

COASTAL AGRICULTURE: THE PERMIT PROCESS AND EMERGING ISSUES



June 2, 2017

<https://www.coastal.ca.gov/agriculture>

Introduction

2

- Welcome
- Overview of Webinar
 - Background
 - Presentations on Technical Documents:
 - Informational Guide
 - Supplemental Uses
 - Carbon Storage
 - Public Access
 - Questions

This forum was conducted with financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office for Coastal Management, National Oceanic and Atmospheric Administration, Grant Award NA14NOS4190100.



Lost at Sea -Calissa Chapa - Grade 10, Crescent City



Webpage

3

The screenshot shows the California Coastal Commission website. The browser address bar displays <https://www.coastal.ca.gov/>. The website header includes navigation links: Meetings, Services, Learn, Participate, Access, and About. The 'Learn' menu is expanded, listing: Public Education, Climate Change, Water Quality, Ocean Acidification, Marine Debris, Oil Spills, and Agriculture. The main banner features a man pointing to the text 'DONATE ON YOUR CALIFORNIA TAX FORM' against a coastal background. A sidebar on the left contains the text 'PROTECT OUR COAST AND OCEANS' and 'Protecting & Enhancing California's Coast'. Below this, a paragraph states: 'The Commission is committed to protecting and enhancing California's coast and ocean for present and future generations. It does so through careful planning and regulation of environmentally-sustainable development, rigorous use of science, strong public participation, education, and effective intergovernmental coordination.' The right sidebar lists: California Governor Edmund G. Brown Jr., Commissioners & Alternates, and Executive Director John Ainsworth. The footer includes the California Coastal Commission logo and name.

Webpage

4

launcher | GoToWebinar x Coastal Agriculture x

Secure | <https://www.coastal.ca.gov/agriculture/>

Draft Documents for Public Review

Public Review Closes on **Friday June 23rd**
Submit Written Comments to agriculture@coastal.ca.gov

Emerging Issues in Coastal Agriculture

[Supplemental Land Uses on Coastal Agricultural Lands](#)

[Managing Public Access in Agricultural Areas](#)

[Carbon Storage Using Organic Soil Amendments on California's Coastal Rangelands](#)

Permitting Agricultural Development

[Agriculture in the Coastal Zone: An Informational Guide for the Permitting of Agricultural Development](#)

[Flowchart - Permitting Requirements for Agricultural Activities in the Coastal Zone](#)

Presentations

Register for Webinar

Coastal Agriculture: The Permit Process and Emerging Issues

This webinar provides an opportunity for local governments, resource agencies, landowners, and members of the public to learn

Video Presentations

Webinar on Emerging Issues in Agriculture and Permitting Agricultural Development (June 2017) **Coming Soon**

Forum on Adapting to Sea Level Rise on Humboldt Bay's Coastal Agricultural Lands (May 2017) **Coming Soon**



Draft Documents for Review

6

- Agriculture in the Coastal Zone: An Informational Guide for the Permitting of Agricultural Development
- Supplemental Uses on Agricultural Lands
- Carbon Storage Using Organic Soil Amendments on California's Coastal Rangelands
- Managing Public Access in Agricultural Areas



Informational Guide for the Permitting of Agricultural Development

7

Agriculture in the
Coastal Zone:
An Informational Guide for
the Permitting of Agricultural
Development

California Coastal Commission
Public Review Draft
May 2017

*** This guide is informational and not a regulatory document or legal standard of review for discretionary actions that the Commission or local governments may take under the Coastal Act.**

<https://www.coastal.ca.gov/agriculture>



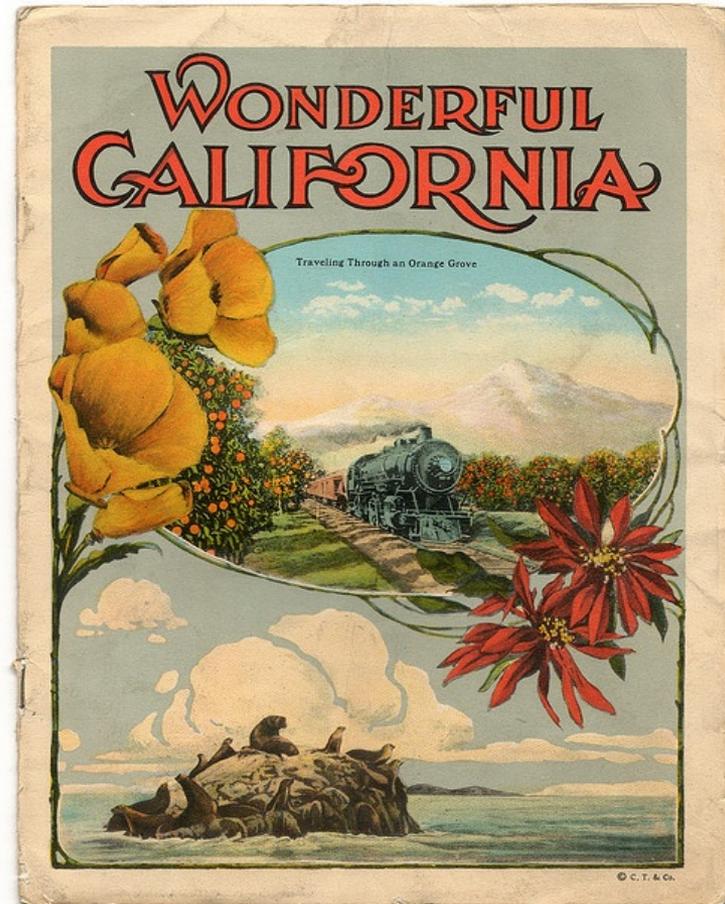
CALIFORNIA
COASTAL
COMMISSION

Informational Guide for the Permitting of Agricultural Development

8

Structure of Document

- Section 1: Introduction
- Section 2: Background on Agricultural Protection under the Coastal Act
- Section 3: Flowchart on Permitting Requirements for Agricultural Development in the Coastal Zone
- Section 4: Determining Whether a Coastal Development Permit is Required
- Section 5: Opportunities for Streamlining Local Government Permitting Processes



Wonderful California 1915 – Doug Focht – Flickr.com



Section 2 – Background on Agricultural Protection under the Coastal Act

The Coastal Act addresses agriculture by:

- Protecting agricultural lands to safeguard the area's agricultural economy;
- Limiting the conversion of coastal agricultural lands to nonagricultural uses;
- Protecting the long-term productivity of agricultural production;
- Promoting continued and renewed agricultural uses in existing areas; and
- Protecting coastal resources, including public access, habitats, water quality, and scenic views, from impacts that may be caused by agricultural development.



Coastal Development Permits and Local Coastal Programs

10

Coastal Development Permits (CDPs)

CDPs are the regulatory mechanism by which proposed development in the coastal zone is brought into compliance with the policies of Chapter 3 of the Coastal Act. After the Commission certifies a Local Coastal Program, most coastal development permit authority is delegated to the Local Government, and coastal development permit applications are then reviewed and acted on by the Local Government. Development within the coastal zone generally may not commence until a coastal development permit has been issued by either the Commission or a Local Government.

Local Coastal Programs (LCPs)

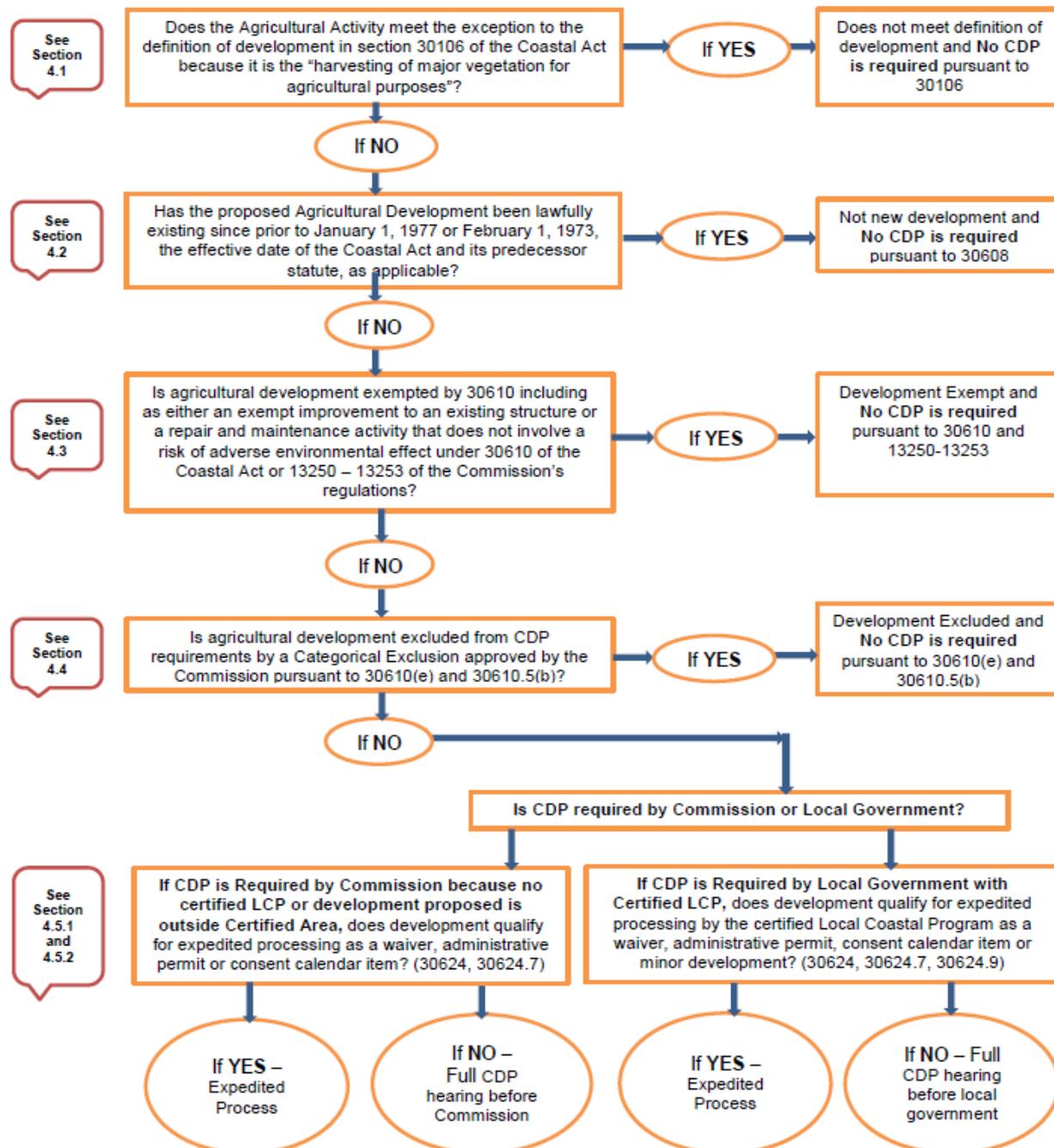
LCPs consist of a Local Government's Land Use Plan (LUP), zoning ordinances, zoning district maps, and other implementing actions, which when taken together, meet the requirements of and carry out the provisions of the Coastal Act.



Photo courtesy of Humboldt Made

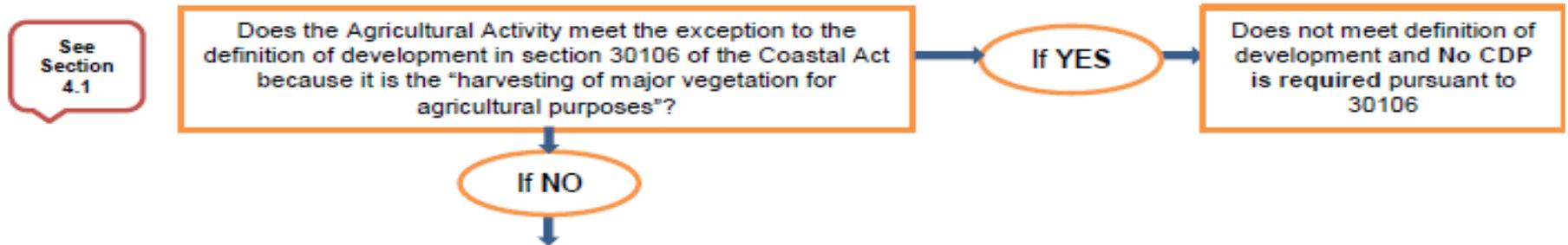


PERMITTING REQUIREMENTS FOR AGRICULTURAL ACTIVITIES IN THE COASTAL ZONE



Section 4.1 – Definition of Development

12



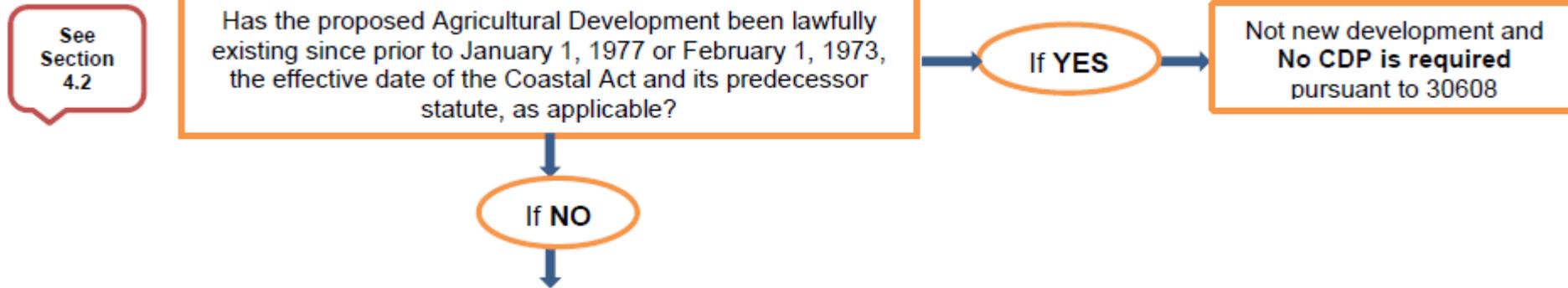
Coastal Act Section 30106:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; **and the removal or harvesting of major vegetation other than for agricultural purposes**, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.



Section 4.2 – Vested Rights: Agricultural Operations Prior to the Coastal Act

13



Coastal Act Section 30608: No person who has obtained a vested right in a development prior to the effective date of this division or who has obtained a permit from the California Coastal Zone Conservation Commission pursuant to the California Coastal Zone Conservation Act of 1972 (former Division 18 (commencing with Section 27000)) shall be required to secure approval for the development pursuant to this division. However, no substantial change may be made in the development without prior approval having been obtained under this division.



Photo courtesy City of Arcata



Section 4.3 – Exemptions

14

See
Section
4.3

Is agricultural development exempted by 30610 including as either an exempt improvement to an existing structure or a repair and maintenance activity that does not involve a risk of adverse environmental effect under 30610 of the Coastal Act or 13250 – 13253 of the Commission's regulations?

If YES

Development Exempt and
No CDP is required
pursuant to 30610 and
13250-13253

If NO

Exemptions under Coastal Act Section 30610:

- ❑ Improvements to an Existing Structure
- ❑ Repair and Maintenance
- ❑ Categorical Exclusions
- ❑ Utility Hookups
- ❑ Replacements after Natural Disasters



Photo courtesy Aldaron Laird



Section 4.4 – Categorical Exclusions

15

See
Section
4.4

Is agricultural development excluded from CDP requirements by a Categorical Exclusion approved by the Commission pursuant to 30610(e) and 30610.5(b)?

If YES

Development Excluded and
No CDP is required
pursuant to 30610(e) and
30610.5(b)

If NO

Coastal Act section 30610(e) allows certain Commission-authorized categories of development to be excluded from Coastal Development Permit requirements, provided that the category of development has no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access.

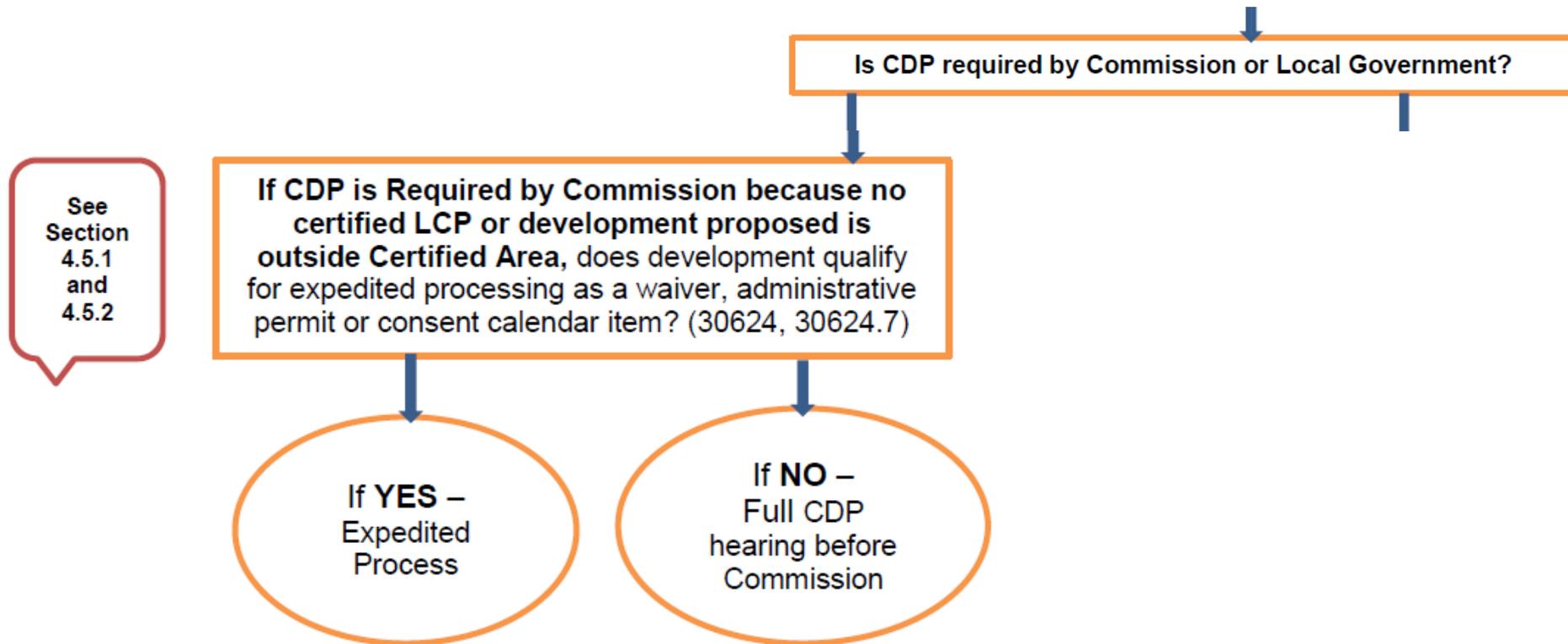


Ellen Eifert - Caspian Terns, Redondo Beach



Section 4.5.1 – Commission-issued Coastal Development Permits

16



- Commission-issued Waivers
 - Waivers under California Code of Regulations Section 13250(c), 13252(e), and 13253(c)
 - De Minimis Waivers under California Code of Regulations Section 13238-13238.2
- Commission-issued Administrative Permits under Coastal Act Section 30624
- Commission-issued Coastal Development Permits under Coastal Act Section 30600



Section 4.5.2 – Local Government-issued Coastal Development Permits

17



Sea Turtle Family - Kavin Vittal
Grade 1, Cupertino

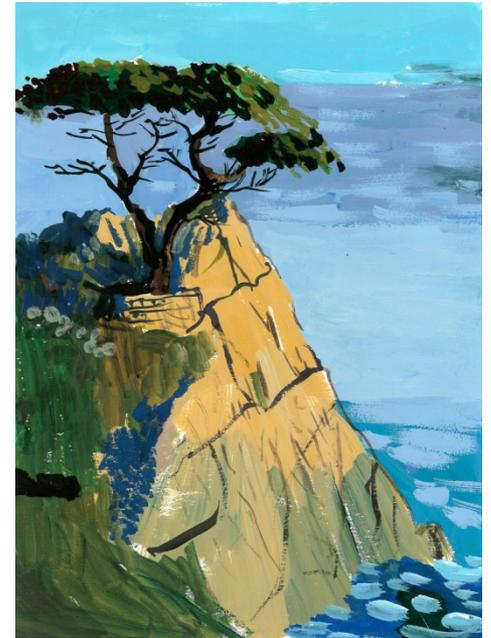
- Local Government-issued Waivers
 - ▣ De Minimis Waivers
- Local Government-issued Administrative Permits under Coastal Act Section 30624
- Local Government-issued Coastal Development Permits under Coastal Act Section 30600



Section 5 – Opportunities for Streamlining Local Permitting Processes

18

- Local Government-issued Permit Waivers
- Local Government-issued Hearing Waivers
- Categorical Exclusion Orders



Golden Mountain Lone Cypress
Anthony Ng - Grade 3, San Francisco



Section 5 – Opportunities for Streamlining Local Permitting Processes

19

- Public Works Plans
- General Consistency Determinations
- Consolidated Permit Process



CALIFORNIA
COASTAL
COMMISSION

Supplemental Uses - Introduction

20

- Supplemental Uses include:
 - Agricultural Uses such as agricultural packing, processing, and distribution facilities; greenhouses and nurseries; farm dwellings and limited farmer and farmworker housing; on-site agricultural sales; and agricultural tourism.
 - Non-Agricultural Uses that are not considered to be related to the agricultural operation but may, depending on the circumstances, comprise permissible alternative uses of the site, such as weddings and special events; overnight accommodations (e.g., bed and breakfasts); solar or telecommunications facilities; and other activities that are not directly related to the core agricultural use.



Photo courtesy of Paul Guintoli



Supplemental Uses – Structure of Document

21

- **Introduction**
- **Coastal Act Policies related to Supplemental Uses**
- **Commission Actions that Address Supplemental Uses on Agricultural Land**
 - ▣ **Local Coastal Program Planning**
 - ▣ **Coastal Development Permit Actions**
- **Conclusion**



Supplemental Uses – Coastal Act Policies

22

Coastal Act Sections:

- 30241
 - *“the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas’ agricultural economy.”*
 - Limits threats and minimizes conflicts between agricultural and urban land uses.
- 30241.5
 - identifies specific findings that must be made in order to address agricultural viability
- 30242
 - Strictly limits the conversion of agricultural lands to non-agricultural uses
- 30243
 - Requires the long-term productivity of agricultural soils to be protected



Supplemental Uses – Local Coastal Program Planning

23

- Supplemental uses should enhance or support the continued agricultural operation, and not reduce, restrict or adversely affect agricultural resources or the economic viability of the agricultural operation
- Footprints in relation to gross acreage



CALIFORNIA
COASTAL
COMMISSION

Supplemental Uses – Dwellings

Local Coastal Program Planning

24

Many LCPs contain criteria for the approval of farm dwellings to ensure that they support agriculture. Such criteria may include: requiring that farm dwellings be other than principally-permitted uses; are only for an agricultural owner or operator; are allowed only where it will not diminish the productivity or viability of agricultural land or the ability to keep agricultural land in production; are governed by size limits, placement on a parcel, and design criteria; and/or are restricted to one farmhouse per parcel or farm.



Supplemental Uses – Coastal Development Permit Actions

25

- Supplemental Uses of agricultural lands should support and enhance the agricultural operation
- The ability to allow nonagricultural supplemental uses is limited



Photo courtesy of Humboldt Baykeeper King Tides Photo Initiative



Supplemental Uses – Final Thoughts

26

- The document is informational only
- Context is everything
 - ▣ Legal standards of review
- Comprehensive LCP policies address supplemental uses, both agricultural and nonagricultural
- Conversions can only be allowed in limited circumstances
- Institute local initiatives



How Do Organic Amendments to Rangelands Affect Ecosystem Carbon Storage?

27



What are Organic Amendments?

28



Organic Compost



Animal Manure



Crop Residues



Urban Compost



Sewage Sludge

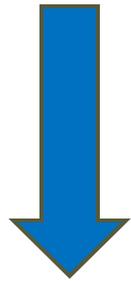
Organic Amendments to Rangelands: Potential Benefits

29

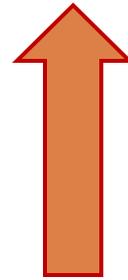
- Enhanced ecosystem carbon storage
 - Climate change mitigation
- Beneficial use of agricultural waste products
 - Improved waste management
- Greater soil fertility and plant growth
 - Improved forage for rangeland animals.
- Higher soil water holding capacity of soils
 - Drought amelioration.

Grassland Carbon Cycle

30



CO₂ Uptake by
The Ecosystem
(Photosynthesis)



CO₂ Release to
The Atmosphere
(Respiration)



Carbon Storage in
Plant Biomass

Carbon Storage in
Roots and Soil

Carbon Storage in Soil >> Carbon Storage in Grassland Biomass

Plant Uptake of CO₂ (Photosynthesis)

31

Carbon Storage is in the roots and shoots

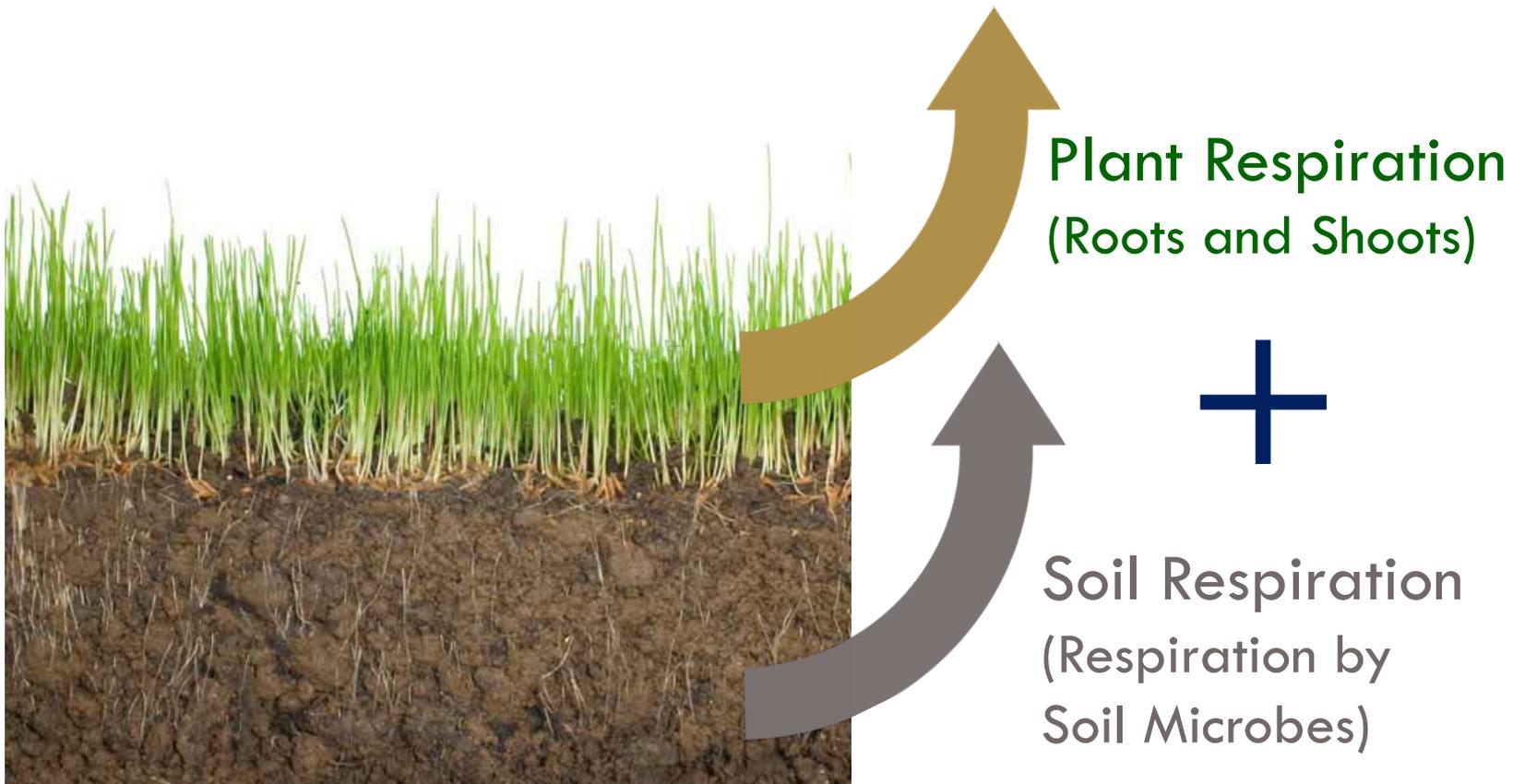


The Rates of Photosynthesis and Ecosystem Respiration Depend On:

- The amount of sunlight
- Temperature
- The amount of moisture in the soil.
- Inherent plant traits
- Soil Nutrients

Ecosystem Respiration

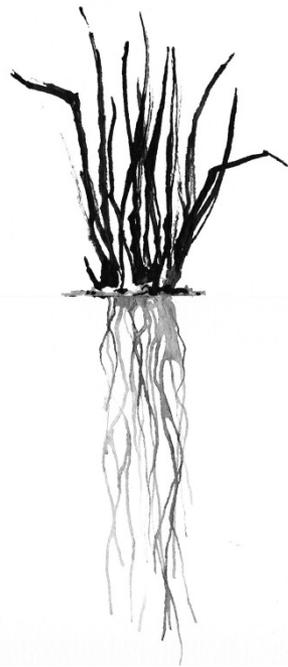
32



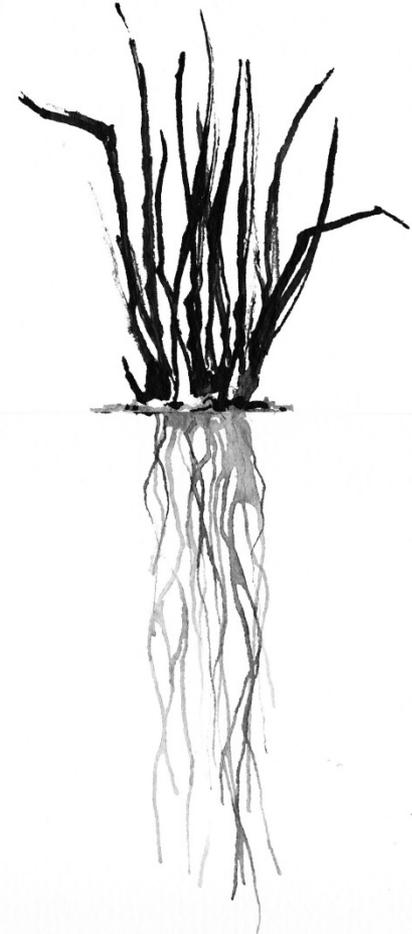
Carbon Amendments Can Impact Ecosystem Carbon Storage by...

33

Reducing or Increasing Plant Growth



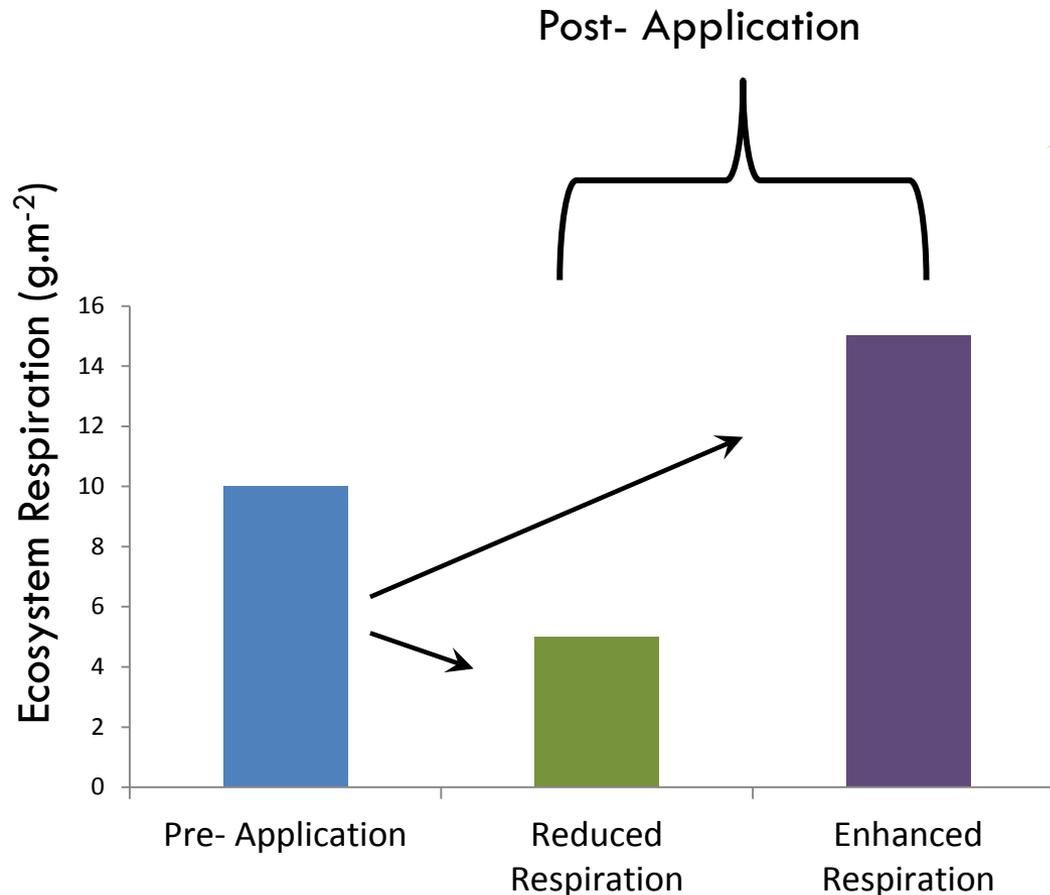
OR



Carbon Amendments Can Impact Ecosystem Carbon Storage by...

34

Reducing or Increasing Ecosystem Respiration



One Study in Coastal and Valley Rangelands*

Carbon Amendments applied to rangelands:

35

- 3 plots on Coast (Marin County)
- 3 plots in Central Valley (Yuba County)



Split-plot Design

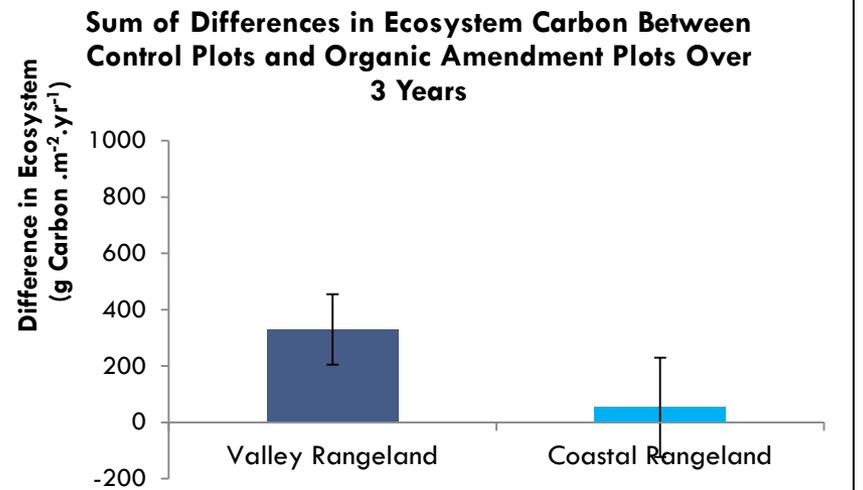
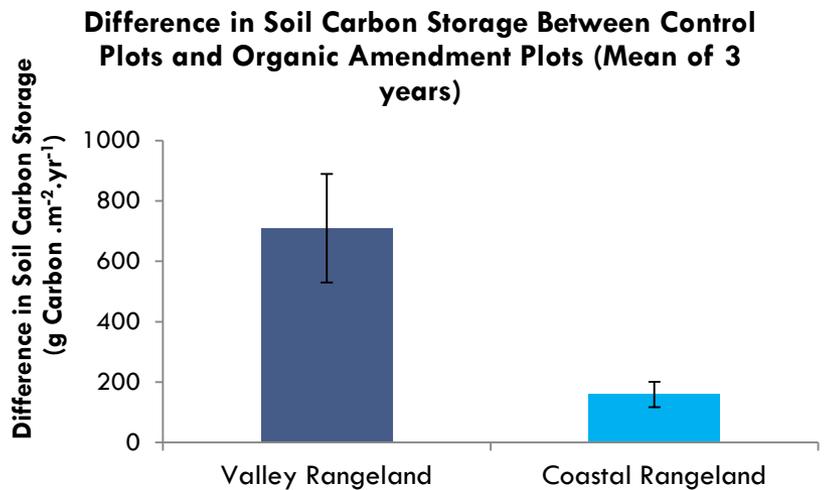
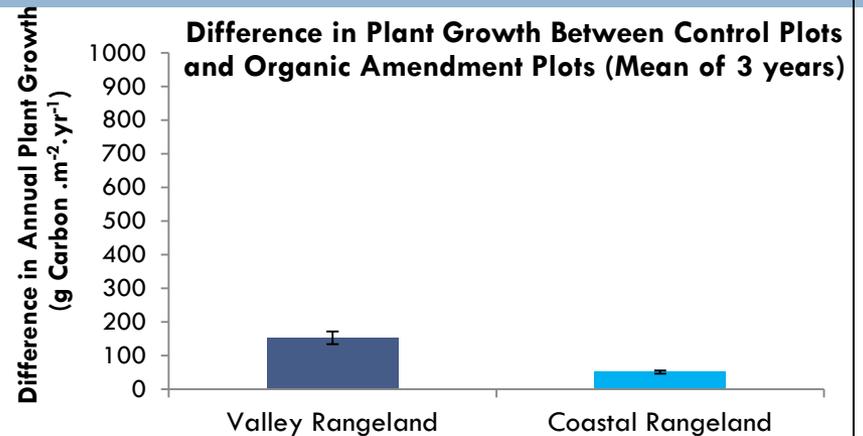
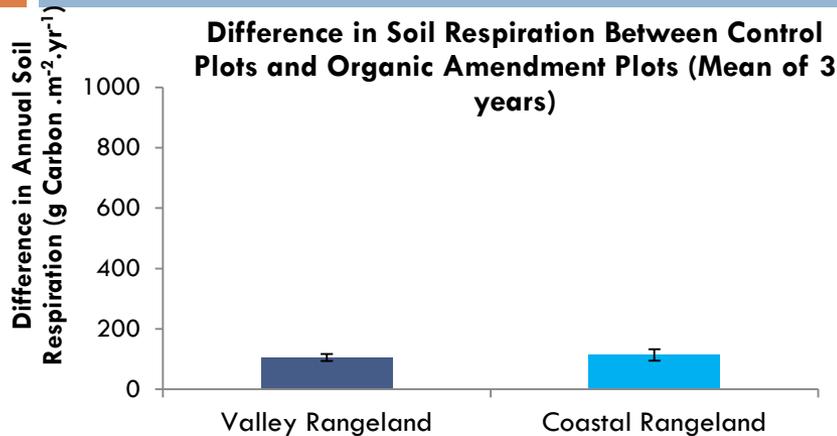
- Single Organic Amendment Application in year 1 of 3-year study
- Plot size: 25 m x 60 m
- Rangelands were grazed during study



**Effects of organic matter amendments on net primary productivity and greenhouse gas Emissions in annual grasslands, Rebecca Ryals and Whendee Silver, (2013)*

Study Results*

36



* These Carbon stock measurements do not include the carbon from the organic amendments.

Take Home Message from Organic Amendments Research

37

Message from the Study

The average result across both locations for net terrestrial carbon storage = 0.8 (+/- 0.9) metric tons of Carbon per acre.

This amount is equivalent to removing 107,225 cars from the road for one year.

Applied to Marin County (Hypothetical Example)

- Marin = 828 sq. miles
- If we assume 1/3rd is rangeland
- If all received organic amendments
 - then 137,000 metric tons would be stored in rangelands county-wide.

How Are Organic Amendments Consistent with Coastal Act Priorities?

38

- Mitigation of carbon emissions
 - = consistent with Coastal Act Policy ~ 30253
 - Minimize energy consumption and vehicle miles traveled.

- Increasing soil and plant productivity
 - = consistent with Coastal Act Policy ~ 30243
 - The long-term productivity of soils ... shall be protected.

How Are These Practices Consistent with Coastal Act Priorities?

39

- Enhancement of agricultural viability on marginal lands through increasing soil water holding capacity and soil and plant productivity
 - = consistent with Coastal Act Policy ~ 30241
- The maximum amount of prime agricultural land shall be maintained in agricultural production...

How Are These Practices Consistent with Coastal Act Priorities?

40

- Reduced waste stream and pollutants in coastal waters
 - = consistent with Coastal Act Policy ~ 30231
- The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained.

Public Access



Photo Credit: Kelly Cuffe – Coastal Commission



Photo Credit: Kelly Cuffe – Coastal Commission



Questions?

42

To download the available documents, visit:

<https://www.coastal.ca.gov/agriculture>

Questions and comments on the public review documents must be submitted by 5pm on June 23 and may be addressed to: Agriculture@coastal.ca.gov



CALIFORNIA
COASTAL
COMMISSION