



County of San Mateo Planning & Building Department Agricultural Advisory Committee

BJ Burns
Fred Crowder
Jess Brown
Jim Howard

John Vars
Judith Humburg
Laura Richstone
Lauren Silberman

Louie Figone
Margaret Gunn
Robert Marsh
Ron Sturgeon

William Cook
Cynthia Duenas
Peter Marchi
Natalie Sare

County Office Building
455 County Center, 2nd Floor
Redwood City, California 94063
650/363-1829
Fax: 650/363-4849

Regular Meeting Packet

Date: Monday, April 13, 2020
Time: 7:30 p.m. to 9:00 p.m.
Place: Virtual Meeting due to COVID-19 Shelter in Place Order

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the Shelter-in-Place Order issued by the San Mateo County Health Officer on March 16, 2020 and March 31, 2020, the statewide Shelter-in-Place Order issued by the Governor in Executive Order N-33-20 on March 19, 2020, and the CDC's social distancing guidelines which discourage large public gatherings, public hearings will not be held in person until May 3, 2020. Instead, members of the public may provide written comments by email to San Mateo County Planning Liaison Laura Richtone at LRichstone@smcgov.org. To be read into the record and discussed at the meeting, comments must be submitted via email no less than 30 minutes before the scheduled meeting. Comments received after that time, will be held for the next scheduled meeting.

CORRESPONDENCE TO THE COMMITTEE:

Laura Richstone, Agricultural Advisory Committee Liaison
455 County Center, 2nd Floor
Redwood City, CA 94062
Phone: 650/363-1829
Facsimile: 650/363-4849
Email: LRichstone@smcgov.org

AGENDAS AND STAFF REPORTS ONLINE:

To view the agenda, please visit our website at <http://planning.smcgov.org/agricultural-advisory-committee>, associated staff reports and attachments will be available on our website one week prior to the meeting. For further information on any item listed below, please contact the Project Planner indicated.

NEXT MEETING:

The next regularly scheduled Agricultural Advisory Committee meeting will be held on May 11, 2020.

REVISED AGENDA
7:30 p.m.

1. **Call to Order**
 2. **Member Roll Call**
 3. **Oral Communications** to allow the public to address the Committee on any matter not on the agenda. If your subject is not on the agenda, the Chair will recognize you at this time.
 4. **Committee Member Update(s) and/or Questions**
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5. **Owner:** Kevin Palmer
Applicant: Kevin Palmer, Long Branch Saloon
File Number: PLN 2020-00084
Location: 321 Verde Road, Pescadero
Assessor's Parcel No. 066-320-170

Consideration of an Agritourism Permit to host up to 12 private farm/ranch events including educational farm tours, private nonprofit events, farmer markets and/or private gatherings on the subject parcel. Hours of operation are 11:00 a.m. – 4:00 p.m. and 6:00 p.m. – 10:00 p.m. with a 5 hour maximum event time. Please direct any questions to Project Planner Tiare Peña at TPena@smcgov.org

6. **Informational Item.** Correspondence to the Committee authored by Ron Sturgeon regarding the proposed text amendment to the San Mateo County Subdivision and Zoning Ordinances for consistency with the California Coastal Act.
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7. Committee to review a draft correspondence to the Planning and Building Department outlining questions and concerns in response to an informational item heard at the January 2020 Committee meeting described below:

Owner: Various
Applicant: MROSD & POST
File Number: PLN 2019-00258
Location: PAD and RM Zoned Lands within the Coastal Zone
Assessor's Parcel No. Various

Consideration of a series of text amendments to the San Mateo County Zoning and Subdivision Ordinances for consistency with the California Coastal Act Policy 1.2 "Definition of Development" to address future public recreational facility projects on lands owned by the Midpeninsula Open Space District (MROSD) and Peninsula OpenSpace Trust (POST) in the coastal zone. The proposed text amendments would not exempt MROSD or other public agencies from compliance with the General Plan or other applicable Zoning and Subdivision regulations requirements. Please Direct any questions to Project Planner Melissa Ross 650-599-1559 or mross@smcgov.org

8. **Consideration of the Action Minutes** No minutes to consider at this time. Note that minutes for the February and March meeting will be considered at the next AAC meeting.

9. Community Development Director's Report

10. Adjournment

Agricultural Advisory Committee meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request a alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact the County Representative at least five (5) working days before the meeting at (650) 363-1829, or by fax at (650) 363-4849, or e-mail LRichstone@smcgov.org. Notification in advance of the meeting will enable the Committee to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

ROLL SHEET – February 2020

Agricultural Advisory Committee Attendance 2019-2020

	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb**	Mar**	Apr
VOTING MEMBERS													
Judith Humburg* Public Member			X			X		X		X			
BJ Burns Farmer, Vice Chair			X			X		X		X			
Natalie Sare* Farmer			X			X		X	X	X			
Louie Figone Farmer			X			X		X	X				
Cynthia Duenas* Public Member						X		X	X				
John Vars Farmer			X			X				X			
William Cook Farmer			X			X		X	X	X			
Peter Marchi* Farmer						X		X	X	X			
Robert Marsh Farmer, Chair			X			X		X	X	X			
Ron Sturgeon Conservationist						X		X		X			
Lauren Silberman Ag Business			X					X	X	X			
Natural Resource Conservation Staff													
San Mateo County Agricultural Commissioner			X			X		X	X	X			
Farm Bureau Executive Director			X			X		X					
San Mateo County Planning Staff													
UC Co-Op Extension Representative			X							X			

****February attendance will be posted once confirmed by the Chair**

X: Present

Blank Space: Absent or Excused

Grey Color: No Meeting

*** As of 06/25/2019**



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ITEM 5

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: April 13, 2020

TO: Agricultural Advisory Committee

FROM: Tiare Peña

SUBJECT: Agritourism Event Permit
Kevin Palmer
Long Branch Saloon
321 Verde Road, Half Moon Bay

County File Number: PLN2020-00084

PROPOSAL

The applicant (Palmer) is requesting consideration of an application for an Agritourism Event Permit for up to 12 private farm/ranch events occurring on the 46-acre parcel.

The subject site has been utilized for educational farm tours, private nonprofit events, farmers markets and family/friend private gatherings since September 2004.

DECISION MAKER

Community Development Director

BACKGROUND

Report Prepared By: Tiare Peña, 650/363-1850

Location: 321 Verde Road, Pescadero

APN: 066-320-170

Existing Zoning: Planned Agricultural District/Coastal Development

General Plan Designation: Agriculture

Existing Land Use: Agricultural uses, residences, barns and assorted farm structures and farmers market.

Setting: The 46-acre parcel is located at 321 Verde Road in the unincorporated area of Pescadero. The site is developed with a number of structures dispersed throughout the property such as a storage sheds, a museum that showcases local coastal and

American history artifacts and three single-family residences, two of which are designated as affordable housing units. There are three paddocks on-site for the keeping of up to five brood mares, agricultural and storage barns, goat sheds and western storefront structures. Fruit orchards are located in the northeastern portion of the parcel. The property is adjacent to Lobitos Creek designated a perennial creek.

Williamson Act: The project site is not encumbered by a Williamson Act contract.

Chronology:

<u>Date</u>	<u>Action</u>
August 1998	- Determination by San Mateo County that the existing living structures can be converted to affordable housing units.
September 18, 2018	- Permit (BLD 2005-00158) for single-family residence finalized
June 2, 2017	- Application for Agritourism Permit submitted
June 4, 2018	- Agricultural Advisory Commission public meeting/approved
April 19, 2019	- Application for Agritourism Permit submitted
June 10, 2019	- Agricultural Advisory Commission public meeting/approved
March 2, 2020	- Application for Agritourism Permit submitted
April 13, 2020	- Application for Agritourism Permit submitted

DISCUSSION

Will the project be visible from a public road?

Yes, and no, the project site is visible from Verde Road. Due to the layout of the parcel, a majority of the structures are located toward the northeast portion of the parcel and are not visible.

Will any habitat or vegetation need to be removed for the project?

No, the parcel is vegetated with mature habitat. No removal is proposed or required for this project.

Is there prime soil on the project site?

Approximately 4-acres of prime soils are interspersed throughout the project site. The majority of development located on the southwest portion of the project site including the residences, lawns and parking areas are located on these soils.

A. KEY ISSUES

1. Agritourism Event Permit Analysis

Planning staff has reviewed this application for conformance with the Agritourism Guidelines. The proposed agritourism activities are secondary and supplemental to the established agricultural uses (horse breeding, egg production and fruit orchards) on the property. All proposed private farm activities are temporary, support the economic viability of the farm, and will not prevent future agricultural uses on the land. Staff has determined that this application is in compliance with the Agritourism Guidelines.

2. Compliance with the Williamson Act:

The subject property is not encumbered by a Williamson Act contract.

FINDINGS

1. That the agritourism use is compatible with the long-term agricultural uses of the land because the proceeds from the events support the economic viability of the farm. This is an established agricultural farm producing eggs that are sold to local restaurants and the applicant holds farmers markets during events, therefore this finding can be made.
2. That the agritourism operation will not adversely affect the health or safety of persons in the area and will not be materially detrimental to the public welfare or injurious to agricultural property. The events held on the project site are private and all event parking occurs on-site. No events last past 10 p.m.
3. That the agritourism operation is in substantial conformance with the goals set forth in the San Mateo County Agritourism Guidelines. Specifically, that the operation is secondary and supplemental to existing agricultural operation on the land. Due to the ongoing agricultural uses as described above on the property, this finding can be made.
4. That the proposed use and activities comply with all relevant provisions of the General Plan, Local Coastal Program, Zoning Regulations, and Williamson Act.

LONG BRANCH FARMS – OPERATIONS PLAN

Overview of Operations	Current
Hours of operation for Events year-round	Evenings 6pm-10pm or Days 10:00 a.m. to 5:00 p.m. (5 hour limit)
Educational Displays of agricultural history throughout property	Year-round
Breeding horses for sale – specialized for horse vaulting, Agriculture grown on property	10- 20 horses kept on-site year round.
BBQ, Meeting space and Outdoor Seating areas	Year-round

Elements/Structures of the Facility	Time Period
Simulated small Western town used for events, team building, and celebrations	Year-round permanent structures
Outdoor BBQ area open structure (all food supplied by licensed caterers)	Permanent
Small miniature golf section telling California history from the Gold rush era	Year-round
Barn converted to a saloon and tables	Year-round
Garage converted to meeting space with chairs and tables	Year-round; Permanent
Outdoor fire pit and picnic seating areas	Year-round; Permanent
Hay Barn looks like small chapel, various store “fronts” Pig barn that looks like a jail	Year-round; Permanent
Parking available for 300 cars, (most arrive in buses) all areas are well lit. No immediate neighbors	Year-round
Agriculture on property consists of chickens/eggs, fruit trees, lemon trees, Strawflowers,	Sold Year-round and seasonally
Property is 46 acres of designated ag land, but was determined to NOT be prime soil	2011
Property has passed review inspections. Site plans delivered to SM Co. Planning	2018 2016
All events end by 10pm. No complaints have ever been filed. No loud music allowed.	Year-round

Elements/Structures of the Facility	Time Period
<p>A walking tour of valuable antiques and farm equipment can also be part of the experience. Again adding to the farm experience for visitors unfamiliar with farming and ranching and the history of our California heritage.</p> <p>4th grade ag educational experience required by several school districts</p> <p>Team building around agriculture</p>	<p>Year-round</p> <p>Year-round</p> <p>Year-round</p>
<p>Small fruit stand at all events, some produce from the farm, all locally sourced</p>	<p>Seasonal</p>
<p>Public restrooms (located on right side of barn) and portable restrooms available on premises as well</p>	<p>Year-round</p>

Application for Agritourism Event

455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

Certificate of Exemption

Primary Permit #: PLN 2020-00084

1. Instructions

Please fill out the general Planning Permit Application Form, Environmental Information Form, and this form when applying for a Agritourism use. You must also submit all items indicated on the checklist found on the reverse side of the Planning Permit Application Form. To qualify for an exemption from other zoning permits. You must strictly adhere to the agritourism guidelines as approved.

2. Project Information

Parcel/Lot Size: 40 +/- acres

None Prime Soils

If less than 40 Acres project not to exceed 1 gross Acre)

If more than 40 Acres project not to exceed 2 gross Acres)

Please describe hours, number of employees and statement of conformance with agritourism guidelines:

Day 11-4

Evening 6-10

5 hours maximum event use

Please describe all elements and activities associated with your agritourism activities:

Educational display of agricultural history throughout property

Chicken eggs

Specialty horse Javiting

agricultural - cut flowers

grown on property

Straw flowers & Sunflowers

Horse breeding

BBQ meeting space

Outdoor seating area

Horse Breeding

Year round family run

Kevin & Jill Palmer

Cassidy, Colton & Kimberly

Palmer

Please describe the agricultural uses on the land:

Cut Flower production

Horse Breeding

Applicant's Name: Kevin Palmer

Address: 321 Verde Rd

Half Moon Bay CA 94015

3. Exceptions

Please describe any on-site parking areas:

Most arrive in Small Shuttles or buses.
Up to 300 Vehicles can park.

Please describe any on-site eating establishments:

Outdoor BBQ area. all food provided by
Licensed caterers.

4. Certificate of Exemption

Please initial next to the category which qualifies your project for the exemption.

Event will not occur for more than 45 days. Total acreage does not exceed two gross acres.
 Total acreage does not exceed one gross acre. Does not interfere with agricultural uses of the land.

5. Williamson Act Contract

Is the parcel currently under a Williamson Act Contract?

YES

NO

If Yes, please provide contract number: _____

6. Materials Required

- a. Three (3) sets of plans that include a scaled site plan, elevations, and floor plans
- b. One (1) set of reduced plans (8 1/2"X11" or 11"X17")
- c. All applicable applications forms

d. Environmental Information Form

e. Photographs (if requested)

f. Fees as set by Resolution of the Board of Supervisors

Additional information may be required during review of your application.

7. Approval

Planner: _____

Date: _____

8. Processing

- Fee Collected
- Referral to Agricultural Advisory Committee
- Update Permit Plan

9. Signatures

We hereby certify that the information stated above and on forms, plans and other materials submitted herewith in support of the application is true and correct to the best of our knowledge. It is our responsibility to inform the County of San Mateo through our assigned project planner of any changes to information represented in these submittals.

Owner's Signature (1):



Owner's Signature (2): _____

Applicant's Signature: _____



Vicinity Map



Photos



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ITEM 6

Ron Sturgeon
P.O. Box 36
San Gregorio, CA 94074

March 30, 2020

John C. Beiers, County Counsel
San Mateo County Counsel's Office
400 County Center, 6th Floor
Redwood City, California 94063 - 1662

Re: Proposed Zoning Ordinance Text Amendments - MROSD and POST

Dear Mr. Beiers:

This open letter is addressed to you in that the proposed amendments to the Local Coastal Program's implementing texts are anticipated to come before the Board of Supervisors; as the Board's Counsel in regards to such matters, and given your environmental law expertise; I believe that you are in an optimum position to answer the questions raised in the following.

The Proponents [the Peninsula Open Space Trust (POST) and the Midpeninsula Open Space District (MROSD)] seek to revise the texts of several zoning ordinances and subdivision regulations implementing the County's coastal agriculture protection policies. The following will focus on two of the proposed amendments that pertain to the proponents' anticipated subdivisions within the Planned Agricultural District (PAD) if the text amendments are approved.

County Planning Staff asserts that in order for the proponents' subdivisions for recreational uses to be allowable a provision of the PAD Ordinance which Staff maintains prohibits non-agricultural parcels from being larger than 5 acres in size must be revised by amendment. The referenced PAD/zoning text (Zoning Regulations Ch. 21A, Section 6360, B. NON-Agricultural Parcels): *Non-agricultural parcels shall be as small as possible, and when used for residential purposes shall not exceed 5 acres.* Do you agree with County Staff that this restriction on the maximum size of residential parcels also pertains to all other non-agricultural parcels? Do you interpret this provision that specifically/numerically only restricts the size of residential parcels created via the subdivision of agricultural lands must be construed to restrict the size of parcels likewise created for recreational uses? How?

The proponent's text amendment proposal in regards to this particular zoning regulation, in pertinent part reads: Except for any parcel included in a land division brought about in connection with the purchase of lands by a public agency for public recreational use, non-agricultural parcels shall be as small as possible, and when used for residential uses for residential purposes shall not exceed 5 acres. (proposed amendment language underlined) In practical effect does the proposed amendment language do anymore than exempt the proponents from the residential parcel size restriction of the unamended text?

Note: MROSD's General Manager writes in a recent letter dated March 24, 2020 in defense of their requested exemptions via text amendments saying that their requests are "narrowly tailored" to provide: "Second, the exemption only removes two requirements - the requirement for an agricultural easement *with the County*, and the requirement to have residential parcels less than five acres (underlining added)." What possible explanation is there for an open space district and a conservancy to be expending significant public resources towards obtaining an exemption from restrictions pertaining to residential development - which would also incidentally exempt any other public agency nominally involved in similarly furthering recreation? If the restriction that the Proponents are seeking to overturn is not only embedded in LCP implementing regulations but word for word in an LCP Policy itself (one that requires a vote of the people to amend) shouldn't the proponents be engaged in a LCP amending process rather than seeking a "zoning amendment"?

LCP Policy *5.13 Minimum Parcel Size for Non-Agricultural Parcels states, in pertinent part: *b. Make all non-agriculture parcels as small as practicable (residential parcels may not exceed 5 acres) and cluster them in one or as few clusters as possible.* Pursuant to voter initiative "Measure A" approved on November 4, 1986 (and which is now codified in LCP Policy *1.32), all LCP or subsections of such policies identified with an asterisk (*) may only be amended or repealed with the approval of the San Mateo County electorate (the only exception to this requirement is when a proposed policy amendment "would further restrict non-agricultural development"). Would you agree that Policy *5.13(b) must be amended by the approval of the electorate, and not by a (the proposed) zoning text amendment?

MROSD also seeks an exemption from the requirement (as a condition of approval of subdivisions of agricultural lands) necessitating the execution of an easement, to be held by the County and running with the land in perpetuity, that would restrict all lands not allocated by the subdivision to an approved non-agricultural use to remain available for continuing or potential agricultural

uses. MROSD and County Staff intimate that such a requirement of MROSD is redundant claiming that sufficient protection of agriculture is in its *Mission*, and the County Planner chimes in that the County is too incompetent to “enforce” such an easement anyway - without citing one example where such an easement agreement held by the County limiting land “to agricultural uses, [and] non-agricultural uses customarily considered accessory to agriculture and farm labor housing” has been executed and the County has subsequently permitted residential use or a further subdivision on the covered agricultural land. The required County easement is in essential respects self enforcing, and is necessary because MROSD’s *Mission* within its Coastal Annexation Area is not unifocally the protection of agriculture; and consequently the preservation of agricultural conservation values can be lost in the shuffle of its pursuit of other goals.

For instance the proposed Johnston Ranch subdivision example offered by the Proponents of what they have in mind for this and multiple other agricultural properties: POST owns this Ranch, and (if it should gain the County’s approval) it would like to subdivide a 680±acre portion of the Ranch into two parcels; then selling one comprising 30± acres of prime land to a farmer and the remaining 650 upland acres to MROSD for “recreational uses”. MROSD attempts to osage the concern by some for the agricultural fate of these vast lands by directing them to look to its *Mission* and its operational history for assurance in this regard. An application by MROSD for \$500,000 grant from the Habitat Conservation Fund administered by the California Dept. of Parks and Recreation going towards its acquisition of the uplands has come to light, and that this grant has been approved and accepted subject to the following condition: the recordation of a deed restriction restricting the future use of the uplands to “parks and recreation purposes” - for 20 years minimum. This discovery discloses not only deception but “agricultural murder most foul”.

The requirement for conservation easements associated with such subdivisions protecting agricultural lands from this and similar funding/purchasing covenants and restrictions are indispensable to preserving the agricultural value, use and utility of vast agricultural acreages now coveted by MROSD. What’s to be lost by amending the agricultural easement requirement associated with the subdivision of agricultural lands, not by exempting the Proponents from its requirements, but by adding the requirement when agricultural lands are subdivided for the acquisition of parcels by a public agency for recreational uses (such as trails) that land not required for the intended recreational use shall be maintained in agricultural use. In other words an affirmative easement similar in

the affirmative aspect to the affirmative agricultural easement (must be farmed requirement) that POST will undoubtedly encumber the 30 acres of land with that they intend to convey to a farmer. Why not protect the upland farmland as much as possible, as well as the 30 acres? What is lost by requiring in association with the subdivision of agricultural lands for recreational purposes a conservation easement, held by the County, protecting for agriculture all that land which is not needed for the recreational purpose?

The second example offered by the Proponents of the kind of subdivisions they envision as a result of County's approval of their proposed "text amendments", actually provides an example of an unintended consequence cautioned against by folks questioning the wisdom of their proposal. It involves a 211.81 acre property (the Tabachnik Property) that is zoned agriculture; that has an extensive, but not recent, agricultural use history; which will be virtually agriculturally gutted by its subdivision and MROSD's purchase of 151 acres of it for a recreational purpose (the construction of a connecting trail between two of its "Preserves" - that should/could be provided by an trail easement rather than by subdivision). When this proposed acquisition was recently presented to the Planning Commission (without being duly considered by the Agricultural Advisory Committee first) for a determination of General Plan conformance it was more or less presented as an agriculturally worthless property; the remaining 65± acres are definitely so rendered by not being required, by a condition of approval of the proposed subdivision, to be separated from the proposed newly created recreational parcel by fencing. This carving up of a fertile agricultural property for recreational ends when a feasible alternative is available to this wantonly indefensible conversion is unconscionable; and, I'm sorry to say, belies MROSD's assurances about its intention to execute a balanced and dedicated commitment to the protection of coastal agriculture.

Farmers and ranchers can no longer afford to buy and pay for local land with their proceeds from agriculture; they need entities like POST, and a public entity such as MROSD to protect and own the land. Unfortunately MROSD's "heart" is not with agriculture but with recreation and wildlife and habitat conservation - would you not say that the County's General Plan (including its Local Coastal Program and associated implementing zoning and subdivision regulations) in fact calls for a balanced approach to the protection between agriculture and recreational and/or habitat values? And that the requiring of public entities acquiring agricultural lands for recreational ends not be allowed in the process to simply be able to give lip service to or outright jettison such lands' agricultural values conforms to the County's commitment to the protection of agriculture as memorialized therein?

Sincerely,

Ron Sturgeon

cc: San Mateo County Board of Supervisors
San Mateo County Planning Commission
Michael Callagy, County Manager
Steve Monowitz, Community Development Director
Melissa Ross, San Mateo County Planning Department
Midpeninsula Open Space District Board of Directors
Ana Ruiz, General Manager
Mike Williams
Walter Moore, Peninsula Open Space Trust
Ben Wright
Pescadero Community Advisory Council
Agricultural Advisory Committee
San Mateo County Farm Bureau



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ITEM 7

County of San Mateo Planning & Building Department
Agricultural Advisory Committee
455 County Center, 2nd Floor
Redwood City, California 94063

Monday April 13, 2020

To Whom It May Concern:

We the members of the San Mateo County Agricultural Advisory Committee submit the following written response to the Planning and Building Department (PBD) outlining questions and concerns in response to an informational item heard at the January 2020 meeting described below:

Consideration of a series of text amendments to the San Mateo County Zoning and Subdivision Ordinances for consistency with the California Coastal Act Policy 1.2 "Definition of Development" to address future public recreational facility projects on lands owned by the Midpeninsula Open Space District (MROSD) and Peninsula OpenSpace Trust (POST) in the coastal zone. The proposed text amendments would not exempt MROSD or other public agencies from compliance with the General Plan or other applicable Zoning and Subdivision regulations requirements. County File Number: PLN 2019-00258; Applicant: MROSD and POST; APN: Various; Location: PAD and RM Zoned Lands within the Coastal Zone.

According to the report presented to our committee at the January 2020 meeting, Project Sponsors MROSD and POST have requested these text amendments to correct "an inconsistency" between the California Coastal Act Section 30106 definition of "Development" and the County Local Coastal Program (LCP) Locating and Planning New Development Component Policy 1.2 "Definition of Development" in order to address future public recreational facility projects on lands owned or acquired by the Project Sponsors and other public agencies in order to "facilitate public recreation while protecting agricultural lands."

We were told that these proposed text amendments were "focused" and do not remove the requirement for a public agency to prepare and submit a Master Land Division Plan or conformance with the General Plan and other applicable Zoning and Subdivision requirements. However, we are unpersuaded and it has become clear to us that the true "focus" of the proposed text amendments will remove standard agricultural protections in place, effectively exempting the Project Sponsors from the LCP's agricultural protective restrictions by specifically removing the following two requirements of our Planned Agricultural District (PAD):

1. Requirement for the recordation of agricultural and conservation/open space easements, and
2. Requirement for maximum lot size of non-agricultural and non-residential lots associated with land divisions

Regardless of the “focus” of these text amendments, the resulting changes will be applicable to approximately 80,981 acres of land within the LCP boundaries that have a land use designation of PAD or RM-CZ. This acreage constitutes 28% of the land acreage of the entire county (excluding water acreage) and will affect how over a quarter of the land in our relatively small county is managed moving forward. We are concerned that many of these proposed subdivisions will be one-time deals that will not be seen again in our lifetimes. Farmers will not get a second chance to access these properties again in the future and will be at a further disadvantage if any agricultural protections on this land is removed.

The report on these text amendments presented to our committee on January 2020 states that “the proposed text amendments would continue to meet the purposes of PAD and RM-CZ Districts to preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of agricultural lands suitable for agriculture in agricultural production, and minimize conflicts between agricultural and non-agricultural land uses by continuing to require a Master Land Development Plan which will detail which area of a site will be used for agricultural uses.” However, we disagree and believe that the proposed text amendments would ultimately undermine the ability to preserve and foster existing and potential agricultural operations in San Mateo County by limiting agricultural protections, which ultimately goes against the mission of our committee to “achieve the objectives of the PAD Ordinance to preserve agriculture production in the County.”

It should be noted that land is land, and that land is the same regardless of who owns it or what the zoning or intended land use may be. While public agencies or non-profits are allowed exemptions from various requirements regarding use, sub-division, restrictions and/or allowances, the farmer that is struggling to continue farming in an economic environment that is increasingly challenging is not given the same allowances. If we are to preserve agricultural activity in this county, then exemptions granted to certain landowners should be extended to all landowners who own land with similar zoning, especially individual farmers, farming families, trusts, and farming companies. If a policy is for one, it should be for all.

In regard to the two questions posed to our committee at the January 2020 meeting regarding the proposed text amendments, our responses are as follows:

- 1. Any feedback on the potential effects on impacted agricultural uses as a result of the proposed text amendments? Any recommended conditions of approval or other questions to address?*

We urge that the text amendments as proposed be rejected by the Planning Commission and the Board of Supervisors because the amendments would remove agricultural protections in place for all land involved in a land divisions brought about in connection with the purchase of such land by a public agency for public recreational use. It does not specify that the exemptions are only for the parcel intended for public use, and so additionally removes protections from remaining land parcels resulting from the division that remain intended for agricultural use.

This would remove agricultural conservation easements that protect access to water and other important agricultural resources.

2. *What position do you recommend that the Planning Department staff take with respect to the project application?*

Instead of the text amendments as proposed, we would rather a text amendment be considered for adoption that requires when lands are so sub-divided that a) the resulting recreationally designated parcel(s) be covered by an agriculture conservation easement with the County that would require all land not needed for the public recreational use be maintained in agricultural use be considered for adoption instead and b) that does not remove existing agricultural protections from remaining parcel(s) not intended for public recreational use.

The Project Sponsors have often proclaimed to us that land is permanently protected when it goes into ownership of a public agency, but who is responsible for enforcement and what resources are available to conduct enforcement? What provisions are in place to safeguard against abuses? Unfortunately, there is abundant evidence to the contrary of these claims that this land is not permanently protected by such conveyances (noting the surrounding fallow publicly owned agricultural lands all around). It is difficult to support the Project Sponsors with no checks or balances in place.

Additionally, the Project Sponsors have clearly come to the conclusion that the agricultural lands they convey to farmers must be protected with an “affirmative agricultural easement” if the land’s agriculture value, use, and utility is in fact to be protected. Why aren’t the agricultural lands conveyed to a public agency similarly deemed worthy of having their agricultural value, use, and utility permanently and unequivocally protected? Such a requirement would not necessarily have to preclude compatible recreational uses.

If the Project Sponsors are indeed allowed to make text amendments that allow sub-divisions without the stipulated agricultural easements, then we propose considering the implementation of the following alternative protections:

- In order to be allowed this exemption, public agencies should offer a right of first refusal for the sale or long term lease of the specific parcel(s) that have been subdivided at agricultural value to either the land’s current agricultural tenants or farming families with a history of farming in San Mateo County. This requirement is intended to increase the preservation of local farming activity by reducing the chances of an individual with no experience of practical agricultural experience and/or no intention to continue with agricultural use from buying or leasing the land, and later discontinuing agricultural use due to lack of experience or financial challenges.
- Potential land divisions brought about in connection with the purchase of such land by a public agency for public recreational use should be considered on a project by project basis. These projects should be brought in front of three committees including this

Agricultural Advisory Committee, the Farm Bureau, and the relevant committee for that particular region, either the Midcoast Community Council, Half Moon Bay City Council, or the Pescadero Municipal Advisory Committee. These three committee should be trusted to provide a ruling on these projects that could provide a form of checks and balances that would prevent this rule change from being abused for recreational activities.

Thank you for considering our response and feedback.

Signed,

BJ Burns
William Cook
Cynthia Duenas
Louie Figone

Judith Humburg
Peter Marchi
Robert Marsh
Natalie Sare

Lauren Silberman
Ron Sturgeon
John Vars



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ITEM 9

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: April 3, 2020

TO: Agricultural Advisory Committee
FROM: Planning Staff
SUBJECT: Community Development Director's Report

CONTACT INFORMATION: Laura Richstone, Planner II, 650-363-1829, lrichstone@smcgov.org

The following is a list of Planned Agricultural District permits and Coastal Development Exemptions for the rural area of the County that have been received by the Planning Department from February 27, 2020 to April 1, 2020.

PLANNED AGRICULTURAL DISTRICT PERMIT OUTCOMES

No PAD permits were heard before the Planning Commission during this time period.

UPCOMING PLANNED AGRICULTURAL DISTRICT PERMIT PROJECTS

No PAD permits were submitted during this time.

COASTAL DEVELOPMENT EXEMPTIONS FOR AGRICULTURAL PROJECTS

Three rural CDX applications were submitted during this time period. Please see the attached status report regarding the CDX applications. The CDX list includes the description of the projects and status of the permits. Copies of the CDXs are available for public review at the San Mateo County Planning Department Office.

FEBRUARY AND MARCH MEETING MINUTES

Minutes for the February and March meetings will be presented for consideration at the May AAC meeting.

ADDITIONAL ANNOUNCEMENTS

The next regular meeting of the AAC is scheduled for April 13, 2020. As of now, the current shelter in place order due to COVID-19 is in effect until May 3, 2020. As such, the May AAC meeting will be held at the Ted Adcock Community Center – South Day Room 535 Kelly Avenue, Half Moon Bay, CA 94019. However, please note this is subject to change if the shelter in place order is extended.

COUNTY OF SAN MATEO

Count Distinct(RECORD ID)
3

Permit Number	RECORD NAME	DATE OPENED	DESCRIPTION	APN	ADDR FULL LINE1	RECORD STATUS
PLN2020-00081	PG&E POLE REPLACEMENT	2/28/2020	CDX for PG&E electric distribution pole replacement for system hardening to include the replacement of 17 utility poles, 6 additional poles, and removal of 20 trees to accommodate helicopter installation of the replacement poles on private property. Biological monitors will conduct pre-construction surveys.	056341090	SAN MATEO RD, HALF MOON BAY, CA 94019	Approved
PLN2020-00091	UTILITIES	3/5/2020	CDX for utility upgrade from 100 to 400	086270010	CLOVERDALE RD, PESCADERO, CA null	Submitted
PLN2020-00086	CELL MODIFICATION	3/4/2020	CDX to relocate (e) AT&T equipment from County owned lattice tower (PLN1999-00637) to existing monopole (already serving Verizon), with supporting ground equipment modifications; associated w/BLD2020-00291.	086280140	PIGEON POINT RD, UNIT AT&T, PESCADERO, CA 94060-0000	Approved