

A scenic rural landscape featuring a large tree, a barn, a stream with cows, and mountains in the background. The scene is set in a valley with a large, leafy tree on the left and a smaller tree on the right. In the background, there are mountains and a clear blue sky. In the foreground, a stream flows through a grassy area, with several cows standing in the water and on the bank. A wooden barn is visible on the left, and a smaller wooden building is on the right. A concrete structure, possibly a dam or bridge, is in the middle ground.

CHAPTER 7:  
Agriculture Element

## Introduction

The purpose of the Agriculture Element is to establish policies and systems to help maintain agriculture and coordinate its maintenance with plans for orderly community growth. The inclusion of a separate Agriculture Element in this Master Plan is meant to reinforce the understanding that agriculture is an important and valued way of life in Douglas County and a major contributor to the character of the community.



Agriculture is a mainstay of the economy. It is one of the predominant uses of land, a defining feature of the landscape and a ubiquitous reminder of the history and culture of the county. So long as agriculture prospers, the community at large will benefit from it. The following paragraphs catalog some of the ways in which agriculture serves to benefit Douglas County:

Agriculture contributes economically by providing jobs, creating wealth, offering tourism and agritourism opportunities, increasing real estate values, reducing the need for County services, providing passive infrastructure, and producing food and other products of the land.

Environmentally, agriculture contributes to the life of the county by offering wildlife habitat, flood protection, open space, greater water quality, aquifer recharge, effluent disposal, and the protection of night skies. Maintaining agriculture benefits the community by helping to preserve local historical, cultural, and spiritual values, recreation, view sheds, and sense of place.

The nature of agriculture is changing, and will continue to change, as new markets emerge, new technologies are developed and new uses are identified for agricultural lands. It is the intent of this element to provide flexibility to allow the changes necessary to maintain agriculture as a viable and vibrant segment of the local economy. It is also the intent of this Element to identify agricultural lands through an agricultural overlay process and provide mechanisms for the maintenance of agricultural uses through the encouragement of free market mechanisms and other mechanisms based on the willing participation of agricultural landowners.



The prosperity of Douglas County agriculture depends on several fundamentals. These include recognizing agriculture for the non-agricultural benefit it brings the county, for ensuring adequate land and water resources, for maintaining ranching as an economically viable sector of the economy, providing an ample supply of housing affordable to those working in agriculture and supporting industries, planning for the succession of agricultural lands to the next generation, encouraging local leadership in support of agriculture, support for and collaboration with local agricultural organizations, and freedom to adapt and innovate. The future of

agriculture in Douglas County also depends upon supporting policies that encourage agriculture to grow with emerging markets, adapt to new technologies and applications and encourage high value crops and value added agricultural education and tourism. The Master Plan can help implement each of these policies while accommodating anticipated population growth and safeguarding natural resources and the environment. It is the intent of this element to encourage investments in innovation and new technologies, and agritourism as a driver in the new agricultural economy.

It must be acknowledged that for agriculture to remain a viable and vibrant sector of the economy, leadership in support of agriculture must first come from and be driven by the needs of the agricultural community, next be supported by public and private sector entities, and finally become an integral part of all planning at the County level. Agriculture should be considered in every facet of local decision-making that affects agriculture. The Master Plan can help implement each of these objectives while accommodating anticipated population growth and safeguarding natural resources and the environment.



There are five primary strategies embedded within this Element.

1. Recognize agriculture for all of its benefits.
2. Provide policy and financial support for alternatives to the urban development of agricultural lands.
3. Limit residential development in agricultural areas.
4. Let farmers and ranchers farm and ranch and support the right to farm as discussed below.
5. Provide dedicated leadership in cooperation with the agricultural community to assist with funding and policy needs.

The Agriculture Element is intended to provide a link between the Growth Management, Land Use, and Economic Development Elements and provide a mechanism for directly linking agriculture to the Community Plans. It is also intended to assist with the Transfer of Development Rights (TDR) program by helping to identify the most important areas of focus and ensuring that the economic and community value of sending area easements and receiving areas generally equate with each other.

There are many affirmative measures the County can and should take to help maintain the competitiveness and economic viability of agriculture. Some of the most important measures are reflected in the following, additional policy objectives:

- Cooperate with private agricultural interests in identifying and developing future opportunities for reducing production costs, expanding markets, and increasing competitiveness.

- Facilitate the purchase of conservation easements and the transfer of development rights to enable more agricultural landowners to capitalize on the equity in their property without developing uses that could jeopardize commercial agriculture.
- Outline a framework for a local Purchase of Development Rights (PDR) program to be funded in part by a fee dedicated to fund PDRs.
- Support efforts to obtain federal and state funding and technical assistance for agricultural pollution control, implementation of best management practices, and construction of farm worker housing.
- Support efforts to obtain funding through the Southern Nevada Public Lands Management Act and voter approved Question 1.
- Define open space within the context of Nevada Revised Statutes (NRS) section 376A.010 as well as within the context of public outreach during the process of updating this Master Plan.
- Identify a number of existing and proposed techniques to preserve those open space lands.
- Create a primary means for implementation of the Environmental Resources and Conservation Element of the Master Plan.

In addition, the Agriculture Element seeks to ensure that new development will not overtax limited groundwater resources and result in the permanent impairment of water resources available to agriculture.

## Issues

### Right to Farm

It is the declared policy of Douglas County to conserve, protect, enhance, and encourage local agricultural operations. Further, it is the intent of the County to provide proper notification of its recognition of agriculture's right to farm.



Where non-agricultural land uses, and especially residential developments, extend into agricultural areas or exist with them side-by-side, agricultural operations have often become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to cease or curtail operations. Farmers and ranchers may then be discouraged from making investments in farm improvements. The result is detrimental to the operations that is subject of the complaints, to adjacent agricultural uses and to the economic viability of the county's agricultural industry as a whole.

It is the purpose of this Element to protect agricultural resources and to reduce the loss of agricultural lands by limiting the circumstances under which agricultural operations may be considered a nuisance. This Element is not to be construed as in any way modifying or abridging the provision of the NRS relating to nuisances; it is to be utilized in the interpretation and enforcement of the provisions of the NRS and County Code.

This Element is also designed to promote a “good neighbor” policy between farmers, ranchers and residents by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with proximity to agricultural operations. These problems include but are not limited to the sounds, odors, dust and chemicals that may accompany agricultural operations. The hope is that these purchasers and users will understand the daily activities that accompany living side-by-side with agricultural uses and will be prepared to accept the problems as the natural result of living in or near rural areas.

The Right to Farm is codified in Section 20.01.100 of the Douglas County Development Code.

### Ranch Heritage Parcels

The Douglas County Development Code was amended in 2008 to facilitate limited land division on agricultural lands that is beneficial to the property owners and to the community at large. Chapter 20.714 was established to allow for non-conforming ranch heritage parcels as well as 2 acre agricultural parcels (every five years) in the A-19 and FR-19 zoning districts. In addition, clustering provisions already in the Development Code were relocated to this new Chapter in the Code.

The ranch heritage parcels allow property owners to create two parcels less than the 19 acres minimum in the A-19 zoning district provided that the owner creates a conservation easement of at least 100 acres. The two ranch heritage parcels may only be established to support an existing primary residence in addition to the new parcels. Since its adoption, the Ranch Heritage parcel provision (Section 20.714.030) has been used several times by property owners in the Agricultural Community Plan area. Some of the issues that have arisen relate to required improvements for roads and bicycle lanes. In addition, the regulations are not clear whether parcels that have existing conservation easements are still eligible to apply for a parcel map to create ranch heritage parcels.

### Urban Service Areas

The Agriculture Element supports the Growth Management Element by recommending that growth be directed to the identified Urban Service Areas. These areas are defined in the Growth Management Element. In this way, the Agriculture Element can help maintain urban edges, foster compact urban form, and preserve rural character.

The Land Use Element and the Growth Management Element recommend that urban growth occur only in Urban Service Areas and areas with densities of one unit per acre or greater. Areas outside Urban Service Areas should not be zoned for urban residential densities, and the Capital Improvement Program does not include urban facilities for those areas. The defined Urban Service Areas in this Plan contain two types of land. The first is infill sites that are platted, zoned, and ready for development. The second is Receiving Areas that are currently unplatted or not zoned for urban densities.

Receiving Areas have rural underlying zoning and are adjacent to areas with urban density and existing public utilities. They are currently not zoned for urban-sized lots or not platted for urban densities. They have been identified as available for development at the same densities existing in the adjacent urban area. In order to achieve this density, development rights must be transferred to the Receiving Areas through the use of clustering or TDRs. Owners of land within Receiving Areas retain the right to develop their land at the density allowed by rural underlying zoning if they do not wish to use TDRs.

#### Transfer of Development Rights

In some cases, however, the need to direct growth toward Urban Service Areas may require the cooperation of the owners of two or more parcels of land. In particular, it is important that the use of development rights from the large areas of the county designated as resource lands (Agriculture and Forest and Range designations) be directed towards the Receiving Areas. The County's Transfer Development Rights (TDR) program is intended to help direct future growth from such lands into Receiving Areas. Since 2002, Douglas County has been able to use the TDR program to conserve 4,003 acres of agricultural and floodplain lands.

#### Open Space Acquisition

Another way for the County to direct development towards Urban Service Areas is to create an Open Space Acquisition Program to purchase or lease development rights or easements that preserve land, particularly agricultural, range, and forestry land -- in its current state. Open Space Acquisition Programs can help maintain rural character, preserve agricultural lands, preserve sensitive environmental features, and maintain urban edges. Since acquired development rights are not available for private development, they also help reduce the pressure on the county's groundwater resources and Capital Improvements Program. More information on the use of an Open Space Acquisition Program is provided in the Growth Management Element.

#### Noxious Weeds

Some weed species are so detrimental to the economy and the environment that they have been placed on a special list in the Nevada Revised Statutes (NRS 555) and are called noxious weeds. The statute states that every land owner shall control all noxious weeds. In order to prevent the spread of noxious weeds in Douglas County, the County shall require as a condition of approval and in the conservation easement that establishes the open space area for all projects that include clustering, TDRs, and PDRs, that the property owner continue in perpetuity to maintain the open space areas to prevent the spread of noxious weeds.

## **Agriculture (AG) Element Goals, Policies, and Actions**

- AG Goal 1      To maintain agriculture as an important land use and preserve the rural character, cultural heritage and economic value of Douglas County.**
- AG Policy 1.1      Douglas County shall plan for the continuation of agriculture as a distinct and significant land use in the county.
- AG Policy 1.2      Douglas County shall define agricultural uses as economic development and promote and encourage agriculture as an important industry and as a desirable land use which serves to define the desired character of the county.
- AG Policy 1.3      Douglas County shall encourage the industries that serve agriculture as a land use.
- AG Policy 1.4      Douglas County should encourage the industries that preserve and promote environmental quality, or serve the local needs of our communities.
- AG Policy 1.5      Douglas County shall preserve a distinction between urban and rural areas, direct new growth to areas already committed to an urban level of development (e.g., cities, areas directly adjacent to cities, and densely developed unincorporated communities) and preserve rural industries (e.g., farming, livestock grazing, mining), natural resource protection, and open space recreation uses.
- AG Policy 1.6      Douglas County shall implement a program for monitoring of on-site storm water treatment facilities on privately developed parcels to ensure ground and irrigation water quality is maintained for downstream properties.
- AG GOAL 2      To create alternatives to the urban development of existing agricultural lands, such as market based incentives, programs for financing compensation or development rights transfers, or the purchase of development rights in order to preserve these agricultural areas.**
- AG Policy 2.1      Douglas County shall minimize development of commercially viable agricultural land and ensure that recognized needs for growth are met by infill and contiguous, compact development.
- AG Policy 2.2      Douglas County shall provide for a range of compatible uses on agricultural lands and means for agricultural property owners to obtain

benefit from this land while achieving the public goal of agricultural preservation.

AG Policy 2.3 Douglas County shall regularly consult with the agricultural community for new agriculture-related commercial and industrial uses and other compatible commercial uses in agricultural zoning districts and provide the appropriate updates to the Development Code.

AG Policy 2.4 Douglas County shall provide procedures for the acquisition, dedication, or purchase of agricultural preservation easements, by public or non-profit entities, as a means to retain land in agricultural.

AG Policy 2.5 Douglas County shall encourage the agricultural community to retain its water rights and protect water quality. When possible the County shall evaluate a program for public acquisition of agricultural water rights as a means to retain water for agricultural uses.

AG Policy 2.6 Douglas County shall, in cooperation with the agricultural community, evaluate other programs to retain land in agricultural use while providing benefits to the property owner. Such programs may include purchase-leaseback of water for agricultural use through its policies and programs regarding water quality and quantity.

AG Policy 2.7 Douglas County should coordinate its programs for public acquisition and development of open space areas with its efforts to protect land for agricultural use, so that adverse impacts of open space preservation and use on agricultural operations are minimized and the benefits to the county's open space character are maximized.

**AG GOAL 3 To limit residential development in intensively farmed areas primarily to housing for farm and ranch families and agricultural workers.**

**AG GOAL 4 To allow routine agricultural practices and structures used for agricultural production and processing without restriction, except for compliance with county health laws and federal and state environmental laws, and except where sensitive environmental resources would not be adequately protected.**

AG Policy 4.1 Douglas County shall work with the agricultural community to identify ways to maintain "routine and ongoing agricultural activities" without further permission from the County and shall modify the Development Code to maintain those activities.

AG Policy 4.2 Douglas County shall define "routine and ongoing agricultural activities" annually based on changing market conditions.

- AG Action 4.1 Douglas County will prepare amendments to the Development Code to facilitate agricultural activities.
  
- AG Goal 5 To increase Douglas County’s capacity to acquire permanent open space with the cooperation of the agricultural community.**
  
- AG Action 5.1 Douglas County will investigate creating a Land Trust to facilitate planning and implementation of an Open Space Acquisition Program.