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LCP Update Guide

Section 5. Agricultural Resources

Review the principal Coastal Act policies concerning Agriculture in Sections 30113, 30241, 30242, 30243, 30250 and 30222, at:
<http://www.coastal.ca.gov/coactact.pdf>

The Coastal Act requires the protection of agricultural lands within the coastal zone. It does so by directly mandating that the maximum amount of prime agricultural land be maintained in production, and by supporting various techniques to limit threats to agricultural productivity. These include establishing stable urban-rural boundaries, agricultural buffers, development priority on lands not suitable for agriculture, subdivision restrictions and public service expansion controls.

Nine out of ten surveyed coastal counties have less agricultural land now than existed about 25 years ago, according to the California Department of Conservation:

- **Important Farmland Data Availability,**
at: http://redirect.conservation.ca.gov/dlrp/fmmp/product_page.asp

Although this data does not distinguish land in the coastal zone, it does suggest that protection of agricultural land remains a significant issue. LCP updates should consider changed land uses, cropping patterns and the status of Williamson Act contracts to assess the status of agricultural lands. Even if your LCP already has strict agricultural zoning, a review of development that has occurred in or adjacent to agricultural areas may reveal potential threats to agricultural production that should be addressed. This includes ensuring that your jurisdiction is supporting and employing a range of techniques to ensure permanent protection of agricultural lands.

What should an updated Agricultural component include?

- Description of an area's agricultural economy and parameters to ensure its continued existence;
- Definitions of prime agricultural and non-prime agricultural land (see blue boxes on next page);
- Inventory and map of all prime and non-prime agricultural land within the coastal zone;
- Designation of stable boundaries that separate urban and rural areas;
- Land use designations and zoning districts that describe and map agricultural uses on agricultural land, and limit allowable uses to only those that are agricultural or that support agriculture;
- Standards for siting and designing any allowable structures to maximize

The definition of “Prime Agricultural Land” in the

Coastal Act (§30113) references the first four elements of the definition in Government Code (Williamson Act) §51201 (c) “Prime agricultural land” means any of the following:

(1) All land that qualifies for rating as class I or class II in the Natural Resource Conservation Service land use capability classifications.

(2) Land which qualifies for rating 80 through 100 in the Storie Index Rating.

(3) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

(4) Land planted with fruit- or nut-bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.

“Non-prime Agricultural Land” means other coastal agricultural lands that are now in use for crops or grazing, or that are otherwise suitable for agriculture

agricultural production and to prevent interference with agricultural operations;

- Minimum parcel sizes for economically viable agricultural uses and restrictions on divisions of land and lot line adjustments that would undermine agriculture;
- Mitigation measures for unavoidable loss of agricultural land, such as requirements for enhancing or restoring other land for agricultural uses;
- Measures to assure continued agricultural use on prime agricultural lands, such as easements and deed restrictions;
- Land use designations and standards for development adjacent to agricultural lands, including buffers, to ensure compatible uses that will protect agricultural activities;
- Criteria for considering conversions of agricultural land to other uses.

Where can I read some examples of updated agricultural policies?

To read a comprehensive suite of agricultural policies please see:

- **Santa Cruz County General Plan/ Local Coastal Program** Chapter 5 commencing on page -5-44, at: <http://www.sccoplanning.com/pdf/policy/1994GeneralPlan/chapter5.pdf> .

To see an example of a Coastal Commission recommendation for updated agricultural policies, please see:

- **San Luis Obispo Local Coastal Program Periodic Review**, July 12, 2001 and Exhibit A, pp. 185-244, at: <http://www.coastal.ca.gov/recap/slo/slo-ag.pdf> and <http://www.coastal.ca.gov/recap/slo/slo-ch5.pdf>.

In addition to the LCP examples noted, in May 2013 the Commission conducted a workshop on agricultural issues with various stakeholders and the public. The background report for this Workshop is a useful summary of how the Coastal Commission has addressed a range of agricultural issues. The report is found at:

- **Background Report for Workshop on Agriculture in the Coastal Zone: Implementation of Coastal Act Provisions Related To Agriculture**, April 2013, at: <http://documents.coastal.ca.gov/reports/2013/5/W3-5-2013.pdf>

To view the actual workshop, please see:

- **Coastal Commission video archive** for May 8, 2013 meeting, Item #3, at: <http://www.cal-span.org/cgi->

bin/archive.php?owner=CCC&date=2013-05-08

What are some issues to address in an LCP update of agricultural policies?

◆ **Uses in Agricultural Designations**

Agricultural land use and zoning designations are the primary tools used to protect agricultural lands, provided the uses allowed within these designations promote and do not impact agricultural productivity. Careful attention needs to be paid to any structures and non-agricultural uses that may be allowed on agricultural lands. The kinds of structures and uses that are allowed on agricultural land may depend on how they are designed and sited. In terms of potential impacts, for example, allowing a residence as a principal permitted use on agriculturally zoned land without consideration of its relation to maintaining agricultural production may pose a greater risk than if residences were a conditional use and only allowed when the occupants were operators of a farm that was under a protective easement or deed restriction. And, any allowed structure and use should be compatible with maintaining the long-term productivity of agricultural soils, as in this example:

- **County of San Luis Obispo Coastal Plan Policies,**
at: <http://www.slocounty.ca.gov/Assets/PL/Elements/Coastal+Plan+Policies.pdf>

Policy 1...Permitted Uses on Prime Agricultural Lands. Principal permitted and allowable uses on prime agricultural lands are designated on Coastal Table O - Allowable Use Chart in Framework for Planning Document. These uses may be permitted where it can be demonstrated that no alternative building site exists except on the prime agricultural soils, that the least amount of prime soil possible is converted and that the use will not conflict with surrounding agricultural lands and uses.

Following are discussions of some specific categories of uses that may be considered for agricultural land use designations and zoning districts.

Residential Use

One of the more recent trends that threatens agricultural land viability is the development of residential uses not in direct support of agriculture, especially large “statement” homes. Non-agricultural residential development can change the real estate values in agricultural areas so as to negatively affect the viability of continuing agriculture. It also introduces residential use that may conflict with on-going surrounding agriculture, potentially placing pressure on agriculture to be reduced.

For an example of economic impacts of non-agricultural residential development, see the following report:

- ❑ Strong Associates for the Marin County Community Development Agency, **Marin County Agricultural Economic Analysis, Final Report** (November 2003), at: http://www.eacmarin.org/programs/pdfs/agriculture/strong_ag%20report.pdf.

To resist a trend to change the character of an agricultural area to a more residential setting, an LCP update should consider revising criteria for residential approval to ensure that it supports agriculture. For example, standards can require that any residential use:

- is a conditional (not principally permitted) use,
- is only for an agricultural owner or operator,
- is allowed only upon an analytic conclusion that it will not diminish the productivity or viability of agricultural land or the ability to keep agricultural land in production (see following section: “Agricultural Land Conversion Criteria”),
- is governed by size limits, placement on a parcel, and design criteria,
- is restricted to one home per parcel,
- does not lead to subdivision,
- is on a parcel protected for continued agricultural use (see following section: “Affirmative Agricultural Easements”).

Residential Incentives

While state law has been revised to favor large day care centers, second units, and residential density bonuses in residential zones, they do not necessarily require that these uses be allowed in all agriculturally designated areas. Because of the Coastal Act policies to protect agricultural resources, the Commission has reviewed such proposed residential incentives closely and in many cases has restricted such incentives. You should consider in your LCP update whether such uses are appropriate in these areas. The following link is to an example where the Coastal Commission disallowed large family day care centers on agricultural land:

- ❑ **Santa Cruz County LCP Amendment No. 1-06 Part 2 (Large Family Childcare Homes in Non-Residential Zones)**, at: <http://documents.coastal.ca.gov/reports/2007/5/W8c-5-2007.pdf>

The following link provides an example where the Coastal Commission denied second units as a principal permitted use on most county agricultural lands:

- ❑ **Santa Cruz County LCP Amendment No. SCO-MAJ-3-03 Part 3**, at: <http://documents.coastal.ca.gov/reports/2008/12/W10f-12-2008.pdf>

An LCP update is an opportunity to re-evaluate and specify the limited types and amounts of residential uses, if any, that may be permitted on an

agricultural parcel and under what conditions. One consideration, as discussed in the “Residential Uses” section above, is to ensure that any of these uses that are approved do not interfere with or diminish agricultural production on the site in question. For example, second units are allowed in agricultural zoning districts only if they are not located on prime soils pursuant to the following LCP provision that is now in effect:

- **Santa Barbara County Local Coastal Program Amendment No. MAJ-2-03 (Residential Second Unit)**, Suggested Modification #2 and “Prime Agricultural Soils” finding on page 21, at: <http://www.coastal.ca.gov/ventura/3-2005-W14b.pdf>

A related consideration is whether, cumulatively, allowable residential uses fit within the constraints of available land and services without diminishing agricultural productivity in the area in question. You could analyze this issue by performing an analysis consisting of determining the potential maximum parcel densities and service demands that may result from all allowable residential uses (e.g., primary homes, caretaker homes, farm labor homes, second units, mobile homes, farm labor or group quarters, etc.). Based on this analysis, you might consider revising your LCP to combine, delete or limit some types of residential units allowed on an agricultural parcel.

A final issue you might consider is for where some residentially related uses are appropriate, whether you should create preferences for those that are supportive of agricultural operations, such as those that house people who actually work on the property.

Land Divisions

Under the Coastal Act, divisions of land, including lot-line adjustments, are defined as “development” that require a coastal development permit. Your LCP may have agricultural land use designations and districts where minimum parcel size determines allowed residential density (e.g., AG-20 means 20-acre parcels can be created that can each have a house). If so, an LCP update offers an opportunity to decouple the two elements. As discussed above, housing on agricultural land needs to be considered based on its support of agricultural production and corresponding lack of adverse impacts on agriculture. It may be that some divisions of land could be allowed that are supportive of agricultural productivity without allowing more residences. Similarly, it may be that multiple dwellings on a single parcel (e.g., one for a farm owner/operator and one for his/her children’s family that help operate the farm) would support agriculture whereas dividing the land to create a separate parcel for each house would lead to future losses of agricultural productivity through the eventual splitting up of the farm through sale of the parcels.

In developing policies that would require certain parcel sizes for future land divisions you should ensure that they are consistent with the Coastal Act policies that require protection of the area’s agricultural economy and maintenance of existing average parcel size (see sections 30241 and 30250). In updating your LCP you should review existing rural parcel sizes to determine

if they generally match parcel sizes appropriate for the crops grown or animals raised. An updated inventory may document that there is already an appropriate range of parcel sizes so that any additional land divisions should be restricted. Such approach has been accomplished in the Marin County LCP, for example:

- **Marin County Local Coastal Program, LCP Policies on Agriculture:** 4. Development standards and requirements and 5. Conditions,
at: http://www.co.marin.ca.us/depts/CD/main/pdf/planning/coastal/LCP_UNIT_II_amended.pdf

Alternatively, land division policies could address Coastal Act requirements by mandating only very large minimum parcel sizes, such as in the Sonoma County LCP, where a parcel would generally have to be at least 1,280 acres to be eligible for subdivision:

- **Sonoma County Zoning Regulations, Chapter 26C, Article 02. LIA CC Land Intensive Agriculture District,**
at: <http://www.sonoma-county.org/prmd/docs/zoning/index.htm>

Section 26C-23 b) Minimum lot size: The minimum lot size for creation of new parcels shall be six hundred forty (640) acres, unless a different area is permitted by any B combining district, provided that it shall also meet the criteria of General Plan Policy AR-8c.

Ideally, any required minimum parcel size should be commensurate with agricultural productivity needs. But because farming methods and crops, as well as the market, can change over time, it is challenging to establish such minimum parcel sizes. For example, the recent trend to establish small, specialty, organic farms suggests that some opportunities should be made available for new farmers who want land to engage in this type of agriculture. On the other hand, subdivision and minimum parcel sizes should not result in lots that are too small to be economical if different crops or practices become standard in the area. There also may be ways to provide for small scale agriculture without subdivision, such as through leasing arrangements.

Commission experience with minimum parcel size requirements in LCPs has revealed deficiencies in land division policies, especially for lot line adjustments, (which are defined as “development” that requires a coastal permit). As noted above, LUP land division policies must be consistent with Chapter 3 policies for protecting agricultural productivity. But LUP policies should also require that any proposal for a land division or lot line adjustment pursuant to the LCP be analyzed for consistency with agricultural and other resource protection policies, even in cases where one or more of the parcels in question is already below the minimum parcel size. An LCP update is an opportunity to review and revise, if necessary, criteria that are applied to land divisions and lot line adjustments to ensure that such analysis occurs and that agricultural productivity is protected. The Commission findings on the

following appeal are a good example of this level of analysis for a lot line adjustment:

- **Coastal Permit Appeal A-3-SLO-10-028 (Warren LLA)**,
at: <http://documents.coastal.ca.gov/reports/2010/11/Th14a-11-2010.pdf>

This action is based in part on the following policy:

- **County of San Luis Obispo, Real Property Division Ordinance**,
at: <http://www.slocounty.ca.gov/Assets/PL/Ordinances/Title+21+-+Real+Property+Ordinance.pdf>

Section 21.02.030(c) Criteria to be considered. A lot-line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the lot-line adjustment will conform with the county's zoning and building ordinances. The criteria to be considered includes, but is not limited to, standards relating to parcel design and minimum lot area. These criteria may be considered satisfied if the resulting parcels maintain a position with respect to said criteria which is equal to or better than such position prior to approval or conditional approval of the lot-line adjustment.

Supplemental Non-Agricultural Uses

The Commission has noted increasing number of proposals to develop non-agricultural uses, such as wedding event facilities and bed and breakfast inns, on agricultural lands. While such uses may provide supplementary income to farmers and ranchers, they can also diminish the long term productivity and viability of agricultural land by changing land use patterns, increasing conflicts between agriculture and other uses and making it difficult to keep agricultural land in production.

As an example, the Commission addressed the impacts of such uses in the following action to deny wedding events and similar gatherings on land designated for agriculture:

- **Coastal Permit Appeal No. A-3-98-25 (Scoggins)**,
at: <http://www.coastal.ca.gov/la/lcpguide/T15a-12-1998%20A-3-SLO-98-025%20Scoggins%20revised%20findings.doc>

An LCP update can ensure that any allowable supplemental uses do not result in unintended adverse impacts, by including, for example, a requirement that an applicant for such supplemental use submit an economic analysis of agricultural viability (for more information, see also the following section: "Agricultural Land Conversion Criteria").

Public Works Facilities

The Commission has been faced with proposals to construct or expand major public works facilities, such as water treatment plants, on agricultural lands (as

well as on public recreation, open space and other sensitive lands). Future proposed public works facilities may include, for example, roads, power plant expansion, desalination facilities or alternative energy facilities. Often such uses conflict with the Coastal Act mandate to protect agricultural lands. An LCP update should ensure that suitable locations for any anticipated new or upgraded public works facilities are established elsewhere in the jurisdiction so reliance on agricultural (or other sensitive) land is not required. The LCP can distinguish through definition, policy and conditional use standards those types of public works that, if authorized, would have no permanent impact on agricultural lands.

The following example addresses locating recycled water facilities on agricultural land:

- **Santa Cruz County LCP Amendment No. 2-05 (Part A),**
at: <http://documents.coastal.ca.gov/reports/2006/3/Th8a-3-2006.pdf>

The following amendment addresses a highway on agricultural land:

- **Monterey County LCP Major Amendment Number 1-08 Part 1 (Highway One-Salinas Road intersection),**
at: <http://documents.coastal.ca.gov/reports/2008/8/Th27b-8-2008.pdf>.

Agricultural Structures

In some cases, structures associated with agriculture, such as greenhouses, processing plants and farm labor housing can harm the long-term productivity of agricultural soils. The cumulative effect of these structures may encourage urbanization or industrialization of an area. Your LCP should have provisions that address potential adverse impacts from structural development on farmland such as locating the development on non-productive lands and specifying coverage limits.

The following example is an LCP amendment to govern greenhouse development:

- **Santa Barbara County Local Coastal Program Amendment No. MAJ-2-02 (Carpinteria Valley Greenhouse),**
at: <http://www.coastal.ca.gov/la/lcpguide/Th23a-05-2004%20STB-MAJ-2-02%20Santa%20Barbara%20LCPA.doc>

While some agriculturally-related structures can be allowed on agriculturally zoned land under appropriate criteria, an LCP update should also examine ways to locate such structures off agricultural lands. The LUP could, for example, incorporate incentives to site farm worker housing in residential areas, and develop agricultural industrial land use designations to accommodate agricultural processing facilities.

The following is an example of an Agricultural Industrial land use designation from the Monterey County LCP:

- **Monterey County North County Land Use Plan, pp. 67, 69, 72 &**

77,

at: http://www.co.monterey.ca.us/planning/docs/plans/NC_LUP_complete.PDF)

4.3.1.O: Agricultural Industrial: Areas which provide for activities necessary to support agricultural, aquacultural, and farming industries while also maintaining compatibility with the rural agricultural character of the coastal zone. A minimum parcel size of 2.5 acres is required.

◆ **Urban-Rural Limit Lines and Buffers**

The Coastal Act §30241 specifies that establishing stable boundaries that separate urban and rural areas, including clearly defined buffers, is one way to maintain agricultural productivity .

Urban-Rural Limit Lines

As part of an LCP update, you can review and if necessary improve upon the methods employed to establish and retain a stable boundary between rural areas containing agricultural lands and more urban areas. Such urban rural limit lines concentrate development and help to protect agricultural lands from the physical and economic impacts of adjacent urban growth. Any modification of such lines as part of an LCP update should only be considered based on updated assessments of projected growth and resource protection needs. Your updated LCP should assure that new subdivisions or extension of services serve to maintain a stable urban rural boundary and are authorized only if consistent with the agricultural protection and resource protection policies of the Coastal Act.

Policies intended to protect the boundary between urban and rural areas could include improved techniques to restrict the extension of urban services. For example, a stable line can be achieved if a strip of land at the urban boundary is legally restricted from containing urban service facilities (e.g., through easement or deed restriction) and/or placed in ownership of an agricultural land trust or similar organization.

The following link provides an example of an LCP amendment that includes such techniques:

- **Watsonville Major LCP Amendment 1-99,**
at: <http://www.coastal.ca.gov/sc/lcpawat1-99-rf.pdf>.

Agricultural Buffers

LCP updates should ensure that agricultural buffer provisions are designed to ensure buffers that are adequate to protect against impacts from adjacent, non-agricultural development. Such impacts can include complaints about odor, dust, drifting pesticides and noise. An LCP update can evaluate the success of any existing buffer provisions and adjust the minimum width requirements, as needed. Adjustments can also address such factors as prevailing wind

direction, topographic and vegetative features and type of agriculture. However, when developing new or expanded buffer standards, you should anticipate that conditions or operations could change over time. For example, while current farmers may not apply pesticides, future farmers may, and buffers should allow for that change in operation.

The following is an example of a variable buffer width policy that takes into account the type of crop, adjacent use, site characteristics and other factors:

- ❑ **Agricultural Buffer Policies And Procedures**,
at: http://www.slocounty.ca.gov/Assets/AG/assets/Buffer+Policy_2005.pdf

“Right to Farm” Ordinances

“Right to Farm” ordinances can complement buffer provisions. These ordinances can help ensure that neighboring residents cannot curtail agricultural operations. See, for example:

- ❑ **Santa Cruz County Code, Section 16.50.090 “Notification and disclosure statement requirements”**,
at: <http://www.codepublishing.com/ca/santacruzcounty/>
- ❑ **Sonoma County Right to Farm Ordinance 5203**,
at: http://www.sonoma-county.org/prmd/docs/lcp/lcp_apdx_d.pdf.

◆ Agricultural Land Conversion Criteria

As noted, there are continuing pressures to convert agricultural land. Coastal Act §§30241(b) and (c) and 30242, among others, govern the conversion of lands that are on the urban periphery, surrounded by urban uses, or that are not prime agricultural land. These standards would apply to Coastal Commission consideration of any LCP amendments that result -- or could result -- in the conversion of agricultural lands. An explanation of how these provisions would be followed could be incorporated into your LCP as direction for any future amendments you might initiate or to which you may have to respond. A proposed LCP amendment that allows or could allow conversion of agricultural land must include an economic evaluation of the gross revenue and operational costs, excluding land values, of the crops in the geographic areas of the proposed conversion. The following provides examples of economic analyses of land and crop values that were developed to support a request for conversion of agricultural land:

- ❑ **County Of Del Norte LCP Amendment No. DNC-MAJ-2-03**,
suggested modifications in Ch. 21.55D on page 171 of Exhibit 2,
at: <http://documents.coastal.ca.gov/reports/2009/10/W17b-10-2009-a2.pdf>

Section 30241.5’s economic feasibility evaluation may also have utility in the consideration of certain coastal permit applications. If your LCP allows for development on agriculturally designated land that has the potential to result in

an adverse impact to continued production -- e.g., an allowed use such as residential or bed and breakfast in an agricultural zone – then an update may add a requirement that an economic analysis be provided with any permit request to undertake such development. For example, the Commission incorporated economic feasibility analysis in the following decision to allow a house on agricultural land:

- **Coastal Permit Appeal A-1-MEN-09-052 (Blue Port, LLC)**, at: <http://documents.coastal.ca.gov/reports/2011/10/W10a-10-2011.pdf>.

However, an economic feasibility evaluation should not be placed in your LCP as a tool to allow new agricultural conversions not explicitly allowed in your LCP. Rather, your LCP designations should be clear as to where non-agricultural uses are allowed pursuant to Coastal Act §§ 30241 and 30242; *any conversions of agricultural areas should only be sanctioned through specific LCP amendments.*

If you anticipate considering any such amendments, an LCP update can also incorporate certain standards to apply or identify necessary procedures.

For example, rezoning could be allowed only if:

- approved by a public vote;
- it is part of a broader project in partnership with agricultural preservation organizations;
- restrictions are place on the rezoned land (e.g., deed restrictions, easements);
- accompanied by a decision that the subject land no longer is agricultural.

The following is an example of the last bullet in the list above– where a local government has included ordinances, subsequently certified by the Commission, that describe the process and findings necessary to redesignate agricultural land to non-agricultural uses:

- **Santa Cruz County Code Section 16.50.050 “Amendment of Designations,”** at: <http://www.codepublishing.com/ca/santacruzcounty/>

◆ **Affirmative Agricultural Easements**

One of the newer tools being pursued by the Commission and others involved in the protection of agricultural lands is the use of affirmative agricultural easements that go beyond the mere restriction of future use of agricultural lands. Such easements affirmatively require that property owners actively assure that their land is maintained in agricultural uses in perpetuity.

For further information on this subject, please see:

- **Affirmative Agricultural Easement Workshops: A Summary,**

at: http://www.coastal.ca.gov/la/docs/Affirmative_Easement_Workshops_Summary.pdf.

The summary also links to an actual affirmative agriculture easement document:

- **Deed of Agricultural Easement**,
at: http://www.coastal.ca.gov/la/docs/Chan_Agricultural_easement.pdf.

For an example of an LCP policy for use of affirmative agricultural easements, see:

- **County of San Luis Obispo Estero Area Plan**, p. 4-4,
at: <http://www.slocounty.ca.gov/Assets/PL/Area+Plans/Estero+Area+Plan.pdf>.