

# Calaveras County General Plan

## AGRICULTURE AND FORESTRY ELEMENT

### INTRODUCTION

The Agriculture and Forestry Element addresses the conservation, management and utilization of “Agricultural Lands” (as defined in Calaveras County Code Section 17.06.0131) in the County. Agriculture holds the key to the future of Calaveras County. The preservation of the County’s rural character has been identified as being of primary importance to county residents. Agriculture maintains this rural character and creates a sustainable fundamental economic base when agricultural lands are defined and protected as a vital resource. Agricultural Operations (Section 17.06.0132) are a major contributor to the economic engine of the County. This economic fact goes well beyond the sale of food and fiber. Agricultural operations are, in large part, responsible for the growth of tourism and the resulting restaurants, lodgings and stores. Often overlooked in this equation is the role agriculture plays in providing the County and its residents with open space, wildlife habitat, watershed protection, oak woodlands, recreational opportunities and food security. Without defined areas for the production of food and fiber, our future societal well being is jeopardized.

As defined in the Calaveras County Code, Agricultural Lands and Agricultural Operations include Forestry.

The declared policy of the County to conserve and protect Agricultural Lands is set forth in the “right to farm” ordinance (Section 14.02.020). Agricultural Lands in the County are spread throughout the County and exist in various existing Zoning Districts, namely General Agriculture (A1), Agriculture Preserve (AP), Timber Production Zone (TPZ), General Forestry (GF), Residential Agriculture (RA), including agricultural operations permitted in the Rural Residential zone (RR) as specified in Title 17.

The influx of primary and second homeowners has resulted in increased development and a changing landscape. With this continuing trend, the pressure to convert the agricultural landscape to residential and supporting uses will intensify. Because many agricultural operations are on parcels adjoining residential homeowners who are frequently new to rural living and are unfamiliar with agricultural practices, conflicts arise that threaten Agricultural Lands and Operations and their potential productivity. Education of County residents and visitors on the practices and benefits of local agriculture is an essential tool for reducing the number and severity of these conflicts. Meanwhile, prudent management of the County’s agricultural resources is needed to provide future generations with affordable, locally available food in addition to opportunities to

experience both the full economic benefits and rural lifestyle Agricultural Lands provide across a range of parcel sizes.

Traditional agriculture, including but not limited to cattle ranching and the recent growth of wineries and vineyards, is subject to enormous economic pressures. Agritourism (Section 17.06.0151) not only serves as a way of educating residents and visitors about local agriculture but also appears to be a partial solution to those economic pressures. The sustainability of the many segments of agriculture in the County is directly related to the success of agritourism and the economic benefits it provides.

The Agricultural Advisory Committee is an existing standing committee comprised of five members, one member from each supervisorial district, and appointed by the Board of Supervisors. Each member must be a resident of the County and have knowledge of the agricultural industry in Calaveras County. The term of the appointment is two years.

Currently, the main functions of the Committee are to review applications for agricultural preserves, divisions of agricultural preserves, and yearly production on agricultural preserves. The Agricultural Advisory Committee makes recommendations to the Board of Supervisors on these matters, as well as suggested policy changes concerning the implementation and oversight of the Williamson Act program.

The Agricultural Advisory Committee shall act in an advisory capacity to the Board of Supervisors and the Planning Commission on matters related to agriculture, not limited to agricultural preserves and Williamson Act Contracts. The Agricultural Advisory Committee's scope of responsibilities shall include assisting in the identification of Agricultural Lands to be designated under the General Plan as well as serve in an advisory capacity when consideration is given to variances to set back standards, fencing standards for adjoining incompatible uses, and uses dealing with Agricultural Lands mitigation. The Agricultural Advisory Committee may also be utilized when questions arise as to the compatibility or effect of a proposed discretionary use on Agricultural Lands and/or Agricultural Operations. The Committee shall also advise the Board and Planning Commission on procedures and techniques requiring legislative or policy actions that would encourage and promote agricultural activities and marketing that are conducive to the continued well being of Calaveras County. In performing these duties, the Committee shall comply with the Goals, Policies and Implementation Measures set forth in this Element.

The Agriculture and Forestry Element is consistent with the requirements set forth in California Government Code Section 65302 and other applicable sections. The conservation and management of Agricultural Land is identified by the residents of Calaveras County as an important issue to be addressed in the General Plan. This Element addresses requirements set forth in the mandatory Land Use, Conservation and Open Space Elements required by the Planning and Zoning Law in the California Government Code. Provisions required to be addressed in each of these mandatory elements apply to agricultural and forest lands. Specifically, State law requires that the general plan shall include:

“A land use element which designates the proposed general distribution and general location and extent of the use of land for . . . agriculture. . . .” (Gov. Code § 65302(a)).

“A conservation element for the conservation, development, and utilization of natural resources including . . . soils. . . .” (Gov. Code § 65302(d)).

An open space element “used for the managed production of resources, including . . . rangeland, agricultural lands, and areas of economic importance for the production of food or fiber. . . .” (Gov. Code § 65560(b) (2)).

The focus of the Agriculture and Forestry Element is on conserving these lands for agriculture and timber activities, natural resource values, societal values, and long-term productivity.

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## **ORGANIZATION OF THE ELEMENT**

The following issues are covered by the Agriculture and Forestry Element: Agricultural Lands preservation; agricultural production; forest land preservation; and forest production.

### **I. AGRICULTURAL CONSERVATION AND PRODUCTION**

**GOAL 1.1: TO PROVIDE FOR THE LONG TERM CONSERVATION AND AGRICULTURAL USE OF EXISTING AND POTENTIAL AGRICULTURAL LANDS WITHIN THE COUNTY AND TO LIMIT THE INTRUSION OF INCOMPATIBLE USES INTO AGRICULTURAL LANDS.**

**OBJECTIVE 1.1.1: TO IDENTIFY AND DESIGNATE AGRICULTURAL LANDS**

Policy 1.1.1.1 “Agricultural Lands”, as defined in Calaveras County Code Section 17.06.0131, shall be identified for the purposes of conserving, protecting, and encouraging agricultural use and compatible activities. These lands shall be designated on the General Plan land use map as a land use designation.

Identification of Agricultural Lands shall be based on any one of the following factors:

- A. Lands currently under Williamson Act contract (i.e. agricultural preserve lands)
- B. Lands under cultivation for crop production, as defined in Calaveras County Code Section 17.06.0132-Agricultural Operation.
- C. Lands used for grazing purposes, as defined in Calaveras County Code Section 17.06.0132 – Agricultural Operations.
- D. Lands that are currently designated or zoned for agricultural uses.
- E. For lands that are fallow or lands that require a more comprehensive assessment, a determination of their potential as agricultural lands should be made on a case by case basis utilizing the following criteria:
  - 1) Suitability of soils for different types of crops and/or forage production
  - 2) Slope, drainage and vegetation cover
  - 3) Parcel size
  - 4) Water resources availability (district water, well water, spring water, riparian water, dryland production)
  - 5) Surrounding agricultural lands
  - 6) Surrounding protected resource lands (Williamson Act contracted lands, public parks, forests, and watersheds, and lands restricted by agricultural, wildlife habitat, open space, or other natural resource easements)
- F. A determination by the Board of Supervisors that the lands should be designated as agricultural lands rather than another type of land use designation.

Implementation Measure 1.1.1.1.2: The Agricultural Advisory Committee, Agricultural Commissioner and the County Farm Advisor shall recommend to the Planning Commission and the Board of Supervisors those lands deemed suitable for designation as Agricultural Lands, including, but not limited to land currently zoned Unclassified. The Board of Supervisors shall make the final determinations as to the land use designation.

**OBJECTIVE 1.1.2: TO PROTECT AGRICULTURAL LANDS FROM ADJOINING INCOMPATIBLE LAND USES.**

Policy 1.1.2.1 Newly created or adjusted parcels adjoining Agricultural Lands shall be of adequate size and compatible zoning so as to minimize any potential conflict between the uses on Agricultural Lands and incompatible uses.

Implementation Measure 1.1.2.1: The County shall utilize the setback guidelines as set forth in Appendix “A”.

Policy 1.1.2.2 Expansion of an existing incompatible use on lands that adjoin Agricultural Lands and that requires a discretionary permit, shall provide, to the extent reasonably possible, a setback from the property line of the Agricultural Lands as set forth in Appendix “A”.

Implementation Measure 1.1.2.2: The County shall utilize the setback guidelines as set forth in Appendix “A”.

Policy 1.1.2.3 Any proposed amendments to the General Plan that would allow the conversion of Agricultural Lands shall be approved only if they are consistent with the County’s Agricultural Lands Conversion Guidelines as set forth in Appendix “B” and the Agricultural Lands Mitigation Guidelines as set forth in Appendix “C” attached.

Policy 1.1.2.4 The County shall establish minimum parcel size and maximum densities for Agricultural Lands and Forest Lands.

Implementation Measure 1.1.2.4: Minimum parcel sizes for Agricultural Lands shall be:

1. 160-acre minimum parcel size for Timber Production Zone.
2. 40-acre minimum parcel size for Timber Resource in a Land Use Classification of Biological Resource.
3. 40-acre minimum parcel size for lands adjoining Timber Production Zone.
4. 20-acre minimum parcel size for Timber Resource.

5. 50-acre minimum parcel size for Agricultural Lands under Williamson Act contracts.
6. 40-acre minimum parcel size for Agricultural Lands in a Land Use Designation of Biological Resource.
7. 20-acre minimum parcel size for Agricultural Lands.
8. 5-acre minimum parcel size for lands adjoining Agricultural Lands or Timber Resource.
9. 5-acre minimum parcel size for Agricultural Lands designated Residential Agriculture (RA).
10. No new parcels larger than 5 acres shall be zoned "Rural Residential (RR)".

**OBJECTIVE 1.1.3: TO CONSIDER THE AGRICULTURAL USE OF LAND PRIOR TO APPROVALS FOR ANY DEVELOPMENT ENTITLEMENTS.**

Policy 1.1.3.1 Permitting authority shall review all discretionary development applications involving land designated Agricultural Lands or adjoining Agricultural Lands and shall make recommendations to the approving authority.

Implementation Measure 1.1.3.1: Before granting approval of a discretionary development application on Agricultural Lands or lands adjoining Agricultural Lands, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between uses on Agricultural Lands and adjoining residential or incompatible uses; and
- B. Will not create an island effect wherein Agricultural Lands are located between the project site and incompatible land uses; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjoining Agricultural Lands.

Implementation Measure 1.1.3.1 The permitting authority and/or the approving authority shall consult the Agricultural Advisory Committee when questions arise as to the compatibility or effect of a proposed discretionary use upon Agricultural Lands and/or Agricultural Operations.

Implementation Measure 1.1.3.1: The permitting authority shall notice for comment the Agricultural Advisory Committee when discretionary development applications are submitted that involve land designated as Agricultural Lands or lands adjoining Agricultural Lands.

Policy 1.1.3.2 The permitting authority shall review all public facility (includes all facilities such as schools, libraries, hospitals, etc.) development applications involving Agricultural Lands, or lands adjoining Agricultural Lands, and shall make recommendations to the approving authority.

Implementation Measure 1.1.3.2: To determine consistency with the General Plan, the approving authority shall find that the public facility development is in the public interest, after considering the following factors:

- A. That Agricultural Lands are conserved and protected, while meeting the need for adequate public facilities.
- B. Whether other potential sites outside of the Agriculture Lands were considered by the agency authority and whether such sites were considered acceptable or not feasible as a public facility.
- C. The effect of the proposed public facility upon adjoining Agricultural Lands and whether the proposed site would be incompatible with agricultural operations on adjoining Agricultural Lands.
- D. Whether the use of the land as a public facility is consistent with the applicable provisions of this General Plan.

Implementation Measure 1.1.3.2 The permitting authority and/or the approving authority shall consult the Agricultural Advisory Committee when questions arise as to the compatibility or effect of a proposed discretionary use upon Agricultural Lands and/or Agricultural Operations.

Implementation Measure 1.1.3.2: The permitting authority shall notice for comment the Agricultural Advisory Committee when discretionary development applications are submitted that involve land designated as Agricultural Lands or lands adjoining Agricultural Lands.

Policy 1.1.3.3 Reduce development pressure on Agricultural Lands by encouraging higher density and in-fill development within Community Plan areas.

Implementation Measure 1.1.3.3: Develop standards and criteria for the proper utilization of cluster development within or adjoining Agricultural Lands. Streamline the permitting process associated with higher density and in-fill development.

Policy 1.1.3.4 Lot line adjustments (LLA) involving Agricultural Lands shall be primarily utilized and properly designed for agricultural purposes without materially decreasing the agricultural use of the land.

Implementation Measure 1.1.3.4: In terms of minimum parcel size and residential building intensity, a greater number of nonconforming parcels shall not be created by LLA on Agricultural Lands. Legally existing nonconforming parcels located on Agricultural Lands, including lands enrolled in the Williamson Act, shall not be adjusted to a size smaller than the smallest parcel's current acreage, unless the adjustment is needed to address a building site area or correct a physical improvement that is found to encroach upon a property line.

Policy 1.1.3.5 For on-site development application, utilize voluntary onsite density transfer (clustering) and Transfer of Development Rights (TDR) for off-site development application to minimize loss of Agricultural Lands or forest lands.

Implementation Measure 1.1.3.5: Utilize voluntary transfer of development rights (TDR) from proximate Agricultural Lands. Apply density bonuses as an incentive for utilizing density transfers and TDR.

Definitions:

Transfer of Development Rights (TDR) - The voluntary transfer (sale) of the development rights from proximate Agricultural Lands to community plan areas for the purpose of protecting Agricultural Lands while increasing use densities and in-fill within community plan areas.

Density Transfer: The voluntary transfer of density from one portion of property to another portion of the same property (development site) so as to increase the density (smaller lot size) within a smaller portion of property, while protecting the maximum amount of agricultural land. This is often referred to as clustering.

**GOAL 1.2: TO CREATE A HEALTHY, STABLE, AND COMPETITIVE ENVIRONMENT NECESSARY TO SUSTAIN AGRICULTURAL OPERATIONS.**

**OBJECTIVE 1.2.1: PROVIDE FOR AN ADEQUATE, LONG-TERM SUPPLY OF WATER TO SUPPORT SUSTAINABLE AGRICULTURAL USES WITHIN THE COUNTY.**

Policy 1.2.1.1 The County shall support water and wastewater agencies and districts in the development and acquisition of short term and long term water supplies and the use of reclaimed and untreated water for the irrigation of Agricultural Lands.

Implementation Measure 1.2.1.1: Establish procedures and mechanisms with water and wastewater agencies and districts to facilitate development of water supplies, including untreated and reclaimed water, to meet the existing and future water requirements of agriculture in a manner that would make the use of the water economically feasible.

Policy 1.2.1.2 Current agricultural water shall be protected from allocation to residential uses and discretionary projects establishing new residential uses. Water from increased irrigation efficiencies shall be allocated to expanding agriculturally related or compatible employment based uses.

Implementation Measure 1.2.1.2: When reviewing discretionary land use development, the County shall adopt standards that will be used in evaluating the impacts of a project's water requirements and the project's impacts on availability of water for existing Agricultural Lands.

Policy 1.2.1.3 The County shall support public agencies and private entities within Calaveras County in their efforts to protect their water rights and water supply contracts.

**OBJECTIVE 1.2.2: TO PROTECT THE RIGHTS OF AGRICULTURAL OPERATORS TO CONTINUE AGRICULTURAL OPERATIONS ON ALL AGRICULTURAL LANDS AND EXPAND THE AGRICULTURALLY RELATED USES OF SUCH LANDS.**

Policy 1.2.2.1 Agricultural Operations (Section 17.06.0132) allowed by right on Agricultural Lands whether or not for the purpose of producing income shall include, but not be limited to:  
A. The preparation of land for agricultural use, including land leveling and clearing;

- B. Range Management Practices. Utilization of techniques to improve grazing potential and wildlife habitat, reduce erosion, protect watershed and minimize the risk of wildfire. These techniques include, but are not limited to, brush removal, tree thinning, control burns, re-seeding, pond and spring development, application of herbicides, and fencing;
- C. The cultivation and tillage of the soil, irrigation, pruning, protection against frost, control of bird or animal damage, lawful and proper use of agricultural chemicals, pesticides and fertilizers, and the burning of agricultural waste, growing and harvesting and sale of any agricultural commodity, including timber, trees, shrubs, vines, berries, flowers, herbs, vegetables, hay, grains, and all other plants, food and fiber crops. Includes viticulture, horticulture, apiculture, and aquaculture;
- D. The raising, production and sale of livestock, including cattle, sheep, goats, pigs, horses, llamas, rabbits, fur-producing animals, poultry, fowl, fish, and all other kinds of animal husbandry; includes dairying and ranching;
- E. The production and sale of wine, cider, juices, vinegar, olive oil products and other similar products;
- F. Commercial practices performed, uses customarily associated with structures and appurtenant facilities incidental to or used in conjunction with such agricultural operations, including curing, processing, packing, packaging, bottling, canning, tasting, preparation for market, storage, direct on-site sales and delivery to market or to carriers for transportation to market;
- G. Customary uses clearly incidental and secondary to the agricultural operation. The foregoing definition of agricultural operation shall be broadly construed unless limited by the strict provisions of the specific uses listed as permitted uses.

Policy 1.2.2.2 Mining and associated mining activities, when carry out in compliance with the State's Surface Mining and Reclamation Act of 1975 and other applicable laws, shall be deemed a compatible use upon Agricultural Lands, including those structures and infrastructure improvements that are not required to be removed as part of a reclamation plan.

Policy 1.2.2.3 Water projects that are, when constructed and maintained in accordance with applicable federal, state and local laws, will be deemed a compatible use upon Agricultural Lands.

Implementation Measure 1.2.2.3: The Agricultural Dispute Resolution Committee shall be used as the primary means to address complaints and conflicts related to Agricultural Operations.

Policy 1.2.2.4 New residential parcels and other incompatible uses that are established adjoining Agricultural Operations shall be required to provide for agricultural fencing per County Standards.

Implementation Measure 1.2.2.4: The Agricultural Advisory Committee shall recommend to the Planning Commission and the Board of Supervisors fencing standards to be utilized when new residential or other incompatible uses are established adjoining Agricultural Lands and Operations.

Policy 1.2.2.5 Agricultural Operations are always to be considered a material and substantial purpose and use on all Agricultural Lands.

Implementation Measure 1.2.2.5: The County shall continue to implement, protect and support the current agricultural zoning provisions that provide for the protection of Agricultural Operations and their economic viability.

Policy 1.2.2.6 The County shall allow for the diversification of revenue sources for working farms, ranches and forests from nontraditional activities that help to support sustainable Agricultural Operations.

Implementation Measure 1.2.2.6: Implement zoning code provisions that recognize the importance of agricultural tourism as a vital component for the economic vitality of Agricultural Operations.

**OBJECTIVE 1.2.3: TO DEVELOP PROGRAMS THAT PROVIDE ALTERNATIVE SOURCES OF CAPITAL, INCENTIVES, OR MINIMIZE EXPENDITURES FOR AGRICULTURAL PRODUCTION.**

Policy 1.2.3.1 Programs shall be encouraged that provide incentives and enhance competitive capabilities of farms and ranches thereby helping to ensure long-term conservation, enhancement, and expansion of viable Agricultural Lands and Agricultural Operations.

Implementation Measure 1.2.3.1: Encourage private organizations and land trusts in the utilization of conservation easements or other alternative conservation methods for voluntarily restricting land to agricultural uses and compatible uses.

Implementation Measure 1.2.3.2: Continue participation in the Williamson Act (agricultural preserves) program.

Implementation Measure 1.2.3.3: Create and facilitate opportunities and programs that initiate community –based markets and infrastructure for locally grown, raised and or processed agricultural products.

Implementation Measure 1.2.3.4: Develop a comprehensive program incorporating a wide variety of conservation tools, such as agricultural conservation easements, long term conservation leases, transfer of development rights, density bonuses, urban in-fill, mitigation banking, cluster development and agricultural enterprise zones.

Implementation Measure 1.2.3.5: Support the establishment of an “Agricultural Enterprise Center” which coordinates existing resources such as U.C. Extension, Small Business Development, Agricultural Commissioner and facilitate access to networks of specialized expertise and programs in business planning, mentoring from attorneys, bankers, accountants and other agriculturalists.

#### **OBJECTIVE 1.2.4: TO PROVIDE FOR ADEQUATE AGRICULTURAL OR FARM RELATED HOUSING**

Policy 1.2.4.1 Encourage efficient and continued management of local agricultural production activities by allowing the development of adequate amounts of farm worker and farm family housing in agricultural areas.

Implementation Measure 1.2.4.1: When an existing parcel is deemed adequate, allow for the placement of additional housing structures upon said parcel to help accommodate the housing needs for farm workers and/or farm family members (spouse of landowner, the natural or adopted children of the landowner, the parents of the landowner, or the siblings of the landowner).

#### **OBJECTIVE 1.2.5: TO SUPPORT EDUCATION AND TECHNICAL ASSISTANCE**

Policy 1.2.5.1 The County shall coordinate with school districts and organizations to enhance and encourage vocational/career and technical programs in local high schools, community colleges and youth programs.

Policy 1.2.5.2 Public agencies and committees providing agricultural services and technical advice shall continue to provide agricultural research education and technical recommendations.

Implementation Measure 1.2.5.2: Maintain support and funding for basic and applied research and outreach through the U.C. Cooperative Extension programs and Agricultural Commissioner's office.

#### **OBJECTIVE 1.2.6 TO PROTECT FOOD SAFETY**

Policy 1.2.6.1 The County shall continue to work with local, state, and federal agencies to ensure the safety of food produced in Calaveras County and to maintain a local regulatory framework promoting environmental safety while ensuring the economic viability of agriculture.

Implementation Measure 1.2.6.1: The Agricultural Commissioner shall continue working with government agencies, ranchers, farmers and forest managers to ensure the proper and safe handling and application of agricultural chemicals.

Implementation Measure 1.2.6.2: The U.C. Cooperative Extension shall continue to conduct educational and applied research programs to promote food safety and agricultural practices that are environmentally sound.

#### **OBJECTIVE 1.2.7 UTILIZE AGRICULTURAL AND FORESTED LANDS TO ADDRESS GREENHOUSE GAS EMISSIONS**

Policy 1.2.7.1 The County shall work through the CEQA process to comply with Greenhouse Gas reductions as set forth in AB 32 to create policies that encourage preservation of agricultural and forested lands serving as carbon sinks.

Implementation Measure 1.2.7.1: The lead agency shall determine impacts of development projects on Greenhouse Gas emissions and require enforceable mitigation measures. If, after analyzing and requiring all reasonable and feasible on-site mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency shall consider additional off-site mitigation. Priority for off-site mitigation shall be given to agricultural and forested lands serving as carbon sinks. Farm conservation practices are among the most cost-effective, readily available ways to reduce U.S. greenhouse gas emissions. As an added benefit, most of the conservation practices valued for their ability to reduce greenhouse gas emissions on Agricultural Lands also provide additional public benefits to our environment, such as clean water, wildlife habitat, and reduced soil erosion.

Conservation or riparian buffers shall be utilized to increase carbon storage through sequestration. Grasses or trees shall be planted along streams and croplands to prevent soil erosion and nutrient runoff into waterways. Grazing land management shall also be utilized to increase carbon storage through enhanced soil sequestration. Modification to grazing practices that produce beef products that lead to net greenhouse gas reductions shall be considered.

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## **2. FOREST LAND CONSERVATION AND PRODUCTION**

**GOAL 1.3: TO MAINTAIN HEALTHY SUSTAINABLE FORESTS THAT PROVIDE FOR RAW MATERIALS WHILE LIMITING THE INTRUSION OF INCOMPATIBLE USES INTO IMPORTANT FOREST LANDS.**

**OBJECTIVE 1.3.1: IDENTIFICATION OF EXISTING AND POTENTIAL TIMBER PRODUCTION LANDS FOR COMMERCIAL TIMBER PRODUCTION.**

- Policy 1.3.1.1 Lands suitable for timber production which are zoned Timber Production Zone (TPZ) or General Forestry (GF) are to be maintained for the purposes of protecting and encouraging the production of timber and associated activities.
- Policy 1.3.1.2 The County Agricultural Advisory Committee shall assess lands to determine their suitability for timber production. Lands considered suitable for timber production shall be based on the following criteria:
- A. Lands zoned Timber Production Zone (TPZ) or General Forestry (GF);
  - B. Lands used for forestry/timber production;
  - C. Landowners may petition the Board of Supervisors for inclusion of their parcel into the Timber Production Zone (TPZ) pursuant to Government Code 51113.

**OBJECTIVE 1.3.2: TO PROTECT AND CONSERVE LANDS IDENTIFIED AS SUITABLE FOR COMMERCIAL TIMBER PRODUCTION WITHIN THE COUNTY THAT ARE IMPORTANT TO THE LOCAL FOREST PRODUCT INDUSTRY AND FOREST LANDS THAT SERVE OTHER VALUES SUCH AS WATERSHED, WILDLIFE HABITAT, RECREATION, HYDROELECTRIC POWER GENERATION, GRAZING, MINERAL EXTRACTION, OR OTHER RESOURCE BASED USES.**

- Policy 1.3.2.1 Lands zoned Timber Production Zone (TPZ) shall not be subdivided into parcels of less than 160 acres.
- Policy 1.3.2.2 Timber production lands generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production.

Policy 1.3.2.3 Lands, excluding those zoned TPZ, generally located below 3,000 feet elevation that have been found to be suitable for producing commercial timber by the Board of Supervisors, after reviewing advice of the Agricultural Advisory Committee, shall have a 40-acre minimum parcel size unless such lands already have smaller parcels.

**OBJECTIVE 1.3.3: TO ENSURE LONG-TERM VIABILITY OF FOREST RESOURCES AND TIMBER PRODUCTION.**

Policy 1.3.3.1 Forest lands are reserved for multiple use purposes including but not limited to those directly related to timber production, mineral resource extraction, wildlife, grazing, and recreation.

Policy 1.3.3.2 Zones of General Forestry (GF) and Timber Production Zone (TPZ) shall be applied for the purposes of conserving and protecting important forest lands and maintaining viable forest based communities. In determining whether particular lands constitute important forest lands, the Board of Supervisors shall consider the advice of the Agricultural Advisory Committee.

**GOAL 1.4: TO MINIMIZE INCOMPATIBLE USES AND PROMOTE SUSTAINABLE AND EFFICIENT FOREST RESOURCE PRODUCTION.**

**OBJECTIVE 1.4.1: PROVIDE FOR BUFFER PARCELS AND SETBACKS BETWEEN TIMBER PRODUCTION LANDS AND ADJOINING INCOMPATIBLE LAND USES.**

Policy 1.4.1.1 The subdivision of lands located adjoining lands zoned Timberland Production Zone (TPZ) and General Forestry (GF) shall not result in the creation of new parcels of less than 40 acres.

Policy 1.4.1.2 A permanent setback of at least 200 feet shall be provided on parcels adjoining lands identified as timber production lands. These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Advisory Committee shall review any requests to variances for setback requirements. All setbacks are measured from the property line.

## **OBJECTIVE 1.4.2: DEVELOPMENT ENTITLEMENTS**

- Policy 1.4.2.1 The permitting authority shall evaluate all discretionary development applications involving identified timber production lands or lands adjoining the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:
- A. The proposed use will not be detrimental to that parcel or to adjoining parcels for long-term forest resource production value or conflict with forest resource production in that general area.
  - B. The proposed use will not intensify existing conflicts or add new conflicts between adjoining proposed uses and timber production and harvesting activities.
  - C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected.
  - D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting.
  - E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjoining timber production lands.

Implementation Measure 1.4.2.1 The permitting authority and/or the approving authority shall consult the Agricultural Advisory Committee when questions arise as to the compatibility or effect of a proposed discretionary use upon Timber Production Lands.

**APPENDIX “A”**

**AGRICULTURE AND FORESTRY ELEMENT**

**CALAVERAS COUNTY GENERAL PLAN**

**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 incompatible uses approved on parcels adjoining Agricultural Lands.

The intent of these guidelines is to establish standards for the development and maintenance of setbacks designed to avoid conflicts between agricultural and incompatible uses.

**Applicability:**

These guidelines shall apply to all new or expanding incompatible uses on a parcel adjoining Agricultural Lands. Incompatible uses located within the City of Angels' Sphere of Influence (SOI) shall be subject to these guidelines.

Parcels adjoining Agricultural Lands serving as buffers to more developed areas shall have a compatible zoning designation so as to minimize potential conflicts. Residential Agriculture (RA) shall serve as one such zoning designation.

**Setback Standards for New Non-Agricultural Uses Requiring Discretionary Approval:**

Zoning adjoining Agricultural Lands shall incorporate the following setbacks:

- A minimum 200-foot wide setback on parcels over 5 acres in size
- A minimum 100-foot wide setback for parcels of 5 acres or less in size
- Projects that propose intensive activities, such as athletic fields, schools, or churches shall incorporate a minimum 300-foot wide setback

New parcels created adjoining Agricultural Lands shall be large enough (5 acre minimum) and configured to allow for a 200 foot setback from the adjoining Agricultural Lands.

Permitted uses within a setback area shall include, but not be limited to, public roadways, biking and walking trails, utilizes, drainage facilities, wells and well houses, septic systems, landscaping, parking areas, storage areas, and other similar low intensity uses. Additional uses that would be deemed compatible with Agricultural Operations, including, but not limited to barns, keeping of livestock, gardens, fruit trees and vineyards would be allowed under the proper zoning designation.

Newly created parcels and projects that create incompatible uses adjoining Agricultural Lands are required to provide adequate fencing (as determined by the Agricultural Advisory Committee and Planning Commission) so as to minimize potential conflicts with the adjoining agricultural uses.

**Setback Maintenance:**

- Projects subject to these guidelines shall be conditioned to require the property owner(s) to be responsible for all aspects of on-going maintenance of setback areas.

- A landowners association or other appropriate entity shall be required to maintain setbacks to control litter, fire hazards, pests, and other maintenance problems when a project consists of multiple parcels which may be held under separate ownership.
- When setbacks are required as part of a specific plan, the County may require dedication of setback areas and formation of service districts to ensure long-term and maintenance of the setback.

**Agricultural Transition:**

- The Board of Supervisors may authorize the vacation and reuse of setback areas if agricultural uses on all adjoining Agricultural Lands within 200-foot radius of the project site have permanently ceased.

**Variances from Setback Standards:**

An application for a variance from the Setback standards shall be submitted to the County Planning Department. The Agricultural Advisory Committee shall review and consider the variance application to determine whether the alternative setback proposed in the application provides significant protection to the surrounding Agricultural Lands and Agricultural Operations.

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**APPENDIX “B”**

**AGRICULTURAL AND FORSTRY ELEMENT  
CALAVERAS COUNTY GENERAL PLAN**

**AGRICULTURAL AND FOREST LAND CONVERSION GUIDELINES**

**Purpose and Intent:**

The purpose of the Agricultural and Forest Land Conversion Guidelines is to aid in evaluating proposed amendments to the General Plan and/or Community Plans that would allow the conversion of Agricultural Lands to residential and other non-agricultural or non-forestry uses and to ensure that potentially significant effects on Agricultural and Forest Lands conversions are quantitatively and consistently considered in the environmental review process.

**Applicability:**

These conversion guidelines shall apply to any development project requiring a General Plan or Community Plan amendment from Agricultural and Forest Lands to a non-agricultural or non-forestry land use designation.

**Definitions:**

**Conversion Consequences:**

The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of Agricultural and Forest Lands shall be fully evaluated and mitigated.

**Conversion Considerations:**

In evaluating the consequences of a proposed amendment, the following factors shall be considered:

1. Plan designation
2. Adjoining uses
3. Proposed method of sewage treatment
4. Availability of water
5. Transportation infrastructure
6. Public utilities
7. Fire and police protection and other public services
8. Proximity to existing airports
9. Impacts on air and water quality, wildlife habitat, endangered species and sensitive lands
10. Other factors that may aid in the evaluation process

**Conversion Criteria:**

Proposed amendments to the General Plan that would allow the conversion of Agricultural or Forest Lands to non-agricultural or non-forestry uses shall be approved only if the Board of Supervisors makes all of the following findings:

1. The proposal is consistent with the goals and policies of the General Plan.
2. Other feasible alternative sites in areas already designated for the proposed uses have been considered.
3. Approval of the conversion proposal will not result in the noncontiguous pattern of residential or non-agricultural or non-forestry development.
4. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding Agricultural or Forest Lands,

including lands under Williamson Act contracts or adversely affect agricultural water supplies.

5. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
6. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to Agricultural or Forest Lands, fish and wildlife resources, air quality, or other natural resources.

DRAFT

**APPENDIX “C”**

**AGRICULTURE AND FORESTRY ELEMENT**

**CALAVERAS COUNTY GENERAL PLAN**

**AGRICULTURAL AND FOREST LAND MITIGATION PROGRAM  
GUIDELINES**

**Purpose and Intent:**

The purpose of the Agricultural and Forest Land Mitigation Program (AFLMP) is to aid in mitigating the loss of Agricultural and Forest Land resulting from residential and other non-agricultural or non-forestry development in the unincorporated areas of Calaveras County by requiring the protection of Agricultural and Forest Land based on a 2:1 ratio to the amount of Agricultural or Forest Land converted. The AFLMP is designed to utilize agricultural conservation easements granted in perpetuity, as well as alternative mitigation methods, as a means of mitigating the loss of Agricultural and Forest Land.

The intent of these guidelines is to establish standards for the acquisition and long-term oversight of agricultural conservation easements and alternative mitigation methods secured in accordance with the AFLMP.

**Applicability:**

These guidelines shall apply to any development project requiring a General Plan or Community Plan amendment from Agriculture or Forest Lands designation to a residential or other non-agricultural or non-forestry land use designation of the Calaveras County General Plan. The acreage required for mitigation shall be equal to the overall size of the parcel subject to the land use designation amendment and not the portion of parcel actually being developed.

**Definitions:**

**Agricultural Mitigation Land:**

Agricultural or Forest Land encumbered by an agricultural conservation easement or other conservation mechanism acceptable to the County. Agricultural Land is used synonymously with Forest Land in these guidelines.

**Agriculture Conservation Easement:**

An easement over agricultural land for the purpose of restricting its use to agriculture consistent with these guidelines and General Plan policies. The interest granted pursuant to an agricultural conservation easement is an interest in land which is less than fee simple. Agricultural conservation easements acquired in accordance with these guidelines shall be established in perpetuity (or shall be permanently protected from future development via enforceable deed restriction), and shall minimize any restrictions on current or future customary agricultural husbandry practices.

**Building Envelope:**

An area delineated by the agricultural conservation easement within which existing structures may remain or future structures may be permitted to be built.

**Development Interest:**

The property owner, developer, proponent, and/or sponsor of a discretionary development project subject to these guidelines.

**Land Trust:**

The Mother Lode Land Trust (or a similar organization) will administer the Agricultural and Forest Land Mitigation Program in accordance with the guidelines set forth herein. Other approved Land Trust, such as the California Range Land Trust, (name additional Land Trusts) may be utilized to hold individual agricultural conservation easements under this mitigation program.

**Legal Parcel:**

A portion of land separated from another parcel or portion of land in accordance with the Subdivision Map Act. A separate Assessors Parcel Number alone shall not constitute a legal parcel.

**Methods of Mitigation:**

Agricultural land mitigation at a 2:1 ratio shall be satisfied by using one of the following techniques:

- 1) Agricultural land mitigation shall be satisfied by direct acquisition of an agricultural conservation easement or an alternative method of mitigation, including but not limited to purchase of banked mitigation credits as set forth in these guidelines. Payment of an in-lieu mitigation fee may be authorized by the Board of Supervisors only when the development interest can show a diligent effort to obtain an agricultural conservation easement, an alternative method of mitigation or banked mitigation credits have been made without success. Facts the Board may consider in making a decision regarding a request for payment of an in-lieu fee include, but are not limited to; a showing of multiple good faith offers to purchase an easement, alternative mitigation methods or banked mitigation credits having been declined by the seller(s). Refer to definition of Mitigation Credit Banking below. It shall be the development interest's sole responsibility to obtain the required easement or provide for an alternative mitigation method.
- 2) Alternative Agricultural Land Conservation Methods – It is understood that alternative mitigation methods other than agricultural conservation easements may provide a more viable means for mitigating the conversion of agricultural land to non-agricultural uses. These guidelines recognize that a number of alternative mitigation methods and incentives should be considered when mitigation is required. These alternative mitigation methods include, but are not limited to the transfer of development rights (TDRs), coupled with density bonuses and long-term conservation leases. Alternative methods may be authorized by the Board of Supervisors provided the land will remain in agricultural use consistent with these guidelines. Any request for consideration of an alternative Agricultural Land Conservation Method shall be reviewed by the Agricultural Advisory Committee for consistency with these guidelines and recommendations made to the Planning Commission prior to a decision by the Board of Supervisors.

**Direct Acquisition (In-Kind Acquisition):**

- 1) The Planning Commission with input from the Agricultural Advisory Committee shall review each agricultural conservation mitigation acquisition for consistency with these guidelines. The Planning Commission shall make a formal recommendation to the Board of Supervisors for their consideration.
- 2) The location and characteristics of the agricultural mitigation land shall comply with the provisions of these guidelines.
- 3) The development interest shall pay an administrative fee equal to cover the costs of administering, monitoring and enforcing the agricultural land conservation mitigation measures. The fee amount shall be determined by the Land Trust and approved by the Board of Supervisors.

**In - Lieu Fees:**

The payment of an in-lieu fee shall be subject to the following provisions:

- 1) The in-lieu fee shall be determined case-by-case in consultation with the Land Trust approved by the County Board of Supervisors. In no case shall the in-lieu fee be less than 60% of the average per acre price for five (5) comparable land sales in Calaveras County.
- 2) The in-lieu fee shall include the costs of managing the easement, including the cost of administering, monitoring and enforcing the farmland conservation easement, and a five percent (5%) endowment of the cost of the easement, and the payment of the estimated transaction costs associated with acquiring the easement. The costs shall be approved by the Board of Supervisors based on information relating to the costs provided by the Land Trust.
- 3) The Planning Commission with input from the Agricultural Advisory Committee, shall review the final in-lieu fee proposal for consistency with these guidelines. The Commission shall make a formal recommendation to the Board for final approval.

**Use of In-lieu Fees:**

In-lieu fees shall be administered by the Land Trust in fulfillment of its programmatic responsibilities. These responsibilities cover, without exception, acquiring interests in land and administering, monitoring and enforcing the agricultural conservation easement or other instrument designed to conserve the agricultural land for agricultural land mitigation purposes and managing the land trust. The location and characteristics of agricultural mitigation land shall comply with the provisions of these guidelines.

**Mitigation Credit Banking:**

Mitigation credits may be banked and utilized in accordance with the following provisions:

- 1) Purpose - The purpose of establishing a method of banking mitigation credits is to equalize the imbalance between the acreage size of agricultural land suitable,

and available, for purchase of agricultural land conservation easements and the amount of acreage required to meet a 2:1 ratio.

- 2) Process - Any project requiring the acquisition of an agricultural conservation easement in accordance with these guidelines may be approved by the Board of Supervisors to bank mitigation credits on the acreage in excess of the 2:1 ratio required for mitigation of the original project. The mitigation credits shall be held by the individual/entity purchasing the agricultural conservation easement.
- 3) Credit Value - Each acre in excess of the required 2:1 ratio for mitigation may be utilized at a 2:1 ratio to satisfy the mitigation requirements of another development.
- 4) Negotiations - Negotiations to purchase mitigation credits shall not involve the County and shall be subject to free market values. The County shall make available a contact list of individuals/entities with banked credits on record. The sale of banked credits shall not alter the terms of the original agricultural land conservation easement which generated the credits.
- 5) Authorization - The Board of Supervisors shall accept purchased credits upon receipt of a sales agreement.
- 6) Records - The County shall maintain a record of banked credits and purchased credits to ensure the Agricultural and Forest Land Mitigation Program is maintained whole.

**Agricultural Mitigation Lands:** Locations and characteristics:

- 1) Location - Agricultural mitigation land shall be:
  - A) Located in Calaveras County;
  - B) Designated Agriculture Lands by the Land Use Element of the Calaveras County General Plan;
  - C) Zoned A1 (General Agriculture), AP (Agriculture Preserve), TR (Timber Resource), or TPZ (Timber Production Zone).
  - D) Agricultural Land must be mitigated with equal or higher quality agricultural land. Forest land must be mitigated with equal or higher quality forest land. Alternatives may be considered when equal or higher quality land cannot be obtained.
  - E) Mitigation under these guidelines shall not be required for the conversion of Agricultural Lands that have been identified within a Community Plan, Angels Camp Sphere of Influence or the General Plan for future residential or commercial development. These same lands should not be utilized as mitigation lands to satisfy the requirements under these guidelines without the approval of the Board of Supervisors or the Angels Camp City Council, as the case may be. This exception shall apply only to those lands that have been indentified for future residential, commercial or industrial development within the Community Plans, Angels Camp

Sphere of Influence or the General Plan at the time of the adoption of the new General Plan Update by the Board of Supervisors.

- F) Located outside the City of Angels' adopted Sphere of Influence if the mitigation method is in perpetuity.

2) Allowable Uses - Agricultural and Forest Mitigation Land shall be in conformance with the compatible zoning district. Any legal nonconforming use of the property shall be abandoned prior to execution of the agricultural conservation easement and shall not be allowed to reestablish except as authorized within a building envelope. The type of agricultural related activity allowed on mitigation land shall be specified as part of the agricultural mitigation document and shall not be less restrictive than the restrictions set forth in the applicable A1, AP, TPZ or GF zoning district.

3) Soil Quality - The agricultural mitigation land shall be of equal or better soil quality than the agricultural land whose use is being changed to nonagricultural uses.

4) Water Supply - The agricultural mitigation land shall have an adequate water supply to support the agricultural use of the land. The water rights on the agricultural mitigation land shall be protected in the agricultural land conservation easement.

5) Previous Encumbrances - Land already effectively encumbered by a conservation easement may not be eligible to qualify as agricultural mitigation land. Lands under a Williamson Act contract or forest lands zoned TPZ are eligible to participate in the Agricultural and Forest Land Mitigation Program.

6) Subsequent Encumbrances- Lands encumbered as agricultural mitigation land shall not be subject to future encumbrances that limit agricultural husbandry practices, except as specified in these guidelines under "Stacking of Conservation Easements"

**Final Approval:**

Final approval of any project subject to these guidelines shall be contingent upon the execution of any necessary legal instrument and/or payment of fees as specified by these guidelines. Final approval shall be obtained prior to any of the following: 1) the issuance of any building, grading or encroachment permit(s) required for development, 2) recording of any parcel or final subdivision map, or 3) operation of the approved use.

**Legal Instruments for Encumbering Agricultural Mitigation Land:**

Requirement - To qualify as an instrument encumbering the land for agricultural mitigation:

- 1) All owners of the agricultural mitigation land shall execute the instrument;
- 2) The instrument shall be in recordable form and contain an accurate legal description of the agricultural mitigation land;

- 3) The instrument shall prohibit any activity which impairs or diminishes the permitted or historical agricultural uses of the agricultural mitigation land;
- 4) The instrument shall protect the existing water rights and retain them with the agricultural mitigation land;
- 5) The interest in the agricultural mitigation land shall be held in trust by the Land Trust;
- 6) The Land Trust or County shall not sell, lease, or convey any interest in the agricultural mitigation land except for fully compatible agricultural uses;
- 7) If the Land Trust ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the County to be retained until a qualified and mutually agreed upon entity to serve as the Land Trust is located.

**Monitoring, Enforcing, and Reporting:**

- 1) Monitoring and Enforcing - The Land Trust shall monitor all lands under agricultural mitigation acquired in accordance with these guidelines and shall review and monitor the implementation of all management and maintenance plans for these mitigation areas. It shall also enforce compliance with the terms of the conservation easement or agricultural mitigation instruments.
- 2) Reporting by the Land Trust - Annually, beginning one year after the adoption of this chapter, the Land Trust shall provide to the County Planning Director an annual report delineating the activities undertaken pursuant to the requirements of these guidelines and assessment of these activities. The report(s) shall describe the status of all lands and easements acquired in accordance with these guidelines, including a summary of all enforcement actions.

**Stacking of Conservation Easements:**

Stacking of easements for both habitat conservation and/or oak mitigation on top of an agricultural conservation easement granted in accordance with these guidelines may be allowed if approved by the Board of Supervisors provided the habitat needs of the species or the oak mitigation addressed by the habitat conservation easement or oak mitigation can be protected and maintained in combination with the permitted agricultural uses of the land.

The Planning Commission, with input from the County Agricultural Advisory Committee, shall review all stacking proposals to ensure the stacking will not be incompatible with the maintenance and preservation of economically sound and viable agricultural activities and operations. The recommendation of the Planning Commission shall be considered by the Board of Supervisors.