

§ 19.01.023 COMPATIBLE USES.

(A) *General principles.* The primary purposes of the creation of agricultural preserve is to foster agriculture and to preserve agricultural land. The determination of compatible use shall be made in light of these principles. Agricultural use is any use of land for the purpose of producing an agricultural commodity for commercial purposes. Agricultural commodities are any and all plant and animal products produced for commercial purposes.

(B) *Categories of compatible uses.* The following uses are deemed compatible. The following compatible uses shall not be used in calculating the minimum acreage requirements of an agricultural preserve.

(1) The use and conservation of natural resources, which include:

(a) The mining and processing of minerals, petroleum products, rock, sand, gravel and clay. Processing is compatible only if it involves only the use of on-site required materials, except for water. Processing includes, without limitation, crushing, washing and screening;

(b) Forestry and production of wood products;

(c) Dams, reservoirs, water facilities;

(d) Fire prevention facilities; and

(e) Flood control works.

(2) Outdoor recreation only if the recreation is incidental, and not detrimental to the agricultural use. Recreational use is the use of land by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, parks or other outdoor games or sports for which facilities are provided for public participation;

(3) Signs appurtenant to any authorized use;

(4) Signs of property for sale;

(5) Communication facilities or public utility facilities;

(6) Home occupations;

(7) Any use which was approved by the Board and which existed at the time the land is included in a preserve;

(8) Any use required to be permitted by the Act; and

(9) Any other similar compatible use as determined by the Board upon a finding that the proposed use is incidental and not detrimental to agricultural use.

(C) *Structures.* No structures shall be constructed or placed upon land in an agricultural preserve except those structures related directly to an agricultural or compatible use. One dwelling unit shall be permitted if no dwelling unit exists. Additional dwellings units shall be limited to those necessary for the operation of the agricultural preserve. Any structures existing in an agricultural preserve before the operative date of the ordinance codified in this article, including dwelling units, which structures are inconsistent with the current requirements of this article shall be deemed legal non-conforming structures. A legal non-conforming structure shall be allowed in an agricultural preserve, but it may not be enlarged, nor may its use be altered, without prior Board approval. With prior Board approval, a legal non-conforming structure may be reconstructed or may be relocated within the agricultural preserve. The Board's approval shall be conditioned upon a timely destruction of the original non-conforming structure. The Board shall condition any approval to ensure that the agricultural production of the agricultural preserve is not substantially impaired or reduced. The Board shall include as part of such conditions a condition that the owner of the agricultural preserve maintain the same amount of area of agricultural production after the reconstruction or relocation. In no event shall a relocated or reconstructed structure exceed the square footage of the footprint of the previously existing structure, unless the Board determines the agricultural production of the agricultural preserve will not be substantially impaired or reduced. For the purposes of this division, **FOOTPRINT** shall mean the exact outer perimeter of the previously existing structure, determined by computing the area within the surrounding exterior walls of the legal non-conforming structure, including the walls themselves.

(D) *"Incidental" defined.* For purposes of this article, the term **INCIDENTAL** means secondary in terms of acreage.

(E) *Board review.* No agriculture preserve shall be created, enlarged, divided or adjusted until the proposed use is determined by the Board to be a compatible use. No category of use of an agricultural preserve shall change until the Board determines that the proposed use is compatible. The Board shall impose any reasonable conditions upon a use to insure the use's compatibility as specified in this section.

(F) *Compatible uses.*

(1) Uses approved as compatible on agricultural preserves shall be consistent with all of the following principles of compatibility:

(a) The use will not significantly compromise the long-term productive agricultural capability of the subject agricultural preserve or on other surrounding agricultural preserves.

(b) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject agricultural preserve or on other surrounding agricultural preserves. Uses that significantly displace agricultural operations on a portion of the subject agricultural preserve may be deemed compatible if they relate directly to the production of commercial agricultural products on the remaining portion of the agricultural preserve or on neighboring lands, including activities such as harvesting, processing or shipping.

(c) The use will not result in the significant removal of adjacent agricultural preserves from agricultural or open-space use.

(2) In evaluating compatibility, the Board shall consider the impacts on non-contracted lands near the agricultural preserve.

(G) *Non-conformance with principles of compatibility.* A use that does not conform to the principles of compatibility set forth in division (I) below may nevertheless be approved by the Board only if the use is proposed to be located on non-prime lands and if the requirements of division (H) below are satisfied.

(H) *Criteria for non-prime land.*

(1) In applying the criteria pursuant to division (F) above, the Board may approve a use on non-prime land which, because of onsite or offsite impacts, would not be in compliance with divisions (F)(1) and (2) above, provided the compatible use application is approved conditionally with findings based on substantial evidence in the record, demonstrating the following:

(a) Conditions have been required for, or incorporated into the use that mitigate or avoid those onsite and offsite impacts so as to make the use consistent with the principles set forth in divisions (F)(1) and (2) above to the greatest extent possible while maintaining the purpose of the use;

(b) The productive capability of the subject land has been considered as well as the extent to which the use may displace or impair agricultural operations;

(c) The use is consistent with the purposes of this article to preserve agricultural and open-space land or supports the continuation of agricultural uses, as defined in this article and in Cal. Gov't Code § 51205, or the use or conservation of natural resources, on the subject agricultural preserve or on other surrounding agricultural preserves. The use of mineral resources shall comply with division (I) below; and

(d) The use does not include a residential subdivision.

(2) For the purposes of this division, **NON- PRIME LAND** means land not defined as "prime agricultural land", pursuant to Cal. Gov't Code § 51201(c), or as land not classified as "agricultural land", pursuant to Cal. Public Resources Code § 21060.1(a).

(I) *Compatible uses; mineral extraction.*

(1) Mineral extraction that is unable to meet the principles of division (H) above may nevertheless be approved as compatible use if the Board is able to determine based upon substantial evidence in the record that:

(a) The underlying contractual commitment to preserve prime land as defined in Cal. Gov't Code § 51201(c); and/or

(b) The underlying contractual commitment to preserve non-prime land for open-space use as defined in Cal. Gov't Code § 51201(c), will not be significantly impaired.

(2) Conditions imposed on mineral extraction as a compatible use of an agricultural preserve shall include compliance with the reclamation standards adopted by the Mining and Geology Board pursuant to Cal. Public Resources Code § 2773, including the applicable performance standards for prime agricultural land and other agricultural land. No exception to these standards shall be permitted.

(J) *Definition of "agricultural preserve"*. For purposes of this section, an ***AGRICULTURAL PRESERVE*** means all land under a single contract for which an applicant seeks a compatible use permit.

(1966 Code, § 18A-4) (Ord. 582, § 2(part); Ord. 607, § 1, 1991; Ord. 665, § 1)