

FINAL DRAFT

Highlighted sections to be further discussed at May 18, 2020 AAC Special Meeting to finalize letter.

San Mateo County Agricultural Advisory Committee

Voting Members: Robert Marsh (Chair), BJ Burns (Vice Chair), Lauren Silberman (Secretary), William Cook, Cynthia Duenas, Louie Figone, Judith Humberg, Peter Marchi, Natalie Sare, Ron Sturgeon, John Vars

Non-voting Members: Natural Resource Conservation Staff, SMC Agricultural Commissioner, Farm Bureau Executive Director, SMC Planning Staff, UC Co-Op Extension Representative

May 18, 2020

SMC Planning Commission
SMC Board of Supervisors
400 County Center
Redwood City, California 94063

Re: Proposed Zoning Text Amendments – PLN2019-00258

Dear San Mateo County Decision Makers:

This proposal was presented to the Agricultural Advisory Committee (“the AAC”) in January as a simple matter “focused on correcting inconsistencies” between the *California Coastal Act* and the County *LCP*’s implementation zoning and subdivision texts in order to address future public recreational facility projects on lands owned or acquired by the “Project Sponsors” (MROSD and POST) and other public agencies in order to “facilitate public recreation while protecting agriculture lands.” After lengthy consideration, the AAC is unpersuaded that the purported inconsistencies exist and that the proposed text amendments are necessary. It should be noted that the Coastal Commission has certified the County’s *LCP*, along with its implementing ordinances and existing text, as consistent with the *Coastal Act*.

We believe that the request for text amendments, in fact, constitutes the equivalent of a zoning amendment covering most of the County’s rural lands without due consideration for the potential negative impacts on future ranching and agriculture due to the unfocused nature of the requested text amendments. The proposed amendments would effectively exempt the Project Sponsors from the County’s *LCP* agricultural protective restrictions by specifically removing the following two PAD requirements:

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.

These resulting zoning changes would be to applicable to approximately 80,981 acres of land within the *LCP* boundaries that have a land use designation of PAD or RM-CZ.

FINAL DRAFT

Highlighted sections to be further discussed at May 18, 2020 AAC Special Meeting to finalize letter.

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. The proposed text amendments could result in a record amount of properties being sold and subdivided due to the relaxation of the rules for public agencies, and not just the Project Sponsors. This impact has not been fully considered and different public agencies may not have the same commitment to protecting agricultural resources. Farmers and ranchers 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.

Additionally, it should be noted that land is land, and the 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, subdivision, 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 benefits or exemption to strict rules that have thwarted subdivisions up to now. 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. (→ Keep paragraph here? Rephrase?)

To address the two questions posed to our committee by planning staff regarding the proposed text amendments, we offer the following response.

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?*

The Agricultural Advisory Committee urges that the text amendments as proposed be rejected by the Planning Commission and the Board of Supervisors because the amendments are not specific enough and will have unintended consequences for impacted agricultural uses, detailed as follows:

- a. *These text amendments would remove agricultural protections in place for all land involved in a land division brought about in connection with the purchase of such land by a public agency for public recreational use. The text amendments do not clarify that the exemptions are only for the parcel intended for public use, and so additionally remove protections from remaining land parcels resulting from the division that remain intended for agricultural use. This would remove the requirement to record agricultural conservation easements that protect access to water and other important agricultural resources for farmers and ranchers alike. (→ Keep paragraph here? Rephrase?)*
- b. The proposed amendments would affect future agricultural use by creating an inconsistency between what land the Project Sponsors transfer to a public

FINAL DRAFT

Highlighted sections to be further discussed at May 18, 2020 AAC Special Meeting to finalize letter.

agency for public recreational use, which have no recorded protections or requirements, and what land is transferred to a farmer, rancher, or private individual, which include conservation easements directed not just at preserving by requiring agricultural use.

- c. We hold the viewpoint that agricultural or ranch lands subdivided for the purpose of public use should maintain all protections for continued ranching and farming activities as well as access to vital agricultural resources. We recommend that a condition of approval include the maintenance of the existing agricultural protection for farms and ranches.

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

The Agricultural Advisory Committee herein seeks to make the following three recommendations regarding the review and approval process, further details regarding proposed conditions of approval, and how to resolve our unaddressed questions:

A. Environmental Review

First, the AAC recommends that the County undertake a thorough environmental review that examines the implications of the text amendments on future agricultural and ranching activities on the stated lands. The AAC recommends a current environmental review for several reasons:

- i. The last environmental review of the MROSD's mandate occurred in 2004, in association with the District's annexation of (and the adoption of its "*Service Plan*") for the Coastal Area of SMC. Since that date, the anticipated scope of the acreage to be acquired by the District has been reached.
- ii. In this 2004 review, provisions for the subdivision of ranches for any purpose were not included in the analysis.
- iii. We have unanswered questions regarding past subdivisions and the cumulative acreage that will be impacted by the proposal, including:
 - How many subdivisions have been approved in the PAD, RM-CZ, and RM districts since 1982?
 - Is it safe to assume that the low number is in part because of the protections/restrictions of the requirements for conservation easements and restricted lot size for residential parcels?
 - How many transactions have the Project Sponsors already done west of Skyline?
 - How many parcels are currently in public ownership?
 - How many of those publicly held parcels have current agricultural uses?
 - How many of those publicly held parcels have active recreational uses?

FINAL DRAFT

Highlighted sections to be further discussed at May 18, 2020 AAC Special Meeting to finalize letter.

The Project Sponsors have correctly pointed out that their proposals would not change the underlying PAD or RM-CZ zoning of the lands subdivided pursuant to the approval of their proposed text amendments. However, we believe that does not provide adequate protections for ranches and farms because the permitted agricultural potential of the land would no longer mirror its underlying zoning. The County's long stated preference, as expressed in its *General Plan* (2.18 - 2.19), that "soil protective uses.." and "specifically agriculture..." be given preference "in areas with productive soil resources" becomes irrelevant as ranches and agricultural lands are purchased and repurposed for recreational priorities. We also understand that County policies strive to keep ranches and farms intact, and as large as possible. Such is likewise the case with agricultural conservation easements generally; they merge and consolidate parcels within the covered agricultural property and its subdivision is ordinarily prohibited – in perpetuity.

We are unaware of any provisions of the *LCP* or the *General Plan* governing the development of recreational amenities within the County's rural areas that over-rides the manifest principled prioritization afforded to the conservation of agriculture and agricultural lands.

B. Alternative Language

Second, the AAC recommends that the County consider and adopt alternative text amendments that do not exempt the Project Sponsors and any public agency from the requirements of Sections 6361. B & 6906.1 that implement conservation easements to protect the sensible use and utility of subdivided agricultural lands. Instead, we support text amendments that expand the scope of agricultural protections to include ranching considerations as well as assurances to reduce the impacts of any public use that would limit activities regarding ranching, agriculture, or habitat preservation.

AAC's proposed wording of such an amendment follows:

Within the Planned Agricultural District and Resource Management zoned areas, in conjunction with any land division brought about by a public agency's purchase of land suitable for agriculture greater than five acres for public recreational use, and upon the required Master Land Division Plan being filed and approved on condition that the public agency grant to the County an agricultural easement (which the County shall accept and hold in perpetuity, and when recorded) contain a covenant, running with the land in perpetuity, that states that all recreational usage shall be minimized to the extent practicable, and the remainder that is not required for a permitted recreational use or the protection and vital functioning of a sensitive habitat shall at all times be kept and made available for agricultural uses, and permanently protected for agriculture.

FINAL DRAFT

Highlighted sections to be further discussed at May 18, 2020 AAC Special Meeting to finalize letter.

This alternative proposal would simply require the Project Sponsors (and their successors) to do what they say they want to do, which is to permanently protect agriculture and keep both farms and ranches in production. The protection of agricultural uses can coexist with public recreational uses and can indeed be complimentary. The Mindego Ranch project can be held up as an example of implementation, where the County successfully protected agricultural activity by requiring the reintroduction of cattle ranching before the permitting for public access trails was granted.

C. Public Workshop

Third, the AAC formally requests that the County host a public workshop process to more specifically examine the key issues of agricultural conservation easements in instances of land subdivisions in order to allow public recreational use. This workshop process would invite important discussions of collaborative alternative solutions such as long-term equity building leases instead of the outright sale of farm and ranch lands.

We do not believe that the current process, where the Project Sponsors have presented their proposal at separate venues and committees, is adequate enough to consider the scope and magnitude of what these proposed text amendments would sanction for largely recreational development on agricultural lands. The implications of the proposed text amendments are nuanced and would be better served by a deeper exploration of the potential effects on impacted agricultural and ranching uses. The more proactively collaborative process of a public workshop would benefit all stakeholders effected by this proposal.

In conclusion, the Agricultural Advisory Committee believes that recreational and agricultural use can be complimentary and supports a balanced and functional integration of recreational activity with agricultural resources. *We respect and support the overall work of the Project Sponsors to facilitate and support multiple, complementary public access and recreation activities on coastal lands that are balanced with and complimentary to existing agricultural and ranching activities. (→ Keep sentence here? Rephrase?)* In that spirit, we believe there are more specific, and perhaps simpler, solutions available that would achieve the Project Sponsor's goals without the unintended consequences of the proposal that allows additional subdivision and intensification of nonagricultural uses on agricultural lands.

Thank you for considering our deeply considered input regarding this important matter.

Signed,

FINAL DRAFT

Highlighted sections to be further discussed at May 18, 2020 AAC Special Meeting to finalize letter.

Lauren Silberman, Committee Secretary, on behalf of the Agricultural Advisory Committee

This letter was finalized and approved at a Special Meeting of the AAC held on May 18, 2020 with the following voting results:

AYES ____ NAYS ____ RECUSALS ____

Cc: Melissa Ross, Senior Planner
Laura Richstone, County Planner/AAC Liaison
Steve Monowitz, Community Development Director
Michael Callagy, County Manager
John Beiers, County Counsel
Tim Fox, Deputy Counsel
MROSD Board of Directors
POST Board of Directors