

CALIFORNIA COASTAL COMMISSION

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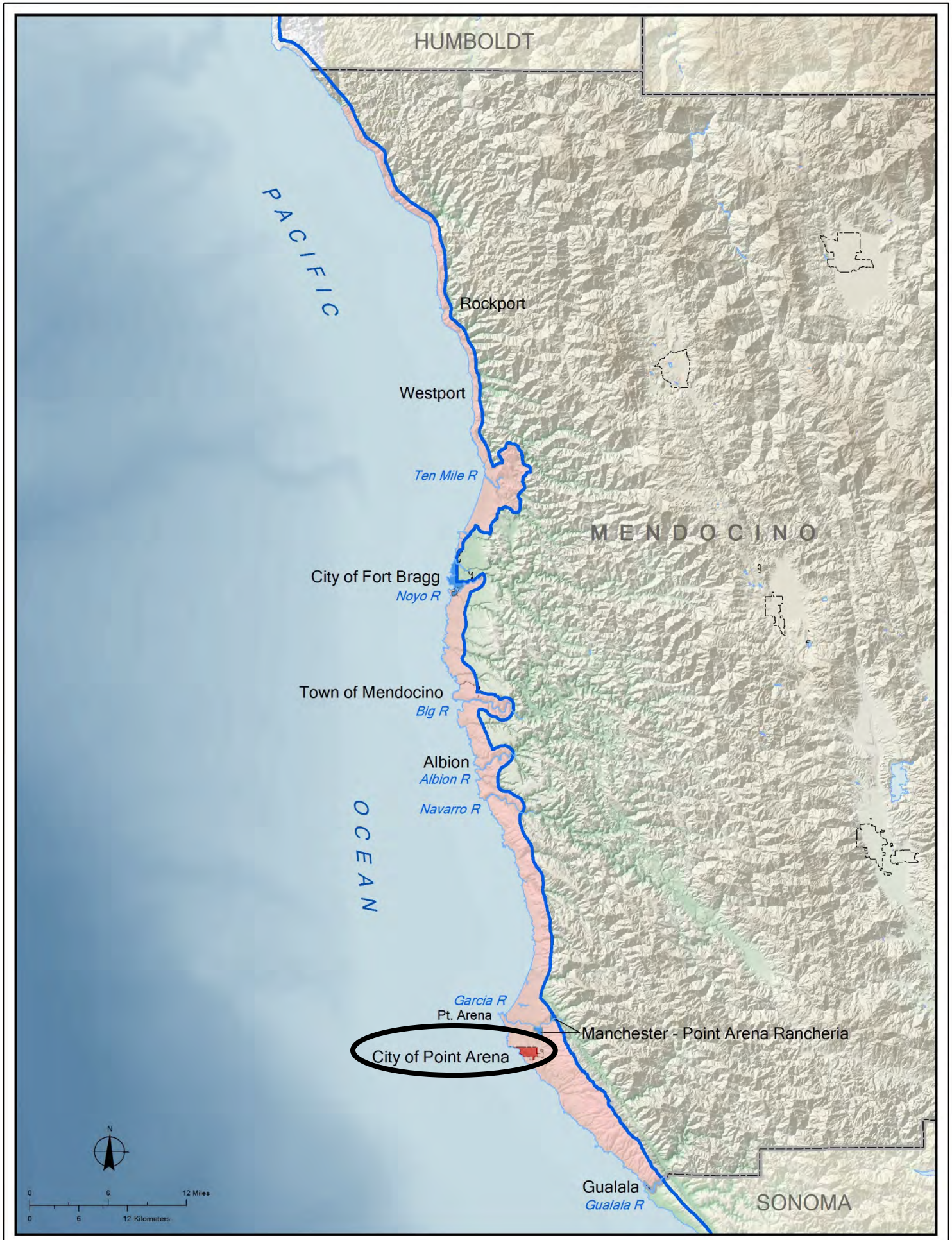
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LCP-1-PTA-20-0040-1 (FARMSTAYS & AE USE CHANGES)

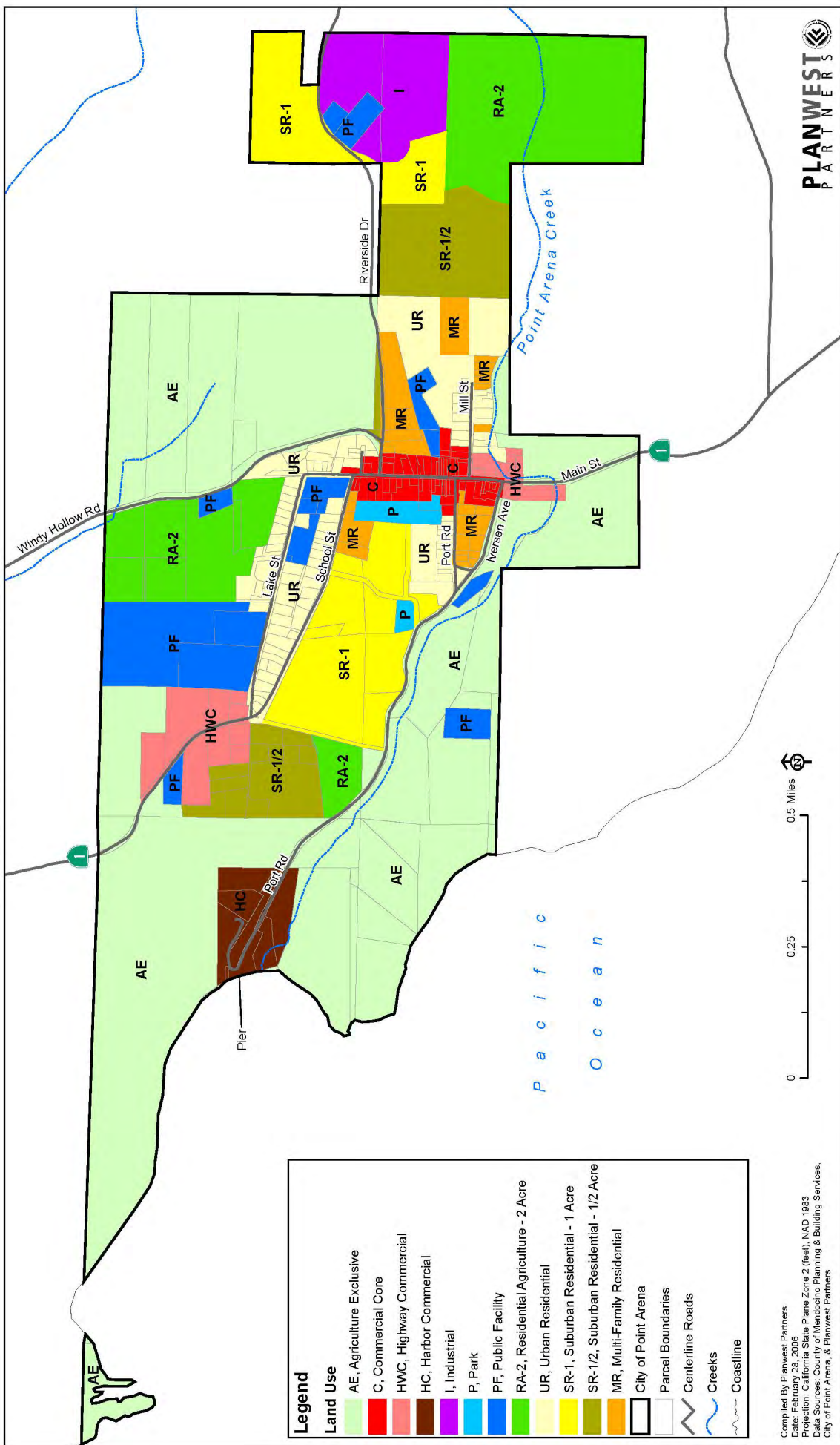
May 14, 2021

EXHIBITS

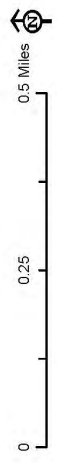
1. REGIONAL LOCATION.....	2
2. LAND USE AND ZONING MAP	3
3. RESOLUTION OF TRANSMITTAL OF LCP AMENDMENT	4
4. PROPOSED AMENDMENT AND SUGGESTED MODIFICATIONS	6



City of Point Arena Land Use and Zoning Map



Legend	
Land Use	
AE, Agriculture Exclusive	[Light Green Box]
C, Commercial Core	[Red Box]
HWC, Highway Commercial	[Pink Box]
HC, Harbor Commercial	[Brown Box]
I, Industrial	[Purple Box]
P, Park	[Light Blue Box]
PF, Public Facility	[Dark Blue Box]
RA-2, Residential Agriculture - 2 Acre	[Light Green Box]
UR, Urban Residential	[Yellow Box]
SR-1, Suburban Residential - 1 Acre	[Light Yellow Box]
SR-1/2, Suburban Residential - 1/2 Acre	[Light Green Box]
MR, Multi-Family Residential	[Orange Box]
City of Point Arena	[Black Outline]
Parcel Boundaries	[Thin Grey Line]
Centerline Roads	[Grey Line]
Creeks	[Blue Wavy Line]
Coastline	[Dashed Line]



Compiled By: PlanWest Partners
 Date: February 28, 2006
 Projection: California State Plane Zone 2 (feet), NAD 1983
 Data Sources: County of Mendocino Planning & Building Services,
 City of Point Arena, & PlanWest Partners



RESOLUTION NO. 2020-06

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POINT ARENA AUTHORIZING ADOPTION OF THE AMENDING ORDINANCE OA/GP # 2019-02 AND SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT (LCP 2-20) APPLICATION TO AMEND THE COASTAL ELEMENT AND COASTAL ZONING CODE

WHEREAS, the City of Point Arena first adopted, and the California Coastal Commission certified a Local Coastal Program (LCP) in 1981, pursuant to the California Coastal Act (Public Resources Code Section 30000 et seq.; (Coastal Act), and

WHEREAS, the City of Point Arena's LCP has not been revised since 2006; and

WHEREAS, the City of Point Arena seeks to update the Local Coastal Program by amending or adding various sections regarding Farm Stays, and to allow for a wider range of Animal Husbandry in the Agricultural Exclusive zone. The proposed amendments to the Coastal Element are attached to this Resolution as Exhibit A and the proposed amendments to the Coastal Zoning Code are attached to this Resolution as Exhibit B; and

WHEREAS, a noticed public hearing was to held on March 26, 2020, but due to COVID19 and the first City Council meeting utilizing teleconferencing, the hearing was continue to April 14, 2020; and

WHEREAS, on April 14, 2020, a noticed public hearing was held, at which the City Council considered the proposed amendment to the LCP; and

WHEREAS, the activities and approvals by a local government necessary for the preparation and adoption of a Local Coastal Program or long range development plan pursuant to the California Coastal Act are statutorily exempt from compliance with the California Environmental Quality Act (CEQA), and this statutory exemption shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA guidelines S 15265(c)); and

WHEREAS, the Coastal Commission's review of LCP amendment must comply with the standards of the California Environmental Quality Act (CEQA), and the amendment request is accompanied by sufficient information to enable the Commission to prepare an environmental analysis satisfying the requirements of CEQA; and

WHEREAS, the LCP as amended is intended to be carried out in a manner fully in conformity with the Coastal Act; and

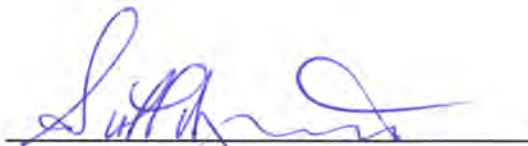
WHEREAS, the amendment will take effect upon adoption by resolution and/or of an implementing ordinance amendment following Coastal Commission approval,

NOW, THEREFORE, LET IT BE RESOLVED by the City Council of Point Arena as follows:

- A. That the City Council directs Staff to transmit the LCP amendment included as Exhibits A and B of this resolution to the Coastal Commission for certification;
- B. That the above recitations are true and correct and incorporated herein by reference;
- C. That the proposed action complies with all applicable requirements of State law and local ordinances;
- D. That the Local Coastal Program Amendment (LCP 2-20) is consistent with, and will be implemented in full conformity with the Coastal Act;
- E. That the LCP amendment shall not become effective until approval by the California Coastal Commission, and subsequent formal local government adoption, including any modifications suggested by the California Coastal Commission, by resolution(s) and/or ordinances(s) of the Point Arena City Council.
- F. That the City Council held a properly noticed public hearing to consider approval of the LCP amendment LCP 2-20 on April 14, 2020,
- G. That the City Council is aware of and recognizes the statutory exemption, which shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA guidelines S15265(c);
- H. That the City of Point Arena has contacted all stakeholder and interested agencies.

PASSED AND ADOPTED The foregoing Resolution No. 2020-06 was passed and adopted at a regular meeting of the Point Arena City Council on the 26th day of May 2020, by the following roll call vote. Motion by Councilmember Dobbins, Seconded by Vice Mayor Burkey.

Ayes: Ignacio, Burkey, Wasserman, Dobbins, Torrez



SCOTT IGNACIO
Mayor

ATTEST:



Richard Shoemaker, City Clerk

LCP EXCERPTS WITH CHANGES FROM PROPOSED AMENDMENT & COMMISSION SUGGESTED MODIFICATIONS

Relevant excerpts of the City's LCP are included below to show the context of the City's proposed changes to the LCP in concert with the Commission staff's suggested modifications.

Language of the currently certified LCP is shown in plain text.

The City's proposed additions are shown in underlined text.

The City's proposed deletions are shown in ~~strike-out text~~.

The Commission's suggested additions are shown in **bold, double-underlined text**.

The Commission's suggested deletions are shown in ~~**bold, double-strike out text**~~.

I. The City of Point Arena General Plan (LUP)

A. Chapter II (Land Use and Development Element), Part 8 (Land-Use Categories and Descriptions), Subpart 8.1 (Agricultural and Suburban Areas and Uses)

....

(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.

....

B. 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.

....

II. Proposed changes for the City of Point Arena Zoning Code (IP)

C. Section 4.05 of the IP

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.**

D. Appendix A of Zoning Code (Supplementary Definitions)

....

Animal Husbandry. The raising, breeding, and maintaining of horses, donkeys, mules, and similar hooved animals, livestock and farm animals.

....

Farmstay. Transient lodging visitor serving accommodations provided as part of a farming or animal husbandry operation, with an on-site farmer or livestock manager in residence, meeting all of the farmstay standards in Section 18.25.350 Point Arena Municipal Code.

....

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.

....

E. New Section of the Zoning Code 18.25.350

Section 18.25.350 Farmstay Standards

- a. Farmstays shall be permitted only in compliance with the requirements and standards of this section and all other requirements of the applicable zoning district, subject to the issuance of a Coastal Development Use Permit. The term of the use permit shall expire upon sale or transfer of the property or upon the owners moving their primary residence off the property, unless there is a tenant farmer continuing to operate the farm and farmstay.
- b. Performance Standards
 1. Where Allowed. Farmstays shall be located on and be part of an agricultural operation, where the agricultural operation is the primary source of income. Farmstay lodging and meals shall be incidental to the primary agricultural operation.
 2. Prime Agricultural Land. New farmstay structures shall be located in areas that are not designated as Prime Agricultural Land. 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.

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.**
4. Owner/Operator in Residence. The owner, or tenant farmer, of the land on which a farmstay facility is located shall reside on the property. A Homeowner's Exemption from property tax or lease agreement shall constitute evidence of this requirement.
5. Accommodation Type Limitations. Two transient (overnight accommodations, for stays of less than 30 days) accommodation types are permitted subject to the following standards (a farmstay operation is limited to one per agricultural property (contiguous ownership):
 1. Breakfast service only transient overnight accommodations – This type of farmstay may have up to eight (8) guest bedrooms or sleeping rooms. The maximum overnight occupancy shall be two (2) persons per sleeping room (except children under three (3) years of age). Only breakfast or a similar morning meal can be served by the farmstay host, and no other meals, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation. The farmstay facility shall maintain a food facility permit as required by the Health and Safety Code.
 2. Small farmstay transient overnight accommodations – This type of farmstay may have up to six (6) guest bedrooms, and may accommodate up to 15 overnight guests. Food can only be served to registered guests. Food can be served any time, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation. Lodging and meals are incidental and not the primary function of the farmstay establishment. The farmstay must be located on, and be a part of, a farm, as defined in Section 52262 of the Food and Agricultural Code, where agricultural operations are the

primary source of income. The farmstay facility shall maintain a food facility permit as required by the Health and Safety Code.

6. Agricultural Promotion. The operator of the farmstay establishment shall engage in a program of agricultural promotion and guest education regarding the agricultural or activities onsite and in the area, which may include active participation in the on-site agricultural activities as part of the consideration for the lodging.
7. Noise Limits. All activities associated with the agricultural farmstay shall meet the Point Arena Municipal Code Noise Standards for Residential zones as outlined in Title 9.35.
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.

9. Proof of Adequate Services. The applicant must demonstrate that upon completion of the project, the development will be served by adequate water, sewage and road facilities when applicable to the proposed development, in compliance with the General Plan/Local Coastal Plan Coastal Element, Section 2.6, Subpart E, Policy 2.5.
10. Transient Occupancy Tax. The agricultural farmstay owner shall maintain a Transient Occupancy Tax License and remain current on all required reports and payments.
11. **Farmstay development shall be sited and designed to be in character with the rural, agricultural setting.**