

SOUTH PATTERSON FLATLANDS AGRICULTURAL (SPFA) OVERLAY ZONE

I. Introduction

The challenge to our local growers operating in urban areas cannot be overstated. Testimony at previous public hearings has included a list of significant factors that exist along the South Coast which contribute to diminished opportunity to operate successfully and profitably. Factors that have been cited include:

- high land cost
- high water rates
- ever-increasing and unpredictable fuel cost
- depth to groundwater (this limits the types of crops that may be grown and increases susceptibility to frost damage)
- lack of available labor force (affordable housing and jobs in the hospitality industry are major obstacles)
- objections to industry-standard agricultural operations by surrounding property owners
- lack of ag infrastructure like that which exists in the North County
- global competition

Updating the Eastern Goleta Valley Community Plan in 2010 provides an opportunity to re-evaluate the application of agricultural land use designations in this planning area and to ask ourselves if the policies dating back 20 years are appropriate today when urban land use pressures and a global economy affect agriculture in general and have an even more significant affect on urban agricultural operations.

How can our updated community plan policies support community values that seek to preserve agriculture while also acknowledging the reality faced by the growers? In the case of the South Patterson Flatland area, a portion of the area is actively farmed as row crops and orchards (approximately 82 acres) but much of it is dedicated to growing ornamentals in greenhouse operations that do not produce food products. Many residents hold a romantic vision of open, green farmland and others prioritize having land available for growing local food. These are objectives that likely everyone would agree are positive and potentially beneficial to the community, however, we cannot as a community be blind to the facts surrounding urban agriculture in Eastern Goleta, and specifically in the South Patterson area.

II. Purpose and Intent

The purpose and intent of the overlay district described below is to create an opportunity to achieve the preservation of agriculture by allowing some agricultural land to be put to a use that will generate income to help landowners sustain their existing agricultural operations. That income will assist in leveraging financing for operational improvements that will upgrade existing facilities and equipment to improve productivity and efficiency. Ag related uses and community benefit projects

are prioritized in the overlay district and other uses are allowed that are the same as, or similar to, existing uses on adjacent properties. A detailed description of the Overlay District follows.

An overlay zone is the suggested tool to enhance the economic viability of the subject urban agricultural operations and is intended to accomplish the following:

- Retain the existing Agricultural land use designation and zone district.
- Encourage continued agricultural use and maintains a majority of land in active agricultural production.
- Ensure well-designed, compatible land uses that complement existing agricultural uses.
- Ensure compatibility with the Airport Approach Overlay Zone.

III. Affected Land and Allowed Uses

Applicability:

The SPFA Overlay shall apply to the following parcels zoned AG-1-10 and A-1-10 general plan land use designations (Please also see Exhibit 1):

	APN	Total Acreage* (Gross)	Owner	Coastal Zone	Approach Zone	Within One Mile Marker	Overlay Areas (see Table 1)	Approx. SPFA Overlay Acreage
1	071-140-064	64.8	Steven Giorgi, Stan Giorgi, et al	No	Partially	Partially	A	30 acres - approx 46% of acreage
Southern overlay boundary coincides with the Airport Land Use Plan Flight Approach Zone and 1 Mile Boundary.								
2	071-140-072	20.56	St. Athanasius Orthodox Church	No	Partially	No	B	10 acres - approx 49% of acreage
Southern overlay boundary coincides with the potential future expansion of Ekwill Drive.								
3	071-140-071	9.38	Scott Property Associates LLC	No	Yes	No	B	3.8 acres- approx 40% of acreage.
Overlay area mirrors developed area on the east side of Patterson Ave. (Jordanos) and is adjacent to Seymour Duncan and Pacific Technology Center.								
4	071-140-048	8.23	Ekwill Investors LLC	No	Yes	No	B	3.3 acres - approx 40 % of acreage
Overlay area mirrors developed area on the east side of Patterson Ave. (Jordanos) and is adjacent to Seymour Duncan and Pacific Technology Center.								

5	065-090-031	15.22	Caird Family Revocable Trust	No	Yes	No	C	15.22 acres – approx 40% of acreage.	
Acreages of the three Caird properties (all are part of the Por La Mar Nursery operation) have been combined. Total overlay acreage equals approximately 40%.									
6	071-190-036 (portion)	40	Caird Family Revocable Trust	No**	Partially	Partially	C	2 acres - approx 40% of acreage.	
See note under property 5.									
7	065-230-012 (portion)	8	Caird Family Revocable Trust	No	Yes	No	C	8 acres - approx 40% of acreage.	
See note under property 5.									
Total Acreage		166.2					Total Overlay/Acreage		73.3

*Acreages are based on County Assessor Maps.

**Portion within the Coastal Zone is excluded from the SPFA Overlay.

If a property is subdivided in the future, overlay acreage may be applied to a created parcel, but the total acreage applied shall not exceed 73.3 acres (the applicable acreage at the time the SPFA Overlay was adopted and as allocated to the parcels as they were configured at the time of adoption).

Remaining acreage not allocated to the SPFA Overlay remains developable with uses allowed by the underlying zoning district.

Sub Areas: Within the SPFA Overlay, the sub-areas and respective land uses listed below are proposed based on the existing site constraints (Airport Approach Zone, for example) and the existing land uses adjacent to each area. Specific use types are identified for each sub-area. Exhibit 1 depicts each sub-area.

Relationship to primary zone and applicable existing overlays: Each land use and proposed development within the SPFA overlay shall comply with requirements of the primary zone (AG-1-10) and applicable overlays (Airport Approach (F) Overlay Zone), in addition to the applicable requirements of this Section.

Land Use Permit: Permitted uses are subject to compliance with all applicable provisions of the County Land Use and Development Code and must obtain a Land Use Permit.

Development Plan: Final Development Plan approval in compliance with Section 35.82.080 (Development Plans) is required prior to the approval of a Land Use Permit or Zoning Clearance for a structure, other than an agricultural reservoir, that is not otherwise required by this Development Code to have discretionary permit approval, and is 20,000 or more square feet in gross floor area, or is an attached or detached

addition that together with existing structures on the site will total 20,000 square feet or more in gross floor area.

Design Review: Design Review may be required prior to the approval of a planning permit for a structure, or an addition to or an alteration of, an existing structure in compliance with Section 35.82.070 (Design Review). Project architecture shall be compatible/comply with Goleta Old Town Heritage District Design Guidelines.

Uses:

Urban Ag Uses Allowed in All Sub-Areas

- Agritourism
- Permanent farmers market
- Public marketplace for local produce, art, and handcrafted products
- Wholesale/retail operation(s) on site to sell products grown on site
- Outdoor furniture/lawn and garden store
- Hardware and building materials store
- Horticultural services, including the retail sale of nursery landscape material and other agricultural crops and related commodities
- Café or restaurant associated with sale of local produce, art, handcrafted products, agricultural products or outdoor/lawn products
- Warehousing, transfer and transport services for local agricultural commodities

We believe that agricultural tourism or “agritourism” may be a tool to help improve the economic viability of the urban ag operators. Agritourism is a commercial enterprise at a working farm, ranch or agricultural plant conducted for the enjoyment or education of visitors, and that generates supplemental income for the owner. Agritourism can include farm stands or shops, U-pick, farm stays, tours, on-farm classes, fairs, festivals, orchard dinners, youth camps, guest ranches, etc.¹ Agritourism may be a viable compliment to County tourism that could unite the South Coast and North County tourism sectors. UC Davis has identified a variety of California communities that encourage agritourism via their General Plans², including the following:

- Sonoma County created policies intended to “allow new visitor serving uses and facilities in some agricultural areas but limit them in scale and location.”
- Calaveras County specifies that the "definition of agricultural operation shall be broadly construed" in order to protect the rights of operators to continue operations.
- Sacramento County’s Draft Agricultural Element outlines the creation of a program to support agritourism.

¹ UC Small Farm Program, part of the University of California Division of Agriculture & Natural Resources.

² <http://sfp.ucdavis.edu/agritourism/planners/>

Area A – General Commercial/Mixed Use/Institutional

- General commercial
- General office
- Business Incubator
- Mixed-use
- Institutional
- Hotel/Bed and Breakfast
- Restaurant (serving products grown on site)
- Hotel/Conference Center (serving products grown on site)
- Antique shops, gift shops, arts and craft studios and similar uses

Existing adjacent land uses include: Various small businesses along Hollister Avenue, Pacifica Suites Hotel, Mentor, Pacific Technology Center, a funeral home, Ward Industrial Park, a variety of technology based businesses, and Old Town Goleta.

Area B – Office/Light Industry/Institutional

- Medical office
- Medical services – physical therapy, rehabilitation, for example
- Office - Research and Development
- General office
- Business incubator
- Light Industry
- Institutional
- Recycling facility
- RV and boat storage
- Contractor storage yard
- Storage or work space for lease

Existing adjacent land uses include: Goleta Valley Cottage Hospital, Sansum Clinic, Jordanos Food & Beverage Warehouse and Distribution, Mentor, Pacific Technology Center, and a Verizon Operations Center.

Area C – Light Industry

- Office - Research and Development
- General office
- Light Industry
- Business Incubator
- Recycling facility
- RV and boat storage
- Contractor storage yard
- Storage or work space for lease

Existing adjacent land uses are similar to Area B.

Priority Projects:

Priority projects may require a separate set of findings (*to be developed*) that may be more lenient or contain incentives. A Priority Project is a project which has been identified as:

- An ag related use that helps to sustain local agricultural operations.
- Providing a benefit to the community and is necessary to meet a present or projected need directly related to public health, safety or general welfare.
- Providing a broad public benefit use (for example: recreation) which is not principally operated for private profit.
- Providing housing for ag workers or critical workforce.

IV. Site Planning and Development Standards

Following are examples of development standards that may apply to all new development and new land uses proposed via the SPFA Overlay.

- If it is necessary to export soil offsite, all possibilities of exporting soil to SPFA receiving site will be exhausted.
- Project access will be oriented to nearest existing public roadways. Access points from Hollister Avenue and Patterson Avenue shall be minimized to the maximum extent feasible.
- New development shall incorporate open space or landscape buffers along the perimeter of the site to minimize conflicts with agriculture. Buffers may include trees, walls, fences, landscape berms, hedgerows.
- Projects permitted under provisions of the SPFA Overlay District shall enter into a covenant acknowledging and accepting adjacent urban ag uses and their Right To Farm pursuant to the County's Right To Farm Ordinance.
- Any proposed use shall be consistent with the provisions of Section 35.28.060 - Airport Approach (F) Overlay Zone of the Land Use and Development Code.

V. How The SPFA Overlay Will Enhance The Long Term Viability of Urban Agriculture

Constraints that contribute to the difficulty of operating a successful and profitable urban ag operation are discussed above in the Introduction. Most of these constraints

are unfortunately out of the control of owners and likely impact ag operations across the Country in some capacity. Other communities are implementing similar regulatory mechanisms to enhance the long term viability of agriculture.³ The SPFA Overlay is proposed as a means to provide additional income to owners that will help to offset the impacts of constraints that are beyond their control and enhance the long term viability of their ag operations by accomplishing the following:

- Providing capital to owners for operational upgrades.

This is absolutely critical. In the current economic climate, financing is increasingly difficult to obtain and the amount of capital and income required to leverage financing is rising. In the case of Por La Mar Nursery, they are struggling to secure financing for an approved multi-million dollar greenhouse replacement and expansion project and are at risk of approvals expiring. The Giorgi's are also in need of an infusion of capital to upgrade their farming operation. They have delayed operational improvements because they lack sufficient capital. In both cases, the additional capital that would be provided by development allowed by the SPFA Overlay would enable their operations to be more competitive and efficient, thereby enhancing long term viability.

Owners are also anticipating the need for significant operational changes to comply with expanding regulations.

Not only is capital needed for the hard costs associated with operational improvements, but also for the significant soft costs related to design and permitting.

- Diversifying sources of income and reducing reliance on global ag commodity markets and seasonal and annual fluctuations in weather and consumer trends.
- Providing a funding mechanism to fulfill the otherwise conflicting goals of the community who wants to retain urban agriculture and growers who shoulder the burden of the economic reality of maintaining agriculture in an urban environment.
- Operators are willing to commit to ag conservations easements

VI. GVPAC Goals

The SPFA Overlay addresses many of the GVPAC's Agricultural Land Use Goals including:

- Addresses the community goal to retain urban agriculture.

³ These communities include the following: Waukesha, Wisconsin; Ashby, Massachusetts; Southampton, New York.

- Addresses desire for County to explore new zoning for specific urban ag lands that can no longer support the business of crops for profit.
- Retains urban ag while allowing additional mix of economic activity that can complement urban ag and existing adjacent uses.
- Provides opportunity to incorporate amenities into future development plans as appropriate (connections between Hollister and bike paths, creek restoration plans, for example).
- Improves the long term viability of existing ag via ag conservation easements/covenants.
- Development standards may be developed to retain desired ag characteristics and ensure compatibility of any new proposed development.
- Retention of open space and agriculture viewsheds.
- Provides additional employment opportunities for local residents.

REZONE REQUEST

A rezone is requested for a portion of the property identified by APN 065-230-012 (please refer to Exhibit 1). The area is physically separated from the other SPFA Overlay properties by Maria Ygnacio Creek and is directly adjacent to a significant residential neighborhood. The rezone of this area is a logical and appropriate action in this long range planning effort and will provide additional housing opportunities in the Eastern Goleta Valley where infrastructure and support services already exist. Following is a summary of the Rezone request:

APN – a portion of 065-230-012

Acreage – approximately 7 acres to be rezoned (total acreage of 065-230-012 is 15.85 acres)

Existing Zoning – AG-1-10

Proposed Zoning – 7-R-1 or similar residential designation

The rezone is warranted by the following:

- Consideration of Location – the triangular shaped portion of parcel 065-230-012 is not contiguous with the remainder of active agriculture in the AG-1-10 area. A flood control easement and a bikeway separate this area from the remainder of the active farmland.
- Surrounding Development – the subject area is contiguous with existing residential development zoned 7-R-1. The flood control easement and a bikeway provide a buffer from the active agriculture area zoned AG-1-10.
- The request is consistent with good zoning and planning practices.
- Provides additional housing opportunities in Goleta. The property is within the Goleta Water District service area and directly adjacent to the Goleta Sanitary District service area.