

CALIFORNIA COASTAL COMMISSION

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F8a

MEMORANDUM

Date: May 12, 2022

To: Commissioners and Interested Persons

From: Shana Gray, Deputy Director
Melissa Kraemer, North Coast District Manager
Catherine Holloway, District Planner

Subject: Addendum for Commission Meeting for Friday, May 13, 2022
Item F8a, CDP Application No. A-1-HUM-22-0011 (Brian & Merritt Brodt)

The purpose of this staff report addendum is to update the staff recommended findings to respond to public comments received since publication of the staff report. After publication of the staff report, the Commission received four public comment letters. The correspondence is included in a correspondence packet posted to the Commission's website.¹ Three of the commentors express support for the project as approved by the County. One letter from appellant John Brezina repeats issues raised in the appeal that were addressed in the April 29, 2022 staff report findings for No Substantial Issue, including assertions that the project is incompatible with the protection of local agriculture and with uses allowed in the AE zone. The letter from the appellant also raises issues related to the underlying CDP authorizing the seasonal use of the existing barn for non-agricultural events, which is not currently under review. The Commission's responses below will be added as a **Response to Comments** section to the April 29, 2022 staff report as Finding VI-D (page 18).

Staff continues to recommend that the Commission, upon completion of the public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed.

Response to Comments

Comments received assert that the existing unauthorized farm stay has been operating without the benefit of CDP authorization, and there is an existing permit condition which states that the unauthorized use of the property for vacation rental purposes could be

¹ Weblink to correspondence: <https://documents.coastal.ca.gov/reports/2022/5/F8a/f8a-5-2022-corresp.pdf>

grounds for permit revocation. Rather than revoke the CDP, the County elected to resolve the permit violation associated with the unpermitted farm stay by requiring the applicants to obtain a modification to the existing CDP (for the seasonal event use on the site) to permit the farm stay use after-the-fact. As noted in the Findings for No Substantial Issue, the County's findings for approval found the proposed farm stay operation as conditioned is differentiated from a vacation rental use, because the farm stay use (1) is similar to and compatible with other uses permitted in the AE zone (residential and agriculture recreation), (2) does not involve non-agricultural development, and (3) requires the owners to be onsite while guests are present.

Comments received also assert that the County's approval authorizes an expansion of the seasonal event use to a year-round use, and this intensification of use will impact surrounding sensitive wildlife habitat. As previously noted, the property is an active agricultural preserve with expansive pasturelands that are routinely subjected to disturbance by tractors and other large farm equipment for planting, cutting, and harvesting of silage as well as seasonal grazing of livestock. The extent and scope of development approved is limited to a farm stay operation in an existing single-family residence. As noted in the Findings for No Substantial Issue, (1) all conditions of approval for the existing event venue permit remain in full force and effect, including conditions related to dust and traffic control, noise restrictions, and timing and number of events, (2) the farm stay use as conditioned is confined to an existing residence with no new construction, adequate on-site parking, and limitations on maximum number of guests (8 guests/4 bedrooms), (3) no agricultural land will be converted for the proposed use, and (4) the required presence of owners onsite coupled with materials provided to guests to orient visitors to the boundaries of the farm stay property will minimize the potential for guests to inadvertently trespass onto neighboring farms.

Comments received also assert that guests have to go to other farms to experience the farm and dairy activities rather than having the farm tourism component on the same site as the farm stay itself. In addition to a formal tour of an off-site portion of the applicants' dairy operations, the 120-acre property itself is a working farm that primarily cultivates silage for dairy cows as well as seasonal grazing. Farm stay guests are invited to explore the agricultural operations on the property using a self-guided map, informational sheets provided in a welcome binder, and informational signs placed throughout the property. Guests are also encouraged to approach the property owners, who are required to remain onsite while overnight guests are present, with any questions or comments.

Finally, comments received suggest that the approved project will set an adverse precedent for similar project approvals on other farms in the region, which could cumulatively impact agricultural land and the area's agricultural economy. As noted in the Findings for No Substantial Issue, the approved project as conditioned requires the applicants to reside on site. By requiring applicants to reside on site for farm stay uses, farm stay guests either must stay within the farmhouse in which the farm owner/operator resides or in a second residence on the farmland property. The existing certified LCP allows for one residence on property that is less than 60 acres in size that is planned and zoned for Agriculture Exclusive (AE) uses, and the residence must be

incidental to the primary use of the property for farming. In past actions by the County (and the Commission on appeals) approving residential development on AE lands, occupancy restrictions have been imposed requiring recordation of a deed restriction against the property specifying that the residence must be lived in by the farm owner or operator and must not be separately sold or leased to occupants not involved in onsite agriculture. The LCP allows for a second residence on AE lands greater than 60 acres in size (such as the subject property) provided that the second residence is occupied by the parents or children of the farm owner or operator.

As noted in the Findings for No Substantial Issue, because the residence approved for use as a farm stay was constructed prior to enactment of the Coastal Act and prior to certification of the County's LCP, there are no permit conditions associated with the structure restricting its occupants to the farm owner or operator as there are for the farmhouse permitted on the property by the County in 2019, which the applicants, who farm the subject property, inhabit. Therefore, there are limited circumstances in which a farm stay would be allowed on AE lands, and the approval of this subject CDP does not represent a significant precedent for the proliferation of farm stays throughout the County. Regardless, as discussed in the Findings, the use of the structure for the farm stay as permitted by the County will not interfere with agricultural uses onsite or on surrounding agricultural lands inconsistent with the agricultural lands protection policies of the certified LCP. Furthermore, the approval of the farm stay in this case is a unique situation that will not set an adverse precedent for similar project approvals on other farms in the region.