shall be located, buffered, or ~~otherwise~~ designed to ~~avoid such~~ mitigate such impacts.

LAND USE POLICY 5.2 New residential projects near the Union Pacific railroad and Highway 99 will provide ~~buffering from these rights-of-way~~ design solutions to avoid ~~adverse~~ air quality, noise, and aesthetic ~~impacts~~ issues.

LAND USE POLICY 5.3 New residential development adjacent to ~~cultivated~~ County zoned agricultural lands shall provide buffers to ~~reduce~~ mitigate potential conflicts incompatible uses. The width of such buffers will be determined on a case-by-case basis considering prevailing winds, crop types, agricultural practices, and other relevant factors. In most cases, agricultural buffers should be no less than 300 feet in width. The width of public rights of way, drainages, and easements may count as part of the buffer. Lower density residential development may be able to cluster development so that houses are located away from adjacent farmland as a way of providing buffers.

LAND USE POLICY 5.4 Within agricultural buffer areas, allowed land uses include drainage, trails, other infrastructure, community gardens, landscaped areas, and other uses that would be compatible with ongoing agricultural operations.

LAND USE POLICY 5.5 Agricultural buffers are not required adjacent to areas planned for future development in this General Plan or areas designated Urban Reserve. Agricultural buffers are not required along the northern of the Planned Growth Area, which is directly adjacent to lands identified for urban development in the City of Biggs. Agricultural buffers are only required in areas adjacent to Butte County land use designations for cultivated crops and grazing — currently called “Orchard and Field Crops” and “Grazing and Open Land.”

LAND USE POLICY 5.46 Agricultural buffers in the ~~southwestern portion of the~~ Planned Growth Area will be ~~less than 300 100~~ feet in width ~~when contiguous to County agricultural zoned properties~~. No buffer is required within the Planned Growth Area where new development is anticipated and has been pre-zoned by the city, ~~recognizing that the affected agricultural property to the west is primarily surrounded by existing properties of less than 5 acres in size with residential uses and planned development under this General Plan.~~

LAND USE POLICY 5.5 Agricultural buffers shall not be required for development projects proposed adjacent to east, west, and south incorporated city boundaries unless County zoned agricultural properties are 40 acres in size or greater.

Land Use Implementation Strategy 5.1 The City will review projects ~~and apply against policies in this General Plan, which provide mitigation measures for new development within the General Plan and any other mitigation measures identified within the project CEQA process related to~~ general design guidance and performance standards for noise, light, glare, air pollution, ~~and truck traffic,~~ and other issues may be required to allow for a desired mix of uses in close proximity to one another. The City will also review projects using ~~The performance standards,~~ Chapter 17.38-17.74 of the City's Municipal Code, ~~which also provides performance are~~ standards that ~~can be~~ are used in situations where industrial operations ~~where incompatible uses~~ may be located in close proximity to residential uses.

Land Use Implementation Strategy 5.2 The City will review ~~and assess~~ projects against policies in this General Plan, ~~which provide general design guidance and performance standards for mixing uses in close proximity to one another, including residential development projects in relation to~~ existing County agricultural zones and uses, the railroad corridor, State Route Highway 99, and residential uses ~~other arterial thoroughfares~~. ~~The City will use guidance in this General Plan to determine the adequacy of proposed buffering between residential land uses, Highway 99 and the Union Pacific railroad.~~

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2030 General Plan
City of Gridley
Land Use Policy towards Agricultural Buffers

Land Use Implementation Strategy 5.3 The separation between County agriculturally zoned property and new residential development will provide a 100 foot buffer. To meet the buffer width, it may include right-of-way, open ditch irrigation and reclamation district canals and easements.

~~**Land Use Implementation Strategy 5.3** The Planning Department will consult with Butte County to determine the specific application of the City's agricultural buffer policy in the Planned Growth Area. The City will consider developing an ordinance to apply this policy in areas adjacent to long term ongoing agricultural operations.~~

Land Use Implementation Strategy 5.4 Within agricultural buffer areas, allowed land uses include drainage, trails, other infrastructure, community gardens, landscaped areas, and other uses that would be compatible with ongoing agricultural operations. Landscaping shall be designed to consist of low to tall landscaping and include groundcover, shrubs, tall shrubs and minimum 30 foot height trees to trap and prevent the furtherance of drift from the application of chemical herbicides and pesticides.

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Chapter 17.80

AGRICULTURAL BUFFER AND SETBACK STANDARDS

Section:

17.80.010 Purpose

17.80.020 Relationship to nuisance

17.80.030 Disclosure

17.80.040 Agriculture Buffers

17.80.010 Purpose.

It is in the public interest to preserve and protect commercial agricultural land and operations that are contiguous to the City. The purpose of this chapter is to:

- A. Support the continuation of agricultural uses on lands that are contiguous to the incorporated boundary and the Sphere of Influence boundary depicting the logical growth of the City;
- B. Reduce potential impacts from incompatible agricultural practices where new residential development will occur;
- C. Inform the general public of agricultural operations and the potential conflict of incompatible uses due to the application of chemicals, dust migration, light, noise, odors, and traffic that may accompany nearby agricultural operations.
- D. Create a buffer between commercial agricultural uses and residential land uses.

17.80.020 Relationship to nuisance.

A. No existing or future agricultural operation or any of its appurtenances, conducted in a manner consistent with proper and accepted customs and standards shall be interpreted as nuisance to adjacent new or existing residential land uses. The provisions of this chapter shall not apply whenever a nuisance results from the negligent or improper action of any agricultural operation or its appurtenances.

B. This chapter is not to be construed as modifying existing law relative to nuisances, but is only to be utilized in the interpretation and enforcement of the provisions of Chapter 17.74 of the Gridley Municipal Code.

17.80.030 Disclosure.

A. Disclosure by Subdivider. The subdivider of any property located within 1,000 feet of land zoned for agricultural use shall disclose, through a notation on the final map of the subdivision, within conditions, covenants, and restrictions (CC&Rs), if prepared, and through the recordation of a separate acknowledgment statement, the presence of agricultural and appurtenant uses in the proximity through the following or similar statement:

"The property within this subdivision is located within 1,000 feet of land utilized or zoned for commercial agricultural operations and occupants of the property may be subject to the inconvenience or discomfort arising from the application of agricultural chemicals, including but not limited to fertilizers, fungicides, herbicides, insecticides, and rodenticides, and from agricultural operations, including but not limited to crop protection, cultivation, harvesting, plowing, processing, pruning, shipping, and spraying, ground or aerial, which may generate dust, light, noise, odor, smoke, and traffic. The City has adopted policies to encourage and preserve agricultural lands and operations in the vicinity of the City's existing incorporated boundary and those areas planned for the future growth of the City. Occupants of property within this subdivision should be prepared to accept inconveniences or discomfort as normal and necessary to agricultural operations."

B. Disclosure Prior to Issuance of Building Permits. Where a new structure intended for human occupancy is to be located on property which is located within 1,000 feet of land zoned for agricultural use, and in commercial production, each owner of the property shall, prior to issuance of a building permit, be required to sign and record a statement in a form similar to that specified in Subsection A (Disclosure by Subdivider), above. In lieu of signing the statement required above, each owner may submit evidence that the statement in Subsection A, above, has been made a part of subdivision documents creating the parcel on which the structure is to be located.

17.80.040 Agricultural Buffers.

A. Applicability. New development that is adjacent to commercial crop production along the City of Gridley incorporated boundary and Sphere of Influence boundary. Agricultural buffers need not be provided where agricultural zoned land is not utilized for commercial crop production and consist of small land holdings for the homeowner. Where a mix of personal agriculture and commercial agricultural uses exist, the agricultural buffer is required. The agriculturally zoned property must have been in commercial production for a period of at least 1 year prior to new residential development being established.

B. Buffer Design.

1. Agricultural buffers must provide at least 100 feet of physical separation between the agricultural use and any habitable structure. This separation may include roadways, pedestrian/bicycle routes, and/or creeks or other waterways.

2. Vegetation used for agricultural buffers shall provide a visual, noise, or air quality buffer between uses.

C. Allowed Uses in Buffer Area. Drainage, irrigation canals, trails, public infrastructure, community gardens, and landscaping. The buffer shall be designed to provide tiering in height of landscape materials from low growing groundcovers, shrubs, tall shrubs, and trees planted attaining a minimum of 30 feet in height at the furthest distance from the agricultural use and/or zoning.