

Supplemental Land Uses on Coastal Agricultural Lands

Summary

Many coastal counties have strong agricultural economies that are supported by Local Coastal Programs (LCPs) that help protect and promote agricultural productivity in the coastal zone. Many LCPs recognize that some supplemental uses are integral to agricultural operations and allow such uses consistent with the requirements of the Coastal Act..

For non-agricultural supplemental uses, where the result could be the impermissible conversion of agricultural land to non-agricultural uses, the Commission has reviewed whether Coastal Act and LCP tests for conversion are met, including whether continued or renewed agricultural use of the land is infeasible. Where the Commission determined that continued or renewed agricultural use was infeasible, the proposed conversions was supported by an economic report evidencing the infeasibility of continued or renewed agricultural use of the land. For non-agricultural supplemental uses proposed on the urban rural boundary, the Commission has evaluated conformity with other statutory criteria, such as whether the proposed non-agricultural supplemental use contributes to the establishment of stable boundaries and logical urban neighborhoods, and whether land unsuitable for agriculture has been developed prior to suitable agricultural land. As also discussed below, an impermissible conversion of agricultural land to non-agricultural uses can be avoided in some cases by locating supplemental uses within an existing farm structure and ensuring that the supplemental use is ancillary, supportive and compatible with the agricultural operation.

Given that landowners have been raising the issue of supplemental uses on agricultural land more frequently, often in complex or new ways, this document provides additional information and examples to help inform this emerging issue.

Introduction

Over time, the Commission has witnessed an increase in individual and local government requests to expand the allowable uses in agriculturally-zoned areas to include uses that had not been previously proposed. Fueled by the financial challenges that are often associated with the agricultural industry, and a desire to adapt to market changes, in some cases, farmers have modified their business practices in ways that motivate their proposals for supplemental uses. In Marin County, as an example, where there are 169,000 acres of farmland, a recent survey found that 24% of respondents have modified farm practices to add value to a raw farm products through processing, blending, or other additions, such as farmstead cheese and wine.¹

In many instances, supplemental uses are agriculturally-related. For example, farmers may want to supplement their earnings by offering direct customer access to pumpkin patches, fruit trees for picking, and Christmas tree lots; tours of the farm or operations (such as creameries); opportunities for on-site consumption of products; and by selling agricultural products (such as

¹ The Status of Marin County Agriculture: A Profile of Current Practices and Needs 2003 (see: http://ucanr.edu/sites/grown_in_marin/newsletters/the_status_of_marin_county_agriculture_-_feb_200332149.pdf)

through sales stands). These types of activities are prevalent in such counties as Mendocino, Sonoma, and Santa Barbara, where agriculture is a significant part of the area's economy. In Santa Barbara County, for example, the certified Local Coastal Program (LCP) was amended to address agricultural sales activities in agriculturally-zoned districts to include "operations where customers have access to the growing areas and pick the product themselves, such as Christmas tree farms, pumpkin patches, and apple or fruit picking" as well as "ornamental trees, shrubs and plants."² Likewise, in Mendocino County, the LCP recognizes that certain compatible agricultural activities, such as the direct sale of farm products and cottage industries, enhance the economic viability of an agricultural operation.³

Further, in many areas there is increasing demand for farm labor housing for seasonal and year-round workers as well as for ancillary agricultural facilities for storing, processing, packing, and distributing agricultural products directly. In Marin County for instance, the recently approved Land Use Plan (LUP) Update recognizes as principally permitted uses within the Agricultural Production Zone both farmworker housing and specified processing and distributing facilities that are appurtenant and necessary to the operation of agriculture.⁴ Proposals to develop non-agricultural uses are also increasingly common, and have included, among other things, proposed wedding event facilities and bed and breakfast inns on land that, while zoned for agriculture, was not in agricultural production.

In general, the Commission has authorized agriculturally-related supplemental uses on coastal agricultural lands when such uses are compatible with continued agricultural use of the lands and do not result in adverse impacts to other coastal resources. While agriculturally-related supplemental uses may be supported on agricultural lands under these circumstances, the Commission has authorized non-agricultural supplemental uses on agricultural lands, such as inns, only in limited circumstances. Though each LCP may be different in the precise implementation of its agricultural land use provisions, LCPs must be developed to be consistent with Coastal Act requirements.

In addition to the question of agricultural and non-agricultural supplemental uses on coastal agricultural properties, the issue of housing and housing types is often addressed, including the principal farm dwelling and farmworker housing, as well as housing that proposes to convert agricultural land to a non-agricultural use because it is not needed for the agricultural use of the land. LCPs vary in the implementation of appropriate standards for such dwellings depending on the local circumstances. The Commission has considered the principal farm dwelling and farmworker housing that directly supports the agricultural operation an agricultural use that is permissible on agricultural lands. However, even where dwellings are agricultural uses, such dwellings must be sited, designed, or otherwise limited to protect agricultural resources, maximize available agricultural lands, and preserve long-term viability. Housing that does not directly support an agricultural operation and is a non-agricultural use is only permissible if the proposed conversion of agricultural land would meet the conversion criteria set forth in the Coastal Act.

² <http://documents.coastal.ca.gov/reports/2006/2/W7b-2-2006.pdf>

³ Mendocino County Land Use Plan Chapter 3.2-4

⁴ Marin County LUP Update Policy C-AG-2. Although the LUP Update was approved by the Commission on November 2, 2016, the LUP Update has not been effectively certified pursuant to Section 13544 of the Commission's regulations. .

Purpose of this Document

This document identifies some of the Commission’s past actions related to allowable land uses on coastal agricultural properties. The Commission reviews proposed development to ensure it is undertaken consistent with the protection of agriculture as required under the Coastal Act and/or applicable LCP, including the protection of the agricultural lands and their productivity. Whether a particular land use or development is allowed on coastal agricultural lands is a complex issue that must be reviewed on a case-by-case basis and in the context of the applicable law, such as the Coastal Act or a certified LCP. Consequently, this document is not intended to be an authoritative guide for decision-making with regard to supplemental uses, but instead provides the statutory context for, and examples of, the Commission’s past actions. The location, potential for clustering, parcel configurations, urban-rural boundary, presence of prime agricultural soils, existing agricultural production, impacts to coastal resources, and relevant LCP policies are all parameters, to name a few, that factor into whether any particular land use may be allowable on a given agricultural property. This document uses coastal development permit (CDP) and LCP examples to frame the types of issues that are considered when land uses other than growing and harvesting of agricultural products are proposed on coastal agricultural lands.

The phrase “supplemental use” is found throughout this document. There is no definition of supplemental use in the Coastal Act, and there is no single definition that applies to local jurisdictions. In this document, the term supplemental use is intended to include land uses on agricultural lands other than the farming operation itself (i.e., the cultivation and harvesting of the agricultural products or raising of livestock). Under this expansive definition, supplemental land uses may include other agricultural-related 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 consumption; and agricultural tourism (e.g., tours, tasting rooms, agricultural education, etc.). The definition also includes any other uses that may be requested on coastal agricultural lands that are not considered to be related to the agricultural operation but may, depending on the circumstances, comprise permissible uses of the site, including uses located within existing farm structures such as weddings and special events; overnight accommodations (e.g., vacation rentals, etc.); solar or telecommunications facilities; and other activities that are not directly related to the core agricultural use.

Many coastal counties have strong agricultural economies that are supported by LCPs with provisions to help protect and promote agricultural productivity in the coastal zone. The term supplemental use may have a different meaning in each LCP, and generally speaking includes uses other than the uses that are designated as principally-permitted in the relevant agricultural zoning district. This document provides some examples of such land uses on agricultural land in different LCPs, and the ways in which these uses have been allowed in some cases.

Coastal Act Policies⁵ Relevant to the Protection of Agriculture

Chief amongst the provisions of the Coastal Act that protects agricultural resources is Section 30241, which explicitly requires that “*the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas’ agricultural*

⁵ All Coastal Act references can be found in the corresponding section of the Public Resources Code.

economy.” This policy is intended to ensure that agricultural productivity is maintained and requires that the Commission evaluate proposed supplemental land uses to ascertain their potential to diminish the productivity of prime agricultural land. However, Coastal Act Section 30241 authorizes conversion of prime and non-prime agricultural lands around the periphery of urban areas where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. Further, Section 30241 minimizes conflicts between agricultural and urban land uses by:

- (1) establishing stable boundaries separating urban and rural areas;*
- (2) requiring the development of lands not suited for agriculture prior to agricultural conversions;*
- (3) assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality; and*
- (4) assuring that all land divisions and all development adjacent to prime agricultural land not diminish the productivity of prime agricultural land.*

Coastal Act Section 30241.5 identifies specific findings that must be made in order to address the agricultural viability of agricultural lands around the periphery of urban areas that may be subject to conversion requests for non-agricultural supplemental uses. These findings include an assessment of gross revenues from agricultural products grown in the area and an analysis of operational expenses associated with such production. Subsection (b) specifically requires that such economic feasibility studies be submitted with any LCP or LCP amendment request. Section 30241.5 states:

- (a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*
 - (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*
 - (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.*

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

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(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Additionally, Section 30242 of the Coastal Act strictly limits the conversion of prime and non-prime agricultural lands not located on the periphery of urban areas. Section 30242 states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Finally, Coastal Act Section 30243 requires that the long-term productivity of agricultural soils be protected:

The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

Commission Actions that Address Supplemental Uses on Agricultural Land

The Commission has witnessed an increasing number of proposals to develop supplemental uses on agricultural lands. While such uses may provide farmers and ranchers with increased income, they can also lead to the diminished productivity and viability of agricultural land. For example, the conversion of agricultural land for the development of permanent structures for non-agricultural activities, such as weddings and inns, has the potential to reduce infrastructure and services that would otherwise be available for agricultural activities; create conflicts between land uses that may have adverse impacts to agricultural operations; and encourage uses which, cumulatively, erode rural and agricultural uses in the long-term. In addition, the development of such permanent structures for non-agricultural uses on agricultural lands can drive up land costs beyond a current or subsequent farmer's ability to pay for the taxes, insurance and maintenance costs associated with the land, discouraging maintenance of the agricultural operations.

In carrying out the Coastal Act's agricultural policies, Coastal Commission actions have sought to limit non-agricultural intrusion onto prime and other productive agricultural land; assure that all land divisions and development adjacent to prime agricultural land do not diminish the productivity of the prime agricultural land; minimize conflicts between agricultural and urban uses; and otherwise ensure that agricultural land is protected consistent with the Coastal Act. These objectives have been accomplished through actions on LCPs that include development standards protective of agricultural land and limitations on divisions of agricultural land, as well

as through actions on CDPs and appeals that address allowable uses on agriculturally-designated land.

Local Coastal Program Planning

In its review of new and amended LCP policies, the Commission has addressed supplemental uses on agricultural lands in numerous cases. The following description divides the subject policies into three categories: supplemental uses that are agricultural, supplemental uses that are non-agricultural, and a third category related to dwellings sited on agriculturally zoned land. When considering the maximum amount of land available for agricultural production, several LCPs call for examining the footprint of the proposed supplemental use in relation to the amount of land available for agriculture. In Marin County, for example, both the certified LCP and the recently approved LUP update require that all structural development be clustered together and limited to 5% of the gross acreage of the property under question on land designated as Coastal Agriculture Production Zone⁶, with remaining acreage retained in or available for agricultural production or open space.

(1) Supplemental Uses that are Agricultural

In most LCPs, supplemental agricultural uses must be compatible with applicable land use designations and development standards, in addition to being subject to the LCP agriculture policies that protect agricultural land for agricultural production. Although differences exist, most LCPs allow the following types of uses on agricultural lands: agricultural production; farmer-occupied dwellings that directly support continued agricultural use of the property; and other uses that are necessary to support agricultural operations.

In Humboldt County, for example, most agriculture is found in areas governed by the LCP's Humboldt Bay Area Plan and Eel River Area Plan. In the Agriculture Exclusive zone, whose purpose is to protect prime and non-prime agricultural lands for long-term productive agricultural use, the principally-permitted use includes: general agriculture, farm dwellings, timber production, cottage industry (subject to cottage industry regulations), and minor utilities to serve these uses. As defined in the Humboldt County LCP's Zoning Regulations, general agriculture includes "cultivation of food and fiber such as field and tree crops, dairying, pasturage, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not...feed lots, stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter."⁷

The San Luis Obispo County LCP allows supplemental uses when a continuation of agriculture is not feasible without some ancillary use. The LCP contains a table of allowable uses, which include supplemental agricultural uses like agricultural accessory structures (including greenhouses and barns that house farm animals, supplies or products) and agricultural processing uses for on-site sales, packaging and processing operations.⁸ To authorize a supplemental use identified in the LCP, in addition to ensuring that a continuation of agriculture is not feasible without an ancillary use, the County must ensure that any supplemental use is compatible with

⁶ Marin County LUP Policy C-AG-7. Although the LUP update was approved by the Commission on November 2, 2016, the LUP Update has not been effectively certified pursuant to Section 13544 of the Commission's regulations.

⁷ See Humboldt County LCP Zoning Regulations: 313-170.3

⁸ The San Luis Obispo LCP also allows for animal raising and keeping; crop production and grazing; farm equipment and supplies; soil-dependent and non-soil-dependent nursery specialties; and specialized animal facilities.

preserving the maximum amount of agricultural land in productive use.⁹ Further, the supplemental use must not result in a land division, and must also include a means of securing the remainder of the parcel(s) in agricultural use through an agricultural easement.

Similarly, on land designated as Commercial Agriculture, the Santa Cruz County LCP requires findings to allow any use of agricultural land, including the following:¹⁰

- *That the establishment or maintenance of the use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area;*
- *(a) That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel, or (b) that no other agricultural use is feasible for the parcel, or (c) that the use consists of an interim public use which does not impair long-term agricultural viability or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation and that limits and mitigates the impacts of facility construction on agriculture...*

(2) Supplemental Uses that are Not Agricultural

Non-agricultural supplemental uses are also addressed through LCPs. For example, the San Luis Obispo County LCP explicitly allows bed and breakfast inns on non-prime soils of agriculturally designated lands. However, bed and breakfast inns must be located within the same structure that houses an existing farm dwelling, unless an existing conforming visitor-serving facility (e.g., winery, riding stable, or health resort) is present on the site; in such instances, the bed and breakfast inn may be established in one structure with an exterior design style that is approved with a Minor Use Permit.¹¹ By requiring the accommodations to be located within the existing farm dwelling or other existing visitor-serving farm facility and ensuring that there are no impacts to the agricultural operation, the use has been considered ancillary and supplemental to the farm complex. The LCP also allows for temporary, non-agricultural events on non-prime soils, such as art shows, rodeos, religious revivals, tent camps, outdoor festivals, and concerts, but these are transitory uses allowed for no more than a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities.¹²

(3) Dwellings on Agriculturally Zoned Land

Another trend that has the potential to threaten agricultural land viability is the development of residential uses not in direct support of agriculture. Non-agricultural residential development has the potential to change the real estate values in agricultural areas in ways that negatively affect the viability of continuing agriculture. It can also conflict with on-going surrounding agriculture practices (e.g., due to noise, odors, or dust generated from agricultural activities), potentially placing pressure on agricultural productivity to be reduced. And, of course, it can serve to remove agricultural land that might otherwise be available for production or other agricultural uses.

⁹ San Luis Obispo County Agriculture Policy 3

¹⁰ Santa Cruz County LCP Section 13.10.314

¹¹ San Luis Obispo County *Coastal Table O* and Implementation Code: 23.08.261

¹² San Luis Obispo County Implementation Code: 23.08.261

Accordingly, many LCPs contain criteria for 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.

For example, in Ventura County, one farmworker dwelling unit is allowed as a principally-permitted use on lots meeting the minimum size for Coastal Agriculture zoned land.¹³ For lots not meeting the minimum size requirements, or for additional farmworker dwelling units, the LCP requires a conditional use permit. And in Marin County, the County's recent LUP update¹⁴ allows for one intergenerational home (in addition to a farmhouse) per "farm tract" for the farm operator or owner, as a principally-permitted agricultural use.¹⁵ Intergenerational homes are a new type of agricultural land use in Marin County, within the umbrella of the principally-permitted use of agriculture. Intergenerational homes are intended to allow for the preservation of family farms by facilitating multi-generational operation and succession by allowing family members to live on the farm. Similarly, in Humboldt County, the LCP's Land Use Plan (LUP) allows two dwelling units incidental to agricultural operations on land zoned as Agriculture Exclusive, but only if the dwellings are occupied by the owner/operator and the parent or child of the owner/operator.¹⁶ And finally, in some LCPs, like Santa Cruz County's, even the first farm dwelling is a conditional use.

Where LCPs do allow for dwellings to be established on agricultural lands, they are considered as agricultural uses of the property. The conversion from agricultural to rural residential land uses is not consistent with Coastal Act requirements except under limited circumstances including if continued agricultural operations are economically infeasible. In Mendocino County, for example, the Commission allowed (upon appeal of the project to the Commission) the development of a single-family dwelling on prime agricultural lands because it was found that agricultural use of the site alone was economically infeasible.¹⁷ As with the Coastal Act, the development of a single-family dwelling that does not directly support agriculture effectively converts agricultural lands to residential uses, and is only allowed by the Mendocino County LCP if continued or renewed agricultural use is not feasible.¹⁸ In this case, the applicants submitted an agricultural analysis which demonstrated that it was not economically feasible to renew agricultural use of the site because the useable portion of agricultural land would provide a negligible annual yield even under the assumption that the applicants would use unpaid family labor living on site. It is important to note that to help further reduce potential conflicts between the approved residential use and adjacent, existing agricultural lands, the Commission imposed a Right-to-Farm provision and a Deed Restriction as special conditions of approval. The Deed Restriction restricted the use and enjoyment of the property by requiring the landowner to acknowledge and agree that the permitted residential development would be located adjacent to

¹³ Ventura County CZO Section 8174-5

¹⁴ Marin County LUP Update Policy C-AG-5. Although the LUP Update was approved by the Commission on November 2, 2016, the LUP Update has not been effectively certified pursuant to Section 13544 of the Commission's regulations.

¹⁵ "Farm tract" is defined as "all contiguous legal lots under common ownership in the C-APZ."

¹⁶ Humboldt County - Eel River Area Plan: Chapter 5.30

¹⁷ CDP A-1-MEN-09-034 at <https://documents.coastal.ca.gov/reports/2012/12/F10a-12-2012.pdf>

¹⁸ As defined in CZC Sections 20.532.100(B)(3) and 20.524.014(C)(3)

land used for agricultural purposes. Since the restriction was recorded against the property, current and future landowners would be fully aware that the restricted property was subject to inconveniences and discomforts associated with agricultural development and would be required to assume the risks associated with living in close proximity to agricultural development. In addition, future improvements or changes to the approved residential development would require a CDP to ensure that all development remains compatible with continued agricultural uses on surrounding lands.

In some LCPs, structures, including dwellings, are clustered together to maintain agricultural viability. In Santa Barbara County for example, the viability of large, non-prime agricultural operations of 10,000 acres or more in certain areas of the County allow for higher residential densities to avoid subdivision down to the minimum parcel size where the residential areas are clustered on no more than two percent of the gross acreage, with the remaining acreage to be left in agricultural production and/or open space.¹⁹

Coastal Development Permit Actions

The Commission has also addressed supplemental uses through actions on coastal development permits (CDPs). Through these actions, the Commission has protected agricultural resources by requiring supplemental uses of agricultural land to reinforce the agricultural viability of agricultural operations. For example, the Commission approved a vineyard and distillery project in Marin County because the supplemental uses of the land reinforced the viability of the site's existing and expanded agricultural operations.²⁰ In this case, the project was comprised of expanding agricultural operations on 150 acres of land designated as Coastal Agricultural Production Zone, including continued grazing, the construction of a farmhouse, barns, livestock shelters, and accessory structures, and the cultivation of a vineyard for brandy-making, all of which were principally-permitted uses. The supplemental uses of the site involved construction of a greenhouse, a brandy distillery for processing grapes grown on the property, and a small, 140 sq. ft. retail space in the brandy barn for appointment-only sale of the brandy product bottled on-site, all of which were conditional uses under the County's LCP. The proposed supplemental uses were only approvable if they were ancillary, necessary for a viable operation, ensured long-term agricultural productivity, and had no adverse impacts to the area's agriculture or other coastal resources. Furthermore, the proposed distillery would be located inside the brandy barn as part of the existing, clustered development envelope and would allow for limited sales in order to minimize potential impacts on proposed agricultural operations and existing sensitive habitat and scenic resources. In its approval, the Commission required that the brandy distillery and retail space only process and sell grapes grown on-site, with a condition that no off-site grapes would be imported for distillation and brandy production. An affirmative agricultural easement was also recorded on the project site, thereby ensuring that the site would remain in active agricultural operation. Consequently, the supplemental uses on the site fostered agricultural development on the subject property by supporting development of a small vineyard and diverse agricultural land uses as well as enhancing existing agricultural operations and viability.

Where non-agricultural supplemental uses have been proposed, the Commission has prohibited their introduction where such development would diminish the productivity of the agricultural

¹⁹ County of Santa Barbara Land Use Plan Chapter 3.8.3 Policy 8-8

²⁰ Coastal Development Permit A-2-MAR-10-022 (Magee and Brader)

land. For example, after a San Mateo County approval was appealed to the Commission, the Commission denied a proposal to subdivide a single 12.4-acre parcel into four lots and to construct two new single-family dwellings and a new shared four-car garage on one of the lots. The project was denied because the Commission found it to be inconsistent with the County's agricultural protection policies, including because the proposed project would create a parcel where the only building site would be on prime agricultural land, and the existing agricultural well would be converted to serve residential development only.²¹

Similarly, after a San Luis Obispo County approval was appealed to the Commission, the Commission denied proposed development involving wedding events and other gatherings as a supplemental use on land designated for agriculture.²² The Commission determined that substantial evidence did not support the applicant's analysis that agriculture was infeasible without the proposed supplemental use, a specific LCP requirement. The Commission's findings indicate that the applicant's analysis omitted income from an off-site business operation that was used to supplement existing agricultural operations and that the high-end agricultural products produced on site were a sustainable product over time, thereby negating the applicant's claim that agricultural uses would cease without the proposed supplemental use.

In some instances, however, non-agricultural supplemental uses have been approved consistent with the Coastal Act on land zoned for purposes other than agricultural production located along the urban rural boundary. After an appeal of a Marin County approval to the Commission, the Commission approved a proposed CDP allowing the Tomales Farm & Dairy LLC to merge and re-subdivide their property, including the possible conversion of an existing residence into a bed and breakfast.²³ The proposed bed and breakfast was to be located on land zoned as Coastal Agriculture Residential Planned, where such development was either a principal-permitted use or a conditional use (depending on the total number of rooms). The Commission approval confined the proposed bed and breakfast to land within the Tomales Community boundary in order to avoid future impacts to agricultural lands outside the community boundary. An Agricultural and Open Space Deed Restriction was recorded on the remaining land outside the Tomales Community Boundary, thereby ensuring that the bed and breakfast would help to stabilize the urban rural boundary as identified in the County's LCP.

And finally, in Humboldt County, a proposal to establish temporary wedding event facilities was approved by the County (and supported by the Commission by a finding of no substantial issue on appeal) after it was found that the wedding venue would not be incompatible with existing agricultural operations, as it would not require the development of non-agricultural buildings on prime soils.²⁴ Furthermore, the approved project would not result in the conversion of agricultural land as the area that would be used for the event venue was part of the applicant's existing dwelling and would not be actively used for agriculture regardless of whether or not the site was used to conduct weddings or similar events. Hence, the use of this area for special events would not displace existing agricultural uses or preclude its use for agriculture in the future, and was therefore allowed.

²¹ A-2-SMC-11-032

²² Coastal Development Permit A-3-SL0-98-025 available at: <http://documents.coastal.ca.gov/reports/1998/10/W9a-10-1998.pdf>

²³ <http://documents.coastal.ca.gov/reports/2011/5/Th12a-5-2011.pdf>

²⁴ <http://documents.coastal.ca.gov/reports/2003/8/Th7a-8-2003.pdf>

Conclusion

The agricultural provisions of the Coastal Act require coastal communities to protect agricultural lands by (1) maintaining the maximum amount of agricultural land in agricultural production, (2) prohibiting, in most circumstances, the conversion of agricultural land to non-agricultural uses, (3) instituting provisions to limit threats to agricultural productivity, including establishing urban-agricultural buffers and stable urban boundaries and developing available lands not suitable for agriculture prior to the conversion of suitable agricultural land, and (4) limiting the division of agricultural lands. The Coastal Act supports the agricultural economy by preserving the amount of land available for active agricultural production for future generations; minimizing conflicts and complaints with adjacent land uses and neighbors; and assuring that nonagricultural development does not impair agricultural viability through increased assessment costs.

At the same time, the Commission recognizes the increasing challenges to farmers who are trying to continue to farm their land. The Commission has noted an increase in the number of proposals to allow for the supplemental uses of agricultural land, including agriculturally-related uses like on-site fruit picking opportunities and farmworker housing, and non-agriculturally-related uses like bed and breakfast inns and wedding facilities. The Commission has sought to limit non-agricultural intrusion onto prime and other productive agricultural land, minimize conflicts between agricultural and urban uses, and otherwise ensure that agricultural land is protected consistent with the Coastal Act. In its actions on LCPs, CDPs and appeals, the Commission has also worked with farmers to understand what types of development and uses can help assure protection of an area's agricultural economy.

As discussed above, agriculturally-related supplemental uses of agricultural land have been allowed when such uses are compatible with continued agricultural use of the land and do not result adverse impacts to other coastal resources. Indeed, the Commission has certified numerous LCPs that contain standards that apply to development on agricultural lands – some standards simply apply to all development, while others are applied to conditional uses or individual types of development. Many LCPs recognize that some supplemental uses are integral to agricultural operations, resulting in provisions that allow such uses as long as they adhere to relevant development standards.

For non-agricultural supplemental uses, where the result could be the conversion of agricultural land to non-agricultural uses, the Commission has reviewed whether Coastal Act and LCP tests for conversion are met, including whether continued or renewed agricultural use of the land is infeasible. In some instances, the tests for conversion have required a report of the parcel's economic viability for agriculture, such as when the development in question included the on-site development of residences. When reviewing proposed non-agricultural uses on land located along the urban rural boundary, the Commission has evaluated conformity with other statutory criteria, such as whether the proposed non-agricultural supplemental use contributes to the establishment of stable boundaries and logical urban neighborhoods, and whether land unsuitable for agriculture has been developed prior to suitable agricultural land.

Finally, cities and counties can go beyond land use policy to improve the overall viability of agriculture within their jurisdictions. For instance, local governments can institute “buy local” initiatives, whereby public facilities prioritize bulk food purchases from local growers. Promoting California’s “Cottage Food Law” (AB 2616, effective January 2013) can greatly increase the “value added” component of many locally grown food crops. Making public space available for farmers markets, streamlining the approval process for commercial kitchens and other processing facilities, and providing incentives for creating and maintaining urban farms can all contribute to agricultural resiliency. Some cities, such as Los Angeles and Sacramento, have formed Food Policy Councils, which bring together diverse stakeholders to study a local food system and offer recommendations for policy changes to create sustainable regional food systems. In short, the question of how to support agricultural viability encompasses a broad range of options.

In conclusion, the Coastal Commission has implemented the Coastal Act to protect agricultural lands and agricultural viability in the coastal zone for over 40 years, including through certified LCPs. The Commission has been and continues to be supportive of innovative programs designed to achieve Coastal Act agricultural protection objectives, including through allowing supplemental uses. Importantly, it is incumbent on local coastal cities and counties to explicitly account for supplemental uses through comprehensive LCP policies that both acknowledge and address supplemental uses. Area-specific context is critical in that regard, and one size does not necessarily fit all up and down the state. Commission staff stand ready to assist their local government partners in developing standards that will help to allow agricultural operations to thrive, including in response to changing and challenging emerging issues.

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