

Chapter 8

AGRICULTURE AND FORESTRY ELEMENT

PRINCIPLE

The Plan must provide for the conservation and protection of El Dorado County's important natural resources, and recognize that the presence of these resources pose a constraint to development.

INTRODUCTION

The Agriculture and Forestry Element addresses the conservation, management, and utilization of the County's agricultural and forest lands. In El Dorado County, these lands are regarded by residents as fundamental components of the County's rural character and way of life. In recent years, large influxes of new residents have resulted in increased development and thus a changed landscape. While this growth has benefitted the County in many ways, the low-density residential growth has threatened important agricultural and forest lands. Prudent management of the County's agriculture and forestry resources is needed to provide future generations with opportunities to experience both the economic benefits and rural lifestyle residents now enjoy. This prudent management strategy involves maintenance of large parcel sizes and the minimization of incompatible land use encroachment into these resource rich lands.

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 and forest lands is identified by the residents of El Dorado County as an important issue to be addressed by the General Plan. This element encompasses portions of the mandatory Land Use, and 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 non-renewable lands for agriculture and timber activities, natural resource values, and long-term productivity.

RELATIONSHIP TO OTHER ELEMENTS

The Agriculture and Forestry Element is closely linked to the Land Use and the Conservation and Open Space Elements of this General Plan. The issues addressed in this element also are related to those of the Circulation, Public Health, Safety, and Noise, Housing, and Public Services and Utilities Elements.

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 8.1: AGRICULTURAL LAND CONSERVATION

Long-term conservation and use of existing and potential agricultural lands within the County and limiting the intrusion of incompatible uses into agricultural lands.

OBJECTIVE 8.1.1: IDENTIFICATION OF AGRICULTURAL LANDS

Identification of agricultural lands within the County that are important to the local agricultural economy including important crop lands and grazing lands.

- **Policy 8.1.1.1**
 "Agricultural Districts" shall be created and maintained for the purposes of conserving, protecting, and encouraging the agricultural use of important agricultural lands and associated activities throughout the County; maintaining viable agricultural-based communities; and encouraging the expansion of agricultural activities and production. These districts shall be delineated on the General Plan land use map as an overlay land use designation.
- **Policy 8.1.1.2**
 Agricultural Districts shall be based on the following criteria:
 - A. Lands currently under Williamson Act contract (i.e., "agricultural preserves");
 - B. Soils identified as El Dorado County "choice" agricultural soil, which consist of Federally designated prime, State designated unique or important, or County designated locally important soils;
 - C. Lands under cultivation for commercial crop production;
 - D. Lands that possess topographical and other features that make them suitable for agricultural production;
 - E. Low development densities; and
 - F. A determination by the Board of Supervisors that the affected lands should be preserved for agricultural production rather than other uses.
- **Policy 8.1.1.3**
 The boundaries of Agricultural District overlays shall be based on existing land features including but not limited to soil types, rivers, ridgelines, and other visibly evident features or, otherwise, shall follow legal property boundaries.
- **Policy 8.1.1.4**
 The procedures set forth in *The Procedure for Evaluating the Suitability of Land for Agriculture* shall be used for evaluating the suitability of agricultural lands in Agricultural Districts and Williamson Act Contract lands (agricultural preserves). The procedures shall be developed, reviewed, and revised, as appropriate, by the Agricultural Commission, and approved by the Board of Supervisors. Revisions to the procedure shall not constitute a General Plan amendment.
- **Policy 8.1.1.5**
 Except for parcels assigned urban or other nonagricultural uses by the Land Use Map for the 1996 General Plan, parcels 20 acres or larger containing "choice" agricultural soils (see Policy 8.1.1.2(b)) shall be zoned for agricultural use except where the Board of Supervisors determines that economic, social, or other reasons justify allowing nonagricultural development or uses to occur on the affected properties. Where such parcels are zoned for agricultural use, they shall be protected from incompatible land uses by the Right to Farm Ordinance and agricultural buffering. Before rezoning parcels that are 20 acres or larger and contain choice agricultural soils to a zoning category that will permit nonagricultural uses, the Board of Supervisors and/or Planning Commission shall solicit and consider input from the Agricultural Commission.
- **Policy 8.1.1.6**
 Parcels encumbered by a Williamson Act Contract, pursuant to the California Land Conservation Act, shall be zoned Exclusive Agriculture (AE).

OBJECTIVE 8.1.2: GRAZING

Protection of range lands for grazing of domestic livestock.

- **Policy 8.1.2.1**

The County Agricultural Commission shall identify lands suitable for sustained grazing purposes which the Commission believes should be managed as grazing lands. Once such lands have been identified by the Commission, the Board of Supervisors shall determine whether to initiate incentive based programs to retain such lands as productive grazing units.

- **Policy 8.1.2.2**

Some lands within Rural Regions have historically been used for commercial grazing of livestock and are currently capable of sustaining commercial grazing of livestock. If they can be demonstrated to be suitable land for grazing, and if they were not assigned urban or other nonagricultural uses in the Land Use Map for the 1996 General Plan, those lands shall be protected with a minimum of 40 acres unless such lands already have smaller parcels or the Board of Supervisors determines that economic, social, or other considerations justify the creation of smaller parcels for development or other nonagricultural uses. Where 40-acre minimum parcel sizes are maintained, planned developments may be considered which are consistent with the underlying land use designation. Before taking any actions to create parcels of less than 40 acres in areas subject to this policy, the Board of Supervisors and/or Planning Commission shall solicit and consider input from the Agricultural Commission.

OBJECTIVE 8.1.3: PROTECTION OF AGRICULTURAL LANDS

Protection of agricultural lands from adjacent incompatible land uses.

- **Policy 8.1.3.1**

Agriculturally zoned lands including Williamson Act Contract properties (i.e., lands within "agricultural preserves") shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

- **Policy 8.1.3.2**

Agriculturally incompatible uses adjacent to agricultural zoned lands within designated agricultural districts shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands.

Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback of 200 feet on parcels 10 acres or larger.

Administrative relief to these setbacks may be granted by the County Planning Director, where appropriate.

- **Policy 8.1.3.3**
The County shall revise the Right to Farm Ordinance to include a provision to place a deed restriction on all new parcels created adjacent to Agricultural Districts requiring the new owner to sign a statement acknowledging that his or her parcel is adjacent to a parcel engaging in agricultural activities.
- **Policy 8.1.3.4**
A threshold of significance for loss of agricultural land shall be established by the Agriculture Department and the Planning Department, to be used in rezone applications requesting conversion of agricultural lands to non-agricultural lands, based on the land evaluation and land assessment system to be developed by the State. A monitoring program should be established to be overseen by the Agricultural Department.
- **Policy 8.1.3.5**
On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

OBJECTIVE 8.1.4: DEVELOPMENT ENTITLEMENTS

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

- **Policy 8.1.4.1**
The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving agricultural district and Williamson Act Contract land, or lands adjacent to such lands, and shall make recommendations to the reviewing 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 areas and agricultural activities; and
 - B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
 - C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.
- **Policy 8.1.4.2**
The Agricultural Commission shall review all school site development applications involving agricultural lands and lands within Agricultural Districts, or lands adjacent to agricultural lands and lands adjacent to Agricultural Districts, and shall make recommendations to the approving authority. To determine consistency with the General Plan, the approving authority shall find that the school site development is "in the public interest". For purposes of this policy, the

approving authority, in determining if the school development is "in the public interest", shall consider the following factors:

- A. The objectives of the Agricultural Element, to ensure that agricultural lands are conserved and protected, and the Public Services and Utilities Element, to ensure that the need for adequate school facilities is met.
- B. Whether other school sites outside of the Agricultural District including rural centers were considered by the school district and whether such sites were considered acceptable or not feasible as a school site for the school district.
- C. The effect of the proposed school site 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 school site is consistent with the applicable provisions of this General Plan.

OBJECTIVE 8.1.5: CLUSTER DEVELOPMENT

The County shall encourage cluster development, or grouping together of allowable dwelling units in agricultural districts or lands zoned for agriculture located outside of agricultural districts, instead of the dispersal of such dwelling units on larger parcels.

- **Policy 8.1.5.1**
Buildings resulting from clustered development through the Planned Development (-PD) process shall be placed to minimize the loss of choice agricultural lands.
- **Policy 8.1.5.2**
Wherever feasible and where clustering is permitted, natural features such as ridge tops, creeks, and substantial tree stands shall be used to separate smaller clustered parcels from agricultural areas.

GOAL 8.2: AGRICULTURAL PRODUCTION

A healthy, stable, and competitive environment necessary to sustain agricultural industry.

OBJECTIVE 8.2.1: AGRICULTURAL WATER

Provide for an adequate, long-term supply of water to support sustainable agricultural uses within the County.

- **Policy 8.2.1.1**
The County shall allow and support the extension of water lines and the use of reclaimed water for the irrigation of agricultural lands.

- **Policy 8.2.1.2**
Current agricultural water, excluding well 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 8.2.1.3**
The County shall actively pursue the acquisition of long-term agricultural water supplies.

OBJECTIVE 8.2.2: AGRICULTURAL OPERATIONS

Protection of the rights of agricultural operators to continue agricultural practices on all lands designated for agricultural land use and expand the agricultural-related uses allowed on such lands.

- **Policy 8.2.2.1**
Agricultural operations allowed by right on agricultural lands shall include but not be limited to:
 - A. Cultivation and tillage of the soil, dairying, irrigation, frost protection, cultivation, growing, harvesting, sound devices, use of approved fertilizers, pesticides, and crop protection;
 - B. Processing of any agricultural commodity, including timber, Christmas trees, shrubs, flowers, herbs, and other plants;
 - C. Raising of livestock, fur-bearing animals, and all animal husbandry;
 - D. Culture or breeding of poultry and aquatic species;
 - E. Commercial practices (ranch marketing) performed incidental to or in conjunction with such agricultural operations including the packaging, processing, and on-site sale of agricultural products produced in the County; and
 - F. Agricultural resource management including wildlife management, recreation, tours, riding and hiking access, fishing, and picnicking.
- **Policy 8.2.2.2**
The approving authority shall make the following findings when approving special use permits for agricultural support services:
 - A. The use will not substantially detract from agricultural production in the surrounding area; and
 - B. The use is compatible with and will not have a significant adverse impact on adjacent or nearby neighborhoods beyond that allowed by the Right to Farm Ordinance and other applicable law.
- **Policy 8.2.2.3**
Mining activities, when the mined lands will be reclaimed to meet or exceed current agricultural capabilities, and water projects will be deemed compatible with agricultural lands and operations.
- **Policy 8.2.2.4**
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.

OBJECTIVE 8.2.3: FARM-RELATED HOUSING

Farm related housing that facilitates efficient agricultural operations.

- **Policy 8.2.3.1**

A special use permit shall be required for additional dwellings over and above those allowed by right, pursuant to the policies contained in Objective 4.2.6 of the Housing Element, for permanent and seasonal agricultural employees. The Agricultural Commission 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 special use permit shall be subject to the following provisions:

- A. The housing is clearly needed for and incidental to agricultural production and related uses on the site; and
- B. The housing is constructed and maintained to conform to the minimum standards contained in the Uniform Building Code or as otherwise regulated by the State Department of Housing and Community Development for migrant farm labor housing.

OBJECTIVE 8.2.4: AGRICULTURAL PRODUCTION PROGRAMS

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

- **Policy 8.2.4.1**

Programs shall be developed that provide tax benefits and enhance competitive capabilities of farms and ranches thereby ensuring long-term conservation, enhancement, and expansion of viable agricultural lands. Examples of programs include but are not limited to, the following:

- A. Support and allow private organizations to utilize conservation easements or other appropriate techniques for voluntarily restricting land to agricultural uses only.
- B. Continued use of Williamson Act Contracts (agricultural preserves).
- C. Formation 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.

- **Policy 8.2.4.2**

A special use permit shall be required for visitor serving uses and facilities providing they are compatible with agricultural production of the land, are supportive to the agricultural industry, and are in full compliance with the provisions of the El Dorado County Code.

- **Policy 8.2.4.3**
Visitor serving uses may include but are not limited to: recreational fishing, camping, stables, golf courses and other similar uses, lodging facilities, and campgrounds.

FOREST LAND CONSERVATION AND PRODUCTION

GOAL 8.3: FOREST LAND CONSERVATION

Maintain healthy sustainable forests that provide for raw materials while limiting the intrusion of incompatible uses into important forest lands.

OBJECTIVE 8.3.1: IDENTIFICATION OF TIMBER PRODUCTION LANDS

Identification of existing and potential timber production lands for commercial timber production.

- **Policy 8.3.1.1**
Lands suitable for timber production which are designated Natural Resource (NR) on the General Plan land use map and zoned Timber Production Zone (TPZ) or Forest Resource (FR) are to be maintained for the purposes of protecting and encouraging the production of timber and associated activities.
- **Policy 8.3.1.2**
The procedures set forth in *The Procedure for Evaluating the Suitability of Land for Timber Production* shall be used for evaluating the suitability of forest lands for timber production. The procedure shall be developed and maintained by the Agricultural Commission and approved by the Board of Supervisors. Revisions to said procedure shall not constitute a General Plan amendment. These provisions shall be used in the following instances:
 - A. To evaluate commercial forestry and timber lands within areas designated Natural Resources (NR) and/or lands zoned Timber Production Zone (TPZ) for their timber production value;
 - B. To evaluate lands outside of areas designated Natural Resource (NR) and/or zoned Timber Production Zone (TPZ) for their timber production values for recommendation to the approving authority for inclusion within the Natural Resources designation and/or Timber Production Zone zoning district; and
 - C. To evaluate lands designated NR and/or zoned TPZ generally located below 3,000 feet elevation for their timber production value.
- **Policy 8.3.1.3**
The County Agricultural Commission 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 designated Natural Resource (NR) on the General Plan land use map or lands zoned Timber Production Zone (TPZ);
- B. Soils identified as El Dorado County "choice" timber production soils which shall consist of soils found on Timber Site Classifications I, II, or III as defined in the *California Forest Handbook* and the *Soil Survey of El Dorado Area* issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service;
- C. Lands used for commercial forestry/timber production;
- D. Lands that possess topographical and other features that make them suitable for timber production; and
- E. Low development densities in vicinity.

OBJECTIVE 8.3.2: 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 8.3.2.1**
Lands zoned Timber Production Zone (TPZ) shall not be subdivided into parcels containing less than 160 acres.
- **Policy 8.3.2.2**
Timber production lands within areas designated Natural Resource and 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 or otherwise meet the parcel size requirements of the Natural Resource designation.
- **Policy 8.3.2.3**
Lands designated Natural Resource, 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 Commission, shall have a 40-acre minimum parcel size unless such lands already have smaller parcels.

OBJECTIVE 8.3.3: LONG-TERM FOREST RESOURCES

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

- **Policy 8.3.3.1**
Forest lands are reserved for multiple use purposes directly related to timber production, mineral resource extraction, wildlife, grazing, and recreation.

- **Policy 8.3.3.2**

The Natural Resource land use designation 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 Commission.

GOAL 8.4: SUSTAINABLE AND EFFICIENT FOREST PRODUCTION

Minimized constraints inhibiting sustainable and efficient forest resource production.

OBJECTIVE 8.4.1: FOREST LAND BUFFERS

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

- **Policy 8.4.1.1**

The subdivision of lands located adjacent to Natural Resource (NR) designation boundaries and lands zoned Timberland Production Zone (TPZ) 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. Projects within Rural Center and Community Region planning concept areas are exempt from this minimum parcel size to encourage the concentration of such uses.

- **Policy 8.4.1.2**

A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet.

Projects located within a Community Region or Rural Center planning concept area shall maintain a minimum setback of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures.

All setbacks are measured from the property line.

OBJECTIVE 8.4.2: DEVELOPMENT ENTITLEMENTS

- **Policy 8.4.2.1**

The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) 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; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.