

EXHIBIT D

Calaveras County General Plan

AGRICULTURE, FORESTRY AND MINERAL ELEMENT

INTRODUCTION

The Agriculture, Forestry and Mineral Element addresses the conservation, management and utilization of those lands designated as Resource Production Lands. Resource Production Lands are key to the preservation of the County's rural character, which has been identified as being of primary importance to its residents. These Resource Production Lands maintain the rural character of Calaveras County while creating products and jobs. Maintaining the economic viability of businesses dependent on Resource Production Lands is vital to conserving jobs and simultaneously, the County's rural character. Resource production operations are a major contributor to the economic engine of the County. This economic fact goes well beyond the sale of food, fiber and minerals. These Resource Production Lands 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 Resource Production Lands play 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, fiber and minerals our future societal well being will be jeopardized.

Prudent utilization of the County's natural resources is needed to provide future generations with affordable, locally available products in addition to opportunities to experience both the full economic benefits and rural lifestyle Resource Production 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 provides a partial solution to some of those economic pressures. The economic viability of the many segments of agriculture in the County is directly related to the success of agritourism and the economic benefits it provides.

The Agriculture, Forestry and Mineral Element is consistent with the requirements set forth in California Government Code Section 65302 and other applicable sections. The conservation and management of Resource Production Lands 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 Resource Production 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, Forestry and Mineral Element is on utilizing Resource Production Lands for agriculture, timber and mineral resource extraction activities, natural resource values, societal values, and long-term productivity.

ORGANIZATION OF THE ELEMENT

The following issues are covered by the Agriculture, Forestry and Mineral Element: Resource Production Lands.

1. RESOURCE PRODUCTION LANDS CONSERVATION AND PRODUCTION

GOAL 1.1: TO PROVIDE FOR THE LONG TERM VIABILITY AND ECONOMIC PRODUCTIVITY OF RESOURCE PRODUCTION LANDS WITHIN THE COUNTY AND TO LIMIT THE INTRUSION AND ENCROACHMENT OF INCOMPATIBLE USES ONTO RESOURCE PRODUCTION LANDS.

OBJECTIVE 1.1.1: TO IDENTIFY AND DESIGNATE RESOURCE PRODUCTION LANDS

Policy 1.1.1.1 Resource Production Lands shall include those lands of and primarily used for agricultural production/operations, forest and timber production and existing or potential mineral resource production.

Implementation Measure 1.1.1.1.1: Identification of Resource Production Lands may be based on any one of the criteria listed in the definition of Resource Production Lands in Appendix B.

Implementation Measure 1.1.1.1.2: The Planning Director, in consultation with the Agricultural Advisory Committee, Agriculture Commissioner, the University of California Cooperative Extension representative and local mining association shall recommend to the Planning Commission and the Board of Supervisors those lands deemed suitable for designation as Resource Production Lands. The Board of Supervisors shall make the final determinations as to the land use designation.

OBJECTIVE 1.1.2: TO PROTECT RESOURCE PRODUCTION LANDS FROM ENCROACHMENT OF INCOMPATIBLE LAND USES.

Policy 1.1.2.1 Newly created or adjusted parcels adjoining Resource Production Lands shall be of adequate size and compatibly zoned to minimize potential conflict between the uses or potential uses on Resource Production Lands and adjoining lands

Implementation Measure 1.1.2.1.1: Adopt guidelines and standards for the development and maintenance of setbacks designed to minimize conflicts between activities conducted on resource production lands and the encroachment of incompatible uses.

Implementation Measure 1.1.2.1.2: These guidelines shall apply to all new or expanding incompatible uses on a parcel adjoining or within Resource Production Lands. Incompatible uses located within the City of Angels Sphere of Influence (SOI) shall be subject to these guidelines.

Policy 1.1.2.2 Expansion of an existing incompatible use on lands that adjoin Resource Production Lands that require a discretionary permit shall provide, to the extent reasonably possible, a setback from the property line of the Resource Production Lands as set forth in the County Zoning Code.

Implementation Measure 1.1.2.2.1: The County shall utilize the setback guidelines as set forth in the County Zoning Code.

Policy 1.1.2.3 Proposed amendments to the General Plan that would allow the conversion of Resource Production Lands shall be approved only if they are consistent with the County's Resource Production Lands Conversion Guidelines as set forth in Appendix A and the Resource Production Lands Mitigation Guidelines as set forth in Appendix B.

OBJECTIVE 1.1.3: TO CONSIDER THE EXISTING OR POTENTIAL RESOURCE PRODUCTION USES OF LAND PRIOR TO APPROVALS FOR ANY DEVELOPMENT ENTITLEMENTS.

Policy 1.1.3.1 The permitting authority shall review all discretionary development applications involving land designated Resource Production Lands or lands adjoining Resource Production Lands and shall make recommendations to the approving authority.

Implementation Measure 1.1.3.1.1: Before granting approval of a discretionary development application on Resource Production Lands or lands adjoining Resource Production 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 Resource Production Lands and adjoining residential or incompatible uses; and
- B. Will not create an island effect wherein Resource Production Lands are located between the proposed project site and incompatible land uses; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjoining Resource Production Lands; and

- D. Will not hinder timber production, harvesting practices, mineral production, mining practices, agricultural production and practices, access to water and public roads or otherwise conflict with the continuation of resource production operations/activities.

Implementation Measure 1.1.3.1.2: The permitting authority shall consult the Agricultural Advisory Committee when questions arise as to the compatibility or effect of a proposed discretionary use upon Resource Production Lands and/or resource production operations/activities.

Implementation Measure 1.1.3.1.3: The permitting authority shall notice for comment the Agricultural Advisory Committee when discretionary development applications are submitted that involve land designated as Resource Production Lands or lands adjoining Resource Production Lands.

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

Implementation Measure 1.1.3.2.1: 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 Resource Production Lands are conserved and protected, while meeting the need for adequate public facilities; and
- B. Whether other potential sites outside of the Resource Production Lands were considered by the agency or permitting authority and whether such sites were considered acceptable or not feasible as a public facility; and
- C. The effect of the proposed public facility upon adjoining Resource Production Lands and whether the proposed site would be incompatible with resource production operations/activities on adjoining Resource Production Lands; and
- D. Whether the use of the land as a public facility is consistent with the applicable provisions of this General Plan.

Implementation Measure 1.1.3.2.2: 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 Resource Production Lands and/or resource production operations/activities.

Implementation Measure 1.1.3.2.3: The permitting authority shall notice for comment the Agricultural Advisory Committee when discretionary development

applications are submitted that involve land designated as Resource Production Lands or lands adjoining Resource Production Lands.

Policy 1.1.3.3 Reduce the development pressure on Resource Production Lands by encouraging cluster development on Resource Production Lands and higher density in-fill development within Community Plan areas and other land use designations.

Implementation Measure 1.1.3.3.1: Develop standards and criteria for the proper utilization of cluster development within or adjoining Resource Production Lands. Utilize the administrative permit process to streamline cluster and in-fill developments.

Policy 1.1.3.4 Lot line adjustments (LLA) involving Resource Production Lands shall be primarily utilized and properly designed for resource production.

Implementation Measure 1.1.3.4.1: Enlargement of a legally existing non-conforming parcel by LLA on Resource Production Lands is permitted when no additional nonconforming parcels are created. Legally existing nonconforming parcels located on Resource Production 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 impact on Resource Production Lands.

Implementation Measure 1.1.3.5.1: Utilize voluntary transfer of development rights (TDR) from Resource Production 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 Resource Production Lands to community plan areas for the purpose of protecting Resource Production Lands while increasing use densities and in-fill within community plan areas.

Density Transfer(s): The voluntary transfer of density from one parcel to another parcel or parcels within the same adjoining ownership to focus the density within a smaller portion of ownership (development site), thereby conserving a larger contiguous area of Resource Production Land than would a dispersed distribution of density. This is often referred to as clustering.

GOAL 1.2: TO CREATE A HEALTHY, STABLE, AND COMPETITIVE ENVIRONMENT NECESSARY TO HELP SUSTAIN RESOURCE PRODUCTION OPERATIONS.

OBJECTIVE 1.2.1: PROVIDE FOR AN ADEQUATE, LONG-TERM AND SUSTAINABLE SUPPLY OF WATER TO SUPPORT RESOURCE PRODUCTION 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 raw water on Resource Production Lands.

Implementation Measure 1.2.1.1.1: Establish procedures and mechanisms with water and wastewater agencies and districts to facilitate development of water supplies, including raw and reclaimed water, for meeting existing and future water requirements of resource production in a manner that is economically feasible.

Policy 1.2.1.2 The County shall support public agencies and private entities within Calaveras County in their efforts to protect their water rights and water supply contracts, especially on Resource Production Lands.

Implementation Measure 1.2.1.2.1: When reviewing discretionary residential or commercial 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 Resource Production Lands and resource production operations.

OBJECTIVE 1.2.2: TO PROTECT THE RIGHTS OF RESOURCE PRODUCTION OPERATORS TO CONTINUE OPERATIONS ON RESOURCE PRODUCTION LANDS AND ALLOW FOR EXPANDED COMPATIBLE USES OF SUCH LANDS.

Policy 1.2.2.1 Agricultural Operations allowed by right on Resource Production 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, terracing and clearing;

B. Range and Timber Management Practices. Utilization of techniques to improve grazing potential, timber yield 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, reforestation,

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, mushrooms and all other plants, food and fiber crops. Includes viticulture, horticulture, apiculture, mushroom culture, vermiculture 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, honey, beer 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.

Implementation Measure 1.2.2.1.1: The Agricultural Dispute Resolution Committee shall be utilized to address complaints and conflicts related to resource production operations/activities.

Policy 1.2.2.2 Mining and associated mining activities, when carried 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 and within Resource Production Lands.

Implementation Measure 1.2.2.2.1: The County shall implement zoning provisions that protect and support mineral resource extraction activities.

- Implementation Measure 1.2.2.2.2: Upon cessation of mineral extraction operations, allow for the utilization of the existing facilities and/or infrastructure for compatible uses other than those associated with mining or mineral extraction upon Resource Production Lands.
- Policy 1.2.2.3 Water projects that are constructed and maintained in accordance with applicable federal, state and local laws, will be deemed a compatible use upon Resource Production Lands.
- Policy 1.2.2.4 New residential parcels and other potential incompatible uses that are approved on lands adjoining resource production activities or operations shall be required to provide for appropriate fencing per County Standards.
- Implementation Measure 1.2.2.4.1: 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 approved on lands adjoining Resource Production Lands and operations/activities.
- Policy 1.2.2.5 Agricultural, timber and mineral resource extraction operations are to be considered a material and substantial purpose and use on all Resource Production Lands.
- Implementation Measure 1.2.2.5.1: The County shall continue to implement, protect and support the zoning provisions that provide for the protection of resource production operations/activities and their economic viability.
- Policy 1.2.2.6 The County shall allow for the diversification of revenue sources from compatible, nontraditional activities that help to support the economic viability of Resource Production Lands.
- Implementation Measure 1.2.2.6.1: Implement zoning code provisions that recognize the importance of agricultural tourism and other compatible non-traditional activities as a vital component for the economic viability of Resource Production Lands.
- Policy 1.2.2.7: Resource Production Lands zoned for forest and timber production shall permit the compatible uses provided for in the Timber Productivity Act, as well as but not limited to those related to, tree and timber production, fuels reduction, mineral resource extraction, wildlife habitat, energy production, agriculture/grazing, and recreation.

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

Policy 1.2.3.1 Programs shall be encouraged that provide incentives and enhance competitive capabilities of resource production operations.

Implementation Measure 1.2.3.1.1: Encourage private organizations and land trusts in the utilization of conservation easements or other alternative conservation methods for voluntary long-term protection of Resource Production Lands.

Implementation Measure 1.2.3.1.2: Continue participation in the California Land Conservation Act of 1965 (Williamson Act/agricultural preserve program), the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 and the Timber Productivity Act of 1982 (timber production zone) and other long term conservation programs.

Implementation Measure 1.2.3.1.3: Create and facilitate opportunities and programs that initiate community-based markets and infrastructure for locally grown, raised and/or processed agricultural products, forest products and mineral resources products.

Implementation Measure 1.2.3.1.4: 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 1.2.3.1.5: Support the establishment of a "Resource Enterprise Center" or equivalent that will coordinate existing resources such as University of California Cooperative Extension, Small Business Development and the Agricultural Commissioner. The "Resource Enterprise Center" will 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 RESOURCE PRODUCTION RELATED HOUSING

Policy 1.2.4.1 Encourage efficient and continued management of local resource production operations/activities by allowing the development of adequate amounts of worker and family housing that will support resource production operations.

Implementation Measure 1.2.4.1.1: When a parcel in Resource Production Lands is deemed adequate, allow for the placement of additional housing structures upon said parcel to help accommodate the housing needs for workers and/or family members.

OBJECTIVE 1.2.5: TO SUPPORT EDUCATION AND TECHNICAL ASSISTANCE

Policy 1.2.5.1 The County Agricultural Commissioner 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 resource based services and technical advice shall continue to provide agricultural, forestry and mineral resource research education and technical recommendations.

Implementation Measure 1.2.5.2.1: Maintain support and funding for basic and applied research and outreach through the University of California Cooperative Extension programs, Natural Resource Conservation Service 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, as well as producers, to ensure the safety of food produced in Calaveras County and to maintain a local regulatory framework that ensures the economic viability of resource production operations/activities while promoting environmental safety.

Implementation Measure 1.2.6.1.1: 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 1.2.6.1.2: The University of California Cooperative Extension and Natural Resource Conservation Service shall continue to conduct educational and applied research programs to promote food safety and agricultural practices that are economically and environmentally sound.

OBJECTIVE 1.2.7: UTILIZE RESOURCE PRODUCTION LANDS IN ADDRESSING GREENHOUSE GAS EMISSIONS

Policy 1.2.7.1 Priority for off-site mitigation of greenhouse gas emissions shall be given to Resource Production Lands that serve to sequester carbon. Management activities that sequester carbon also provide additional public benefits such as protection for watershed processes, plant and wildlife habitats, and reduced soil erosion.