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Prepared April 23, 2021 for the May 14, 2021 Hearing

TO: Coastal Commissioners and Interested Persons

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**SUBJECT: City of Point Arena LCP Amendment No. LCP-1-PTA-20-0040-1
(Farmstays and Agriculture Exclusive Use Changes)**

SUMMARY OF STAFF RECOMMENDATION

The City of Point Arena (City) is proposing to amend the City's certified LCP to modify the Agriculture Exclusive (AE) Land Use Designation and Zoning District and add definitions and standards affecting some of the new or expanded agricultural uses that would be allowed. The proposed amendment would: (1) address existing discrepancies between the certified Land Use Plan (LUP) and Implementation Plan (IP) regarding conditional uses on AE lands, (2) allow for a broader diversity of conditional animal husbandry uses, (3) add farmstays as a conditional use, (4) add new farmstay and animal husbandry definitions, and (5) add new farmstay regulations.

As proposed to be amended, the conditional uses allowed in the AE Designation and District are largely either intensive agricultural uses or agriculture-related supplemental uses that are incidental to and supportive of agriculture and would not result in conversions of agricultural lands to non-agricultural uses. However, even agricultural structures can remove prime land from agricultural production or otherwise harm the long-term productivity of agricultural soils.

The existing LCP has no overall structural development limitations for the AE District, and the City's adopted categorical exclusion order provides that the construction of accessory structures or buildings of less than 500 square feet in floor area in areas seaward of the first public road does not require a coastal development permit. The proposed LCP amendment opens up agricultural lands to a wider variety of supplemental uses and has the potential to result in the proliferation of supplemental structures on agricultural lands that could cumulatively adversely affect existing

agricultural operations and the long-term productivity of the soils and viability of the area's agricultural economy in a manner that is inconsistent with the agricultural resource protection policies of the LUP and Coastal Act. Therefore Commission staff recommends a suggested modification to add an upper limit on the total area of each AE District parcel that can be developed with structures and driveways of 25% for parcels less than two acres in size, 15% for parcels two to five acres in size, and 10% for parcels over five acres in size. This cap was developed in consultation with City staff and mirrors similar caps in the certified LCPs of surrounding Mendocino County and nearby Sonoma County.

As proposed to be amended, the conditional use allowances in the AE District and Designation would largely be consistent with each other, except that roadside stands were inadvertently included as a permissible use by right in the AE Designation and both a principally and conditionally permitted use in the AE District. To address this discrepancy, Commission staff recommends suggested modifications to: (1) allow as a principally permitted use smaller roadside stands (500 square feet or less) used exclusively for the sale of agricultural products grown/raised/produced onsite or contiguously owned parcels; and (2) allow as a conditional use larger stands also selling local agricultural products. These suggested modifications ensure that any roadside stand that can be constructed and operated without discretionary review will necessarily be incidental to and supportive of an onsite agricultural operation, while allowing a more permissive roadside stand use as a conditional use to allow all AE property owners greater flexibility in achieving economic success to help maintain their lands in permanent agricultural production.

The proposed farmstay regulations require that farmstays only be established as part of an agricultural operation with the agricultural operation as the primary source of income and with a program of agricultural promotion and guest education. The proposed farmstay regulations also include strong performance standards to prevent conflicts with agricultural operations onsite and in the surrounding area, including requirements for demonstration of adequate services and limitations on the size and siting of farmstays to minimize encroachment onto productive lands (e.g., limits on the number of guests and rooms, a ban on new structures on prime land, and requirements to cluster and locate within existing structures where feasible). These and other proposed standards ensure that this newly proposed conditional use will be an agriculture-related accessory use consistent with the intent of the AE District and Designation and the agricultural resource protection policies of the LUP and Coastal Act.

The proposed farmstay provisions include an allowance for non-agricultural cultural and special events such as weddings that involve more than the registered guests up to four times per year. Unlike farmstays, special events are not an agriculture-related use and could temporarily displace agricultural operations, permanently alter soils, reduce infrastructure and services that would otherwise be available for agricultural activities, drive up land costs, and otherwise create conflicts between land uses. Commission staff recommends Suggested Modification 4 to require additional application requirements (e.g., information on the intensity, location, and maximum service demands of the events) and findings of approval of special events to facilitate context-specific review of

permit applications to ensure the agricultural resource protection polices of the LUP are adequately carried out.

Staff recommends that the Commission reject the proposed LUP and IP amendments as submitted and approve the amendments only as modified to ensure that the LUP amendment is consistent with the Chapter 3 policies of the Coastal Act and the IP amendment is in conformance with and adequate to carry out the certified LUP policies. City staff has indicated its agreement with the Commission staff's recommended suggested modifications.

The resolutions and motions begin on [Page 5](#). The language of the suggested modifications begin on [Page 7](#).

Staff Note: LCP Amendment Action Deadline

The City transmitted the subject LCP amendment application to the Commission on July 3, 2020. The LCP amendment submittal was filed as complete by the North Coast District Office on October 8, 2020. On January 13, 2021, the Commission granted a one-year extension to the 90-day time limit for Commission action on the proposed LCP amendment. The new deadline for action is February 17, 2022.

Additional Information

For further information, please contact Bob Merrill at the Commission's North Coast District Office in Arcata at bob.merrill@coastal.ca.gov. Please mail correspondence to the Commission at the letterhead address. In addition, please also send a copy of all correspondence or other documents electronically to Northcoast@coastal.ca.gov.

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APPENDICES

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EXHIBITS

[Exhibit 1 – Regional Location Map](#)

[Exhibit 2 – Zoning Map Showing AE Lands](#)

[Exhibit 3 – Resolution of Transmittal of LCP Amendment](#)

[Exhibit 4 – Proposed Amendment and Suggested Modifications \(strikeout/underline version\)](#)

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, first reject the LUP and IP components of the amendment as submitted and then approve both components if modified as suggested in the staff report. The Commission needs to make four motions to adopt the staff recommendation.

A. Denial of the LUP Amendment as Submitted

Motion 1: I move that the Commission certify Land Use Plan Amendment No. LCP-1-PTA-20-0040-1 as submitted by the City of Point Arena.

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution 1: The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-PTA-20-0040-1 as submitted by the City of Point Arena and adopts the findings set forth below on the grounds that the submitted land use plan amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the land use plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment.

B. Certification of the LUP Amendment with Suggested Modifications

Motion 2: I move that the Commission certify Land Use Plan Amendment No. LCP-1-PTA-20-0040-1 for the City of Point Arena if modified as suggested in the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution 2: The Commission hereby certifies the Land Use Plan Amendment No. LCP-1-PTA-20-0040-1 for the City of Point Arena if modified as suggested and adopts the findings set forth below on the grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with 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 plan on the environment, or 2) there are no further feasible

alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan amendment if modified.

C. Denial of the IP Amendment As Submitted

Motion 3: I move that the Commission reject Implementation Program Amendment No. LCP-1-PTA-20-0040-1 as submitted by the City of Point Arena.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation program amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution 3: The Commission hereby denies certification of Implementation Program Amendment No. LCP-1-PTA-20-0040-1 as submitted by the City of Point Arena on grounds that the implementation program amendment as submitted does not conform with, and is inadequate to carry out the provisions of the certified land use plan as amended. Certification of the implementation program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

D. Certification of the IP Amendment with Suggested Modifications

Motion 4: I move that the Commission certify Implementation Program Amendment No. LCP-1-PTA-20-0040-1 for the City of Point Arena if modified in accordance with the suggested changes recommended by staff.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications 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 4: The Commission hereby certifies the Implementation Program Amendment No. LCP-1-PTA-20-0040-1 for the City of Point Arena if modified as suggested on grounds that the implementation program, as amended, conforms with and is adequate to carry out the provisions of the certified land use plan as amended. Certification of the implementation program amendment will comply with 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 and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act and LUP consistency findings. If the City accepts the suggested modification within six months of Commission action, by formal resolution of the City Council, the modified amendment will become effective once the Executive Director has determined that the City’s action is legally adequate and reported that determination to the Commission at a Commission meeting.

Where applicable, text shown below in single underline format denotes text that the City proposes to add to the certified LCP, and text in ~~single strikethrough~~ format denotes text the City proposes to delete. Text in ~~bold double strikethrough~~ format denotes text to be deleted through the Commission’s suggested modifications and text in **bold double underline** format denotes text to be added through the Commission’s suggested modifications.

A. Suggested Modifications to the Land Use Plan Amendment

1. Suggested Modification 1: Modifications to the Agricultural Exclusive (AE) Designation

Modify LUP Chapter II (Land Use and Development Element), Part 8 (Land-Use Categories and Descriptions), Subpart 8.1 (Agricultural and Suburban Areas and Uses) as follows:

....

(A) Agriculture Exclusive--(AE)

Applies to properties which are to be reserved primarily for agricultural uses and associated structures, including the following uses by right:

Permissible uses by right

Single-family residence, if incidental to the agricultural use of the land and for the residence of the farmer or for employees engaged in the agricultural use of the land; farming, dairying and grazing; agriculturally-associated and necessary auxiliary buildings; keeping of animals; barns; and greenhouses; one home occupation; stable; roadside stands **less than 500 square feet in area for sale of agricultural products grown/raised/produced onsite (or on contiguously owned parcels).**

Maximum residential density by right: one dwelling unit on each twenty-acre parcel.

Minimum lot size: 20 acres.

By use permit

Animal husbandry uses that have a potential to produce significant odor, noise, or other impacts, such as but not limited to hog farms, frog farms, turkey, farms, fur farms, animal feed yards and sales yards.

Farmstays.

Riding stables to rent or board horses.

~~Larger scale w~~Water storage tanks, reservoirs or distribution lines to serve off-site uses.

~~one second dwelling unit not to exceed 1200 square feet of floor area for the owner's family, a farm working lessee or employees, which may be a mobile home or manufactured home; subject to the Second Unit Ordinance and State Law and only where there is an existing single-family home; roadside stands used for the sale of agricultural products, provided the structures are temporary.~~

Roadside stands for sale of agricultural products with at least 50% of all agricultural products grown/raised/produced on site (or on contiguously owned parcels) and the remainder grown/raised/produced elsewhere in Mendocino and Sonoma Counties.

Scientific research and associated structures.

Wastewater ponds; spray irrigation.

Satellite TV receiving dish (four feet diameter or larger)

Emergency services communications facilities of a limited nature.

Septic system and wells are acceptable.

Properties in this land-use category are intended to be maintained in agricultural production in order to assure the area's agricultural economy and agricultural usage on a continuing basis. Conversion of agricultural lands to non-agricultural uses and removal of lands from the AE Zone shall be predicated on a conversion analysis and findings in accordance with California Coastal Act provisions 30241, 30241.5, 30242, and 30243 and LUP Chapter X section 2.5.

....

2. Suggested Modification 2: Modifications to the Coastal Element Glossary

Add the following definition to the Coastal Element Glossary:

Roadside Stand. An area for the sales and promotion of agricultural products and pre-packaged, shelf stable goods processed from agricultural products such as produce, eggs, honey, jams, pickles, nuts, olive oil, and similar products.

B. Suggested Modifications to the Implementation Program Amendment

3. Suggested Modification 3: Modifications to the Agricultural Exclusive (AE) District

Modify IP section 4.05 as follows:

Agriculture Exclusive or AE Zone: The agriculture exclusive zone applies to properties designated on the Zoning Map where it is necessary to protect for agricultural uses. This designation applies to areas in which agriculture shall be the

predominant use and in which the only other uses allowed are those which support the maintenance of agricultural lands in permanent agricultural production.

A. Principally permitted uses

- 1) Farming, dairying, grazing or breeding of cattle, horses, or sheep, raising, or keeping of poultry, fowl, rabbits, or goats or similar animals.
- 2) Crop, vine or truck farm, greenhouses constructed on non-permanent foundations (e.g. perimeter foundations), horticulture.
- 3) Farm and ranch buildings including stables, barns, pens, corrals, coops, windmills, silo.
- 4) A single family dwelling incidental to the agricultural use of the land, for the residence of the farmer or for employees engaged in agricultural use of land.
- 5) Roadside stands less than 500 square feet in area used for the sale of agricultural products ~~provided the structures are temporary~~ **grown/raised/produced onsite (or on contiguously owned parcels).**
- 6) One home occupation
- 7) Private wells and septic systems to support agricultural uses, when consistent with applicable Health Department regulations.

B. Conditionally permitted uses

- 1) Hog farms, turkey farms, frog farms, and fur farms, and other types of animal husbandry that have the potential to produce significant odor or noise impacts, or otherwise require special consideration due to the unusual nature of the operation.
- 2) Farmstays subject to the standards set forth in Section 18.25.350 City of Point Arena Municipal Code.
- 3) Animal feed yards and sales yards.
- 4) Riding stables to rent or board horses
- 5) Water storage tanks, reservoirs and distribution lines.
- 6) One second dwelling unit incidental to the agricultural use of the land, which may be a mobile or manufactured home, for the residence of the owner or lessee or for employees engaged in agricultural use of the land, not to exceed 1,200 square feet in area subject to the Second Dwelling Unit Ordinance and State Law and only where there is an existing single-family home.
- 7) Scientific research and associated structures.
- 8) Wastewater ponds; spray irrigation
- 9) Satellite TV Receiving Dish (four feet diameter or larger).
- 10) Emergency services communications facilities of a limited nature.
- 11) Roadside Farm Stands used for sale of ~~local~~ agricultural products **with at least 50% of all agricultural products grown/raised/produced on site (or on contiguously owned parcels) and the remainder grown/raised/produced elsewhere in Mendocino and Sonoma Counties.**

C. Other regulations

- 1) Minimum lot area: 20 acres.
- 2) Maximum lot depth: 3 times lot width
- 3) Minimum yards: front, 30 feet; rear, 20 feet; side, 10 feet.
- 4) Maximum building height: 35 feet. Farm outbuildings shall not be less than 20 feet from any dwelling unit. The Planning Commission may require a lesser height as provided in Section 5.15.
- 5) Appropriate adequate water supply and septic capacity as well as adequate traffic capacity to support residential use without diminishing water supplies for agricultural uses shall be substantiated prior to approval of the CDP.
- 6) **The area of land occupied by structures and driveways shall not exceed 25% of total parcel acreage for parcels less than two acres in size, 15% for parcels two acres to five acres in size, or 10% for parcels over five acres in size. New structures not used for agricultural production and associated yards, driveways, utilities, and fire safety setbacks shall be sited and designed to avoid prime and productive agricultural land to the maximum extent feasible.**

4. Suggested Modification 4: Modifications to the Proposed New Farmstay Provisions

Amend proposed new section 18.25.350 as follow:

....

b. Performance Standards

....

3. **Dwellings Allowed. Farmstay accommodations shall not be located in agricultural employee housing, or seasonal or year-round farmworker housing. Tents and Recreational Vehicles are not allowed as a part of an agricultural farmstay. Farmstay accommodations shall not interfere with, replace or be located on land which ~~is in production~~ **has been in production anytime in the last two years.** Wherever feasible, farmstay accommodations shall be clustered. Where feasible, farmstay accommodations shall be located in existing farm structures. **All development associated with the farmstay must be specified in the Coastal Development Use Permit for the farmstay.****

....

8. **Special Events. Non-agricultural activities or special events that involve more than the registered guests are not allowed, except that occasional cultural or special events, parties, weddings or other similar activities may be permitted ~~only with a special event zoning permit~~ up to four times per calendar year **with the cumulative total duration of all special events not exceeding fourteen days in each calendar year. Special events shall be subject to coastal development permit authorization, either as part of the permit for the farmstay or through a separate****

CDP. The CDP application for special events, in addition to other applicable application requirements, must include:

- 1. A site plan showing proposed event space (including ingress/egress, parking, water/wastewater facilities) relative to onsite agricultural operation areas and areas not suitable for agricultural and/or undevelopable;**
- 2. A plan of operation detailing event timing, duration, and capacity; any improvements required for the events including any grading or removal of major vegetation; and any measures necessary to protect surrounding agricultural uses;**
- 3. Demonstration of adequate services to serve the events; and**
- 4. An analysis of impacts on existing and future agriculture including any temporary displacement of agriculture or long-term degradation of agricultural land.**

A CDP covering special events shall not be approved unless findings are made that the proposed special event use does not result in a conversion of agricultural land, supports and does not interfere with the primary use of the site as a productive agricultural unit, will not conflict with surrounding agricultural lands or uses, and is consistent with the requirements and standards of this section and all other policies and standards of the City's certified Local Coastal Program.

- ****
- 11. Farmstay development shall be sited and designed to be in character with the rural, agricultural setting.**

III. PROCEDURAL ISSUES

A. Standard of Review

Pursuant to Coastal Act section 30512(c), to certify the proposed amendment to the LUP portion of the City of Point Arena LCP, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Pursuant to Coastal Act section 30513, to certify the proposed amendment to the IP portion of the City of Point Arena LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP.

B. Public Participation

Section 30503 of the Coastal Act requires public input in preparation, approval, certification, and amendment of any LCP. The City of Point Arena's City Council held public hearings on the subject amendment on September 24, 2019, April 14, 2020, and May 26, 2020. The hearings were noticed to the public consistent with sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. Procedural Requirements

Pursuant to Section 13544 of the Commission's regulations, if the Commission denies the LCP amendment as submitted, but then approves it with suggested modifications, as recommended by staff, the LCP amendment will not take effect until the City accepts and agrees to the Commission's suggested modifications, the Commission's Executive Director determines that the City's acceptance is consistent with the Commission's action, and the Executive Director reports the determination to the Commission at the next regularly scheduled public meeting. If the City does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment will not become effective within the coastal zone.

IV. CONSISTENCY ANALYSIS

A. Amendment Description

The City of Point Arena proposes to amend the City's certified Land Use Plan (LUP) and Implementation Program (IP) to make changes to the AE Agriculture Exclusive (AE) Land Use Designation and Zoning District, including: (1) addressing existing discrepancies between the LUP and IP regarding conditional uses; (2) allowing for a broader diversity of conditional animal husbandry uses; and (3) adding farmstays as a conditional use. The proposed amendment also adds regulations for farmstays to a new section of the IP.

1. Conditional Uses on AE Lands

Under the currently certified LUP, the only uses listed as being allowed by use permit in the AE Designation are: (1) one second dwelling unit for the owner's family, a farm working lessee, or employees; (2) roadside stands used for the sale of agricultural products, provided the structures are temporary;¹ and (3) septic systems and wells. In contrast, the certified IP lists a number of additional uses that are conditionally permitted in the AE District, including: (a) hog farms, turkey farms, frog farms, and fur farms; (b) animal feed yards and sales yards; (c) riding stables to rent or board horses; (d) water storage tanks, reservoirs and distribution lines; (e) scientific research and associated structures; (f) wastewater ponds; (g) spray irrigation; (h) satellite TV receiving dish (four feet diameter or larger); and (i) emergency services communications facilities of a limited nature. Also, under the currently certified IP, "roadside stands used for the sale of agricultural products, provided the structures are temporary" is a principally permitted use rather than a conditional use.

The proposed amendment attempts to address these discrepancies by adding all of the currently certified conditional uses in the AE District in the IP to the list of conditional uses in the AE Designation in the LUP. The City also intends to address the discrepancy regarding roadside stands, but the proposed amendment both removes roadside stands as a conditional use from the LUP and adds roadside stands as a conditional use in the IP so that the LUP and IP remain in conflict. The City has requested a friendly modification to fix this remaining discrepancy, which is necessary to ensure that the IP is consistent with the certified LUP as amended.

2. Animal Husbandry

In the AE District, the certified IP allows for "dairying, grazing or breeding of cattle, horses, or sheep," and "raising or keeping of poultry, fowl, rabbits, goats or similar animals" as a principally permitted use, and "hog farms, turkey farms, frog farms, and

¹ Under the certified LUP, roadside stands are listed both as a permissible use by right and by use permit. During the last comprehensive LCP update, the City was proposing to allow roadside stands as a permitted use, and roadside stands were added as a conditional use by suggested modification without any corresponding deletion of the permitted use.

fur farms” as a conditionally permitted use. Under the proposed amendment, the existing “hog farms, turkey farms, frog farms, and fur farms” conditional use is expanded to include all animal husbandry uses “that have the potential to produce significant odor or noise impacts, or otherwise require special consideration due to the unusual nature of the operation.” The proposed language is intended to allow for raising a broader range of animals on AE District lands, including exotic hooved animals. The City proposes to similarly amend the AE Designation in the LUP to add a parallel conditional use.² In addition, the City proposes to amend the definitions section of the IP to define animal husbandry as “the raising, breeding, and maintaining of horses, donkeys, mules, and similar hooved animals, livestock and farm animals.”

3. Farmstays

The City proposes to add farmstays (transient lodging visitor serving accommodations provided as part of a farming or animal operation) as a conditionally permitted use in the AE Designation and District. The City also proposes to add: (1) a new section of the zoning code with regulations specific to farmstays, and (2) a definition of farmstays to the definitions section of the IP. Under the proposed standards, farmstays require a Coastal Development Use Permit and only one farmstay operation is allowed per agricultural property (i.e., properties in contiguous ownership). The proposed regulations limit the number of bedrooms and overnight guests allowed, and limit food service to registered guests only.³ The standards also clarify that non-agricultural activities or special events that involve more than the registered guests are not allowed, except that occasional cultural or special events, parties, weddings or other similar activities may be permitted up to four times per year.

To ensure farmstays are incidental, agriculture-related uses, the proposed regulations require that farmstays be located on and be part of an agricultural operation, where the agricultural operation is the primary source of income, and the operator of the farmstay must engage in a program of agricultural promotion and guest education regarding the agricultural activities onsite and in the area. The proposed standards also prohibit farmstays from interfering with, replacing, or being located on land which is in production, and new farmstay structures are prohibited on prime agricultural land. In addition, farmstay accommodations must be clustered and located in existing farm structures where feasible.

² The currently certified LUP allows for dairying, grazing and keeping of animals as a permissible use by right in the AE Designation without any listed conditional uses related to animal husbandry.

³ The proposed regulations allow for two different types of farmstays: (1) “breakfast service only,” which allows up to eight guest bedrooms or sleeping rooms, sixteen overnight guests (with children under three exempted from the limit), and one morning meal; and (2) “small farmstay,” which allows up to six guest bedrooms, fifteen overnight guests, and food service any time.

B. Background

Point Arena is a small city in southern Mendocino County with a population of 449.⁴ The City occupies 839 net acres of land and is located entirely within the coastal zone. The City is surrounded by agricultural lands on all sides except for the coast. Development within the City is concentrated in Arena Cove (a historical commercial fishing area) and along both sides of Highway One, which bisects the city.

The City's certified LCP was comprehensively updated in 2006 (under LCP Amendment PTA-MAJ-1-01) and has not been amended since. The AE Designation/District (the subject of this amendment) is the City's only agricultural designation/district.⁵ Pursuant to the certified IP, the AE District "applies to areas in which agriculture shall be the predominant use and in which the only other uses allowed are those which support the maintenance of agricultural lands in permanent agricultural production." At this time, most agriculture use of land in the area is confined to grazing and livestock feed.

Thirty parcels within the City limits are zoned AE, totaling approximately 381 acres and representing roughly 46% of the City's land area (See Exhibit 2 for a map of the City's zoning districts). AE zoning in the City requires a minimum 20-acre parcel size, although only six of the existing thirty AE parcels meet this minimum, and eleven are under five acres. In addition, about a third of the acreage in the AE District (126.04 acres) is owned by the U.S. government (the Bureau of Land Management).

The amendment was originally precipitated by requests by Commission staff for the City to address alleged violations of the LCP (unpermitted development) on a particular AE property in the City, the B. Bryan Preserve.⁶ Not only are existing uses on the property unpermitted, but many of these uses, including the grazing and keeping of exotic hooved animals and associated visitor serving facilities, are not permissible under the currently certified LCP because they do not fit within the allowed uses of the AE Designation and District. Therefore, certain aspects of the proposed amendment, such as broadening the types of animal husbandry conditionally allowed in the AE Designation/District, were precipitated by the desire to find a permitting path forward for this property owner; however, the broader intent of the amendment is to allow all AE property owners greater flexibility in achieving economic success in order to maintain their lands in permanent agricultural production.

⁴ The cited population is from the 2010 Census.

⁵ The City also has a "Residential Agriculture" District that applies to properties which are suitable for very low-density residential use and limited agricultural activities and contribute to maintaining the city's rural and small-town character and small-scale agricultural activities.

⁶ The B. Bryan Preserve is on the east side of the City and represents approximately 1/10th of the privately-owned AE land in the City. Roughly half of the preserve (about 45 acres) is within the City limits and the other half is in unincorporated Mendocino County.

The Commission has not yet investigated how approval of the subject amendment will affect the ability of unpermitted development on the B. Bryan Preserve to come into compliance with the LCP. Approval of this LCP amendment does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

C. LUP Consistency Analysis

1. Agricultural Resources

Relevant Coastal Act Policies

Coastal Act section 30241 states:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands 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.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (e) By 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.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Coastal Act 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.

Coastal Act section 30243 states, in applicable part:

The long-term productivity of soils and timberlands shall be protected...

Consistency Analysis: Proposed New Conditional Uses in the AE Designation

Coastal Act sections 30241, 30242, and 30243 are intended to protect agricultural lands from direct, indirect, and cumulative impacts of land uses not directly related to the primary use of agricultural lands for the production of agricultural commodities. The provisions of Coastal Act sections 30241, 30242, and 30243 are also incorporated into the certified LUP in part through the City's AE Designation which applies to properties "to be reserved primarily for agricultural uses and associated structures."

The proposed LUP amendment would add the following conditional uses to the AE Designation:

- Animal husbandry uses that have a potential to produce significant odor, noise, or other impacts, such as but not limited to hog farms, frog farms, turkey, farms, fur farms, animal feed yards and sales yards;
- Farmstays;
- Riding stables to rent or board horses;
- Larger scale water storage tanks, reservoirs or distribution lines to serve off-site uses;
- Scientific research and associated structures;
- Wastewater ponds; spray irrigation;
- Satellite TV receiving dish (four feet diameter or larger); and
- Emergency services communications facilities of a limited nature.

The proposed animal husbandry use is an intensive agricultural use, while the proposed farmstay use is an agriculture-related supplemental use that depends on an active agricultural operation (without an active agricultural operation, an overnight visitor-serving accommodation cannot be called a farmstay). The other proposed conditional uses are already included in the list of conditional uses in the certified IP and largely provide for utilities and facilities serving the agricultural operation and/or farm operator. Each of the proposed uses could potentially be developed in a way that is ancillary to and supportive of agricultural operations on the same property and in the surrounding area and in a manner that does not diminish agricultural viability or the long-term productivity of the agricultural soils. Adding these uses as conditional uses ensures discretionary review (under a conditional use permit process) including a required finding that the use will assist in carrying out and be in conformity with the certified LCP [IP section 6.08(B)(3)].

However, while the certified IP includes as a conditional use in the AE District "water storage tanks, reservoirs and distribution lines," the proposed LUP amendment would add "*larger scale* water storage tanks, reservoirs and distribution lines *to serve off-site uses*" to the list of conditional uses in the AE Designation. Storage tanks, reservoirs, and distribution lines meant to serve off-site uses rather than onsite agriculture are not agriculture-related supplemental uses and therefore represent a conversion of

agricultural land. Larger-scale, aboveground storage tanks, reservoirs, and distribution lines could potentially displace large amounts of prime and productive lands and be incompatible with the continued agricultural use of the land inconsistent with the agricultural resource policies of the Coastal Act. To ensure consistency with Coastal Act sections 30241-30243, any need for large, permanent, aboveground development on agricultural lands serving offsite uses (such as reservoirs for a municipal water system) should be addressed through a site-specific conversion analysis and redesignation from AE to a more appropriate land use. Therefore, the amendment as proposed to specifically allow larger-scale water storage tanks, reservoirs and distribution lines to serve off-site uses as a conditional use in the AE Designation is inconsistent with Coastal Act sections 30241-30243.

Suggested Modification 1 removes the modifiers “larger scale” and “to serve off-site use” from the proposed conditional use in the AE Designation. As modified, the conditional use (“water storage tanks, reservoirs and distribution lines”) is consistent with the conditional use language already included in the AE District in the certified IP. With this modification, the proposed conditional use is no longer limited to larger scale development not related to onsite agriculture but instead encompasses types of facilities serving onsite uses that could be found consistent with the agricultural resource policies of the Coastal Act. Because the proposed use is conditional, any future development of water storage tanks, reservoirs and distribution lines will require review for consistency with the agricultural resource protection policies of the LCP, ensuring that the scale and relationship to onsite agriculture will not result in an impermissible conversion and will be consistent with continued agricultural use of AE lands. Thus, as modified, the Commission finds the proposed addition of conditional uses to the AE designation is in conformance with the agricultural resource policies of the Coastal Act.

Consistency Analysis: Proposed Roadside Stand Allowances

In the currently certified LUP, roadside stands are mistakenly listed as both a permitted and conditional use in the AE Designation. The list of permitted uses includes “roadside stands,” while the list of conditional uses includes “roadside stands used for the sale of agricultural products, provided the structures are temporary.” The proposed LUP amendment would remove roadside stands from the list of conditional uses in the AE Designation and retain the use as a principally permitted use. The proposed amendment would also eliminate the certified language that requires roadside stands to be temporary structures.

The certified LCP has no definition of roadside stand nor associated standards that limit the use on AE lands consistent with the agricultural resource protection policies of the Coastal Act. In addition, the City has an adopted Categorical Exclusion Order (E-81-3) that exempts from coastal permit requirements certain categories of development, including accessory structures or buildings of less than 500 square feet in floor area and less than 15 feet in height that are inland of the first public road. Principally permitted roadside stands that meet the exemption criteria would not need a use permit or a coastal development permit and thus would not receive discretionary review. Without clear standards or discretionary review, a roadside stand may be developed and/or

operated in such a way that it does not constitute an agriculture-related or secondary use and instead results in an impermissible conversion of agricultural land or otherwise conflicts with the agricultural resource protection policies of the Coastal Act. Thus, the proposed amendment regarding roadside stands is inconsistent with the Coastal Act sections 30241-30243.

Suggested Modification 1 limits the principally permitted roadside stand use to “roadside stands less than 500 square feet in area for sale of agricultural products grown/raised/produced onsite (or on contiguously owned parcels).” By restricting the principally permitted use to the sale of agricultural products produced onsite, Suggested Modification 1 ensures that any roadside stand that can be constructed and operated without discretionary review will necessarily be incidental to and supportive of an onsite agricultural operation. The size limit (less than 500 square feet) also ensures that all principally permitted roadside stands are truly a supplemental use rather than a primary source of income. With the incorporation of Suggested Modification 1, all permissible uses by right in the AE Designation are limited to agricultural production and the structures and uses that are directly connected to and supportive of the production activities occurring onsite (agriculturally-associated and necessary auxiliary buildings, agricultural dwelling units, and agricultural sales).

Suggested Modification 1 also adds the following conditional use: “roadside stands for sale of agricultural products with at least 50% of all agricultural products grown/raised/produced on site (or on contiguously owned parcels) and the remainder grown/raised/produced elsewhere in Mendocino and Sonoma Counties.” As previously discussed, the intent of the amendment is to allow all AE property owners greater flexibility in achieving economic success to help maintain their lands in permanent agricultural production. To meet the intent of the amendment, Suggested Modification 1 adds a more permissive roadside stand use as a conditional use to the AE Designation that would allow larger roadside stands selling a broader array of products subject to discretionary review. The conditional use language was developed based on the City’s request to allow roadside stands for the sale of local agricultural products. Because the term “local” is ambiguous, Suggested Modification 1 specifies that products must be grown or raised in Mendocino or Sonoma County. The Commission finds that for a roadside stand to constitute a supplemental agriculture-related use, the stand must be related to an onsite agricultural operation, retailing agricultural products grown/raised onsite. If the stand does not sell agricultural products produced on the farm property on which the stand is located, the stand is solely a retail use similar to a grocery store or farmers’ market selling local agricultural products. Use of agricultural lands for retail space unrelated to onsite agricultural production would constitute a conversion of agricultural land. Thus, Suggested Modification 1 ensures that a significant portion (50%) of agricultural products are sourced from the parcel on which the stand is located or contiguously owned parcels.

Finally, **Suggested Modification 2** adds a definition of roadside stand to the LUP glossary defining a roadside stand as “an area for the sales and promotion of agricultural products and pre-packaged, shelf stable goods processed from agricultural products such as produce, eggs, honey, jams, pickles, nuts, olive oil, and similar

products.” This definition clarifies that a minor amount of processing is allowed (e.g., canning, pressing), while ensuring that all products sold and promoted at roadside stands are truly agricultural in nature. Suggested Modifications 1 and 2 together ensure that roadside stands are defined, limited, and adequately reviewed to constitute an agriculture-related supplemental use that will not result in a conversion of agricultural land.

For all the reasons discussed above, the proposed LUP amendment as recommended to be modified is consistent with the agricultural resource protection policies of the Coastal Act.

D. IP Consistency Analysis

1. Conformity with the AE Land Use Designation

The IP’s AE District is intended to carry out the LUP’s AE Designation. As described in the LUP consistency analysis above, the City is proposing to add “farmstays” and “animal husbandry uses that have a potential to produce significant odor, noise, or other impacts” to the list of conditional uses allowed in the AE Designation. The City also proposes to add these uses to the list of conditional uses in the AE District, consistent with and adequate to carry out the amended LUP AE Designation.

As described in the LUP consistency analysis above, **Suggested Modification 1** amends the allowances for roadside stands on AE-designated lands consistent with Coastal Act sections 30241-30243. **Suggested Modification 3** makes the same changes regarding roadside stands to the lists of principally and conditionally permitted uses in the AE District. The proposed AE District amendment as modified by Suggested Modification 3 is thus consistent with and adequate to carry out the AE Designation as amended and modified.

2. Agricultural Resources

Relevant LUP Policies

The glossary of the LUP defines “agriculture” as follows:

The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust, or fumes.

LUP Chapter X (Coastal Element), Part 2 (Coastal Policies), Subpart 2.5 (Agricultural Land Conversion) both includes by reference and reiterates Coastal Act sections 30241, 30241.5, 30242, and 30243.

As described in the LUP consistency findings above, these agricultural resource protection policies are carried out in part through the City’s AE Land Use Designation

described in LUP Chapter II (Land Use and Development Element), Part 8 (Land-Use Categories and Descriptions), Subpart 8.1 (Agricultural and Suburban Areas and Uses). Pursuant to LUP Subpart 8.1, the AE designation “applies to properties which are to be reserved primarily for agricultural uses and associated structures,” and “intended to be maintained in agricultural production in order to assure the area's agricultural economy and agricultural usage on a continuing basis.” LUP Subpart 8.1 also specifies that “conversion of agricultural lands to non-agricultural uses shall be predicated on a conversion analysis and findings in accordance with California Coastal Act sections 30241, 30241.5, 30242, and 30243.”

A full list of relevant LUP policies is included in Appendix B.

Consistency Analysis: Proposed Animal Husbandry Provisions

The currently certified IP includes “hog farms, turkey farms, frog farms, and fur farms” as a conditional use in the AE District. Under the subject amendment, the City is proposing to expand this conditional use to include “other types of animal husbandry that have the potential to produce significant odor or noise impacts, or otherwise require special consideration due to the unusual nature of the operation.” The City is also proposing to add a definition of animal husbandry to Appendix A of the Zoning Code (Supplementary Definitions), defining animal husbandry as “the raising, breeding, and maintaining of horses, donkeys, mules, and similar hooved animals, livestock and farm animals.”

The LUP definition of agriculture includes “animal husbandry.” As a result, the existing and proposed allowances for conditional animal husbandry uses in the AE District are consistent with the intent of the AE Designation to maintain AE lands in agricultural use. The proposed IP amendment would help further carry out the LUP by defining the term “animal husbandry.” By limiting the definition of animal husbandry to the raising, breeding, and maintaining of animals, the proposed IP amendment does not allow uses such as visitor-oriented animal exhibition facilities, but rather seeks to ensure that animal husbandry remains an agricultural use compatible with other forms of agriculture consistent with the intent of Coastal Act sections 30241 and 30242 and parallel agricultural resource protection policies of the LUP. In addition, by limiting exotic animals to hooved animals (e.g., zebras and giraffes), the proposed definition ensures that any permissible exotic animal use would be similar to a typical farm animal use (e.g., breeding and raising horses) and compatible with other forms of agriculture. Therefore, the proposed IP amendment to define animal husbandry and allow for a broader diversity of conditional animal husbandry uses in the AE District is consistent with and adequate to carry out the LUP’s definition of agriculture and the agricultural resource protection provisions of the LUP.

Consistency Analysis: Proposed Farmstay Provisions

Under the City’s certified LUP, a non-agricultural use or structure proposed on lands suitable for agriculture constitutes a conversion of agricultural land that must meet the strict conversion criteria of the Coastal Act. In contrast, the development of a farm-related structure (such as a barn, shed, or farmer-occupied housing) does not constitute an agricultural conversion and thus does not trigger the need for an analysis of

consistency with the conversion criteria. Under limited circumstances, farmstays could potentially qualify as an agricultural-related accessory use that is incidental to the primary agricultural use of a property. This characterization depends on how the use is defined and regulated.

The City is proposing to add a farmstay definition and standards in part to distinguish farmstays from bed and breakfast inns and other non-agricultural uses, including requirements that the farmstay be located on and part of an agricultural operation that produces agricultural products as its primary source of income, with farmstay lodging and meals incidental to the primary agricultural operation and a maximum of sixteen overnight guests. The proposed standards also require that the operator of the farmstay engage in a program of agricultural promotion and guest education such as having guests participate in on-site agricultural activities. As proposed to be defined and regulated, farmstays will be a supplemental agriculture-related use incidental to and compatible with an active agricultural operation and therefore will not constitute an agricultural conversion.

However, even structures that are associated with agriculture, such as greenhouses and farm labor housing, can cover prime land and harm the long-term productivity of agricultural soils, and cumulatively may encourage urbanization of an area. Therefore, whether or not structures are considered agricultural in nature, standards must be included in the certified LCP to ensure structural development is consistent with the agricultural resource protection policies of the LUP. The proposed farmstay provisions prohibit new farmstay structures on prime agricultural land consistent with the LUP and Coastal Act mandate that the maximum amount of prime agricultural land be maintained in agricultural production. The proposed farmstay provisions also require that farmstay accommodations be clustered and located within existing farm structures where feasible in order to minimize the footprint of new structural development and thus minimize encroachment onto productive lands. In addition, the proposed farmstay provisions require that farmstay accommodations not interfere with, replace or be located on land which is in production. While the intent of this last standard is to prevent structural encroachment on lands utilized for existing agricultural operations, it could be interpreted to allow encroachment onto lands that were only recently or temporarily taken out of production, such as allowing development of agricultural fields between growing seasons.

In addition, while the proposed amendment would require a coastal development use permit for a new farmstay, the City has an adopted categorical exclusion order (Categorical Exclusion Order E-81-3) that exempts the construction of accessory structures or buildings of less than 500 square feet in floor area in areas seaward of the first public road from the need for a coastal development permit. As a result of the categorical exclusion order, no discretionary findings of coastal development permit approval are required to ensure small accessory structures associated with farmstays on AE lands individually and/or cumulatively are consistent with the agricultural resource protection policies of the certified LCP. Farmstays were not an allowed use when the categorical exclusion order was certified by the Commission and thus the potential impacts of structural proliferation associated with farmstays on agricultural

lands were not contemplated or evaluated as part of that order's adoption. Thus, the proposal to allow farmstays as a new use on AE lands, which were not allowed when Categorical Exclusion Order E-81-3 was adopted, is inadequate to carry out the agricultural resource protection policies of the certified LUP.

Suggested Modification 4 amends the proposed farmstay standards to clarify that all development associated with a farmstay must be specified in the coastal development use permit required for the farmstay. This ensures that any new structures developed in association with a farmstay are evaluated for conformance with the City's proposed farmstay accommodation structural limitations as well as the more general agricultural resource protection provisions of the certified LCP. **Suggested Modification 4** also amends the proposed standard requiring that farmstay accommodations not interfere with, replace or be located on land which is in production, changing the standard to require avoidance of land "which has been in production anytime in the last two years." The longer time range helps ensure that lands that are still suitable for agricultural production are not displaced by farmstay development.

As modified by Suggested Modification 4, the proposed IP farmstay regulations are consistent with and adequate to carry out the agricultural resource protection policies of the certified LUP.

Consistency Analysis: Proposed Special Event Provisions

The proposed farmstay provisions include an allowance for non-agricultural cultural and special events such as weddings that involve more than the registered guests up to four times per year. Unlike farmstays, special events (as characterized by the proposed amendment) are not an agriculture-related use and could result in an impermissible conversion of agricultural land to a non-agricultural use. However, it is important to note that special events are only allowed in conjunction with a farmstay, which in turn is only allowed on a property with an active agricultural operation where the agricultural operation is the primary source of income. This ensures that special events can only occur on properties with active agricultural operations, and it ensure that special events cannot become the primary source of income, consistent with the intent of the AE Designation to reserve AE lands primarily for agricultural uses.

Although a special event is a temporary use that could potentially be timed, sited, and otherwise limited to avoid any conversion of agricultural land or other conflicts with agricultural resources, special events individually or cumulatively could adversely impact existing and future agricultural uses onsite and on surrounding lands by temporarily displacing agricultural operations, permanently altering the site (e.g., covering and/or degrading soils), reducing infrastructure and services that would otherwise be available for agricultural activities, driving up land costs, and otherwise creating other conflicts between land uses. Also, although the proposed special events provisions would limit special events to four per year, without a clear maximum duration, events could extend for long periods of time and therefore the proposed limit on the number of events may not adequately limit the intensity of the use.

Whether special events on agricultural lands can meet the strict agricultural resource protection policies of the LUP and Coastal Act is highly context-specific, and requires an understanding of the intensity and location of the events as well as information about the site's service capacity, onsite agricultural operations, and prime and productive lands. The proposed special event provisions state that special events may only be permitted with a special events zoning permit, but no such permit type exists in the City's municipal code or certified LCP. In addition, the City's adopted categorical exclusion order (E-81-3) exempts from coastal permit requirements "temporary structures built in conjunction with special events." As a result, it is unclear what level of discretionary review if any would be required by the City. As a result, the proposed amendment to allow special events that are not agriculture-related in the AE District up to four times per year without any further standards is inconsistent with and inadequate to carry out the LUP.

Suggested Modification 4 amends the proposed special events allowance in the farmstay regulations to: (1) clarify that the cumulative total duration of all special events shall not exceed fourteen days in each calendar year, (2) clarify that special events shall be subject to CDP authorization, and (3) add CDP application requirements and required findings of approval specific to special events on agricultural lands.

By limiting special events to four events per year with a cumulative duration not exceeding fourteen calendar days, the IP amendment as modified by Suggested Modification 4 ensures this non-agricultural use will necessarily be temporary and will not compete with agricultural operations as the primary source of income. By clarifying that the use of an agricultural property as a special event venue requires CDP authorization, Suggested Modification 4 also ensures that any such use is analyzed for consistency with the agricultural resource protection provisions of the certified LCP.⁷ In addition, Suggested Modification 4 outlines information required as part of a CDP application for special events, requiring applicants to set parameters on future event timing, duration, capacity, location, and improvements to demonstrate that adequate services are available and that adverse impacts on existing and future agriculture will be avoided. The CDP application requirements added by Suggested Modification 4 require the type of detailed, context-specific information necessary to determine if a use not related to onsite agriculture on AE lands is consistent with the protective agricultural policies of the LUP. And Suggested Modification 4 requires that the information provided in the CDP application is analyzed to make affirmative CDP findings that the

⁷ While a farmstay is an agriculture-related use with set limits on the number of allowed guests, special events (as defined by the amendment) are not agriculture-related and exceed the visitor occupancy limit of the farmstay. Thus, a special event use is a change in use and intensification of use constituting development and thus requires CDP authorization unless otherwise exempt from the CDP requirement. While "temporary structures built in conjunction with special events" is excluded from CDP requirements by the City's categorical exclusion order, the categorical exclusion order does not exempt the special events themselves. In this case, non-agriculture related special events that occur on AE lands have the potential for significant, adverse cumulative impacts to agricultural resources protected by the Coastal Act and certified LUP; therefore, it is appropriate to require CDPs for these types of events in order for the LCP amendment to be consistent with the LUP.

proposed special events use does not result in a conversion of agricultural land, supports and does not interfere with the primary use of the site as a productive agricultural unit, will not conflict with surrounding agricultural lands or uses, and is consistent with all policies and standards of the City's LCP. Thus, as modified by Suggested Modification 4, the proposed allowance for special events in conjunction with farmstays on AE lands is consistent with and adequate to carry out the agricultural resource protection provisions of the certified LUP.

Consistency Analysis: Cumulative Impacts of Structural Development on AE Lands

The proposed amendment opens up agricultural lands to a wider variety of agricultural and accessory uses. The proposed amendment thus has the potential to result in the proliferation of associated structures on agricultural lands that cumulatively adversely affect existing agricultural operations and the long-term productivity of the soils and viability of the area's agricultural economy. While LCP permit requirements, standards, and required findings of approval ensure individual supplemental uses are compatible with agricultural use of the site and the surrounding area, cumulatively these uses can have adverse impacts on coastal resources.

Furthermore, the existing LCP has no overall structural development limitations for the AE District, and Categorical Exclusion Order E-81-3 exempts the construction of accessory structures or buildings of less than 500 square feet in floor area in areas seaward of the first public road from the need for a coastal development permit. As a result of the categorical exclusion order, no discretionary findings of coastal development permit approval are currently required to ensure small accessory structures associated with farmstays individually and/or cumulatively are consistent with the agricultural resource protection policies of the certified LCP.⁸ As a result, the proposed additional allowances for supplemental uses on AE lands, which were not allowed when Categorical Exclusion Order E-81-3 was adopted, are inadequate to carry out the agricultural resource protection provisions of the certified LUP and Coastal Act.

Suggested Modification 3 addresses this issue by adding a cap on the overall amount of structural development allowed in the AE District. The modification adds an upper limit on the total area of each AE District parcel that can be developed with structures and driveways to 25% for parcels less than two acres in size, 15% for parcels two to five acres in size, and 10% for parcels over five acres in size. This cap mirrors similar caps in the certified LCPs of surrounding Mendocino County and nearby Sonoma County. When new uses and structures requiring coastal development permit authorization are proposed, the proposed development will be evaluated for consistency with the lot coverage cap. This cap will thus limit cumulative structural development on agricultural lands even if individual structures are exempt from CDP requirements.

⁸ In addition to impacts on agricultural resources, other potential impacts of structural development on AE lands include impacts on visual quality in coastal viewsheds; groundwater recharge; quality, volume, and rate of stormwater runoff; and water and septic service demands.

While this overall cap prevents structures from consuming large amounts of land on agricultural properties, it does not ensure that structures are strategically sited and designed to minimize impacts on land suitable for agricultural production. For example, a structure clustered with other structures may be able to utilize an existing driveway rather than requiring a new driveway across productive lands. And while parcels are designated and zoned AE because of their past, present, and/or future potential productivity, not all lands on AE parcels are uniformly productive and only certain lands are designated prime agricultural lands. Therefore, Suggested Modification 3 also adds a standard that new structures on AE lands not used for agricultural production and associated yards, driveways, utilities, and fire safety setbacks be sited and designed to avoid prime and productive agricultural land to the maximum extent feasible. This standard requires any available nonfarmable building site to be utilized prior to intruding on lands suitable for agriculture (if consistent with all resource protection policies of the certified LCP). If no such building site is available, the standard requires new structures and associated development and open space to be sited and designed to displace as little prime and productive land as possible.

With the addition of Suggested Modification 3, the proposed allowance for a wider variety of agricultural and accessory uses on agricultural lands is consistent with and adequate to carry out the agricultural resource protection policies of the certified LUP.

3. Adequacy of Services

Relevant LUP Policies

LUP Chapter X (Coastal Element), Part 2 (Coastal Policies), Subpart 2.6 (Locating New Development) includes Coastal Act sections 30250 as Policies 2.8 and 2.10:

2.8 (a) New residential, commercial, or industrial development, except as otherwise provided in the LCP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

2.10 New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

In addition, LUP Chapter X (Coastal Element), Part 2 (Coastal Policies), Subpart 2.6 (Locating New Development) includes the following relevant policies:

1. Public Services for New Development

Development may only be approved where it has been demonstrated that adequate services are available during the project review process and provided as a condition of development consistent with the provisions of Policy 2.5 below...

2.5 No permit for development shall be approved unless the applicant has demonstrated that such development will be served upon completion with adequate services, including but not limited to water, sewer, and road facilities when applicable to the proposed development.

- a. Demonstration of adequate sewer facilities shall include either (i) a written commitment from the managers of the municipal sewage system that adequate capacity exists within the system to serve the development and that the municipal system will provide such service for the development; or (ii) a septic system site evaluation study and a preliminary approval from the Mendocino County Environmental Health Division that a septic system site meeting Division standards adequate to serve the proposed development exists on the subject property.
- b. Demonstration of adequate water shall include either (i) a written commitment from the Point Arena Water Works or its successor that that adequate capacity exists within the water system to serve the development and that the water purveyor will provide such service for the development; or (ii) evidence that the Mendocino County Division of Environmental Health has determined that the water quality of a proposed well or spring water source meets the chemical and bacteriological standards of the California Domestic Water Regulations and that a water quantity test performed consistent with the Division's requirements indicates that sufficient water is available to serve the proposed development.
- c. Demonstration of adequate road facilities shall include information demonstrating that (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies and (ii) that the traffic generated by the proposed development will not cause Levels of Service (LOS) of roads, streets, and intersections within the City to reduce below LOS (E). Lack of adequate services to serve the proposed development shall be grounds for denial of the development or reduction in the density otherwise indicated in the Land Use Plan.

Lack of adequate services to serve the proposed development shall be grounds for denial of the development or reduction in the density otherwise indicated in the Land Use Plan.

Finally, LUP Chapter VII (Community Health and Safety Element), Part 7 (Sewage Collection and Disposal Policies), Policy 3 prohibits the extension of sewer service to lands zoned AE.

Consistency Analysis

The proposed IP amendment adds “farmstays,” “animal husbandry uses that have a potential to produce significant odor, noise, or other impacts,” and “roadside stands for the sale of local agricultural products” to the list of conditional uses in the AE District. Given that roadside stands are already a principally permitted use in the AE District and “hog farms, turkey farms, frog farms, and fur farms” are already a conditional use, the proposed conditional allowances for roadside stands and animal husbandry do not increase the potential intensity of use of AE lands and thus will not have an impact on service capacity. The proposed allowance for overnight accommodations in the form of farmstays could increase service demand.

To ensure adequate services are available for new development consistent with the LUP policies cited above, the City’s proposed farmstay standards include a requirement that applicants for farmstays demonstrate the development will be served by adequate water, sewage and road facilities “in compliance with the General Plan/Local Coastal Plan Coastal Element, section 2.6, subpart E, Policy 2.5.” The referenced LUP policy, quoted above, includes detailed and specific provisions for evaluating adequate service capacity, including a septic system site evaluation study and a preliminary approval from the Mendocino County Environmental Health Division for demonstration of septic capacity, and a water quantity test performed consistent with the Division’s requirements for demonstration of water supply capacity.

The proposed farmstay standards also limit the service demand of future farmstays by only allowing one farmstay operation per agricultural property (contiguous ownership) and by limiting the number of bedrooms and overnight guests allowed in each farmstay and restricting meal service to registered guests. However, as described in the agricultural resource findings above, the standards also allow for special events that involve more than the registered guests up to four times per year. Use of a property as a special events venue is a change in intensity of use that can have unique and significant service demands. As proposed, this special events provision could result in large and/or long events with significant service demands that are not anticipated or adequately evaluated during the CDP process for the farmstay, resulting in service capacity impacts inconsistent with the aforementioned policies of the certified LUP. As a result, the IP amendment as proposed is inadequate to carry out the certified LUP.

Thus, **Suggested Modification 4** clarifies that any proposed special events use requires CDP authorization, and requires that CDP applications for special events include, among other information, (1) details on event timing, duration, and capacity,

and (2) demonstration of adequate services to serve the events. These modifications ensure that (1) any special events use will be evaluated through a CDP process for consistency with the service capacity policies of the LCP, (2) enough information is provided in the CDP application to adequately estimate maximum service demands of future events, and (3) information is provided to demonstrate that services are available to meet such demand.

For all the reasons described above, the proposed IP amendment as suggested to be modified is consistent with and adequate to carry out the service capacity policies of the certified LUP.

4. Visual Resources

Relevant LUP Policies

LUP Chapter II (Land Use and Development Element), Part 7 (Overall Citywide Land-Use Policies and Programs) Policy 33 and LUP Chapter X (Coastal Element), Part 2 (Coastal Policies), Subpart 2.6 (Locating New Development) Policy 3.0 both include the following language from Coastal Act section 30251:

New development shall (a) be sited and designed to protect views to and along the ocean and scenic coastal areas (b) minimize the alteration of natural land forms, and (c) be visually compatible with the character of surrounding areas.

Consistency Analysis

Although the City's proposed standards ensure farmstays will be a supplemental agriculture-related use incidental to and supportive of an active agricultural operation, farmstays are also a visitor-serving use that involve structural development for guest accommodations. As agriculture in the vicinity of Point Arena is largely livestock grazing in open fields, significant structural development could change the visual character of the area. Depending on how development associated with a farmstay is sited and designed, it could degrade the scenic and visual qualities of the area inconsistent with the visual resource policies of the certified LUP. Thus, **Suggested Modification 4** adds a farmstay standard requiring farmstay development to be sited and designed to be in character with the rural, agricultural setting. This requirement is necessary to adequately carry out the LUP because farmstays on agricultural lands present unique visual resource concerns and this requirement defines the specific visual standard that must be met. The Commission finds that the City's IP amendment, as modified by Suggested Modification 4, conforms with, and is adequate to carry out, the visual resource requirements of the certified LUP.

E. California Environmental Quality Act (CEQA)

As set forth in section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement of preparing an environmental impact report

(EIR) in connection with its activities and approvals necessary for the preparation and adoption of a LCP. The Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§13542(a), 13540(f), and 13555(b)].

The City's LCP amendment consists of both LUP and IP amendments. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as it is set forth in full. As discussed throughout the staff report and hereby incorporated by reference, the LUP amendment as originally submitted does not meet the requirements of or conform with the Chapter 3 policies of the Coastal Act, and the IP amendment does not conform with and is not adequate to carry out the policies of the certified LUP. The Commission, therefore, has suggested modifications to bring the LUP and IP amendments into full conformance with the Coastal Act and LUP, respectively. These modifications represent the Commission's detailed analysis and thoughtful consideration of all public comments received, including with regard to potential direct and cumulative impacts of the proposed LCP amendment, as well as potential alternatives to the proposed amendment, including the no project alternative.

As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

V. APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

LCP Amendment Application No. LCP-1-PTA-20-0040-1 and associated file documents.

City of Point Arena Certified Local Coastal Program and adopted findings for the 2006 update to the certified LCP (PTA-MAJ-1-01).

VI. APPENDIX B – EXCERPTS FROM THE CERTIFIED LUP RELATED TO AGRICULTURAL RESOURCES

Chapter II (Community Character and Overall Goals), Part 2 (Overall Goals), Subpart 2.6, Goal 8 states:

Goal #8: Assist in Implementing the California Coastal Act

In addition to the goals enumerated above, the city shall, to the extent required by law, implement relevant California Coastal Act policies through its certified Local Coastal Program including, but not limited to policies for preserving marine resources; protecting the quality of coastal waters, streams, and wetlands; regulating the diking, filling and dredging of open coastal waters, wetlands and estuaries; protecting environmentally-sensitive habitat areas; giving priority to coastal-dependent uses on or near the coastline; limiting oil and gas developments in accordance with state and local statutes; and, maintaining the viability of existing agricultural uses in accordance with the provisions of California Coastal Act Sections 30241 - 30243.

....

Chapter II (Land Use and Development Element), Part 7 (Overall Citywide Land-Use Policies and Programs) includes the following applicable policies:

....

11. Continuing agricultural uses of lands which have the soils, acreage and water capability to sustain such operations are encouraged but not required. The maximum amount of prime agricultural land (see glossary for definition) shall be maintained in agricultural production; conflicts shall be minimized between agricultural and urban uses; and lands suitable for agricultural use shall not be converted to non-agricultural uses unless continued or renewed agricultural use is not feasible. All actions undertaken by the City governing use and conversion of agricultural lands shall be governed by Sections 30241, 30241.5, 30242, and 30243 of the California Coastal Act.

....

49. Stable boundaries shall be established separating urban and rural areas, including, where necessary, clearly defined buffer areas utilized to minimize conflicts between agricultural and urban land uses.

....

Chapter II (Land Use and Development Element), Part 8 (Land-Use Categories and Descriptions), Subpart 8.1 (Agricultural and Suburban Areas and Uses) states in applicable part:

....

(A) Agriculture Exclusive--(AE)

Applies to properties which are to be reserved primarily for agricultural uses and associated structures...

....

Properties in this land-use category are intended to be maintained in agricultural production in order to assure the area's agricultural economy and agricultural usage on a continuing basis. Conversion of agricultural lands to non-agricultural uses and removal of lands from the AE Zone shall be predicated on a conversion analysis and findings in accordance with California Coastal Act provisions 30241, 30241.5, 30242, and 30243 and LUP Chapter X Section 2.5.

....

Chapter VII (Community Health and Safety Element), Part 7 (Sewage Collection and Disposal Policies) includes the following policy:

....

3. No sewer service may be extended to lands zoned Agriculture Exclusive-AE or to areas outside the "urban limit line".

....

Chapter X (Coastal Element), Part 2 (Coastal Policies), Subpart 2.5 (Agricultural Land Conversion) states:

2.5. Agricultural Land Conversions

(A) Relevant Coastal Act Sections, included by reference

30241

Prime agricultural land; maintenance in agricultural production.

30241.5

Agricultural lands; viability of.

30242

Lands suitable for agricultural use; conversion.

30243

Productivity of soils and timberlands; conversions.

(A) Background

The Coastal Act requires that "The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy...".

The City of Point Arena is surrounded by agricultural lands on all sides except for the coast. Historically, agricultural products in the area have included potatoes, beef, lamb and dairy products. At this time, most agriculture use of land in the area is confined to grazing and livestock feed. Agricultural Exclusive (AE) zoning in the City requires a minimum 20 acre parcel size, although there are many existing smaller parcels with AE zoning.

The larger AE zoned parcels, particularly in the northwestern and eastern portions of the City, are comprised of high quality agricultural soils (Kneeland Loam; Agricultural II, III).

LCP-1-PTA-20-0040-1 (Farmstays & AE Use Changes)

In 1989/90 the City completed the annexation and conversion of approximately 176 acres of AE zoned land to the east, known as the Hay Annexation. This land is now zoned: Industrial (I), Multi-Family Residential (MR), Suburban Residential 1/2 acre (SR-1/2), Suburban Residential 1 acre (SR-1), Residential Agriculture 2 acre (RA-2).

(B) Findings

While soils within the boundaries of Point Arena offer high potential for agricultural use, there is a limited potential for modern commercial agriculture, except on the few larger parcels.

The main reasons for protecting small parcels of AE lands inside the City are for Open Space, buffer zones and small scale farming, especially when utilized in connection with Co-Housing and other Planned Development projects.

(C) Goals

To formulate policies and land use designations necessary to protect and maintain the maximum amount of agricultural land in production pursuant to Coastal Act Policies 30241.5 and 30242.

To encourage land owners to maintain agricultural land uses on smaller sized parcels and in conjunction with planned development.

To change existing non-conforming AE designations of small size parcels to more realistic zoning designations only if consistent with the agricultural protection provisions of the Coastal Act.

(D) Policies

1. The maximum amount of prime agricultural land shall be maintained in agricultural production; and conflicts shall be minimized between agricultural and urban land uses; and lands suitable for agricultural use shall not be converted to non-agricultural uses unless continued or renewed agricultural use is not feasible. All actions undertaken by the City governing use and conversion of agricultural lands shall be governed by Sections 30241, 30241.5, 30242 and 30243 of the Coastal Act.

2. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas, agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) Stable boundaries and buffer areas where necessary shall be established separating urban and agriculturally zoned areas, including, where necessary, clearly defined buffer areas on residential lands abutting Mendocino County rangelands, utilized to minimize conflicts between agricultural and urban land uses.
- (b) Agricultural lands around the periphery of urban areas shall not be converted to non-agricultural uses unless 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;

- (c) Lands not suited for agriculture shall be developed prior to the conversion of agricultural lands;
- (d) Public service and facility expansions and nonagricultural development shall not impair agricultural viability, either through increased assessment costs or degraded air and water quality;
- (e) All divisions of prime agricultural lands except those conversions approved pursuant to subdivision (a), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

3. Lands suitable for agriculture shall not be converted to non-agricultural uses unless continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250 of the Coastal Act. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

4. The City shall encourage the recombination of agricultural parcels, through Conservancy or other appropriate action.

5. The City shall not encourage the change of existing non-conforming (less than minimum size) parcels on the south bluffs from AE zoning to RA-10, unless a conversion analysis and findings made in accordance with the provisions of Coastal Act Sections 30241, 30241.5, 30242, and 30243 show that continued agricultural use is no longer feasible, or shall encourage the recombination of said parcels.

6. Lands may not be converted from AE in order to change an existing non-conforming use into a conforming use unless a conversion analysis is conducted and findings are made in accordance with the provisions of the Coastal Act, and such conversion is certified by the Coastal Commission as an LCP Amendment.

7. Stable boundaries shall be established separating urban and rural areas, including, where necessary, clearly defined buffer areas utilized to minimize conflicts between agricultural and urban land uses. Conversion of agricultural lands around the periphery of urban areas shall be limited to the lands 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, and where the conversion of the land would be consistent with Section 30250 of the Coastal Act.

8. Confined animal facilities shall be sited and designed to manage, contain, and dispose of animal waste using BMPs to insure that waste is not introduced to surface runoff or groundwater.

Chapter X (Coastal Element), Part 2 (Coastal Policies), Subpart 2.6 (Locating New Development) includes the following policy language:

....

2.5 No permit for development shall be approved unless the applicant has demonstrated that such development will be served upon completion with adequate services, including but not limited to water, sewer, and road facilities when applicable to the proposed development.

- a. Demonstration of adequate sewer facilities shall include either (i) a written commitment from the managers of the municipal sewage system that adequate capacity exists within the system to serve the development and that the municipal system will provide such service for the development; or (ii) a septic system site evaluation study and a preliminary approval from the Mendocino County Environmental Health Division that a septic system site meeting Division standards adequate to serve the proposed development exists on the subject property.
- b. Demonstration of adequate water shall include either (i) a written commitment from the Point Arena Water Works or its successor that that adequate capacity exists within the water system to serve the development and that the water purveyor will provide such service for the development; or (ii) evidence that the Mendocino County Division of Environmental Health has determined that the water quality of a proposed well or spring water source meets the chemical and bacteriological standards of the California Domestic Water Regulations and that a water quantity test performed consistent with the Division's requirements indicates that sufficient water is available to serve the proposed development.
- c. Demonstration of adequate road facilities shall include information demonstrating that (i) access roads connecting to a public street can be developed in locations and in a manner consistent with LCP policies and (ii) that the traffic generated by the proposed development will not cause Levels of Service (LOS) of roads, streets, and intersections within the City to reduce below LOS (E). Lack of adequate services to serve the proposed development shall be grounds for denial of the development or reduction in the density otherwise indicated in the Land Use Plan.

....

2.8 (a) New residential, commercial, or industrial development, except as otherwise provided in the LCP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels...

....

Chapter XII (Project Review & Permitting: Requirements and Procedures), Part 1 (Permits), Subpart 5 (Coastal Development Permits) includes the following policy language:

Properties designated AE-Agricultural Exclusive in this General Plan may not be re-designated or rezoned, or a Coastal Development Permit issued, unless and until it is found that the proposal complies with the following sections of the California Coastal Act: 30212, 30241, 30241.5 and 30243.

....

The Glossary of the certified LUP includes the following relevant definitions:

....

Agriculture. The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust, or fumes.

Agriculture-related Business. Feed mills, dairy supplies, poultry processing, creameries, auction yards, veterinarians and other businesses supporting local agriculture.

....

Lands Suitable for Agriculture: Lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.

....

Non-Prime Agricultural Land. Coastal agriculture lands that are not in use for crops or grazing, or that are suitable for agriculture but do not qualify as "prime."

....

Prime Agricultural Land. Per California Government Code Section 51201 the term means:

- (1) all land which qualifies for rating as Class I or Class II in the Soil 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 U.S.D.A.
- (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 \$200 per acre.
- (5) land which has returned from the production of unprocessed agricultural plant products on an annual gross value of not less than \$200 per acre for three of the five previous years.

....

Structure, Accessory. A detached building or structure, other than a sign, the use of which is incidental to that of a main building or use; any building or structure which is incidental to the conducting of any agricultural use.

....

Urban Limit Line. That line drawn on a map and officially designated by the City which designates the extent to which urban services will be provided. Any change to the urban limit line is subject to certification by the California Coastal Commission.

....