

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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July 25, 2019

Th 20b

TO: COMMISSIONERS AND INTERESTED PERSONS**FROM: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
TONI ROSS, COASTAL PROGRAM ANALYST, SD COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OCEANSIDE LOCAL COASTAL
PROGRAM AMENDMENT NO. LCP-6-OCN-18-0102-4 (Tier I Agritourism)
for Commission Meeting of August 7-9, 2019**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on April 2, 2019. A one-year time extension was granted on May 9, 2019. As such, the last date for Commission action on this item is June 24, 2020. This report addresses one of three components of the City's submittal regarding Tier I Agritourism activities. The other two items include LCP-6-OCN-18-0101-3, which provides regulation for Emergency Shelters and Transitional/Supportive Housing, and LCP-6-OCN-18-0103-5 which provides regulations for Medical Cannabis facilities, both of which are also scheduled for the August 2019 Commission meeting. This amendment request only affects the City's certified implementation plan.

SUMMARY OF AMENDMENT REQUEST

The City of Oceanside is proposing to amend its implementation plan to provide regulation for a new type of tourism: Agritourism. Agritourism can be described as when the public visits working farms, ranches or wineries to buy products or enjoy entertainment and may participate in activities, shop for products, eat a meal or stay overnight. Since 2015, the City has been working on an Agritourism Strategic Plan, which identified a number of different goals for expansion of Agritourism within the City. At this time, the City is implementing the goals given local priorities, including expansion of farm-to-table dining programs and branding the South Morro Hills region for Agritourism, among other goals.

The proposed amendment will add Agritourism related land use classifications and development activities generally on properties zoned for Agricultural uses and specifically within the South Morro Hills community. South Morro Hills is located within the inland portion of the City and there are no properties zoned as Agriculture within the coastal zone; and, therefore, the amendment does not propose to allow

Agritourism activities anywhere in the coastal zone. However, the amendment does include revisions to Article 3 (Definitions), Article 4 (Use Classifications) and Article 30 (Site Regulations) all of which are a part of the City's IP, and therefore; requires certification by the Commission. Specifically, Article 3 will be revised to introduce definitions for 1) Agritourism; 2) Farm or Ranch; and 3) Animal, Domestic Farm. Article 4 will be revised to add a number of new use classifications within the Agricultural Districts including uses such as Agricultural Sales Store, Farm Brewery, Farm Tours, Petting Zoo and Retail Nursery. Finally, the changes proposed to Article 30 will revise the restrictions placed on Bed and Breakfast Inns, Animals, and Agricultural Sales to include additional regulations that will apply specifically to Agritourism.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending the amendment be approved as submitted. The proposed amendment will not allow any Agritourism facilities within the Coastal Zone, and does not raise any Land Use Plan (LUP) consistency concerns. However, because agriculture and visitor-serving developments are both considered as priority uses under the Coastal Act, and Agritourism may be an opportunity to expand these uses in the future; should the City desire to permit such activities in the Coastal Zone in the future, an additional Local Coastal Program (LCP) amendment will be necessary and any LUP consistency concerns will be reviewed at that time.

The appropriate resolutions and motions begin on Page 4. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 5.

BACKGROUND

In 2015, the City Council held a priority workshop to express interest in Agritourism and allocated \$50,000 towards development of potential agritourist developments. In 2016, the City prepared an Agritourism Strategic Plan that identified the South Morro Hills area of the City as a potential site for development of Agritourism. South Morro Hills is located in the northeast corner of the City and is an Agricultural zoned area encompassing 3,500 acres of farmland that has recently faced several challenges to economic viability. The City has held a number of workshops to develop the Strategic Plan and explore various opportunities related to Agritourism. In 2017, the City Council initiated zone text amendments to facilitate those activities given a Tier I priority level within the Strategic Plan. The final revisions to the City's IP necessary to facilitate these activities were approved by the Council in October, 2018.

ADDITIONAL INFORMATION

Further information on the Oceanside LCP Amendment No. LCP-6-OCN-18-0102-4 may be obtained from **Toni Ross**, Coastal Planner, at (619) 767-2370.

EXHIBITS

[Exhibit 1 – Resolution No. 18-R0518-1](#)

[Exhibit 2 – Ordinance No. 18-OR0531-1](#)

[Exhibit 3 – Proposed Text Changes in Strikeout/Underline](#)

PART I. OVERVIEW

A. LCP HISTORY

The City of Oceanside first submitted its Land Use Plan (LUP) to the Commission in July 1980, and it was certified with suggested modifications on February 19, 1981. This action, however, deferred certification on a portion of the San Luis Rey River valley where an extension of State Route 76 was proposed. On January 25, 1985, the Commission approved with suggested modifications the resubmitted LUP and Implementing Ordinances. The suggested modifications for this approval were related to the guaranteed provision of recreation and visitor-serving facilities, assurance of the safety of shorefront structures, and the provision of an environmentally sensitive routing of the proposed Route 76 east of Interstate 5. The suggested modifications to the Zoning/Implementation phase resulted in ordinances and other implementation measures that were consistent with the conditionally certified LUP policies.

With one exception, the conditionally certified LUP and Implementing Ordinances were reviewed and approved by the City on May 8, 1985. The City requested that certification be deferred on one parcel adjacent to Buena Vista Lagoon designated by the City for “Commercial” use; the Commission's suggested modification designated it as “Open Space.” On July 10, 1985, the Commission certified the City's LCP as resubmitted by the City, including deferred certification on the above parcel.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City held a Planning Commission meeting on this matter on August 27, 2018. The City also held a City Council meeting on October 3, 2018. Both of the local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION:** *I move that the Commission reject the Implementation Program Amendment No. LCP-6-OCN-18-0102-4 for the City of Oceanside as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Oceanside as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART III. FINDINGS FOR APPROVAL OF THE OCEANSIDE IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**A. AMENDMENT DESCRIPTION**

The proposed amendment will add Agritourism related land use classifications and development activities generally on properties zoned for Agricultural uses and specifically within the South Morro Hills community. South Morro Hills is located within the inland portion of the City and there are no properties zoned as Agriculture within the coastal zone; and, therefore, the amendment does not propose to allow

Agritourism activities anywhere in the coastal zone. However, the amendment does include revisions to Article 3 (Definitions), Article 4 (Use Classifications) and Article 30 (Site Regulations) all of which are a part of the City's IP, and therefore require certification by the Commission. Specifically, Article 3 will be revised to introduce definitions for 1) Agritourism; 2) Farm or Ranch; and 3) Animal, Domestic Farm. Article 4 will be revised to add a number of new use classifications within the Agricultural Districts including uses such as Agricultural Sales Store, Farm Brewery, Farm Tours, Petting Zoo and Retail Nursery. Finally, the changes proposed to Article 30 will revise the restrictions placed on Bed and Breakfast Inns, Animals, and Agricultural Sales to include additional regulations that will apply specifically to Agritourism.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) **Purpose and Intent of the Ordinance.** The purpose of the Ordinance is to introduce, define and provide regulation for Agritourism development proposals located outside the Coastal Zone.

b) **Major Provisions of the Ordinance.** The major provisions of the ordinance include the addition of a number of definitions and development types related to Agritourism and to expand regulations for Bed and Breakfast Inns, Animals, and Agricultural Sales, as defined by Article 30 (Site Regulations), to include additional standards to address Agritourism.

c) **Adequacy of the Ordinance to Implement the Certified LUP Segments.** While the City's LUP does not contain any specific policies regarding the protection of Agriculture as a priority use, Appendix 7 of the City's LUP incorporated Chapter 3 of the Coastal Act, including the following provision:

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30242

All other [nonprime] lands suitable for agricultural use shall not be converted to nonagricultural uses until (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.

The amendment request will add descriptions of various uses and provide specific regulations for development related to Agritourism to the City's LCP. As proposed, no Agritourism facilities are permitted within the Coastal Zone. Instead, Agritourism facilities will be permitted in all agricultural zones and specifically promoted within the South Morro Hills area; however, both of these areas are located exclusively outside the coastal zone. Therefore, with this action, there are no potential LUP consistency concerns. While there are presently no agricultural lands in the coastal zone, aquaculture and other farming activities, including Agritourism, could be possibly be located there in the future. The City's LUP includes provisions that protect agriculture as a high-priority use and combining visitor-serving related uses with agriculture could be an opportunity to support the economic viability of agriculture that presently exists or proposed in the future. Should the City ever wish to designate and rezone any parcels in the coastal zone to allow for Agritourism facilities, the City would need to amend the LCP, and the protection of agriculture as a priority-use and any potential impacts to coastal resources associated with Agritourism facilities would be reviewed by the Commission at that time. Therefore, the Commission finds the LCP amendment can approved as submitted.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP as amended, does conform to CEQA provisions. At the local level, the City found that proposed project would not, in and of itself, occasion land development or any other material change to the environment, and does not have the potential to cause a significant effect on the environment and is not subject to CEQA review. In the case of the subject LCP amendment request, the Commission also finds that approval of the LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for any impacts which have not been explored and the LCP amendment, as submitted, can be supported.