







Section 4.5 Agricultural Lands– PC Markup 01-14-10

				Section 4.5 Agricultural Resources	Staff Remarks/ Implementation	Position R,M,D
				<b>4.5.3 Goals</b>		
<b>A</b>	<b>B</b>	<b>C</b>		<b>AG-G1. Agricultural Production.</b> Economically viable agricultural operations contributing to the growth and stability of the economy and a strong market demand for agricultural lands dedicated to agricultural production.		<b>R</b>
				<b>COMMENTS:</b>		
	<b>B</b>			<b>AG-G2. Conservation of Agricultural Lands.</b> To conserve agricultural land for continued agricultural use and maintain the maximum amount of land in parcel sizes that will sustain economically feasible agricultural operations.	Recommend re-wording to be consistent with the tense and format used for goals.	<b>D</b>
				<b>COMMENTS:</b>		
<b>A</b>				<b>AG-G2. Preservation of Agricultural Lands.</b> Agricultural land preserved to the maximum extent possible for continued agricultural use in parcel sizes that support economically feasible agricultural operations.		<b>R</b>



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				COMMENTS:		
		C		<b>AG-G2. Conservation of Agricultural Lands.</b> Agricultural land conserved for continued agricultural use unless conversion to residential uses is found in the public interest.		D
				COMMENTS:		
			D	<b>2522</b> The optimum amount of agricultural land shall be conserved for and maintained in agricultural use to promote and increase Humboldt County's agricultural production.		D
				<b>4.5.3 Policies</b>		
A	B			<b>AG-P1. Planned Rural Development.</b> The County shall provide a Planned Rural Development (PRD) Program for lands designated Agricultural Grazing (AG) and Ranchland (AGR) that allows voluntary clustering of homesites at a density above what would otherwise be allowed when lands most suitable for agricultural production are retained for permanent continued production. To qualify, identified homesite parcels must be clustered to avoid increasing use conflicts and not be in conflict with any applicable conservation plan. Right-to-Farm agreements shall be secured on lands proposed for conversion to residential uses. The remaining lands most suitable for continued agricultural production shall be retained solely for permanent production.	QJ, Leg, Prog AG-S4, AG-IM1  	R
				COMMENTS:  <b>12-10-09 – The Commission discussed the removal of the language referencing the density bonus for cluster development. It was requested that this language be re- reviewed after the Commission deliberates on AG-S1.</b>		
A	B			<b>AG-P2. Support Voluntary Purchase of Development Rights.</b> The County shall support the voluntary purchase of development rights to provide income to farm operations and limit	Recommend re-wording for	R

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				the intrusion of residential development into agricultural lands.	clarity. Iss, Prog AG-IM2 	
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>	<b>C</b>		<b>AG-P3. Support the Williamson Act Property Tax Incentive Program.</b> The County shall support the continuation, enhancement and growth of the County Williamson Act program.	Iss, Prog AG-IM6 	<b>R</b>
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>	<b>C</b>		<b>AG-P4. Supplemental Farm Income.</b> The County shall support activities compatible with agriculture that enhance the viability of agricultural operations such as cottage industries, farm homestays, sale of farm products and visitor services and accommodations.	Leg, QJ, Prog AG-IM3	<b>R</b>
				<b>COMMENTS:</b>		
	<b>B</b>			<b>AG-P5. Conservation of Agricultural Lands.</b> Agricultural lands shall be conserved and conflicts minimized between agricultural and non-agricultural uses through all of the following:  A. By establishing stable zoning boundaries and buffer areas that separate urban and rural areas to minimize land use conflicts.  B. By promoting in-filling to achieve a more logical urban/agricultural boundary.  C. By developing available lands not suited for agriculture, or those located within	Leg, QJ, Prog AG-IM6, AG-S5, AG-S6   Recommend re-wording "A" to include stable "plan" boundaries for	<b>D</b>

				<b>Section 4.5 Agricultural Resources</b>	<b>Staff Remarks/ Implementation</b>	<b>Position R,M,D</b>
				<p>Urban Development Areas, prior to the conversion of agricultural lands outside of those areas.</p> <p>D. By assuring that public service facility expansions and non-agricultural development do not inhibit agricultural viability, either through increased assessment costs or degraded air or water quality.</p> <p>E. By increasing the effectiveness of the Williamson Act Program.</p> <p>F. By not allowing residential subdivision of lands planned Agricultural Exclusive (AE).</p> <p>G. By allowing lot-line adjustments for agriculturally designated lands only where planned densities are met and there is no resulting increase in the number of building sites.</p>	clarity.	
				<p><b>COMMENTS:</b></p> <p><b>12-1-09 – See alternative wording under A.</b></p>		
<b>A</b>				<p><b>AG-P5. Conservation of Agricultural Lands.</b> Agricultural lands shall be conserved and conflicts minimized between agricultural and non-agricultural uses through all of the following:</p> <p>A. By establishing stable zoning boundaries and buffer areas that separate urban and rural areas to minimize land use conflicts.</p> <p>B. By establishing stable Urban Development, Urban Expansion and Community Planning Areas and promoting residential in-filling of Urban Development Areas with phased urban expansion within Community Planning Areas.</p> <p>C. By developing lands within Urban Development Areas, prior to the conversion of agricultural resource production lands (AE, AG, AGR) within Urban Expansion</p>		<b>M</b>


				Section 4.5 Agricultural Resources	Staff Remarks/ Implementation	Position R,M,D
				<p>Areas.</p> <p>D. By not allowing the conversion of agricultural resource production lands (AE, AG, AGR) to other land use designations outside of Urban Expansion Areas.</p> <p>E. By assuring that public service facility expansions and non-agricultural development do not inhibit agricultural viability, either through increased assessment costs, degradation of the environment, land fragmentation or conflicts in use.</p> <p>F. By increasing the effectiveness of the Williamson Act Program.</p> <p>G. By only allowing subdivision of lands planned Ranchlands (AGR) and Agricultural Exclusive (AE) to preserve historical structures and/or protect sensitive habitats.</p> <p>H. By allowing lot-line adjustments for agriculturally designated lands only where planned densities are met and there is no resulting increase in the number of building sites.</p>		
				<p><b>COMMENTS:</b></p> <p><b>12-1-09 – The Commission supports the A policy but would like to re-consider the wording for item G regarding the subdivision of agricultural lands. The Farm Bureau recommended eliminating item G altogether; however, there are some instances that a subdivision may provide for the protection of agricultural lands and/or structures as a remainder piece. Staff has provided the following language which is supported by AG-S5 and S6:</b></p> <p>G. By <del>only allowing subdivision of lands planned Ranchlands (AGR) and Agricultural Exclusive (AE) to preserve historical structures and/or protect sensitive habitats</del> <b>be split off from productive agricultural lands where it acts to conserve working lands and structures.</b></p> <p><b>01-14-10: Commission requested that this modified language should become the</b></p>		

				<b>Section 4.5 Agricultural Resources</b>	<b>Staff Remarks/ Implementation</b>	<b>Position R,M,D</b>
				<b>recommended Policy for Alt B.</b>		
		<b>C</b>	<b>D</b>	<p><b>2523.1</b> Agricultural lands shall be conserved and conflicts minimized between agricultural and non-agricultural uses through the following:</p> <ul style="list-style-type: none"> <li>A. By formulation of logical boundaries separating urban and rural areas and when necessary, buffer areas to minimize land use conflicts.</li> <li>B. By focusing future conversions in areas where land use conflicts would not threaten the viability of existing agriculture.</li> <li>C. By promoting in-filling to achieve a more logical urban/agricultural boundary.</li> <li>D. By allowing development of uneconomical or marginally viable agricultural lands, or agricultural lands already severely limited by conflicts with urban uses to limit the market pressures for conversion of more productive lands.</li> <li>E. By assuring that public service facility expansions and non-agricultural development do not inhibit agricultural viability through degraded water supplies, access systems, air quality, and other relevant considerations, such as increased assessment costs.</li> <li>F. By broadening the utility of agricultural preserves and the Williamson Act Program to accommodate and encourage intensively managed farms.</li> </ul>		<b>D</b>
		<b>C</b>	<b>D</b>	<p><b>2723.5</b> Lot line adjustments of AG lands may be approved without regard to the standards of 3 and 4 of this section in order to consolidate by merger logical management units. Such adjustments shall be in keeping with the spirit and intent of the Plan and shall not result in a net reduction of the area of land available for agricultural management.</p>	Standards 3 and 4 are Density Ranges and Subdivision Findings in FRMWK Plan Section 2723	<b>D</b>
<b>A</b>	<b>B</b>			<p><b>AG-P6. No Net Loss of Prime Agricultural Lands.</b> The permanent conversion of prime agricultural lands to non-agricultural uses shall be accompanied by <del>mitigated to less than</del></p>	Wording modified to	<b>M</b>

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				significant effects with offsetting permanent protections of prime agricultural land so there is no net loss of prime agricultural land.	achieve consistency with <i>Friends of the Kangaroo Rat v. California Department of Corrections</i> . Leg, QJ, AG-IM4  	
				<p><b>COMMENTS: 12-1-09 – The Commission requested that staff bring back a revised “no net loss” policy that requires a mitigation mechanism for offsetting permanent losses. Implementation Measure AG-IM4 directs staff to adopt an ordinance that provides for offsetting the loss of agricultural lands. Staff recommends inclusion in this ordinance wording that directs mitigation in the case of loss due to public acquisitions, public infrastructure costs and residential use. The following proposed wording revision to the policy provides direction for development of this Ordinance.</b></p> <p><b>AG-P6. No Net Loss of Prime Agricultural Lands.</b> <u>Avoid the</u> permanent conversion of prime agricultural lands to non-agricultural uses. <b>When conversion is unavoidable, the loss</b> shall be accompanied by offsetting <b>mitigation measures</b>. permanent protections of prime agricultural land so that there is no net loss of prime agricultural land. <b>For example, offsetting mitigation measures include, but are not limited to:</b></p> <ul style="list-style-type: none"> <li><b>A. permanent conservation easement on high value agricultural lands;</b></li> <li><b>B. re-zoning of vacant prime agricultural lands from a residential zoning district to an agricultural zone;</b></li> <li><b>C. contribution to an agricultural preservative enhancement program; and</b></li> </ul>		




				Section 4.5 Agricultural Resources	Staff Remarks/ Implementation	Position R,M,D
				D. other suitable instrument approved by the Planning Commission.		
				<p><b>Comments: 01-14-10 – The Commission requested additional revisions to the proposed wording for AG-P6. There was concern over the meaning of “permanent” conversion of ag land and “high value” ag land. These terms were requested to be removed as they can have multiple interpretations. The Commission also recommended that the proposed offsetting mitigation language described in subsection B, not be limited to only “residential” zoning district. Finally, there was discussion that because this policy is titled “no net loss,” there should be some language within the policy that would require this.</b></p> <p><b>The policy was modified to state two findings that would be necessary to convert agricultural land anywhere in the County. The third finding introduces the “No Net Loss” policy and applies it to agricultural land outside of Urban Development Areas (at the recommendation of the Farm Bureau).</b></p> <p><b>The proposed wording revisions are as follows:</b></p> <p><b>AG-P6. Agricultural Land Conversion - No Net Loss of Prime Agricultural Lands. Avoid the permanent conversion of prime agricultural lands to non agricultural uses. <del>When conversion is unavoidable, the loss</del> shall be accompanied by offsetting <del>mitigation measures</del> permanent protections of prime agricultural land so that there is no net loss of prime agricultural land. <del>For example, offsetting mitigation measures include, but are not limited to:</del></b></p> <ul style="list-style-type: none"> <li><del>A. permanent conservation easement on high value agricultural lands;</del></li> <li><del>B. re-zoning of vacant prime agricultural lands from a residential zoning district to an agricultural zone;</del></li> <li><del>C. contribution to an agricultural preservative enhancement program; and other</del></li> </ul>		

				Section 4.5 Agricultural Resources	Staff Remarks/ Implementation	Position R,M,D
				<p style="color: green;"><del>suitable instrument approved by the Planning Commission.</del></p> <p style="color: red;">Lands planned for agriculture (AE, AG, AGR) shall not be converted to non-agricultural uses unless the Planning Commission makes the following findings:</p> <ol style="list-style-type: none"> <li>1) There are no feasible alternatives that would prevent or minimize conversion;</li> <li>2) The facts support an overriding public interest in the conversion; and</li> <li>3) For lands outside of designated Urban Development Boundaries, sufficient off-setting mitigations have been provided to prevent a net reduction in the agricultural land base and agricultural production. This requirement shall be known as the "No Net Loss" agricultural lands policy. "No Net Loss" mitigations may include:                             <ol style="list-style-type: none"> <li>a) re-planning of vacant prime agricultural lands from a non-agricultural land use designation to an agricultural plan designation;</li> <li>b) a permanent conservation easement on agricultural lands of local importance that the Planning Commission finds are under threat of conversion;</li> <li>c) financial contribution to an agricultural land preservation program sufficient to create off-setting agricultural land protection or enhancements to overall county agricultural productivity; or</li> <li>d) other suitable mitigation approved by the Planning Commission that would achieve No Net Loss policy objectives.</li> </ol> </li> </ol>		
		<b>C</b>		<p><b>AG-P6. Conversion of Agricultural Lands.</b> The conversion of agricultural land to residential uses should only be considered where continued agricultural production is not economically feasible and proposed development is consistent with rural subdivision</p>		<b>D</b>

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				standards.		
				<b>COMMENTS:</b>		<b>D</b>
			<b>D</b>	<b>2523.10</b> The conversion of agricultural land should only be considered where continued agricultural production is not economically feasible and proposed development is consistent with Remote Rural Development Section 2550.		<b>D</b>
			<b>D</b>	<b>2523.2</b> The conversion of economically viable agricultural lands shall be monitored and reported annually.		<b>D</b>
			<b>D</b>	<b>2523.3</b> In-filling shall be encouraged for all development.		<b>D</b>
<b>A</b>	<b>B</b>			<b>AG-P7. Agricultural Production in Conservation Areas.</b> The County shall support continued agricultural production on lands placed into conservation easements or acquired by public agencies for conservation purposes. Enforceable provisions contained in terms of sale, deeds and conservation easements which require continued management for agricultural production can be considered mitigation of agricultural land conversion impacts.	Iss, QJ, Leg 	<b>M</b>
				<b>COMMENTS: 12-10-09: The Commissioners recommended the alternative wording provided by the Farm Bureau which reads as follows:</b>  <b>AG-P7. Agricultural Production in Conservation Areas.</b> The County shall support continued agricultural production on lands placed into conservation easements or acquired by public agencies for conservation purposes. Enforceable provisions contained in terms of sale, deeds and conservation easements <del>which shall</del> require continued management for agricultural production <del>can be considered mitigation of agricultural land conversion impacts.</del>		
<b>A</b>	<b>B</b>	<b>C</b>		<b>AG-P8. Right to Farm.</b> The County shall utilize the “Right-to-Farm” Ordinance to provide constructive notice about the nature of agricultural activities to residents living adjacent to	QJ, Min	<b>M</b>

				Section 4.5 Agricultural Resources	Staff Remarks/ Implementation	Position R,M,D
				farm operations.		
				<p><b>COMMENTS: 12-10-09: The Commissioners recommended the alternative wording provided by the Farm Bureau which reads as follows:</b></p> <p><b>AG-P8. Right to Farm <u>or Harvest</u>.</b> The County shall utilize the “Right-to-Farm <u>or Harvest</u>” Ordinance to provide constructive notice about the nature of agricultural activities to residents living adjacent to farm operations.</p>		
	<b>B</b>	<b>C</b>		<p><b>AG-P9. Predator Control.</b> Support predator control programs that comply with federal, state and local laws in order to reduce livestock depredation.</p>	Iss	
				<p><b>COMMENTS: 12-10-09: The Commissioners recommended the alternative wording provided by the Farm Bureau which reads as follows:</b></p> <p><b>AG-P9. Predator Control.</b> Support predator control programs that comply with federal, state and local laws in order to reduce livestock <del>depredation and other agricultural production losses</del>.</p>		<b>M</b>
			<b>D</b>	<p><b>2523.5</b> The County shall support predator control programs to reduce livestock depredation.</p>		
	<b>B</b>	<b>C</b>		<p><b>AG-P10. Support Land Trusts.</b> Support private non-profit land trusts that provide agricultural conservation programs in Humboldt County.</p>	Prog, AG-IM2	<b>R</b>
				<p><b>COMMENTS:</b></p>		
<b>A</b>	<b>B</b>	<b>C</b>		<p><b>AG-P11. Support Vegetative Management Programs.</b> Support vegetation management programs (controlled burning, etc.) when it is found that they improve the availability and quality of rangeland for livestock and wildlife, reduce the hazard of disastrous wildfires, and increase water quality and quantity.</p>	Iss	<b>R</b>

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				<b>COMMENTS:</b>		
			<b>D</b>	<b>2523.6</b> Vegetation management programs (controlled burning, etc.) shall be supported where they improve the availability and quality of rangeland for livestock and wildlife, reduce the hazard of disastrous wildfires and increase water quality and quantity.		
<b>A</b>	<b>B</b>			<b>AG-P12. Advice from Agricultural Community.</b> Seek advice from the agricultural community for any future evaluation of land areas needed for urban development or for any consideration of requests by Humboldt’s Local Agency Formation Commission (LAFCo) to change spheres of influence or urban service boundaries next to or near agricultural lands.	Iss, Leg, Prog	
				<b>COMMENTS: 12-10-09: The Commissioners recommended the alternative wording provided by the Farm Bureau with a slight modification which reads as follows:</b>  <b>AG-P12. Advice from Agricultural Community.</b> Seek advice from <u>organizations and affected individuals within</u> the agricultural community for any future evaluation of land areas needed for urban development or for any consideration of requests by Humboldt’s Local Agency Formation Commission (LAFCo) to change spheres of influence or urban service boundaries next to or near agricultural lands.		<b>M</b>
			<b>D</b>	<b>2523.8</b> The County Planning Department and Board of Supervisors will request the Local Agency Formation Commission to utilize the County’s General Plan in advising the County on the appropriate level of services to be provided in the County’s unincorporated areas.		<b>D</b>
			<b>D</b>	<b>2523.7</b> Areas with General Plan designations of Agriculture Exclusive should not be annexed to cities or service districts providing sewer service unless it is in the public interest.		<b>D</b>
<b>A</b>	<b>B</b>			<b>AG-P13. Agricultural Zoning and Parcel Size.</b> Utilize Agricultural Exclusive (AE), Agricultural Grazing (AG), and Ranchland (AGR) land use classifications to ensure appropriate parcel sizes and land use for continuing availability of the necessary agricultural land base.	Recommend re-wording for clarity. Leg, QJ	

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				<b>COMMENTS: 12-10-09: The Commissioners requested to return to this policy after they receive additional clarification from the Farm Bureau on their recommendation for deletion of the Ranchland (AGR) designation.</b>		
			D	<b>2523.4</b> Prime agricultural land should be retained in parcel sizes large enough to provide for an economic management base.		D
		C	D	<b>2523.9</b> Agricultural production requiring smaller parcels and more intensive management, including aquaculture shall be encouraged wherever feasible consistent with the Remote Rural Development Section 2550 and other policies of this section.		D
A	B	C		<b>AG-P14. Residential Uses on Timberland Production Zone (TPZ) Lands within Agricultural Preserves.</b> Residential uses on TPZ lands within agricultural preserves shall be consistent with the requirements of the Williamson Act and local Williamson Act Guidelines.	Min, QJ 	R
				<b>COMMENTS:</b>		
A				<b>AG-Px. Compliance with Regulations.</b> The County shall prevent agricultural land conversion, loss of agricultural productivity and conflicts from un-permitted development.	Prog, AG-IM8	M
				<b>COMMENTS: 1-14-10: The Commission requested that this policy be modified for clarity. The proposed revision is as follows:</b>  <b>AG-Px. Compliance with Regulations.</b> The County shall <b>place a priority on abatement of violations that result in agricultural land conversion, loss of agricultural productivity or conflicts with neighboring agricultural operations.</b> <del>prevent agricultural land conversion, loss of agricultural productivity and conflicts from un-permitted development.</del>		
A				<b>AG-Pxx. Protect Productive Agricultural Soils.</b> Development on lands planned for		

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				agriculture (AE, AG, AGR) shall avoid the placement of buildings, impermeable surfaces or non-agricultural uses on soils classified by the NRCS as Prime Farmland soils or Farmland soils of Statewide Importance to the maximum extent feasible.		
				<p><b>COMMENTS: 1-14-10: The Commission was concerned on how the wording "maximum extent feasible" could be interpreted and requested a revision. The suggested revision clarifies that this policy is intended to guide development design. The revision also uses "to the extent feasible" language so the policy mirrors typical CEQA mitigation language. "Farmland soils of Statewide Importance" has been dropped because they are not mapped in Humboldt County.</b></p> <p><b>AG-Pxx. Protect Productive Agricultural Soils.</b> Development on lands planned for agriculture (AE, AG, AGR) shall <b>be designed to the extent feasible to minimize</b> avoid the placement of buildings, impermeable surfaces or non-agricultural uses on soils classified by the NRCS classified "Prime Farmland" soils. or Farmland soils of Statewide Importance to the maximum extent feasible.</p>		
<b>A</b>				<b>AG-Pxxx. Substandard Legal Parcels.</b> Parcels not originally created for residential purposes will not be recognized for residential development on lands planned for agricultural.		
				<p><b>COMMENTS: 1-14-10: The Commission was concerned about how the "intent" of owners would be determined and requested clarification of this policy.</b></p> <p><b>There are numerous substandard parcels in the county on resource lands that were created for a non-residential purposes without regard to suitability for tenancy in terms of lot location, size, availability of a building site with access to water, road or sewage disposal. Examples include legal lots used to convey a well site, create access, or cure a property line dispute. Under the Subdivision Map Act, these historic parcels can be lot lined adjusted with a neighboring parcel with multiple suitable building sites and increase density. This can be problematic in resource lands as increased density on substandard legal lots may not conform to the adopted General Plan density.</b></p>		

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				<p><b>However, staff is now suggesting we delete AG-Pxxx in its entirety because we believe this issue has been addressed in the Planning Commission’s action on agricultural resources policy <u>AG-P5. Conservation of Agricultural Lands</u>. Subsection (H) of your recommended Alternative A version of AG-P5 is as follows:</b></p> <p>H. By allowing lot-line adjustments for agriculturally designated lands only where planned densities are met and there is no resulting increase in the number of building sites.</p> <p><del><b>AG-Pxxx. Substandard Legal Parcels.</b> Parcels not originally created for residential purposes will not be recognized for residential development on lands planned for agricultural.</del></p>		
		<b>C</b>		<p><b>AG-Pxxxx. Second Dwellings.</b> Two single-family dwelling units and normal accessory uses and structures for owner and caretaker on agricultural lands may be permitted regardless of density standards. The second dwelling unit shall require a use permit and shall be conditioned so as to not constitute a subdivision of the parcel. Minor conversion of resource lands for residential use is limited to an area 5% of the total parcel, or a maximum area of one acre for a homesite and appurtenant uses.</p>		<b>D</b>
				<b>COMMENTS:</b>		
			<b>D</b>	<p><b>2523.11</b> Affirm and support the public services provided by County Government which are necessary in maintaining a viable agricultural products industry.</p>		
				<b>4.5.4 Standards</b>		
	<b>B</b>	<b>C</b>		<p><b>AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands.</b> Within areas designated AE, no agricultural land division will be approved whereby any parcel thusly created will be less than 60 acres. However, divisions of these agricultural lands to a minimum size of 20 acres may be approved if the Planning Commission finds that the division is necessary for a specific agricultural purpose (e.g., to provide for a separate starter farm for a family</p>		

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				<p>member), and the division will not adversely affect the area’s agricultural economy or environmental resources. The rezoning and parcel map may be approved only upon satisfaction of all of the following conditions:</p> <ul style="list-style-type: none"> <li>A. Conveyance of a permanent agricultural easement to the County of Humboldt or other public entity or private non- profit corporation, having as its chief goal the preservation of agricultural or open space lands.</li> <li>B. Conveyance of development rights beyond those necessary for agricultural purposes.</li> <li>C. Recorded acknowledgment that, although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, except to other open space or habitat restoration use, will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.</li> </ul>		
				<p><b>COMMENTS: 1-14-10: This policy was unclear in several respects. Does the conveyance of a conservation easement in subsection A apply only to the remainder? What are the development rights being conveyed in subsection B? How many times can an owner subdivide using this standard? Is there a limitation on the number of substandard parcels that can be created?</b></p> <p><b>The proposed modifications would not limit the number of substandard parcels that could be created but places a requirement (see Subsection A) that the substandard parcels are permanently dedicated to agriculture use. Further, under Subsection B, the substandard parcels (&lt;60 ac) cannot increase the density that would have been allowed if the land was subdivided into conforming (60+ ac) parcels. This is effectively a “lot-size averaging” provision. Subsection C has been slightly modified and consolidated with Subsection A to avoid redundancy.</b></p> <p><b>AG-S1. Subdivision of Planned Agricultural Exclusive (AE) Lands.</b> Within areas designated</p>		

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				<p>AE, no agricultural land division will be approved whereby any parcel thusly created will be less than 60 acres. However, divisions to a minimum size of 20 acres may be approved if the Planning Commission finds that the division is necessary for a specific agricultural purpose (e.g., to provide for a separate starter farm for a family member), and the division will not adversely affect the area’s agricultural economy or environmental resources. The <del>rezoning and parcel map</del> <b>subdivision</b> may be approved only upon satisfaction of all of the following conditions:</p> <ul style="list-style-type: none"> <li>A. Conveyance of a permanent agricultural easement <b>for any subdivided parcel less than 60 acres in size</b> to the County of Humboldt or other public entity or private non- profit corporation, having as its chief goal the preservation of agricultural or open space lands. The <b>recorded</b> easement shall include acknowledgment that, although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, <del>except to other open space or habitat restoration use,</del> will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.</li> <li>B. <b>The subdivision does not increase the overall density of the subdivided lands beyond the density allowed assuming a minimum AE parcel size of 60 acres. This restriction on increased density will be implemented through a conveyance of residential development rights on the subdivided and/or remainder parcels.</b> <del>beyond those necessary for agricultural purposes.</del></li> <li>C. <del>Recorded acknowledgment that, although the new parcel is of a size below that considered a viable economic agricultural unit, its creation was approved for a specific agricultural purpose, and no further division or other conversion from agricultural use, except to other open space or habitat restoration use, will be allowed in the future even if agricultural use of such separate parcel does not provide adequate economic return.</del></li> </ul>		
<b>A</b>				<b>AG-S1. Subdivision of Ranchlands (AGR) and Agricultural Exclusive (AE) Lands.</b> No further		

				Section 4.5 Agricultural Resources	Staff Remarks/ Implementation	Position R,M,D
				subdivision of lands planned AGR and AE unless the subdivision is necessary for the protection of historic resources or to mitigate impacts of public acquisition.		
				<p><b>COMMENTS: 1-14-10: This policy was modified to only apply to AE lands and specify "historic" resources.</b></p> <p><b>AG-S1. Subdivision of <del>Ranchlands (AGR) and Agricultural Exclusive (AE) Lands.</del></b> No further subdivision of lands planned <del>AGR and</del> AE unless the subdivision is necessary for the protection of <b>historic</b> <del>cultural</del> resources or to mitigate impacts of public acquisition.</p>		
			<b>D</b>	<p><b>2722.3 Minimum Parcel Size:</b> Sixty (60) acres minimum parcel size, except that divisions to 20 acres may be permitted where the parcel is subject to an agricultural preserve contract or agreement.</p> <p>The total number of building sites shall not exceed a density of one dwelling unit per 20 acres. A use permit or special permit shall be required where a density of more than one dwelling unit per parcel is sought, except that 40 acres or larger agriculture parcels zoned Agriculture Exclusive (AE) will be allowed two single family farm dwellings as a principal use. Total homesite coverage shall not exceed two acres for both dwellings and accessory structures. (Res. 89-106, 6- 27-89).</p>		
	<b>B</b>	<b>C</b>	<b>D</b>	<p><b>AG-S2. Agricultural Grazing (AG) Land.</b> Parcels designated AG may be zoned as small as 40-acres in size, where the protection of agricultural operations will be ensured, maintained or enhanced based upon the ability to make all of the following findings:</p> <ul style="list-style-type: none"> <li>A. The parcel size shall not inhibit the use of the property for commercial agricultural operations; and</li> <li>B. The parcel size shall not inhibit economically viable agricultural and timber production on adjoining lands; and</li> <li>C. Uses and parcel sizes in the adjoining area are compatible; and</li> <li>D. The parcel size is consistent with a comprehensive view of all relevant plan policies; and</li> <li>E. Each parcel has frontage on an existing publicly maintained road; and</li> </ul>		

				<b>Section 4.5 Agricultural Resources</b>	<b>Staff Remarks/ Implementation</b>	<b>Position R,M,D</b>
				F. All such zoning is within 1/4 mile of an existing maintained public road.		
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>			<p><b>AG-S3 Subdivision of Planned Agricultural Grazing Lands.</b> Subdivision to the minimum parcel size allowed in the zone may be permitted based on the findings that:</p> <ul style="list-style-type: none"> <li>A. The subdivision will result in significant production improvements through intensive management for the growing of crops and animals; and</li> <li>B. The subdivision shall not inhibit the use of the property for agricultural operations; and</li> <li>C. The subdivision shall not inhibit economically viable agricultural and timber production on adjoining lands; and</li> <li>D. Adequate access, water, and geologic stability can be demonstrated for the proposed use and the land division meets all other regulatory requirements; and</li> <li>E. On each parcel, the residential site is located, to the fullest practical extent, in areas of the lowest productivity; and</li> <li>F. Access to the remainder is consistent with the uses of the remaining property.</li> <li>G. All applicable subdivision policies of the Rural Lands can be met.</li> </ul>	Recommend re-wording for clarity.	
				<b>COMMENTS:</b>		
		<b>C</b>		<p><b>AG-S3. Subdivision of Planned Agricultural Grazing (AG) Lands.</b> Subdivision to the minimum parcel size allowed in the zone may be permitted based on the findings that:</p> <ul style="list-style-type: none"> <li>A. The subdivision shall not inhibit the use of the property for agricultural operations; and</li> </ul>	Eliminates requirement for "significant production improvement."	

				<b>Section 4.5 Agricultural Resources</b>	<b>Staff Remarks/ Implementation</b>	<b>Position R,M,D</b>
				B. The subdivision shall not inhibit economically viable agricultural and timber production on adjoining lands; and C. Adequate access, water, and geologic stability can be demonstrated for the proposed use and the land division meets all other regulatory requirements; and D. On each parcel, the residential site is located, to the fullest practical extent, in areas of the lowest productivity; and E. Access to the remainder is consistent with the uses of the remaining property. F. All applicable subdivision policies of the Rural Lands can be met.		
				<b>COMMENTS:</b>		
			<b>D</b>	<b>2723.4</b> Subdivision to the minimum parcel size allowed in the zone may be permitted based on the findings that: A. The subdivision will result in significant production improvements through intensive management for the growing of crops and animals; and B. An agricultural economic feasibility plan is approved on the significant production improvements; and C. Adequate access, water and geologic stability can be demonstrated for the proposed use and the land division meets all other regulatory requirements; and D. On each parcel, the residential site is located, to the fullest practical extent, in areas of the lowest productivity; and E. Access to the remainder is consistent with the uses of the remaining property.		
<b>A</b>	<b>B</b>			<b>AG-S4. Planned Rural Development Program Clustering Incentive Options:</b>  <u>Tier 1 clustering program:</u>  <i>Density credit:</i> 2 times existing entitlements when 90% of subject		

				<b>Section 4.5 Agricultural Resources</b>	<b>Staff Remarks/ Implementation</b>	<b>Position R,M,D</b>
				<p><i>Protection instrument:</i> lands are protected B7 zoning, conservation easement or equivalent protection on remainder</p> <p><i>Rezone homesite parcels:</i> County to conduct re-zone.</p> <p><u>Tier 2 clustering program:</u></p> <p><i>Density credit:</i> 3 times existing entitlements when 95% of subject lands are protected</p> <p><i>Protection instrument:</i> Permanent conservation easement on remainder</p> <p><i>Rezone homesite parcels:</i> County to conduct re-zone.</p>		
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>	<b>C</b>		<p><b>AG-S5. Historical Preservation.</b> An exception to the minimum parcel size for planned agricultural land may be made for the purposes of historic preservation where the following findings are made:</p> <p>A. The site or structure qualifies and is included on a local, state or federal historic registry; and,</p> <p>B. The viability of continued agricultural operations is not inhibited, and;</p> <p>C. No additional density beyond what would be permitted as part of the existing agricultural operations is created.</p>	<b>CURRENTLY IN COASTAL PLAN</b>	
	<b>B</b>	<b>C</b>		<p><b>AG-S6. Resource Protection Acquisition Program.</b> The division of planned agricultural lands to create parcels of less than the minimum size may be approved to facilitate the maintenance or replacement of residences, agriculture-related structures, or to protect water supplies and water rights lost in public acquisition only when the County finds that such a division will not adversely affect the area's agricultural economy.</p>	<b>CURRENTLY IN COASTAL PLAN</b> Recommend re-wording for clarity.	

				Section 4.5 Agricultural Resources	Staff Remarks/ Implementation	Position R,M,D
				<b>COMMENTS:</b>		
<b>A</b>				<b>AG-S6. Resource Protection Acquisition Program.</b> Allow land divisions associated with public land acquisitions of lands planned agriculture to less than the minimum size when the division would serve to: <ul style="list-style-type: none"> <li>1) maintain land in agricultural production; or</li> <li>2) protect existing residences and ag related structures; or,</li> <li>3) protect existing water rights and existing water supply systems.</li> </ul>		
				<b>COMMENTS:</b>		
				<b>4.5.5 Implementation Measures</b>		
<b>A</b>	<b>B</b>			<b>AG-IM1. Develop Planned Rural Development Program.</b> Update the zoning regulations to include provisions for Planned Rural Development (PRD) and implement a program to assist landowners with PRD applications.		
				<b>COMMENTS:</b>		
	<b>B</b>			<b>AG-IM2. Manage an Agricultural Conservation Program.</b> Seek funding and provide staff for an on-going agricultural conservation program to support activities associated with the Williamson Act, land conservation efforts of local land trusts, conservation easements and mitigation of agricultural land conversion.		
				<b>COMMENTS:</b>		
<b>A</b>				<b>AG-IM2. Manage an Agricultural Conservation Program.</b> Seek funding and provide staff	Adds TDR and	

				<b>Section 4.5 Agricultural Resources</b>	<b>Staff Remarks/ Implementation</b>	<b>Position R,M,D</b>
				for an on-going agricultural conservation program to support activities associated with the Williamson Act, land conservation efforts of local land trusts, conservation easements and mitigation of agricultural land conversion. Research and report to the Planning Commission and the Board of Supervisors on the potential for a Transfer of Development Rights program and a Carbon Sequestration Agricultural Conservation program to enhance farm income.	Carbon Sequestration program research to the agricultural conservation program.	
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>	<b>C</b>		<b>AG-IM3. Supplemental Farm Income.</b> Update the zoning regulations to provide for greater flexibility and allowances for cottage industries, farm homestays, sale of farm products and visitor services and accommodations within agricultural lands.		
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>			<b>AG-IM4. No Net Loss of Prime Agricultural Lands.</b> Provisions for offsetting <del>mitigation offsets</del> prime agricultural land conversion shall be adopted by ordinance.	Wording modified to achieve consistency with <i>Friends of the Kangaroo Rat v. California Department of Corrections</i> .	
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>			<b>AG-IM5. Monitor Conversion of Agricultural Lands.</b> Annually monitor the conversion of agricultural land to other uses. If conversions have accelerated over previous historic		

				Section 4.5 Agricultural Resources	Staff Remarks/ Implementation	Position R,M,D
				rates, report to the Board of Supervisors with corrective policy recommendations.		
				<b>COMMENTS:</b>		
	<b>B</b>	<b>C</b>		<b>AG-IM6. Williamson Act Contracts.</b> Support, promote, and broaden the application of Williamson Act contracts and agricultural preserves.		
				<b>COMMENTS:</b>		
<b>A</b>				<b>AG-IM6. Williamson Act Contracts.</b> Support, promote, and broaden the application of Williamson Act contracts and agricultural preserves. Provide monitoring and enforcement to protect agricultural and taxpayer benefits and ensure compliance with state law and local guidelines.		
				<b>COMMENTS:</b>		
<b>A</b>	<b>B</b>	<b>C</b>		<b>AG-IM7. Economic Development Assistance.</b> Develop programs within the County's Economic Development Division that assists local producers to promote strong local product identity and enhance economic viability of agricultural operations.		
				<b>COMMENTS:</b>		
<b>A</b>				<b>AG-IMx. Compliance with Regulations.</b> The County shall maintain an agricultural protection compliance program to enforce land use and building regulations on lands planned for agriculture (AE, AG, AGR).		
				<b>COMMENTS:</b>		
			<b>D</b>	<b>5-2520.1</b> Annually monitor the conversion of agricultural land to other uses. Prepare a		

				<b>Section 4.5 Agricultural Resources</b>	<b>Staff Remarks/ Implementation</b>	<b>Position R,M,D</b>
				report to be considered as part of an annual General Plan review report.		
			<b>D</b>	<b>5-2520.2</b> The County Planning Department will work in close cooperation with LAFCo to assure that conversions of agricultural lands around the periphery of urban areas will be consistent with the County General Plan.		
			<b>D</b>	<b>5-2520.3</b> Support, promote, and broaden the application of Williamson Act contracts and agricultural preserves.		
			<b>D</b>	<b>5-2520.4</b> Utilize the application of zone districts to identify the areas where development is appropriate under Sections 2723.3A.		
			<b>D</b>	<b>5-2520.5</b> Continue the County's participation in predator control programs, including the education of the public.		
			<b>D</b>	<b>5-2520.6</b> Continue to support the U.C. Cooperative Extension Service and the County Agricultural Commissioner.		
			<b>D</b>	<b>5-2520.7</b> Broaden the public input base by maintaining a continuing dialogue with public interest groups, expanding and updating the basic data which guides formulation of policy and implementation		
			<b>D</b>	<b>5-2520.8</b> Establish an agricultural review committee to evaluate and report on the implementation of agriculture policies during the first year after adoption of a revised General Plan. The report shall be included as part of the yearly report on progress to the Board of Supervisors.		
			<b>D</b>	<b>5-2520.9</b> The County should adopt a Right-to-Farm Ordinance in cooperation with the Farm Bureau, Board of Realtors and Forestry Review Committee.		