

# **Calaveras County General Plan**

## **AGRICULTURE AND FORESTRY ELEMENT**

### **INTRODUCTION**

The Agriculture and Forestry Element addresses the conservation, management and utilization of the Agricultural lands (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.

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 current Land Use Zones, 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. All of these existing zoning provisions applicable in whole or in part to Agricultural Operations are incorporated into this Agricultural Element and made a part hereof.

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 urban uses will intensify. Because many agricultural operations are on parcels adjacent to 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 shall meet the requirements and responsibilities as set forth in this Element. 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 four 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 revised Agricultural Advisory Committee shall act in an advisory capacity to the Board of Supervisors and the Planning Commission on all matters related to agriculture, not limited to agricultural preserves and Williamson Act Contracts. The Agricultural Advisory Committee's scope of responsibilities shall include a wide variety of agricultural, timber and land use issues including agricultural and forest land conservation, agricultural and forest production and the protection of agricultural and forestry operations from the intrusion of incompatible uses. 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.

The Agriculture 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 encompasses portions of the mandatory Land Use, Conservation and Open Space Elements set forth by the California Government Code. Provisions within each of these 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. . . .” (Government Code Section 65302(a)).

“A conservation element for the conservation, development, and utilization of natural resources including . . . soils. . . .” (Government Code Section 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. . . .” (Government Code Section 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.

## **ORGANIZATION OF THE ELEMENT**

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

### **POLICY SECTION**

#### **AGRICULTURAL CONSERVATION AND PRODUCTION**

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

#### **OBJECTIVE 1.1.1: IDENTIFICATION OF AGRICULTURAL LANDS**

Policy 1.1.1.1 “Agricultural Lands” shall be identified and maintained for the purposes of conserving, protecting, and encouraging agricultural use and associated activities. These lands shall be delineated on the General Plan land use map as a land use designation.

Policy 1.1.1.2 Agricultural Lands shall be based on any one of the following criteria:

- A. Lands currently under Williamson Act contract (i.e., “agricultural preserves”).
- B. Lands under cultivation for crop production.
- C. Lands that possess features that make them suitable for agricultural production including but not limited to micro-climate, slope, soils, and water availability.
- D. Lands used for grazing purposes.
- E. A determination by the Board of Supervisors that the affected lands should be preserved for agricultural production rather than other uses.

Policy 1.1.1.3 The extent of Agricultural Land shall be based on existing zoning designations including AP, A1, GF, TPZ, RA, and agricultural operations permitted in the Rural Residential zone (RR) as specified in Title 17 all of which existing zoning ordinances are incorporated herein by reference and made a part hereof.

Policy 1.1.1.4 Parcels encumbered by a Williamson Act Contract, pursuant to the California Land Conservation Act, shall be zoned Agriculture Preserve (AP).

Policy 1.1.1.5 All lands determined by the Agricultural Advisory Committee to be suitable for agricultural operations including but not limited to

unclassified lands shall be recommended to the Planning Commission for designation as Agricultural Lands. The Board of Supervisors shall make the final determinations as to the land use designation.

## **OBJECTIVE 1.1.2: PROTECTION OF AGRICULTURAL LANDS**

### **Protection of agricultural lands from adjacent incompatible land uses.**

- Policy 1.1.2.1 Newly created or adjusted parcels that will serve as a buffer for agriculturally (AP, A1, RA, GF, and TPZ) zoned lands shall be of adequate size and compatible zoning so as to minimize any potential conflict between the agricultural uses and urban uses. The County shall utilize the buffer and setback guidelines as set forth in Appendix “A”.
- Policy 1.1.2.2 Non-agricultural uses adjacent to lands zoned for agriculture shall provide to the extent reasonably possible a setback from the boundary of the agriculturally zoned lands. The County shall utilize the buffer and 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 land to non-agricultural uses shall be approved only if they are consistent with the County’s Agricultural Lands Conversion Guidelines as set forth in Appendix “B”.
- Policy 1.1.2.4 The County shall apply the Agricultural Lands Mitigation Guidelines, as set forth in Appendix “C” whenever the Board of Supervisors approve a General Plan or Community Pan amendment that allows the conversion of agricultural land to non-agricultural uses.
- Policy 1.1.2.5 On any parcel 5 acres or larger identified as having an existing or potential agricultural use, the Agricultural Advisory Committee must consider and provide a recommendation on the agricultural use or potential of that parcel and whether the request for a non-agricultural use will diminish or impair the existing or potential use prior to any discretionary permit being approved.
- Policy 1.1.2.6 Use voluntary purchase or voluntary transfer of development rights programs to limit intrusion of residential development in agricultural lands.
- Policy 1.1.2.7 Establish agricultural production and related processing, support services, and agritourism as primary uses in all agricultural land use categories.

Policy 1.1.2.8 Division of existing Agricultural Land shall be allowed if the new parcels meet the minimum parcel size allowed in the applicable zoning district and the newly created parcel or parcels are suitable for Agricultural Operations. The Agricultural Advisory Committee shall make a recommendation to the Planning Commission as to the agricultural suitability of any newly created parcels.

### **OBJECTIVE 1.1.3: DEVELOPMENT ENTITLEMENTS**

#### **Consideration of the agricultural use of land prior to approvals for any development entitlements.**

Policy 1.1.3.1 The County Agricultural Advisory Committee shall review all discretionary development applications involving land zoned for or designated agriculture, or lands adjacent to agricultural lands, and shall make recommendations to the approving authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential or non-agricultural use and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands are located between the project site and other non-agricultural lands; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Policy 1.1.3.2 The Agricultural Advisory Committee shall review all public facility (includes all facilities such as schools, libraries, hospitals, etc.) development applications involving agricultural lands, or lands adjacent to agricultural lands, and shall make recommendations to the approving authority. 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 agriculturally zoned 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 adjacent agricultural lands and whether the proposed site would be incompatible with agricultural operations on adjacent or proximate agricultural lands.

D. Whether the use of the land as a public facility is consistent with the applicable provisions of this General Plan.

Policy 1.1.3.3 Reduce development pressure on agricultural lands by encouraging higher density and in-filling within urban and/or Community Plan areas.

Policy 1.1.3.4 Lot line adjustments involving agricultural lands shall be primarily created and properly designed for agricultural purposes without materially decreasing the agricultural use of the project site.

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

**OBJECTIVE 1.2.1: AGRICULTURAL WATER**

**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 the development of water supplies and the use of reclaimed and untreated water for the irrigation of agricultural lands.

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 agricultural or employment based uses.

Policy 1.2.1.3 The County shall actively pursue the acquisition of long-term agricultural water supplies.

Policy 1.2.1.4 When reviewing projects, the County shall consider a project's impacts on availability of water for existing agricultural uses.

Policy 1.2.1.5 The County will work with water purveyors and the Agricultural Advisory Committee to establish plans to ensure the provision of adequate water supplies to existing and future agricultural uses.

Policy 1.2.1.6 The County shall do all in its authority, including, working with all water districts, to protect and/or perfect the county's existing water entitlements and water rights.

Policy 1.2.1.7 The County shall encourage the conservation of water for both agricultural and urban uses.

## **OBJECTIVE 1.2.2: AGRICULTURAL OPERATIONS**

**Protection of the rights of agricultural operators to continue agricultural operations on all lands designated or zoned for agricultural use and expand the agriculture-related uses allowed on such lands.**

- Policy 1.2.2.1      Agricultural operations 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, 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 incident 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 activities and water projects will be deemed compatible with agricultural lands and operations, including surface improvements that are not required to be removed as part of a Reclamation Plan.
- Policy 1.2.2.3 Agricultural activities shall be protected from the encroachment of incompatible land use by the Right to Farm Ordinance, which recognizes that nuisances such as noise, odors, dust, fumes, smoke, and chemical usage are a part of recognized acceptable agricultural practices and production.
- Policy 1.2.2.4 New parcels adjacent to parcels zoned for agricultural use shall not be created unless the size of the parcel is large enough to allow for an adequate setback from the surrounding agricultural parcels for any incompatible uses.
- Policy 1.2.2.5 Residential uses that are established adjoining grazing land shall have agricultural fencing per County Standards.
- Policy 1.2.2.6 The provisions of the existing Calaveras County Code Chapters 17.12, 17.14, 17.16, 17.18, 17.20, and 17.22 applicable to Agricultural Operations, which are incorporated herein by reference and made a part hereof, are intended for the protection of agricultural operations on agricultural lands, and Agricultural Operations are always to be considered a material and substantial purpose and use on all agricultural lands.

**OBJECTIVE 1.2.3: AGRICULTURAL PRODUCTION PROGRAMS**

**Development of programs that provide alternative sources of capital, incentives, or minimize expenditures for agricultural production.**

- Policy 1.2.3.1 Programs shall be developed that provide tax incentives and enhance competitive capabilities of farms and ranches thereby helping to ensure long-term conservation, enhancement, and expansion of viable agricultural lands. Examples of programs and policies include but are not limited to, the following:
  - A. Support and allow private organizations to utilize conservation easements or other alternative conservation methods for voluntarily restricting land to agricultural uses only.
  - B. Continue participation in the Williamson Act (agricultural preserves) and provide property tax relief to agricultural landowners who restrict their uses under the Williamson Act program.
  - C. Formation and/or utilization of land trusts to preserve agricultural lands.

- D. Make available voluntary purchase or transfer of development rights from agricultural areas to appropriate non-agricultural areas.
- E. Create and facilitate opportunities and programs that initiate the utilization, promotion and marketing of locally grown, raised and/or processed agricultural products in County, State, and Federal government, institutions, agencies and schools.
- F. Permit a wide variety of promotional and marketing activities of products grown and/or processed in Calaveras County in all areas designated for agricultural use.

Policy 1.2.3.2 The County shall support Agritourism (Section 17.06.0151) on agricultural lands subject to the conditions specified in the existing County Code.

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

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

Policy 1.2.4.2 The Agricultural Advisory Committee shall review the application and make recommendation on the necessity and compatibility of the additional dwelling units with the agricultural activities both on and off site. The use shall be subject to the following provisions:

- A. Employee housing is clearly needed and incidental to the agricultural production and related on site uses.
- B. Agricultural housing shall be constructed and maintained to conform to the standards contained in the Uniform Building Code (UBC) or as otherwise regulated.

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

Policy 1.2.5.1 The County shall encourage vocational agriculture programs in local high schools and community colleges.

Policy 1.2.5.2 Public agencies providing agricultural services shall be encouraged to continue agricultural research and education.

Policy 1.2.5.3 The County shall continue to encourage 4-H, Grange, and FFA programs for local youth.

Policy 1.2.5.4 Agritourism will be used as a tool to educate residents and visitors on the practices and value of Calaveras County agriculture, in part to reduce conflicts between agricultural operations and the public.

**OBJECTIVE 1.2.6 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.

## **FOREST LAND CONSERVATION AND PRODUCTION**

**GOAL 1.3: 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 TIMBER PRODUCTION LANDS**

**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: CONSERVATION OF FOREST LANDS**

**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 containing 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: LONG-TERM FOREST RESOURCES**

#### **Ensure long-term viability of forest resources and timber production.**

Policy 1.3.3.1 Forest lands are reserved for multiple use purposes 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: MINIMIZE CONSTRAINTS INHIBITING SUSTAINABLE AND EFFICIENT FOREST RESOURCE PRODUCTION.**

#### **OBJECTIVE 1.4.1: FOREST LAND BUFFERS**

##### **Provide for buffer parcels and setbacks between timber production lands and adjacent incompatible land uses.**

Policy 1.4.1.1 The subdivision of lands located adjacent to lands zoned Timberland Production Zone (TPZ) and General Forestry (GF) shall not result in the creation of new parcels containing less than 40 acres. The subdivision of lands adjacent to NR designation and lands zoned TPZ containing 40 acres or less located generally below 3,000 feet in elevation may be considered for the creation of new parcels containing not less than 10 acres, as appropriate.

Policy 1.4.1.2 A permanent setback of at least 200 feet shall be provided on parcels located adjacent to 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 may recommend a lesser setback to

a minimum of 100 feet. All setbacks are measured from the property line.

#### **OBJECTIVE 1.4.2: DEVELOPMENT ENTITLEMENTS**

- Policy 1.4.2.1      The County Agricultural Advisory Committee shall evaluate all discretionary development applications involving identified timber production lands or lands adjacent to 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 adjacent 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 adjacent 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 adjacent to timber production lands.

## IMPLEMENTATION PROGRAM

### **OBJECTIVE 1.1.1: Identification of Agricultural Lands.**

The County shall implement the following measures to help in identifying existing and potential agricultural lands within Calaveras County.

**Implementation Measure:** Utilize current land use Categories (Natural Resource Lands), Designations (Wildlife, Botanical, Agricultural Preserve, Timberlands, Dam Inundation, Mineral Resource) and Zoning (General Agriculture, Agriculture Preserve, Residential Agriculture, General Forest, Timber Production, Rural Residential) as the basis for identifying agricultural lands within the County or lands suitable for designation as agricultural lands.

**Implementation Measure:** Utilize the Agricultural Advisory Committee, Agricultural Commissioner and the County Farm Advisor to assist in identifying lands suitable for agricultural production that are not currently designated or zoned Agricultural Lands. This will include, but not limited to, lands currently zoned as “unclassified”.

**Implementation Measure:** Delineate agricultural lands on the General Plan Land Use Map as a land use designation.

Responsibility:	Planning Department, Agricultural Advisory Committee, Agricultural Commissioner and Farm Advisor
Time Frame:	Revise Zoning Ordinance within two years of General Plan adoption.

### **OBJECTIVE 1.1.2: Protection of Agricultural Lands – Protection of agricultural lands from adjacent incompatible uses.**

**Implementation Measure:** Review the Zoning Ordinance to make those revisions that are necessary to implement the following:

**Implementation Measure:** Buffers and/or setbacks shall be required when non-agricultural uses are planned and/or approved adjacent to agricultural lands as set forth in Appendix “A”.

**Implementation Measure:** County shall establish minimum parcel size and maximum densities for agricultural lands and timberlands as set forth below.

1. 160-acre minimum parcel size and one dwelling per 20 acres maximum density for Timber Production zoned lands.
2. 40-acre minimum parcel size and one dwelling per 40 acres maximum density for General Forestry zoned lands.
3. 40-acre minimum parcel size and dwellings permitted as per State statute under a Williamson Act contract.

4. 20-acre minimum parcel size and one dwelling per 20 acres for General Agriculture zoned lands.
5. 5-acre minimum parcel size and one dwelling per 5 acres for Residential Agricultural (RA) land.
6. 40-acre minimum parcel size and one dwelling per 40 acres for lands adjacent to Timber Production zoned lands.
7. 5-acre minimum parcel size and one dwelling per 5 acres for lands adjacent to Agricultural lands that are zoned General Agriculture, Agricultural Preserve or General Forestry.
8. The County will suspend the use of the “Rural Residential” zoning district for any newly created or adjusted parcels over five (5) acres in size.
9. “Unclassified” zoned lands that meet the agricultural suitability guidelines, shall be placed under the appropriate agricultural zone depending on the size of the parcel and its relationship to Community Plan or other urban areas.

**Implementation Measure:** Procedures for processing General Plan amendments that would allow the conversion of agricultural land to non-agricultural uses shall incorporate the requirements for evaluating such proposed amendments as set forth in the Agricultural Land Conversion Guidelines (Appendix “B”).

**Implementation Measure:** Agricultural Land Mitigation Program Guidelines (Appendix “C”) shall apply to any development project requiring a General Plan or Community Plan amendment from Agricultural Lands to residential or urban uses as designated in the Calaveras County General Plan.

Responsibility:	Planning Department and Agricultural Advisory Committee
Time Frame:	Within one year of General Plan adoption.

**OBJECTIVE 1.1.3: Development Entitlements - Consideration of the agricultural use of land prior to approvals for any development entitlements.**

**Implementation Measure:** In conjunction with the Agricultural Advisory Committee, the Planning Commission shall develop standards and criteria for the proper utilization of cluster development within or adjacent to agricultural lands that are consistent with the policies set forth in this Element.

**Implementation Measure:** Encourage the utilization of higher density development and in filling within existing urban or community plan areas by streamlining the permitting process and reducing fees associated with higher density and in fill development.



**Implementation Measure:** In terms of minimum parcel size and residential building intensity, a greater number of nonconforming parcels shall not be created by lot-line adjustment. The following criteria shall apply when legally existing nonconforming parcels are involved in a lot-line adjustment:

1. 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 parcels 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.

Responsibility:	Planning Department and Agricultural Advisory Committee
Time Frame:	Within one year of General Plan adoption.

**OBJECTIVE 1.2.1: Agricultural Water - Provide for an adequate, long-term supply of water to support sustainable agricultural uses within the County.**

**Implementation Measure:** Coordinate with water agencies to determine water requirements and availability before approving any discretionary land use development.

**Implementation Measure:** 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 be economically feasible.

**Implementation Measure:** In conjunction with water agencies, develop a plan by which the County’s water rights and entitlements are protected and perfected.

Responsibility:	Planning Department and Agricultural Advisory Committee
Time Frame:	Within two years of General Plan adoption.

**OBJECTIVE 1.2.2: Agricultural Operations – Protection of the rights of agricultural operators to continue agricultural operations on all lands designated or zoned for agricultural use and expand the agricultural-related uses allowed on such lands.**

**Implementation Measure:** Continue to implement and support the existing agricultural zoning provisions as set forth in Calaveras County Zoning Ordinance Title 17.16, 17.18, 17.20, and 17.22, and always consider agricultural operations to be a material and substantial use and purpose on all lands where agricultural operations are a permitted use.

**Implementation Measure:** Continue to apply and support the provisions of the Right-to-Farm Ordinance to all lands designated as agricultural lands or those lands that are permitted to carry on agricultural operations.

**Implementation Measure:** Utilize the Agricultural Dispute Resolution Committee as the primary means to address complaints and conflicts related to agricultural operations.

**Implementation Measure:** Continue to support agritourism (Section 17.06.0151) subject to the conditions specified in the existing County ordinances.

Responsibility:	Planning Department and Agricultural Advisory Committee
Time Frame:	Immediately at General Plan adoption.

**OBJECTIVE 1.2.3: Agricultural Production Programs – Development of programs that provide alternative sources of capital, incentives, or minimize costs for agricultural operations.**

**Implementation Measure:** Continued implementation of existing ordinance provisions relating to the promotion and marketing of locally grown, raised and/or processed agricultural products.

**Implementation Measure:** Encourage efforts to establish agricultural marketing programs and a marketing identity for Calaveras County.

**Implementation Measure:** Initiate a countywide program that utilizes, promotes and markets locally grown, raised and/or processed agricultural products by County, State, Federal agencies, hospitals and school districts.

**Implementation Measure:** Continue to participate in the Williamson Act program, thereby providing property tax relief to farmers and ranchers who voluntarily restrict the use of their lands.

**Implementation Measure:** Develop a comprehensive program to conserve and protect agricultural lands by incorporating a wide variety of conservation tools such as agricultural conservation easement, transfer of development rights, long term lease, mitigation banking, density bonuses, urban in-fill, cluster development, and agricultural enterprise zones.

Responsibility:	Agricultural Commissioner, County Farm Advisor, Planning Department and Agricultural Advisory Committee
Time Frame:	Within one year of General Plan adoption.

**OBJECTIVE 1.2.4: Provide for adequate agricultural or farm related housing.**

**Implementation Measure:** Develop standards and criteria for allowing additional dwelling units over the permitted density for members of the farm operator’s immediate family and/or employees on agricultural zoned lands.

**Implementation Measure:** Review all discretionary permit applications for the necessity and compatibility of establishing additional dwelling units for agricultural related housing on agricultural lands recognizing agricultural employee housing is incidental to the agricultural operations.

Responsibility:	Planning Department and Agricultural Advisory Committee
Time Frame:	Within three years of General Plan adoption.

**OBJECTIVE 1.2.5: Support Education and Technical assistance.**

**Implementation Measure:** Maintain and provide support for the U.C. Cooperative Extension.

**Implementation Measure:** Support the activities of youth agricultural programs such as FFA, 4-H and Grange.

**Implementation Measure:** The County shall coordinate with school districts to enhance their agricultural educational programs.

**Implementation Measure:** Support the County Fair and vocational agriculture’s involvement in the County Fair.

**Implementation Measure:** Maintain and provide support for an agricultural commissioner appointed by the Board of Supervisors as required by the California Food and Agricultural Code Sections 2121 and 2122.

**Implementation Measure:** The scope of the Agricultural Advisory Committee’s role shall expanded to provide recommendations to the Planning Commission and Board of Supervisors on all agriculturally related issues and resources as set forth in the Agricultural and Forestry Element. Committee members shall be compensated at the same level as the Planning Commission.

**Implementation Measure:** Support agritourism as a tool to educate residents and visitors on the value of Calaveras County agriculture.

Responsibility:	Board of Supervisors
Time Frame:	Within six months of General Plan adoption.

**OBJECTIVE 1.2.6: Protect Food Safety.**

**Implementation Measure:** Agricultural Commissioner will continue working with government agencies, ranchers, farmers and forest managers to ensure the safe use of agricultural chemicals.

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

Responsibility:	Agricultural Commissioner and Farm Advisor
Time Frame:	Immediately at General Plan adoption.

**APPENDIX “A”**

**AGRICULTURE AND FORESTRY ELEMENT**

**CALAVERAS COUNTY GENERAL PLAN**

**BUFFER AND 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 nonagricultural uses approved in or adjacent to the AP, A1, RA, RR, GF or TPZ zoning districts.

The intent of these guidelines is to establish standards for the development and maintenance of buffers and setbacks designed to physically and biologically avoid conflicts between agricultural and non-agricultural uses.

**Applicability:**

These guidelines shall apply to all new or expanding non-agricultural uses approved by permit in the AP, A1, RA, RR, GF or TPZ zoning districts or on a parcel adjoining the these same zoning districts. Nonagricultural uses located within the City of Angels' Sphere of Influence (SOI) shall be subject to these guidelines.

Buffer and setback requirements established by these guidelines shall be located on the parcel for which a permit is sought and shall protect the maximum amount of adjoining agricultural land.

**Buffer Standards for New Non-Agricultural Uses:**

All projects shall incorporate a minimum 200-foot wide buffer on parcels over 5 acres in size or a minimum 50-foot wide buffer for parcels of 5 acres or less in size. Projects that propose people intensive activities, such as athletic fields, schools, or churches shall incorporate a minimum 300-foot wide buffer.

Whenever feasible, topographical features such as ridge top, watercourses, substantial tree stands and similar features shall be used as buffers to separate development projects and agricultural areas.

Parcels created adjacent to agricultural land shall be large enough (5 acre minimum) to allow for an adequate setback from the surrounding agricultural parcels for any incompatible uses.

Parcels created adjacent to agricultural land that serve as buffers to more urbanized areas shall have a compatible zoning designation so as to minimize potential conflicts. Residential Agriculture (RA) shall serve as one such zoning designation.

Newly created parcels and/or developments that create non-agricultural uses adjacent to 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 adjacent agricultural uses. Permitted uses within a buffer area shall include: public roadways, utilities, drainage facilities, landscaping, parking areas and similar low human intensity uses. Walking and bike trails shall be allowed within buffer areas.

**Buffer and Setback Standards for Expanding Non-Agricultural Uses:**

- Where existing development on a project site will allow, accommodation of a buffer as required for new non-agricultural uses shall be provided.
- Where existing development on a project site will not allow a buffer as required for new nonagricultural uses, fencing and vegetative screening as required for new non-agricultural uses shall be provided within the area available.

**Buffer and Setback Maintenance:**

- Projects subject to these guidelines shall be conditioned to require the property owner(s) be responsible for all aspects of on-going maintenance of buffers and setback areas.
- A landowners association or other appropriate entity shall be required to maintain buffers 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 buffers are required as part of a specific plan, the County may require dedication of buffer areas and formation of service district to insure long-term up keep and maintenance of the buffer.

**Agricultural Transition:**

- The Board of Supervisors may authorize the abandonment and reuse of buffer areas if agricultural uses on all adjacent parcels within 200-foot radius of the project site have permanently ceased.

**Alternative Buffer and Setback Design Standards:**

- Any alternative buffer and setback design standards proposed by a project applicant shall be reviewed and supported by the Calaveras County Agricultural Advisory Committee prior to consideration by the Calaveras County Planning Department. In no case, shall the required standards be reduced, unless the proposed alternative is found to provide equal or greater protection to surrounding agricultural uses.

**APPENDIX “B”**

**AGRICULTURAL AND FORSTRY ELEMENT**

**CALAVERAS COUNTY GENERAL PLAN**

**AGRICULTURAL AND FOREST LAND CONVERSION GUIDELINES**



**Purpose and Intent:**

The purpose of the Agricultural 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 urban uses and to ensure that potentially significant effects on agricultural land conversions are quantitatively and consistently considered in the environmental review process..

The intent of these guidelines is to establish criteria to be utilized in evaluating the impacts of converting agricultural and forest lands to residential or urban uses

**Applicability:**

These conversion guidelines shall apply to any development project requiring a General Plan or Community Plan amendment from Agricultural and Forestry Lands to a residential or urban land use designation.

**Definitions:**

**Conversion Consequences:**

The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land 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. Adjacent 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 residential or other urban uses shall be approved only if the Board of Supervisors makes the following findings:

- A. Overall, the proposal is consistent with the goals and policies of the General Plan.
- B. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates and other pertinent data.

- C. Other feasible alternative sites in areas already designated for the proposed uses have been considered.
- D. Approval of the proposal will not constitute a part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the CEQA).
- E. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural or forestlands, including lands under Williamson Act contracts or adversely affect agricultural water supplies.
- F. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
- G. 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.

**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 urban 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 purchased in accordance with the AFLMP.

**Applicability:**

These guidelines shall apply to any development project requiring a General Plan or Community Plan amendment from Agriculture and Forest Lands to a residential or other urban 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 forestland 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:**

A nonprofit public benefit 501(c) (3) corporation or other appropriate legal entity operating in Calaveras County for the purpose of conserving and protecting land in agriculture, and approved for this purpose by the Board of Supervisors.

**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) Where the total land area subject to a General Plan or Community Plan amendment is less than 20-acres in size, 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.
- 2) Where the total land area subject to the General Plan or Community Plan amendment is 20-acres or more in size, agricultural land mitigation shall be satisfied by direct acquisition of an agricultural land conservation easement or an alternative mitigation method as allowed by these guidelines and the Land Trusts program. It shall be the development interest's sole responsibility to obtain the required easement or provide for an alternative mitigation method.
- 3) 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 Agricultural Advisory Committee and Planning Commission 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 Agricultural Advisory Committee, in conjunction with the Planning Commission, 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 value of the 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 insure 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 Land by the Land Use Element of the Calaveras County General Plan;
  - C) Zoned A-1 (General Agriculture), A-P (Agriculture Preserve), G-F (General Forest), or TP (Timber Production)
  - D) 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 A1, AP, TPZ or GF 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 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 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 a agricultural easement acquired in accordance with these guidelines and shall review and monitor the implementation of all management and maintenance plans for these easement 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 insure 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.