

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

**DATE:** May 27, 2020

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Local Coastal Program Amendment amending: (1) Zoning Regulations Chapter 21A Planned Agricultural District and Chapter 36 Resource Management-Coastal Zone, and (2) Chapter 4 of the Subdivision Regulations to grant relief from agricultural/conservation open space easements and maximum parcel size requirements when public agencies propose land divisions for purposes of public recreation in the Coastal Zone.

County File Number: PLN 2019-00258  
(Midpeninsula Regional Open Space District and  
Peninsula Open Space Trust)

**PROPOSAL**

Applicants, Midpeninsula Regional Open Space District (MROSD) and Peninsula Open Space Trust (POST), have applied for a Local Coastal Program (LCP) text amendment in order to facilitate their policies/programs of open space preservation and restoration, development of low-intensity public trail networks, and securing and sustaining farmland within the County. The focused text amendment provides relief from two requirements, easements and maximum parcel size, within the Zoning and Subdivision Regulations and are only applicable to public agencies proposing land divisions (i.e., lot line adjustments, subdivisions) for the purpose of providing public recreation within the Coastal Zone.

In proposing this amendment, the applicants seek consistency with the California Coastal Act (Section 30106) and County's LCP (Policy 1.2) which identifies and prioritizes the need for public recreation within the Coastal Zone and provides an exception from Coastal Development Permits for public agencies when proposing land divisions for public recreation purposes.

The amendments will modify the following Regulations chapters:

1. Zoning Regulations: Chapter 21A Planned Agricultural District (PAD).
2. Zoning Regulations: Chapter 36 Resource Management-Coastal Zone (RM-CZ).

3. Subdivision Regulations, Chapter 4 Exactions, Article 9 Agricultural Protection in the Planned Agricultural District.
4. Subdivision Regulations, Chapter 4 Exactions, Article 10 Open Space Preservation in the Resource Management/Coastal Zone District.

The matter currently being considered by the Planning Commission is whether to recommend that the Board of Supervisors adopt an Ordinance amending the above Regulations. Such LCP amendments will subsequently require certification by the California Coastal Commission (CCC).

### **RECOMMENDATION**

1. That the Planning Commission recommend that the Board of Supervisors approve the proposed LCP Amendment, subject to Coastal Commission certification, by adopting the Ordinance revising Zoning Regulations Chapters 21A and 36 and Subdivision Regulations Chapter 4, to grant relief from agricultural/conservation open space easements and maximum parcel size requirements when public agencies propose land divisions for purposes of public recreation in the Coastal Zone.
2. That the Planning Commission recommend that the Board of Supervisors adopt a resolution directing staff to submit the Local Coastal Program amendment for California Coastal Commission certification, by adopting the findings in Attachment A.

### **SUMMARY**

The applicants' request to amend the LCP is a result of due diligence review of future MROSD/POST lot line adjustments and subdivisions where property boundaries will be adjusted in order to establish new trails and connect trails between preserves while improving and protecting farmland. Current regulations language prevents the applicants from carrying out these and similar future projects because of zoning and subdivision regulations requirements for agricultural/open space easements and a 5-acre maximum parcel size.

Staff presented the amendments to the San Mateo County Farm Bureau, Agricultural Advisory Committee, Pescadero Municipal Advisory Council, and Midcoast Community Council at their respective public meetings, and to the California Coastal Commission via conference call. Advisory agencies comments are addressed in the staff report as well as comment letters received from the City of Half Moon Bay, Green Foothills, and the Sustainable Pescadero Collaborative.

For consistency, the proposed text amendments utilize the language, verbatim, found in the Coastal Act and Local Coastal Program.

Environmental Review. The County will rely on California Environmental Quality Act Section 21080.9 which exempts local government from the requirement of preparing an environmental document and where the California Coastal Commission will conduct a functionally equivalent CEQA analysis.

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**SUBJECT:** Consideration of a Local Coastal Program Amendment: (1) Zoning Regulations Chapter 21A Planned Agricultural District and Chapter 36 Resource Management-Coastal Zone, and (2) Chapter 4 of the Subdivision Regulations to grant relief from agricultural/conservation open space easements and maximum parcel size requirements when public agencies propose land divisions for purposes of public recreation in the Coastal Zone.

County File Number: PLN 2019-00258  
(Midpeninsula Regional Open Space District  
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**PROPOSAL**

*Project Scope*

Applicants, Midpeninsula Regional Open Space District (MROSD) and Peninsula Open Space Trust (POST), have applied for a Local Coastal Program (LCP) text amendment in order to facilitate their policies/programs of open space preservation and restoration, development of low-intensity public trail networks, and securing and sustaining farmland within the County. The focused text amendment provides relief from two requirements, easements and maximum parcel size, within the Zoning and Subdivision Regulations and are only applicable to public agencies proposing land divisions (i.e., lot line adjustments, subdivisions) for the purpose of providing public recreation within the Coastal Zone.

The applicants' request to amend the LCP is a result of due diligence review of future MROSD/POST lot line adjustments and subdivisions where property boundaries will be adjusted in order to establish new trails and connect trails between preserves while improving and protecting farmland. Current regulations language prevents the applicants from carrying out these and similar future projects because of the following zoning and subdivision requirements for agricultural/open space easements and maximum parcel size:

1. The Planned Agricultural District zoning regulation requires parcels included in land divisions to be identified as “agricultural” or “non-agricultural” and for “agricultural” parcels to be restricted by an agricultural easement granted to the County, in perpetuity, to only the following uses: agriculture, development customarily considered accessory to agriculture, and farm labor housing.

*Where a public agency could accommodate both agricultural uses and public recreation on an “agricultural” parcel, this provision prohibits public recreation on such parcels.*

2. The Planned Agricultural District zoning regulation restricts the “non-agricultural” parcel size to be as small as possible and no larger than 5 acres if for residential purposes.

*This provision restricts a public agency’s ability to accommodate public recreation and in-park ranger housing on parcels larger than 5-acres.*

3. The Resource Management-Coastal Zone zoning regulation requires parcels resulting from land divisions to be restricted by a conservation open space easement granted to the County, in perpetuity.

*This provision requires a public agency to restrict development to open space (e.g., undeveloped, in a natural state) and limits a public agency from providing in-park ranger housing.*

4. The Subdivision Regulations requires the granting of the easements for both zoning districts as noted above and cross-references the requirements of the Planned Agricultural District which include the maximum 5-acre parcel size restriction.

*For consistency with the proposed amendments, applicable sections of the Subdivision Regulations are proposed for amendment.*

The text amendment will affect the following Regulations chapters:

1. Zoning Regulations: Chapter 21A Planned Agricultural District (PAD).
2. Zoning Regulations: Chapter 36 Resource Management-Coastal Zone (RM-CZ).
3. Subdivision Regulations, Chapter 4 *Exactions*, Article 9 *Agricultural Protection in the Planned Agricultural District*.
4. Subdivision Regulations, Chapter 4 *Exactions*, Article 10 *Open Space Preservation in the Resource Management/Coastal Zone District*.

## *LCP Amendment and Coastal Act/LCP Consistency*

The Local Coastal Program consists of a Land Use Plan and an Implementation Program (or Plan) that carry out the policies of the Coastal Act. The Land Use Plan consists of general land use plans and objectives, maps, and policies and establishes the policy basis for regulating the type, intensity, and location of land uses within specific geographic areas of the coastal zone. The Implementation Plan consists of the ordinances, zoning regulations and maps, among others that carry out the Land Use Plan. Both the Land Use Plan and Implementation Plan have been certified by the California Coastal Commission as being adequate to carry out the Coastal Act at the local level (aka the Local Coastal Program). Though this project does not change any language within the Land Use Plan, the amendments to the Zoning and Subdivision Regulations (Implementing Plans) constitute an LCP amendment and will require certification by the California Coastal Commission.

In proposing this amendment, the applicants seek consistency with the California Coastal Act (Section 30106) and County's LCP (Policy 1.2) which identifies and prioritizes the need for public recreation within the Coastal Zone and provides an exception from Coastal Development Permits for public agencies when proposing land divisions for public recreation purposes. In these instances, public agencies are not required to obtain Coastal Development Permits, but are still required to obtain land division permits consistent with the Subdivision and Zoning Regulations and General Plan.

The proposed focused amendment grants relief to the restrictive provisions applicable to lands zoned PAD or RM-CZ to public agencies proposing land divisions for public recreation purposes only. With the exception of the requested amendment, all other permit requirements and policies remain unchanged and the ability of the Planning Commission to review and condition future development projects remains the same.

## **STANDARDS AND PROCEDURES**

The matter currently being considered by the Planning Commission is whether to recommend that the Board of Supervisors adopt an Ordinance amending the LCP to include text amendments to Chapter 21A "PAD" and Chapter 36 "RM-CZ" of the Zoning Regulations and Chapter 4 "Exactions," Articles 9 and 10, of the Subdivision Regulations. Such LCP amendments will subsequently require certification by the California Coastal Commission (CCC).

In order to certify the LCP amendments, the CCC will need to determine that the proposed amendments to the LCP Implementation Program (i.e., the PAD and RM-CZ Zoning and Subdivision Regulations) are consistent with, and adequate to carry out, the LCP Land Use Plan, including all applicable LCP Policies. In the event that the CCC determines that the proposed text amendments do not meet the relevant standards, it may suggest modifications to the text amendments that, if agreed to by the County, will achieve conformity and thereby enable amendment certification. The CCC's

decision to certify the amendments as submitted or if modified will be transmitted back to the County, and the amendment will take effect after the Board of Supervisors acknowledges the CCC's certification and acts to accept any modifications suggested by the CCC. In order to construct any future project enabled by these text amendments, the public agency owner(s) of the property(ies) will need to apply for, and obtain, any other applicable development permits from San Mateo County. Such future permit application(s) will be subject to review and approval at a public hearing, based on the project's conformity to the amended regulations, as well as any project specific environmental clearance that may be required under the provisions of the California Environmental Quality Act (CEQA). At that time, and on a project specific basis, the decision maker can determine what conditions of approval may be required to achieve consistency with the LCP Land Use Plan/Policies.

### **RECOMMENDATION**

1. That the Planning Commission recommend that the Board of Supervisors approve the proposed LCP Amendment, subject to Coastal Commission certification, by adopting the Ordinance revising Zoning Regulations Chapters 21A and 36 and Subdivision Regulations Chapter 4, to grant relief from agricultural/conservation open space easements and maximum parcel size requirements when public agencies propose land divisions for purposes of public recreation in the Coastal Zone.
2. That the Planning Commission recommend that the Board of Supervisors adopt a resolution directing staff to submit the Local Coastal Program amendment for California Coastal Commission certification, by adopting the findings in Attachment A.

### **BACKGROUND**

Report Reviewed By: Melissa Ross, Senior Planner, mross@smcgov.org

Report Prepared By: Stephanie Bertollo-Davis, consultant for Good City Company

Applicants: Midpeninsula Regional Open Space District (MROSD) and Peninsula Open Space Trust (POST).

Owners: Public agency landowners (applicable to public recreation projects when land divisions are proposed).

Location: See Attachments C and D.

APNs: Various.

Parcel Size: Various.

Existing Zoning: Planned Agricultural District (PAD) and Resource Management-Coastal Zone (RM-CZ).

General Plan Designation: Various. See Attachments C and D.

Existing Land Use: Various.

Environmental Evaluation: Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (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 local coastal program. Environmental review of the proposed LCP amendment will be conducted by the California Coastal Commission, in conjunction with its review of the proposed LCP Amendment, in a manner that has been determined to be the functional equivalent of CEQA.

Setting: The Coastal Zone boundary encompasses approximately 92,943 acres. Within this Coastal Zone, approximately 80,986 acres is zoned PAD and RM-CZ. Specifically, 68,176 acres is zoned PAD and 12,804 is zoned RM-CZ. See Attachments C and D.

Chronology:

<u>Date</u>	<u>Action</u>
1980	- The California Coastal Commission certifies the County's LCP, which was the first LCP prepared by a County that was certified by the CCC following the passage of the Coastal Act.
July 10, 2019	- Application for zoning and subdivision text amendments submitted by project applicants.
December 2019	- Phone call consultation with the California Coastal Commission staff to identify any concerns regarding the amendment. No concerns were identified during the call.
January 6, 2020	- Informational and consultation meeting with the San Mateo County Farm Bureau (Farm Bureau) at their public hearing. Concerns expressed at that meeting are discussed further in Section B.
January 13, 2020	- Informational and consultation meeting with the Agricultural Advisory Committee (AAC) at their public hearing. Concerns expressed at that meeting are discussed further in Section B.

- February 11, 2020 - Informational and consultation meeting with the Pescadero Municipal Advisory Committee (PMAC) at their public hearing. Concerns expressed at that meeting are discussed further in Section B.
- February 12, 2020 - Informational and consultation meeting with the Midcoast Community Council (MCC) at their public hearing. Concerns expressed at that meeting are discussed further in Section B.
- May 27, 2020 - Planning Commission hearing.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Consistency of Implementation Plan Amendment with the Coastal Act**

Amendments to the County’s LCP must be consistent with the requirements of the California Coastal Act (CA). In this case, the proposed amendments modify regulations contained within the County’s certified LCP Implementation Plan (i.e., the proposed text amendments to the PAD, RM-CZ, and Subdivision Regulations), but do not modify the policies, maps, or land use designations established by the County’s LCP Land Use Plan (LUP).

The proposed amendment is consistent with the LUP because the amendments are narrowly crafted to provide relief from easement and parcel size requirements to public agency projects that facilitate public recreation. This is consistent with LUP and CA goals, namely, the objective to “*maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners*” [Section 30001.5].

Further, the proposed amendment is consistent with CA Section 30106, which defines “development” as *...the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waster; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use;...*

Due to the fact that the CA contains an exemption from CDP requirements for land divisions by public agencies that enhance public access and recreation opportunities, it is reasonable to conclude that the proposed LCP amendment, which exempts the same type of projects from locally established PAD, RM-CZ, and subdivision requirements, is consistent with the CA and the LUP.

CA Chapter 3 *Coastal Resources Planning and Management Policies* outlines the standards by which the adequacy of local coastal programs are determined. Consideration of the effect of actions on coastal zone resources shall be made to assure these policies are achieved. Section 30200(b) states that where a local government, in implementing the provisions of the CA, identifies a conflict between the policies of its Code, it shall be resolved and that the resolution of such conflicts shall be supported by appropriate findings.

The proposed text amendment is found to support and meet the following goals and policies of CA Chapter 3 *Coastal Resources Planning and Management Policies*:

CA Section 30001(d): *That existing developed uses, and future development that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.*

CA Section 30001.5(a): *Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.*

CA Section 30001.5(c): *Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.*

The proposed amendments are consistent with these findings because the amendments continue to allow for a balance between appropriate land uses. The ability of agricultural users such as farmers and ranchers to continue to use agricultural lands will be assured through the permitting process and the specific, negotiated land use agreements prepared between an agricultural tenant and a public agency property owner.

Further, the proposed text amendments do not preclude nor prevent the establishment of additional assurances that can be put in place to preserve and protect prime agricultural lands (CA Section 30241 *Prime Agricultural*

*Land; Maintenance in Agricultural Production*), as may be required by permits and private lease agreements.

Additionally, MROSD works in collaboration with the San Mateo County Farm Bureau through an adopted Memorandum of Understanding (MOU, see Attachment F). MROSD consults with the Farm Bureau to ensure open space recreation and public access is planned and managed to avoid adverse impacts to adjacent agricultural operations. The proposed amendment supports the social well-being of the state by maximizing new useable, outdoor public recreational areas for use by the community, in a manner that is protective of natural and agricultural resources.

2. Consistency of the Zoning and Subdivision Text Amendments with the San Mateo County Local Coastal Program

As discussed previously, the LCP consists of a Land Use Plan and Implementation Plan that carry out the policies of the Coastal Act and that have been certified by the CCC as adequate to carry out the Coastal Act at the local level. Within the Implementation Plan of the County's LCP are the Zoning and Subdivision Regulations, among others. By reference, all LCP policies are adopted within Zoning Regulations Chapter 20B *Coastal Development (CD)*. The CD Zoning District is an "overlay" district whose regulations apply in addition to those of the "base" zoning district, such as the PAD and RM-CZ. It is noted that the same language found in the CA and LCP regarding the definition of development is found within the CD Overlay District. Thus, the proposed amendments are consistent with Zoning Regulations CD Overlay District.

Staff's analysis of the proposed text amendments consistency with, and ability to adequately carry out the LUP is provided below:

*Component 1. Locating and Planning New Development*

The proposed text amendments remove the 5-acre maximum parcel size requirement and the requirement for a public agency to grant to another public agency, the County, an easement restricting land uses as part of subdivision final map recordation. Again, the text amendments are only applicable to public agencies when proposing land divisions for public recreation purposes. Cities and Counties in California, each having governing general plan policies and other implementing land use regulations vetted and adopted through public processes, are required by State law to have seven state-mandated general plan elements which include Land Use, Open Space, and Conservation, among others, that provide agricultural and natural resources protections. Removal of the maximum parcel size and easement requirement does not relinquish the County from providing these protections found within its own general plans and regulations nor does it

override the requirement to conform to the General Plan. The text amendments also do not remove the County's authority to process land division permits, as allowed under state law, and to require conformance with existing General Plan, Zoning, and Subdivision policies protecting prime agricultural lands and restricting land division and development densities, thus the text amendments are consistent with the LCP.

#### *Component 5. Agriculture*

Protections for conversion and division of prime agricultural lands and lands suitable for agriculture, such as limitations on maximum land density of development, restrictions on permitted uses, and required buffers remain unchanged as a result of the proposed text amendments. The requirement for a public agency to submit a Master Land Division Plan (how a parcel will be divided according to maximum density of development permitted) remains. Removal of the easement requirement does not preclude a public agency applicant from implementing and monitoring agricultural, affirmative agricultural, or conservation easements with private tenants, as they may in order to reduce liability, costs, and identify allowed and prohibited uses while providing agricultural and natural resources protections. The County, in its role as permitting authority for development projects, will request to review easement language to ensure agricultural uses, operations, and protections are consistent with LCP policy and regulations.

### 3. Consistency of Zoning and Subdivision Text Amendments with the San Mateo County Zoning and Subdivision Regulations

The proposed zoning and subdivision text amendments are intended to implement both the California Coastal Act and Local Coastal Plan in an internally consistent manner and in accordance with state law. Each of the proposed affected zoning districts, PAD and RM-CZ, as well as the two sections of subdivision regulations are discussed below. For each, the goals and purpose are described in brief, a staff response is provided, as well as a summarized version of the proposed text amendments. Proposed text is shown **bold**, *italicized*, and underlined, while proposed deleted text is shown ~~strikethrough~~. The full, proposed text amendments are presented in Attachment B.

#### a. Zoning Regulations - Planned Agricultural District

Within the PAD Zoning District of the zoning regulations there are three sections of proposed text amendments, summarized below.

(1) Section 6363.B. Parcel Size. Non-Agricultural Parcels

“For any parcel created after the effective date of this regulation which is to be used for non-agricultural purposes, the parcel size shall be determined on a case-by-case basis to ensure that domestic well water and on-site sewage requirements are met. **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,** <sup>n</sup>Non-agricultural parcels shall be as small as possible, and when used for residential purposes shall not exceed 5 acres....”

(2) Section 6364.A. Procedural Criteria for Issuance of a Planned Agricultural Permit. Master Land Division Plan

“Before any division of land, the applicant shall file a Master Land Division Plan demonstrating how the parcel will be ultimately divided according to maximum density of development permitted and which parcels will be used for agricultural and non-agricultural uses if conversions are permitted. **Except where the land division is brought about in connection with the purchase of land by a public agency for public recreational use,** <sup>d</sup>Division for non-agricultural parcels shall be as small as practicable, not to exceed 5 acres...”

(3) Section 6364.B. Easements on Agricultural Parcels

“After a Master Land Division Plan has been filed, and as a condition of approval thereof, the applicant shall grant to the County (and the County shall accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture (as defined in Section 6352C and D of this regulation) and farm labor housing. **Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.**”

It is the purpose of the PAD Zoning District to: (1) preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production, and (2) minimize conflicts between agricultural and non-agricultural land uses.

The limited scope of the amendment retains language that enforces boundaries and/or buffer areas separating any future public recreation use from agricultural, ancillary housing and/or other supportive agricultural uses, and prohibits and/or limits conversion and/or possible impairment of productivity of agricultural lands, through project review of an associated PAD permit, including a Master Land Division Plan which is required for all land divisions.

Master Land Division Plans (MLDP) are intended to preserve and foster existing and potential agricultural operations in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production and to minimize conflicts between agriculture and non-agriculture land uses.

Existing PAD criteria would prohibit public recreation on a parcel identified for agriculture on a MLDP and restrict the non-agriculture parcel for housing and public recreation to be no more than a 5-acre parcel size. The proposed text amendments would allow agricultural, housing, and public recreational uses to be accommodated on a larger parcel, provided agriculture and other natural resources are protected. This would preserve agricultural land, as well as the ability to provide buffers, thus minimizing conflicts between agricultural and public recreation uses due to larger parcel sizes.

As this text amendment relates to the applicants, MROSD is bound by their Coastal Service Plan, Agricultural Use Policy statement, existing MOU with the San Mateo County Farm Bureau, and other adopted policy manuals as additional instruments to assure implementation of such agricultural goals and guidelines, see attachments.

No further changes to the existing regulations pertaining to permitted uses, PAD criteria, maximum density of development, procedural criteria or any other outlined design and/or development standard would result from the proposed text amendments.

b. Zoning Regulations - Resource Management-Coastal Zone District

Within the RM-CZ Zoning District there is one section of proposed text amendment, summarized below.

(1) Section 6906.1. Conservation Open Space Easement

“Require, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980). **Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.**”

The California Open Space Land Act (Act) of 1972, being amended over the years, is incorporated and implemented through the County’s General Plan and Zoning Regulations. The Act (Government Code Section 65560) defines “open-space land” as *...any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional or state open-space plan as any of the following: Open space for the preservation of natural resources,... managed production of resources,... outdoor recreation,...*

As defined, there is ambiguity on whether a public agency could provide ranger housing to manage proposed public recreation on lands designated for open space uses. Further, and as discussed previously, the County’s adopted general plan and other regulatory instruments will provide agricultural and natural resources protections, and the County’s continued permit authority will ensure local policies and regulatory protections are adhered to such that the easement requirement is duplicative and unnecessary.

It is noted that the non-coastal Resource Management (RM) Zoning District provides a similar exemption to the applicants’ requested text amendment, in that a public agency land division for purposes of open space or public recreation is exempt from easement requirements and that the RM District also does not set a maximum parcel size requirement.

It is the purpose of the RM-CZ District to carry out the objectives and policies of the County’s Open Space and Conservation Elements, which are incorporated in the County’s General Plan (GP). The Open Space and Conservation Element contains the following applicable policies to consider in the context of the proposed application:

GP Policy 6.12 *Minimize Agricultural Land Use Conflicts*. Preserve the best agricultural land for agricultural uses. On other lands capable

of supporting agriculture, permit the location of park and recreation facilities when efforts are made to lease land not needed for recreational purposes to farm operations, and clearly defined buffer areas such as strips of land are established between these two uses to minimize land use conflicts.

GP Policy 6.48 *Role of the Midpeninsula Regional Open Space District.* Encourage the Midpeninsula Regional Open Space District to acquire, protect, and make available for public use open space lands in rural areas and open space of regional significance in urban areas in cooperation with San Mateo County.

GP Policy 9.28 *Encourage Existing and Potential Agricultural Activities.* (a) Encourage the continuance of existing agricultural and agriculturally related activities; (b) Encourage agricultural activities on soils with agricultural capability which are currently not in production; (c) Consider agricultural land use designations for parcels which have existing agricultural activities or which contain soils with agricultural capability that are presently designated General Open Space, during future review of area plans; (d) Consider open space designations for agricultural parcels that are no longer capable of agricultural activities during future reviews of area plans.

GP Policy 9.35 *Encourage Existing and Potential Public Recreation Land Uses.* (a) Encourage the continuation and expansion of existing public recreation land uses on non-agricultural lands, including but not limited to, public beaches, parks, recreation areas, wild areas, and trails; (b) Encourage the continuation and expansion of agricultural activities within the boundaries of public recreation lands that are not in recreational use; (c) Encourage cooperation between public agencies and adjacent agricultural operations so as to reduce inconvenience to agriculture.

GP Policy 9.36 *Development Standards to Minimize Land Use Conflicts in Public Recreation Lands.* (b) Consider agriculture to be a compatible activity in public recreation lands, which must be protected and buffered from significant public intrusion; (d) Provide structural, visual, auditory and other buffering mechanisms to protect portions of the public recreation lands that are used by the public from non-recreational land uses; (e) Encourage public recreation providers to submit master park development plans for the design and management of recreational and non-recreational land uses; (g) Encourage the State to protect agricultural activities.

GP Policy 9.41 *Criteria for the Division of Lands Designated General Open Space.* Wherever possible in areas designated General Open

Space, design land divisions to retain large areas without development in order to protect resources and maintain the scenic quality and open space character of the rural area.

The amendments will further the policy of encouraging MROSD to acquire land for purposes of public recreation while balancing open space, public recreation, and the protection of prime agricultural lands through the County's continued development permit and public review requirements of the respective zoning and subdivision regulations. It is also noted that these amendments do not alter permitted uses, development review criteria for location of development, maximum density of development, procedural criteria, or any other outlined design and/or development standard.

c. Subdivision Regulations Chapter 4, Exactions, Articles 9 and 10

- (1) Within Chapter 4, Article 9, *Agricultural Protection in the Planned Agricultural District*, there is one section proposed for modification, as summarized below.

Section 7067. Exemptions

**(a)** Pursuant to LCP Policy 5.14b, the requirement to grant an agricultural protection easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.

**(b)** **Pursuant to LCP Policy 1.2, the requirement to grant an agricultural protection easement does not apply to any parcel included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.**

- (2) Within Chapter 4, Article 10, *Open Space Preservation in the Resource Management/Coastal Zone District*, there is one section proposed for modification, as summarized below.

Section 7071. Exemptions

**(a)** Pursuant to LCP Policy 1.9b, the requirement to grant a conservation/open space easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.

**(b)** **Pursuant to LCP Policy 1.2, the requirement to grant a conservation/open space easement does not apply to**

**any parcel included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.**

The purpose of Exactions is to provide a form of subdivision control that requires a developer to provide, at their own expense, certain public improvements. Exactions generally offset the additional County responsibilities incurred as a result of subdivision and development activities; protect health, safety and welfare of the public; and implement the County's General Plan and any adopted area plans.

Relieving public agencies from granting an agricultural or open space easement to the County does not excuse a public agency applicant from the subdivision permitting process nor does it preclude the ability of the County to require other agricultural and open space protections and assurances through associated development permits, environmental review, and/or as may be required by a public agency's adopted plans, regulations, and policies.

**B. PUBLIC OUTREACH AND COMMENT**

On December 5, 2019, Planning staff had a conference call with California Coastal Commission to elicit early input on the requested text amendments. No concerns were identified by the CCC during the call nor did CCC staff provide comments following the call.

In January and February 2020, Planning staff presented the text amendments to the San Mateo County Farm Bureau, Agricultural Advisory Committee, Pescadero Municipal Advisory Committee, and Midcoast Community Council at their respective public meetings with the purpose of soliciting input during and subsequent to the meetings via written comment.

Both the San Mateo County Farm Bureau and Agricultural Advisory Committee were concerned with impacts on agricultural lands, as noted in the letters discussed below. The Pescadero Municipal Advisory Committee and Midcoast Community Council are supportive of the amendments. Letters supporting the project were also received by the City of Half Moon Bay, Sustainable Pescadero Collaborative (Collaborative), Green Foothills, and Kitchen Table Advisors.

As of report publication, the following comments letters have been received by staff and summarized below.

- California Farm Bureau Federation February 12, 2020
- MROSD (response to California Farm Bureau Federation) March 24, 2020
- San Mateo County Farm Bureau (response to MROSD) April 2, 2020

- Ron Sturgeon March 30, 2020
- Sustainable Pescadero Collaborative March 14, 2020
- City of Half Moon Bay March 24, 2020
- Green Foothills March 26, 2020
- Pescadero Municipal Advisory Committee April 20, 2020
- Kitchen Table Advisors April 28, 2020
- California FarmLink March 12, 2020
- Midcoast Community Council February 26, 2020
- Agricultural Advisory Committee May 18, 2020
- MROSD (response to Agricultural Advisory Committee), May 20, 2020

1. California Farm Bureau Federation Letter Dated February 12, 2020

- a. *The Coastal Act does not require these proposed text amendments... The County's zoning code need not be completely congruent with permitting requirements under the Coastal Act... We see nothing about the current zoning requirements in the PAD Zone that is inconsistent with the Coastal Act's position on agriculture and in fact is not actually supported by the Coastal Act.*

Staff Response: One of the goals of the Coastal Act is to maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone. MROSD was created as a public agency (special district) in 1972 with the purpose and mission *to acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.* Working collaboratively with POST, a non-profit created in 1977 whose mission is to protect open space on the Peninsula, both entities actively maintain and expand trail systems while securing farmland thus supporting the public access and public recreation goal. In their review of upcoming projects, MROSD and POST have determined that the County's Zoning and Subdivision Regulations language creates an impediment to furthering the goals of the CA, LCP, and their missions to maximize public access and recreation in the coastal zone.

The proposed text amendments do not excuse future projects involving public agencies from complying with County zoning regulations. Specifically, future development of any parcels owned by public agencies would continue to be regulated by the applicable Zoning Regulations with exception of the two requirements listed above. Projects would still be subject to the preparation of a Master

Land Division Plan which will specify how the land will be used and protected for agricultural and non-agricultural uses to the extent relevant, and permits would be processed, subject to review and approval by the relevant County advisory committees and decision-making bodies at the time of any application. Any required permits must address impacts to the natural environment, agriculture and adjoining properties as outlined in County General Plan policies and Zoning Regulations.

Applicant Response Dated March 24, 2020: MROSD has provided a response to the Farm Bureau letter and has stated that the existing Memorandum of Understanding (MOU) with the San Mateo County Farm Bureau, which would continue to be effective, includes policies and commitments for land acquisition, resource management, public trails and agriculture, including consultations on land purchase, grazing and farm leases and public trail planning on agricultural lands. It further highlights that the County is free to regulate land divisions in different ways so long as such regulations are not inconsistent with the Coastal Act.

- b. *The proposed zoning text amendments may have unintended consequences.*

Staff Response: The narrow application of the text amendments – applicable only to public agencies proposing land divisions for public recreation purposes – the County’s retained authority to permit future development through a public process, and the County’s responsibility to implement its adopted land use plans protecting agriculture and natural resources ensures potential unintended consequences are minimal or avoided.

Applicant Response Dated March 24, 2020: MROSD reiterated the narrow focus of the amendments and the County’s continued ability to require permits.

- c. *The timeline for the public review of the proposed zoning amendments is insufficient.*

Staff Response: Four consultation meetings with interested groups were conducted in January and February 2020 as noted in the Chronology. Following each public meeting, each interested group was given at least one month following their meeting date to prepare comments on the proposed project. Though this time was mutually agreeable to each group, Planning staff also indicated that comments received after the agreed upon dates would still be considered. Project applicants have also publicly met separately over 10 times with

the interested groups at their public meetings, including the Farm Bureau beginning in October 2019, see Attachment K.

Applicant Response Dated March 24, 2020: MROSD had initiated an on-site consultation with Farm Bureau executive members to discuss land division projects in October 2019 with multiple subsequent meetings with the Farm Bureau and Coastside community.

- d. *Environmental review should be undertaken.*

Staff Response: The California Environmental Quality Act provides an exemption for local governments from the requirement to prepare an environmental impact report in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Environmental review of the proposed LCP amendment is the responsibility of the CCC under CEQA's functional equivalent doctrine and will occur at the time the CCC reviews the proposed amendments.

2. San Mateo County Farm Bureau Letter Dated April 2, 2020

The San Mateo County Farm Bureau (SMCFB) provided a response letter to the MROSD letter dated March 24, 2020, with the following comments.

- a. *The outreach that MROSD and POST have conducted with respect to the zoning request is overstated and that a series of County-sponsored public workshops is requested.*

Staff Response: Due to the limited scope of the amendment – again, applicable only to public agencies proposing land divisions for public recreation purposes – and consistency with Coastal Act and LCP language, staff ensured coastal committees/councils were consulted at their public meetings where interested members of the public could attend and provide input on the amendments. Staff provided mutually agreeable time frames for each committee/council to provide written comments and continues to offer the opportunity to submit comments.

- b. *We would also request that you [MROSD] provide us with more detailed information about the CEQA process your letter mentions.*

Staff Response: As previously discussed in this report, CEQA analysis will occur as part of the CCC's review of the LCP amendment.

3. Letter from Ron Sturgeon to John Beiers, County Counsel Dated March 30, 2020

- a. *The PAD regulation regarding maximum parcel size “Non-agricultural parcels shall be as small as possible, and when used for residential purposes shall not exceed 5 acres,” does it also pertain to all other non-agricultural parcels and does it do any more than exempt the proponents from the residential parcel size restriction?*

Staff Response: Amendment to the maximum parcel size provision allows a public agency to have greater parcel size flexibility to accommodate non-residential public recreational uses and public recreational uses with related housing (in-park ranger housing, hikers' huts).

- b. *Pursuant to voter initiative “Measure A” approved on November 4, 1986 (and which is now codified in LCP Policy \*1.32), all LCP subsections of such policies identified with an asterisk (\*) may only be amended or repealed with the approval of the San Mateo County electorate...Would you agree that Policy \*5.13(b) must be amended by the approval of the electorate...?*

Staff Response: Amendment to the zoning and subdivision regulations do not alter any LCP Land Use Plan policy language thus a vote of the electorate is not required. The proposed amendments utilize the same language found in the Coastal Act for consistency, thus the text amendments are not less restrictive than the Coastal Act or LCP and are consistent with public access and public recreation goals of the Coastal Act.

- c. *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.*

Staff Response: It is correct to say MROSD’s Mission is not unifocal because it extends beyond the protection of agriculture. That said, MROSD’s Service Plan recognizes the importance of agriculture to the economy, encourages the sale/lease of MROSD properties for outdoor agriculture, establishes guidelines for managing the impacts of MROSD programs on adjacent agricultural operations, and provides for agricultural easements and leases. Further, and applicable to any public agency proposing development under these text amendments, the County retains its ability to review proposals for conformance with County General Plan, Zoning and Subdivision Regulations through a

public process and can review proposed easement language to ensure easements remain consistent with local regulations. As intended and noted in the MROSD Service Plan, Page 7 regarding San Mateo County regulations “*No changes in land use designation or land use controls are associated with the [coastal] annexation process or would be required as a result of any District activities,*” thus MROSD implementing programs and development will remain consistent with County regulations. It should be noted that the County does not have the ability to require affirmative agricultural easements by regulation (where active agricultural operations must occur under agreement) but the applicants, namely POST, utilize affirmative agricultural easements in order to ensure long-term active farm and grazing operations.

4. Sustainable Pescadero Collaborative Letter Dated March 14, 2020

This letter speaks in support of the amendments. The Collaborative believes the amendments would make it more likely that the Pescadero Community could achieve the goal of having trails that come from the Town of Pescadero leading to the ocean and from Butano State Park to the ocean. The Collaborative also believes the project, by allowing larger areas of land available for private ownership by farmers, supports sustainable agriculture and the farmers that implement it. Lastly, the Collaborative believes the project, enabling the transfer of land to independent farmers, actually strengthens not just the farmers but the community as a whole.

5. City of Half Moon Bay Letter Dated March 24, 2020

The City of Half Moon Bay supports the amendments and the public review process maintained through the amendment. The City Manager notes that the City has entered into a letter of intent with MROSD and POST to partner on future public trail access at the City’s Johnston House Park property while continuing to support the farming and ranching at this property and surrounding land. Further, the City supports providing access to other nearby POST, MROSD, and State Parks owned lands.

6. Green Foothills Letter Dated March 26, 2020

Green Foothills noted that the Coastal Act and LCP definition of development take precedence over any lack of clarity in the Zoning and Subdivision Regulations and that the purpose of the proposed amendments are to clarify any ambiguities or inconsistencies and constitute a *de minimus* change to the Regulations. The letter also noted some inconsistencies/errors in the Pescadero Municipal Advisory Committee staff report dated February 11, 2020 particularly with regard to being inclusive of lot line adjustments as “land divisions” and excluding bayside districts/including the

City of Half Moon Bay on the list of public agency owned lands within the coastal zone. Staff notes these inconsistencies/errors identified by Green Foothills and identifies the public agencies in the coastal zone:

- City of Pacifica
- San Mateo County Parks
- San Francisco Public Utilities Commission
- U.S. Bureau of Land Management
- U.S. National Park Service
- Midpeninsula Regional Open Space District
- California Parks and Recreation
- California State Coastal Conservancy
- California Department of Fish and Wildlife
- Coastside County Water District
- North Coast Water District
- City of Half Moon Bay
- Montara Water and Sanitary District
- Granada Community Services District

7. Pescadero Municipal Advisory Committee Email Dated April 20, 2020

The Pescadero Municipal Advisory Committee provided an email stating that PMAC strives to support and partner with all of its community-based stakeholders and is generally supportive of the proposed amendments but did request additional time to review the amendments. As the amendments are processed, Planning staff remains open to comments should the community groups desire to discuss the amendments at their public meetings. Additional opportunities to comment are available before the subsequent Board of Supervisors and Coastal Commission hearings. Additionally, associated development projects will require public hearings during which the community groups will have the opportunity to comment.

8. Kitchen Table Advisors Letter Dated April 28, 2020

Kitchen Table Advisors, non-profit organization providing financial advice and other resources to small-scale farmers, is supportive of the amendments. As stated in their letter, the organization is dedicated to ensuring small independent farmers have equitable access to farmland on the San Mateo Coast and the opportunity to purchase farmland. The proposed amendments support their goals through public-private

partnerships that preserve coastal land while retaining the farmland portions in private ownership. The amendments would help facilitate these goals.

9. California FarmLink Letter Dated March 12, 2020

California FarmLink, non-profit organization connecting limited resource and immigrant/underserved farmers and ranchers with financing and other information, is supportive of the amendments. As stated in their letter their organization is dedicated to ensuring small and beginning farmers have access to farmland in San Mateo County and the opportunity to purchase these lands to ensure farmland and portions thereof are retained in private ownership. The proposed amendments agrees that the text amendments will benefit rangeland and keep farmland and rangeland in production and in the hands of farmers and ranchers.

10. Midcoast Community Council Letter Dated February 26, 2020

The Midcoast Community Council supports the text amendments for consistency with the Coastal Act and Local Coastal Program. In their letter, the MCC also requests that a separate zoning regulation issue within the Midcoast, namely modifying how building height is measured on Midcoast PAD lands, should be included in the MROSD/POST requested amendment. Staff understands the request and issues regarding PAD height measurement in the Midcoast, however, this is not part of the applications' project scope. Additional review and public input would be required to address this request resulting in a delay in the current application even if the applicants were agreeable to modifying their project scope. That said, an application for the requested amendments may be made separately to the Department for consideration.

11. Agricultural Advisory Committee Letter Dated May 18, 2020

At its special meeting held on May 18, 2020, the Agricultural Advisory Committee finalized their comment letter identifying their response to Planning staff's report to the AAC at their January 13, 2020 meeting in addition to the following requests: (1) that the County undertake a thorough environmental review that examines the implications of the text amendments on future agricultural and ranching activities, (2) that the County consider adopting alternative text that do not exempt any public agency from the requested text amendment language and that the easement language if further strengthened, and (3) that the County host a public workshop to examine the key issues of the agricultural/conservation easement.

Staff Response: As identified in the Environmental Evaluation section of this report, staff has conducted its environmental review and will rely on

functional equivalent doctrine found in CEQA, Public Resources Code Section 21080.9. With regards to the alternative text, the language requires the agricultural/conservation easements with additional parameters minimizing all recreational uses to the extent practicable. This is counter to the applicant's request for relief from the County's easement requirement. Implementation of this alternative language would be applicable to all public agencies, not just the project applicants. Finally, regarding the request for a public workshop, staff has provided multiple opportunities for public comment both during the four public hearings before the various community/councils in addition to accepting public comment throughout the LCP amendment process, as well as the opportunity before the Planning Commission and future Board of Supervisors and Coastal Commission meetings. Further, the applicants have attended the various committees/councils on 14 occasions, please refer to Attachment T for MROSD response letter.

C. ENVIRONMENTAL REVIEW

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (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 local coastal program. It follows that environmental review of the proposed LCP amendment is the responsibility of the California Coastal Commission (CCC). The project would be subject to the provisions of CEQA pursuant to Section 21080.5. in which a functionally equivalent CEQA analysis will be performed by the CCC "in lieu" of any otherwise required CEQA analysis, as a state agency's (in this case the CCC) certified regulatory program (in this case the Local Coastal Program) is statutorily exempt from CEQA. The County shall provide the CCC all documentation necessary to perform such a functionally equivalent CEQA analysis.

D. REVIEWING DEPARTMENT/AGENCIES

County Counsel  
California Coastal Commission  
San Mateo County Farm Bureau  
Agricultural Advisory Committee  
Midcoast Community Council  
Pescadero Municipal Advisory Committee

ATTACHMENTS

- A. Planning Commission Recommendation
- B. Proposed Zoning and Subdivision Regulation Amendments Ordinance
- C. Map of Project Extent

- D. Map of Project Extent and Project Applicant/Public Agency Ownership
- E. MROSD Coastal Service Plan (due to length of document, online link provided): [https://www.openspace.org/sites/default/files/Coastal\\_Service\\_Plan.pdf](https://www.openspace.org/sites/default/files/Coastal_Service_Plan.pdf)
- F. MROSD Memorandum of Understanding, MROSD and San Mateo County Farm Bureau, February 2004
- G. MROSD Vision Plan 2014 (due to length of document, online link provided): [https://openspace.org/sites/default/files/2014\\_Vision\\_Plan.pdf](https://openspace.org/sites/default/files/2014_Vision_Plan.pdf)
- H. MROSD Resource Management Polices (due to length of document, online link is provided): [https://www.openspace.org/sites/default/files/Resource\\_Management\\_Policies.pdf](https://www.openspace.org/sites/default/files/Resource_Management_Policies.pdf)
- I. MROSD Agricultural Use Policy Statements, February 1978
- J. Letter: California Farm Bureau Federation February 12, 2020
- K. Letter: MROSD (response to California Farm Bureau Federation) March 24, 2020
- L. Letter: San Mateo County Farm Bureau (response to MROSD) April 2, 2020
- M. Letter: Ron Sturgeon March 30, 2020
- N. Letter: Sustainable Pescadero Collaborative March 14, 2020
- O. Letter: City of Half Moon Bay March 24, 2020
- P. Letter: Green Foothills March 26, 2020
- Q. Letter: Pescadero Municipal Advisory Committee April, 20 2020
- R. Letter: Midcoast Community Council February 26, 2020
- S. Letter: Agricultural Advisory Committee May 18, 2020
- T. Letter: MROSD (response to Agricultural Advisory Committee) May 20, 2020
- U. PMAC Staff Report, February 12, 2020

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County of San Mateo  
Planning and Building Department

**PLANNING COMMISSION RECOMENDATION**

Permit or Project File Number: PLN 2019-00258      Hearing Date: May 27, 2020

Prepared By: Melissa Ross, Senior Planner      For Adoption By: Planning Commission

**PLANNING COMMISSION RECOMMENDATION**

That the Planning Commission recommends that the Board of Supervisors:

1. That the Planning Commission recommend that the Board of Supervisors approve the proposed LCP Amendment, subject to Coastal Commission certification, by adopting the Ordinance revising Zoning Regulations Chapters 21A and 36 and Subdivision Regulations Chapter 4, to grant relief from agricultural/conservation open space easements and maximum parcel size requirements when public agencies propose land divisions for purposes of public recreation in the Coastal Zone.
2. Direct staff to submit the attached ordinance proposing to amend the San Mateo County Local Coastal Plan implementing ordinances for California Coastal Commission certification.

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT B

**ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING THE SAN MATEO COUNTY LOCAL COASTAL PLAN THROUGH (1) AMENDING TEXT TO DIVISION VI, PART 1 OF THE COUNTY ORDINANCE CODE (ZONING REGULATIONS), CHAPTER 21A PLANNED AGRICULTURAL DISTRICT (PAD); (2) AMENDING TEXT TO DIVISION VI PART 1 OF THE COUNTY ORDINANCE CODE (ZONING REGULATIONS), CHAPTER 36 RESOURCE MANAGEMENT-COASTAL ZONE (RM-CZ); (3) AMENDING TEXT TO DIVISION VI, PART 2 OF THE COUNTY ORDINANCE CODE (SUBDIVISION REGULATIONS), CHAPTER 4 EXACTIONS, ARTICLE 9 AGRICULTURAL PROTECTION IN THE PLANNED AGRICULTURAL DISTRICT AND (4) AMENDING TEXT TO DIVISION VI, PART TWO OF THE COUNTY ORDINANCE CODE (SUBDIVISION REGULATIONS), CHAPTER 4 EXACTIONS, ARTICLE 10 OPEN SPACE PRESERVATION IN THE RESOURCE MANAGEMENT/COASTAL ZONE DISTRICT**

The Board of Supervisors of the County of San Mateo, State of California,  
**ORDAINS** as follows

\* \* \* \* \*

**WHEREAS**, in 1980, the San Mateo County Board of Supervisors (Board of Supervisors) approved and the California Coastal Commission certified the San Mateo County Local Coastal Program (LCP), establishing policies, consistent with the Coastal Act, to guide development within the County's Coastal Zone while protecting Coastal resources and providing coastal access for all. For a development permit to be issued in the Coastal Zone, proposed development must comply with the policies of the LCP and those regulations adopted to implement the LCP; and

**WHEREAS**, the San Mateo County Zoning and Subdivision Regulations are the implementation plans of the LCP, or land use regulatory instruments in which the LCP is applied; and

**WHEREAS**, no text amendments are proposed to the LCP Land Use Plan, changes to the implementation plans of the Zoning and Subdivision Regulations constitute LCP amendments, thus will require future certification by the Coastal Commission; and

**WHEREAS**, with the California Coastal Act Section 30106 definition of “Development” and LCP Locating and Planning New Development Component Policy 1.2 “Definition of Development” are consistent in that these regulations do not apply to public agencies proposing land divisions for public recreational purposes; and

**WHEREAS**, the County Zoning and Subdivision regulations are local regulations that shall be consistent with state law, as local law cannot conflict with general state law; and

**WHEREAS**, in order to consistently implement the LCP and allow for local and state law to be consistent, text to Zoning Regulations Chapter 21A Planned Agricultural District (PAD); Zoning Regulations Chapter 36 Resource Management-Coastal Zone (RM-CZ); Subdivision Regulations, Chapter 4 “Exactions,” Article 9 Agricultural Protection in the Planned Agricultural District; and Subdivision Regulations, Chapter 4 “Exactions,” Article 10 Open Space Preservation in the Resource Management/Coastal

Zone District must be amended to reflect consistency as it relates to future public recreational facility projects on lands owned, or to be acquired by, the project applicants, as well as other public agencies; and

**WHEREAS**, the proposed Zoning and Subdivision Regulations text amendments are consistent with the County General Plan and the LCP; and

**WHEREAS**, in the course of processing associated development permits, the County retains the right to review a public agency's agricultural and conservation open space easements for consistency with County policy and regulation; and

**WHEREAS**, on December 5, 2019 early consultation with the California Coastal Commission occurred and advisory group public were held as follows: January 6, 2020 San Mateo County Farm Bureau; January 13, 2020 Agricultural Advisory Committee; February 11, 2020 Pescadero Municipal Advisory Committee; February 12, 2020 Midcoast Community Council; and

**WHEREAS**, at all public hearings, all interested parties were afforded the opportunity to be heard and subsequent written comments considered; and

**WHEREAS**, the proposed zoning and subdivision regulations text amendments will allow for a desirable guide for the future growth of this area of the County, will not be detrimental to the character, social, and economic stability of this area and its environs,

will assure the orderly and beneficial development of this area, and will be in harmony with the zoning in adjoining unincorporated areas; and

**WHEREAS**, the environmental review for the proposed zoning and subdivision ordinances text amendments per the provisions of the California Environmental Quality Act (CEQA) is the responsibility of the California Coastal Commission and would be subject to the provisions of CEQA pursuant to Section 21080.5. in which a functionally equivalent CEQA analysis will be performed by the CCC in lieu of any otherwise required CEQA analysis, as a state agency's (in this case the CCC) certified regulatory program (in this case the Local Coastal Program) is statutorily exempt from CEQA; and

**WHEREAS**, on May 27, 2020, after consideration of the entire record, including public comments, the Planning Commission recommended that the Board of Supervisors transmit the proposed amendments to the Coastal Commission for certification;

**NOW, THEREFORE**, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

\* \* \* \* \*

**SECTION 1.** The San Mateo County Zoning Ordinance, Part 1, Chapter 21A Planned Agricultural District (PAD) is hereby amended to change the text of Section 6363.B.

Parcel Size. Non-Agricultural Parcels as follows, with new text shown **bold**, *italicized*, and underlined; and deleted text shown ~~strikethrough~~:

Section 6363.B. Parcel Size. Non-Agricultural Parcels. For any parcel created after the effective date of this ordinance which is to be used for non-agricultural purposes, the parcel size shall be determined on a case-by-case basis to ensure that domestic well water and on-site sewage requirements are met. **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,** nNon-agricultural parcels shall be as small as possible, and when used for residential purposes shall not exceed 5 acres. All non-agricultural parcels shall be clustered (in one or as few clusters as possible), and sited in locations most protective of existing and potential agricultural uses.

**SECTION 2.** The San Mateo County Zoning Ordinance, Part 1, Chapter 21A Planned Agricultural District (PAD) is hereby amended to change the text of Section 6364.A. Procedural Criteria for Issuance of a Planned Agricultural Permit. Master Land Division Plan as follows, with new text shown **bold**, *italicized*, and underlined; and deleted text shown ~~strikethrough~~:

Section 6364.A. Procedural Criteria for Issuance of a Planned Agricultural Permit. Master Land Division Plan. Before any division of land, the applicant shall file a Master Land Division Plan demonstrating how the parcel will be ultimately divided according to maximum density of development permitted and which parcels will be

used for agricultural and non-agricultural uses if conversions are permitted.

**Except where the land division is brought about in connection with the purchase of land by a public agency for public recreational use,** Division for non-agricultural parcels shall be as small as practicable, not to exceed 5 acres when used for residential purposes, and shall ensure that minimum domestic well water and on-site sewage disposal area requirements are met. Division shall be permitted in phases, and all future divisions occurring on land for which a plan has been filed must conform to that plan. Master Land Division Plans shall not be required for land divisions which solely provide affordable housing, as defined by LCP Policy 3.7 on March 25, 1986.

**SECTION 3.** The San Mateo County Zoning Ordinance, Part 1, Chapter 21A Planned Agricultural District (PAD) is hereby amended to change the text of Section 6364.B. Easements on Agricultural Parcels as follows, with new text shown **bold**, *italicized*, and underlined; and deleted text shown ~~strikethrough~~:

Section 6364.B. Easements on Agricultural Parcels. After a Master Land Division Plan has been filed, and as a condition of approval thereof, the applicant shall grant to the County (and the County shall accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture (as defined in Section 6352C and D of this ordinance) and farm labor housing. The covenant shall specify that, any time after three years from the date of recordation of the easement, land

within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon the finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to open space. Uses consistent with the definition of Open Space shall mean all those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site's natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to the natural landforms. **Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.**

**SECTION 4.** The San Mateo County Zoning Ordinance, Part 1, Chapter 36

Resource Management-Coastal Zone (RM-CZ) is hereby amended to change the text of Section 6906.1. Conservation Open Space Easement as follows, with new text shown **bold**, *italicized*, and underlined; and deleted text shown ~~strikethrough~~:

SECTION 6906.1. Conservation Open Space Easement. Require, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity,

which limits the use of the land covered by the easement to uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980). **Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.**

**SECTION 5.** The San Mateo County Subdivision Ordinance, Part 2, Chapter 4 Exactions, Article 9 Agricultural Protection in the Planned Agricultural District is hereby amended to change the text of Section 7067. Exemption as follows, with new text shown **bold**, *italicized*, and underlined; and deleted text shown ~~striketrough~~:

Section 7067. Exemptions

- 1.** Pursuant to LCP Policy 5.14b, the requirement to grant an agriculture protection easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.
  
- 2.** **Pursuant to LCP Policy 1.2, the requirement to grant an agricultural protection easement does not apply to any parcel included in a land subdivision brought about in connection with the purchase of land by a public agency for the public recreational use.**

**SECTION 6.** The San Mateo County Subdivision Ordinance, Part 2, Chapter 4 Exactions, Article 10 Open Space Preservation in the Resource Management/Coastal

Zone District is hereby amended to change the text of Section 7071. Exemption as follows, with new text shown **bold**, *italicized*, and underlined; and deleted text shown ~~strikethrough~~:

Section 7071. Exemptions

1. Pursuant to LCP Policy 1.9b, the requirement to grant a conservation/open space easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.
  
2. ***Pursuant to LCP Policy 1.2, the requirement to grant a conservation/open space easement does not apply to any parcel included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.***

**SECTION 7.** This Ordinance shall be effective immediately upon final certification by the California Coastal Commission.

\* \* \* \* \*



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT C

# PAD and RM-CZ Zoning Districts and General Plan Land Use Designations within the Unincorporated Coastal Zone of San Mateo County



- San Mateo County Boundary
- Coastal Zone: 92,943.15 Acres \*
- Current Zoning Districts**
- PAD: 68,176.72 Acres
- RM-CZ: 12,804.37 Acres
- General Plan Land Use**
- Land Use Type**
- Agriculture (A)
- Timber (T)
- Institutional (I)
- Open Space, Recreation (OS)
- Residential (R)

Note: All acreages refer to only areas in the unincorporated County within the Coastal Zone.



\*Coastal Zone acreage only includes unincorporated San Mateo County area between on land Coastal Zone Boundary and the County boundary. The Coastal Zone Boundary officially extends 3 NM offshore.

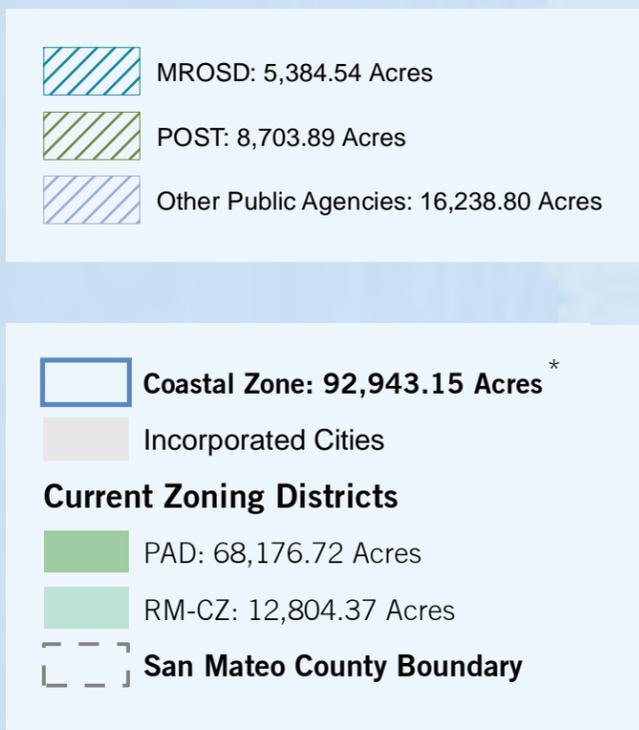




COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT D

# Zoning of MROSD/POST/Other Public Agency Lands within the Unincorporated Coastal Zone of San Mateo County



\*Coastal Zone acreage only includes unincorporated San Mateo County area between on land Coastal Zone Boundary and the County boundary. The Coastal Zone Boundary officially extends 3 NM offshore.



MROSD Coastal Service Plan  
(due to length of document, online link provided):

[https://www.openspace.org/sites/default/files/Coastal\\_Service\\_Plan.pdf](https://www.openspace.org/sites/default/files/Coastal_Service_Plan.pdf)



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

**ATTACHMENT E**



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT F

PROPOSED  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE SAN MATEO COUNTY FARM BUREAU  
AND  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

WHEREAS, the mission of the San Mateo County Farm Bureau ("Farm Bureau") includes the preservation of existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of agricultural land in production and to provide support and expertise to its members and to private and public entities for those purposes; and

WHEREAS, the Midpeninsula Regional Open Space District ("District") has filed an application with San Mateo County Local Agency Formation Commission ("LAFCo") to extend its boundaries to the San Mateo County Coast and has adopted a related Service Plan for the purposes of preserving open space and agricultural land, encouraging viable agricultural use of land, and preserving agricultural operations in conformance with the San Mateo County General Plan; and

WHEREAS, the Farm Bureau and the District desire to work together cooperatively to support and preserve agricultural operations and to protect the economic and physical integrity of agricultural lands on the San Mateo Coast; and

WHEREAS, the Farm Bureau and the District believe that by such cooperative efforts the Farm Bureau will help enable the District to better accomplish its mission for the Coastside Protection Area for the benefit of its members and all residents of San Mateo County; and

WHEREAS, the Service Plan establishes the policy of the District to insure that where open space recreation or public access occurs, it is planned and managed in a manner that avoids adverse impacts to adjacent agricultural operations; and

WHEREAS, the District desires to consult with the Farm Bureau in planning for open space recreation and public access to ensure that such uses avoid adverse impacts to adjacent agricultural operations; and

WHEREAS, the Service Plan prohibits the District's use of the power of eminent domain in the area proposed for annexation ("Coastside Protection Area"), and the Farm Bureau has requested that this prohibition be established through state legislation so as to further insure the permanence of this District policy; and

WHEREAS, the Board of Directors of the District desires to sponsor such legislation to further insure to the satisfaction of the Farm Bureau and all San Mateo County coastside residents that its policy prohibiting the use of eminent domain in the proposed Coastside Protection Area will be secure and permanent; and

WHEREAS, it is the joint desire of the Farm Bureau and the District to enter into this Memorandum of Understanding in order to formalize the goals and understandings of both parties in their efforts to preserve agriculture in San Mateo County.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The San Mateo County Farm Bureau desires to insure that eminent domain not be used to acquire land in the District's proposed Coastside Protection Area. The Farm Bureau has requested that the District sponsor state legislation permanently removing the District's power of eminent domain in the proposed Coastside Protection Area. The District has agreed to sponsor such legislation. A copy of the proposed legislation is attached hereto, marked "Exhibit A" and incorporated by this reference. The Farm Bureau has agreed to support this legislation without amendment. The enactment of this legislation, in the form set out in Exhibit A, is a condition precedent of the parties' obligations in this MOU. The parties recognize that minor changes to this legislation may be made by the State Legislative Counsel in the normal course of its review and approval of legislative language and the parties shall continue to support and propose such legislation as approved by Legislative Counsel, provided that only minor and technical changes are made by Legislative Counsel. Any other changes shall require the prior written agreement of both the Farm Bureau and the District.
2. The San Mateo County Farm Bureau and the District desire to insure that the District's implementation of the Service Plan and its Coastside Protection Program preserve and encourage viable agricultural operations, and avoid adverse effects on agriculture. To accomplish this goal, the Farm Bureau and the District agree that:
  - a. As part of its Coastside Protection Program, the District has adopted a set of Mitigation Measures to preserve agriculture and to avoid adverse impacts on agriculture. A copy of these Mitigation Measures is attached hereto, marked "Exhibit B" and incorporated by this reference. The Farm Bureau has requested and the District has agreed that these Mitigation Measures shall be incorporated into this MOU. The District agrees that it will implement these Measures, and that implementation of these Measures is a commitment from the District to the Farm Bureau. These Mitigation Measures may not be amended by the District unless required by law.
  - b. The District will consult with the Farm Bureau in the development of site-specific use and management plans and site-specific agricultural production plans in the Coastside Protection Area as set out in Mitigation Measure AGR-3h.
  - c. When practicable and consistent with the Mitigation Measures, when planning for the preservation of land in agricultural production, the District will consider first

whether acquisition of a conservation easement is the best method to enable the land to remain in private ownership and in agricultural production.

- d. When considering the proposed use and management of any agricultural land acquired by the District in the Coastside Protection Area, the District will provide the Farm Bureau prior written notice of any hearings at which site use and management plans, agricultural production plans, reviews or amendments will be considered. Further, the District will provide a prior opportunity for the Farm Bureau to review and comment on any such plans. This will insure that the Farm Bureau has the opportunity to share its expertise, resources and viewpoints with the District prior to any decision concerning future use or management of such lands. In addition, District staff will meet with representatives of the Farm Bureau from time to time on an informal basis upon request of either party to consult regarding development of such plans.

3. The San Mateo County Farm Bureau determines that, based upon the specific terms and conditions of this MOU, the District's Coastside Protection Program will benefit and help preserve agriculture in San Mateo County, and will help to protect agriculture's physical and economic integrity in the County. The elimination of the District's power of eminent domain by legislation is a key component that will further protect agricultural lands from being removed from production. On that basis the San Mateo County Farm Bureau expresses its support for and endorsement of the District's Coastal Protection Program.

4. The San Mateo County Farm Bureau requests that LAFCo approve the District's application for annexation of the San Mateo County Coastside Protection Area as filed on October 28, 2003, in its entirety.

5. This MOU may not be amended without the written consent of both the Farm Bureau and the District.

6. Any written notice sent pursuant to this MOU shall be addressed as follows:

Farm Bureau:        Executive Administrator  
                             San Mateo County Farm Bureau  
                             765 Main Street  
                             Half Moon Bay, CA 94019

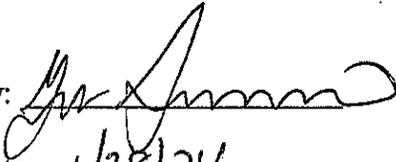
District:             General Manager  
                             Midpeninsula Regional Open Space District  
                             330 Distel Circle  
                             Los Altos, CA 94022

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly authorized officers to be effective as of the date of final execution by the District.

FARM BUREAU:

DISTRICT:

By:



Date

1/28/04

By:



Date:

1/28/04

EXHIBIT A

SECTION 1. Section 5572.2 is added to the Public Resources Code to read:

5572.2. The Midpeninsula Regional Open Space District shall not exercise the power of eminent domain to acquire any real property or any interest in real property in the San Mateo County Coastal Annexation Area as defined in the Resolution of Application for Annexation Proceedings No. 03-20 adopted by the Board of Directors of the Midpeninsula Regional Open Space District on June 6, 2003.

SECTION 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances applicable only to this proposed project of the Midpeninsula Regional Open Space District. The District has adopted an ordinance and policy prohibiting the use of the power of eminent domain in an area of San Mateo County currently proposed for annexation to the District. This policy was adopted due to the special and unique circumstances of the particular annexation project and the particular nature of the territory proposed for annexation and in response to input from a Citizens' Advisory Committee formed to recommend policies particular to this proposed project. This legislation will further that policy and ordinance. The Legislature further finds and declares that this need is not common to all districts formed under the Regional Park District law nor to other projects of the District.

SECTION 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:  
Enactment of this legislation will enable the District to implement the particular policies regarding eminent domain it has adopted for this specific project at the earliest possible time. In order for the prohibitions created by this act to become incorporated into this project, it is necessary for the act to take effect immediately.

EXHIBIT B  
Midpeninsula Regional Open Space District Coastside Protection Program  
Mitigation Measures

**AGRICULTURE**

**Mitigation AGR-1a:** No new buildings or staging areas shall be located on prime agricultural lands or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency that are being used for agricultural purposes. To implement this Mitigation Measure, in order to avoid conversion of Farmland to non-agricultural use, the Draft Service Plan should be revised to provide that the ranger office/maintenance facility and the staging areas may not be located on prime agricultural lands or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency Farmland in agricultural use.

**Mitigation AGR-1b:** Trails and habitat preservation areas shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Owners and operators of active agricultural activities lands shall be consulted to identify appropriate routes on those lands they cultivate. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.

**Mitigation AGR-1c:** The District shall adopt Draft Service Plan Policy P.1 by ordinance. This policy reads as follows: "Within the Coastal Annexation Area, the District shall only acquire lands or interests in lands from willing sellers. The power of eminent domain will not be exercised by the District within the Coastal Annexation Area. This policy is a Basic Policy for the Coastal Annexation Area."

**Mitigation AGR-1d:** Amend the Draft Service Plan to include the following:

The term "prime agricultural land" as used in this Plan means:

- a) All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.
- b) All land which qualifies for rating 80-100 in the Storie Index Rating.
- c) Land which supports livestock 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. Department of Agriculture.
- d) 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 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.
- e) Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than \$200 per acre within three of the five previous years.

The \$200 per acre amount in subsections d) and e) shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.

The term "prime agricultural land" as used in this Plan shall also include Unique Farmland and Farmland of Statewide Importance as shown on the Farmland Mapping and Monitoring Program of the California Resources Agency.

**Mitigation AGR-2:** See Mitigation LU-2

**Mitigation AGR-3a:**

Guideline 3.2 in the *Draft Service Plan* should be modified to state:

"Improvements or public uses located upon open space lands other than agriculture...shall be located away from existing prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency toward areas containing non-prime agricultural lands, unless such location would not promote the planned, orderly, efficient use of an area. To the extent feasible, all All trails and other public facilities should be located so as not to fragment agricultural operations unless no feasible alternative is available. While trails that bisect grazing lands would not be likely to fragment grazing operations, trails that bisect cultivated crops could adversely affect the vitality of agricultural operations and should be avoided where feasible. If trails must traverse cultivated lands then they shall be permitted only if adequate buffers, signs, and other measures necessary to ensure that trail use does not interfere with the agricultural operations shall be are implemented."

**Mitigation AGR-3b:** The District shall provide private property signs where appropriate and provide trail users information regarding private property rights to minimize public/private use conflicts and trespassing. The District shall clearly sign trails adjacent to active agriculture and provide trail users with information regarding property rights to minimize trespassing and conflicts with agricultural users.

**Mitigation AGL-3c:** Trails shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Operators of active agricultural activities on lands owned by or under easement to the District shall be consulted to identify appropriate routes on lands they cultivate. Owners and operators of active agricultural activities on lands adjacent to District lands used for non-agricultural purposes shall be consulted to identify routes that will avoid adverse effects on agricultural operations. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.

**Mitigation AGL-3d:** The District lands or easements ~~that comprise the trail setting upon which trails are sited~~ shall provide width sufficient for management and/or buffer space from adjacent uses so as not to preclude the viability of those uses. Buffers established to separate recreation and other open space uses from agricultural operations shall be designed and managed in accordance with the following standards:

- a) Buffers shall be designed in relation to the nature of the adjoining land use, potential land uses and proposed public access;
- b) Buffers shall be designed in relation to the topography and other physical characteristics of the buffer area;
- c) Buffers shall be designed with consideration of biological, soil, and other site conditions in order to limit the potential spread of non-native invasive species or pathogens onto agricultural lands;
- d) Buffers shall be of sufficient width to allow agricultural use of adjoining

- agricultural lands including application of pesticides and other agricultural chemicals on all lands needing treatment taking into account the likelihood and extent of potential pesticide drift.
- e) All lands used for buffers should be on land or interests in land owned by the District; adjoining landowners shall not be required to provide land for buffers.
  - f) The District shall be responsible for the management and maintenance of all lands used as buffers.
  - g) If a specific buffer fails to resolve conflicts between a recreational use and adjacent agricultural uses the recreational use shall be moved to a different location.

All buffers shall be developed in consultation with the owners and operators of adjoining agricultural lands.

**Mitigation AGR-3e:** Where pesticides are used, including pesticides for control of noxious weeds, they must be handled, applied, and disposed of in such a manner that they do not adversely affect adjacent agriculture, including organic agriculture. Pesticide use shall be guided by label restrictions and any advisories published by the California Department of Pesticide Regulation (CDPR) or the County Agricultural Commission. These chemicals shall only be applied by a person who is properly trained in their application.

**Mitigation AGR-3f:** The District shall conduct its land management practices such that they do not have an adverse significant impact on the physical and economic integrity of timberland preserves on or contiguous to properties owned or managed by the District and so that the safety of visitors to District preserves is not compromised by timber harvesting (e.g., establishing appropriate buffers on District lands).

**Mitigation AGR-3g:** When acquiring lands in agricultural use, the acquisition shall be subject to continued use by the owner or operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. All agricultural land which is not needed for recreation or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and, whenever legally feasible, the District will offer for sale or lease the maximum amount of agricultural land to active farm operators on terms compatible with the recreational and habitat use. Lands that do not have significant recreation or sensitive habitat values and which can clearly support productive agricultural operations will generally be offered for sale while other agricultural lands will generally be offered for lease.

**Mitigation Measure AGR-3h:** *Revise Draft Service Plan* Guideline G.6.3 as follows:

**GUIDELINE G.6.3**

Inherent in the preservation of open space resources in the Coastal Annexation Area is the protection of: rare, threatened and endangered plant and animal species; ecological systems; agricultural resources, water quality; visual resources; unique biological resources, including heritage and significant trees; and the unique cultural resources in the Coastal Annexation Area, including historic, archaeological and paleontological resources. Therefore, prior to making any lands available to low-intensity public recreational access, the District shall prepare and adopt a use and management plan, which, includes site-specific resource management and public access components plan for any lands acquired by the District or managed through contract for other public or private non-profit property owners. All lands acquired by the District within the Coastal Annexation Area will be inventoried to identify and prioritize resource management issues. Where there are critical issues, such as the presence of non-native invasive species which threaten the habitat of endangered species or the economic viability of an adjacent agricultural operation, resource management plans will be prepared for these areas even if they remain closed to the public.

The use and management plan shall include an agricultural production plan for District-owned agricultural lands or District lands adjacent to agricultural lands. For district-owned lands, the plan shall describe the crop and/or livestock potential for the property together with the management actions required to protect existing agricultural production (e.g., growing seasons, water requirements, pesticide, manure, and waste management) and the agricultural potential of the land. The plan shall consider the following factors:

- a) Availability of labor, including farm labor housing;
- b) Availability of farm support services and goods;
- c) Necessary capital improvements (e.g. water storage, fencing, land leveling)
- d) Farm operations, including erosion control, the season(s) and times of pesticide or herbicide usage, manure and waste management;
- e) Water use and availability;
- f) Access to transportation and markets; and
- g) Promoting agricultural production on District-owned land.

In the case of District lands adjacent to agricultural production, the agricultural production plan shall develop site-specific measures to prevent activities on District lands from interfering with adjacent agricultural production.

The development of use and management plans will include consultation with the current owner or operator of any agricultural operations on the land, adjoining landowners, the San Mateo County Environmental Services Agency in addition to other include opportunities for public involvement.

**Mitigation Measure AGR-3i:** *Amend Draft Service Plan* Guideline G.2 as follows:

Prior to making any lands available to public access for low-intensity recreation in the Coastal Annexation Area, the District shall have personnel and equipment available to manage public access such that: there would be no

significant negative impact on existing services; and adequate stewardship to protect natural and agricultural resources will be provided.

**Mitigation Measure AGR-3j:** Amend the *Draft Service Plan* to include the following policy:

The District shall actively work with lessees of District lands and with the owners of land in which the District has an agricultural easement interest to:

- a. Facilitate the provision of farm worker housing on District-owned lands by providing technical assistance in obtaining permits for such housing from the County of San Mateo.
- b. Seek grant funding for the continuation or establishment of viable agriculture through the California Farmland Conservancy Program and other agriculture grant programs.
- c. Provide technical assistance to secure water rights for the continuation or establishment of viable agriculture consistent with protection of sensitive habitats.

**Mitigation Measure AGR-3k:** Amend the *Draft Service Plan* to include the following policy:

The District shall actively pursue opportunities to enter agricultural easements and leases with interested farmers and ranchers. All agricultural easements and agricultural leases in the Coastal Annexation Area shall:

- a. Be tailored to meet individual farmers and ranchers needs while respecting the unique characteristics of the property;
- b. Specify uses that are unconditionally permitted pursuant to the easement or lease to provide certainty to the farmer or rancher entering the lease or easement with the District;
- c. Include terms that allow farmers and ranchers to adapt and expand their operations and farming practices to adjust to changing economic conditions;
- d. Include terms that ensure farmers or ranchers may provide farm labor housing as defined and approved by San Mateo County;
- e. Ensure compatibility of resource protection and management, low-intensity public recreation and viable agricultural operations; and
- f. In the case of leases, be for a sufficient period of time to gain a return on the investment in the agricultural operation.

## CERTIFICATION

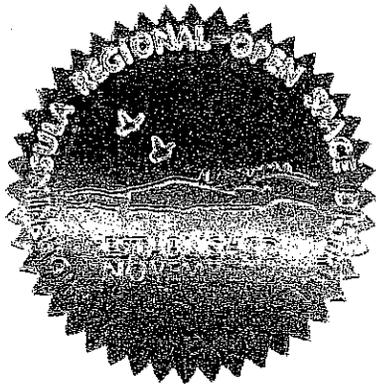
I, Sally Thiel foldt, declare:

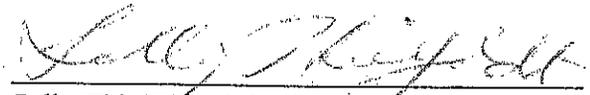
I am the duly appointed and acting Clerk of the Midpeninsula Regional Open Space District.

The original of the attached Memorandum of Understanding Between The San Mateo County Farm Bureau and Midpeninsula Regional Open Space District dated January 28, 2004 has been and is under my custody and control.

I certify that the attached is a true and correct copy of said document. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Altos, California on February 6, 2004.



  
Sally Thiel foldt, District Clerk  
Midpeninsula Regional Open Space District

MROSD Vision Plan 2014  
(due to length of document, online link provided):

[https://openspace.org/sites/default/files/2014\\_Vision\\_Plan.pdf](https://openspace.org/sites/default/files/2014_Vision_Plan.pdf)



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT G

MROSD Resource Management Policies  
(due to length of document, online link provided):

[https://www.openspace.org/sites/default/files/Resource Management\\_Policies.pdf](https://www.openspace.org/sites/default/files/Resource%20Management_Policies.pdf)



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT H



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT I



MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Agricultural Use Policy Statements

Adopted By  
Board of Directors  
February 8, 1978

1. The District will sustain and encourage agricultural viability consistent with public use while minimizing the impact on the natural environment. Agricultural use is considered beneficial in that it utilizes almost scarce agricultural resources, reduces fire fuel, and when properly managed can enhance the environment.
2. The Board of Directors will review and approve agricultural leases or licenses which are long term (over 1 year) and/or involve an anticipated income in excess of \$3,500. The General Manager may enter into lease or license agreements on behalf of the District without specific Board approval if they are:
  - (a) in amounts not exceeding \$3,500 income to the District (including in-kind services), and
  - (b) no more than 1 year in duration, and
  - (c) not long range commitments, e.g., through agricultural related improvements, which go beyond the scope of Board adopted interim or long term site plan, and
  - (d) pursuant to a Board adopted interim or long term site plan.
3. All proposed agricultural leases will be advertised in local newspapers to maximize public awareness. If other factors are equal, a lottery will be used to determine the tenant, if more than one potential lessee is interested in the same area.
4. The lease fee will be determined for each type of lease by consulting with local agencies such as East Bay Municipal Utility District, East Bay Regional Park District and agricultural advisors, and will be based upon local prevailing market rates.
5. Staff will have the discretion to enter into leases specifying either cash, in-kind services, or a combination of the two, as payment. If in-kind services are being accepted, they will in no circumstance exceed one year's cash value without Board approval, to preclude the expectation of a continuing relationship.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT J



# CALIFORNIA FARM BUREAU FEDERATION

LEGAL SERVICES DIVISION

2600 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833 • PHONE (916) 561-5665

February 12, 2020

**via U.S. Mail & Email**

mross@smcgov.org

Ms. Melissa Ross, Senior Planner  
Planning and Building Department  
County of San Mateo  
County Office Building  
455 County Center  
Redwood City, California 94063

**Re: Corrected Proposed Zoning Ordinance Text Amendments – MROSD and POST**

Dear Ms. Ross:

This office represents the San Mateo County Farm Bureau. The comments respectfully offered below come from both the San Mateo County Farm Bureau and the California Farm Bureau Federation (singularly or collectively, “Farm Bureau”), and respond to your solicitation of comments as to certain proposed zoning ordinance text amendments proposed by the Midpeninsula Open Space District (“MROSD”) and the Peninsula Open Space Trust (“POST”). At this time, the San Mateo County Farm Bureau opposes these amendments on the timeline proposed, and asks that the County of San Mateo table the amendments until such time as a more deliberative process of public workshops can occur.

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 36,000 agricultural, associate and collegiate members in 56 counties, including some more than 200 members within the San Mateo County Farm Bureau. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. A key component of its advocacy relates to land use within agricultural zones, and farmers and ranchers within the coastal zone face particularized pressures in this respect.



We appreciate the County's commitment to its agricultural heritage and landscape, which has been evident in its general planning and zoning processes over the years. San Mateo County has a rich agricultural tradition, much of which occurs within the coastal zone. Farm Bureau has worked collaboratively with the County over the years in relation to the issues that face agriculture, and we expect a continuation of that positive interaction into the future. With respect to the memorandum received from your office dated January 6, 2020 which asks for feedback on the proposed text amendments to the County's zoning code which are authored by MROSD and POST and are intended to facilitate a pair of projects these entities wish to advance in the County's Planned Agricultural District, Farm Bureau has the following concerns:

***1. The Coastal Act does not require these proposed zoning text amendments.***

Section 30106 of the Coastal Act does in fact exempt certain land divisions brought by public agencies in connection with planned public recreational uses from the definition of "development". However, this does not, of necessity, make the County's current zoning code requirements for such land divisions within the PAD zone "inconsistent" with the Coastal Act or require the referenced text amendments. The County's zoning code need not be completely congruent with permitting requirements under the Coastal Act, and we believe the County has a broader mandate to zone for the public health, safety and welfare than is required by the Coastal Act. The County may enact additional protective zoning requirements – such as the requirement for an agricultural easement and the restriction to a 5-acre maximum parcel size for non-agricultural parcels at issue here – so long as those zoning requirements are not in direct conflict with the Coastal Act or the coastal values it protects.

In point of fact, the Coastal Act itself is very clear that agriculture in the coastal zone is both a coastal resource and a priority land use that is protected by the Act.<sup>1</sup> We see nothing about the current zoning requirements in the PAD zone that is inconsistent with the Coastal Act's position on agriculture, and in fact is not actually *supported* by the Coastal Act.<sup>2</sup> As such, we believe it is an improper framing of the proposed text amendments to suggest to the public that

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<sup>1</sup> See "Agriculture in the Coastal Zone: An Informational Guide for the Permitting of Agricultural Development", California Coastal Commission, September 29, 2017, at p. 8 (available at <https://documents.coastal.ca.gov/assets/agriculture/Informational%20Guide%20for%20Agricultural%20Development%209.29.2017.pdf>); see generally Public Resources Code §§ 30222, 30241, 30242.

<sup>2</sup> The planning and zoning tools at issue here – agricultural conservation easements and a maximum parcel size for non-agricultural parcels in an agricultural zone – are thoughtful planning tools common in agriculture zones throughout the state, and are certainly not facially inconsistent with coastal values enumerated in the Coastal Act. They should not be discarded without a fuller examination of the need for, and alternatives to, the proposed text amendments.

they are intended to clear up an “inconsistency” in the County’s code with respect to the Coastal Act.<sup>3</sup>

***2. The proposed zoning text amendments may have unintended consequences.***

The proposed zoning text amendments are advanced by two interested parties who are seeking relief from the requirements of the County’s zoning code, apparently with respect to two particular projects. Yet the amendments would apply to all public agencies within the designated agricultural zone, which may have unintended consequences. A more thorough examination of the possible permutations of public-agency and private-interest interactions within the context of these proposed changes should be undertaken in order to understand the long-term zoning impact of these changes on the County’s agricultural landscape.

***3. The timeline for public review of the proposed zoning amendments is insufficient.***

The timeline the County has currently presented for public review of these zoning code changes is abbreviated, and should be relaxed. Currently, the proposed text amendments are being presented to certain public groups on an ad-hoc basis. While the applicants driving the changes have apparently been using consultants and attorneys to advance them, the general public has not had that opportunity. The San Mateo County Farm Bureau, for example, has only recently engaged this office in order to provide feedback on the potential impacts that the proposed zoning code text amendments may have on San Mateo County agriculture.

As such, scheduling hearings before the Planning Commission and the Board of Supervisors in the April and May timeframe seems premature, and not calculated to allow for full public deliberation and a vetting of possible alternatives. A process that involves properly-noticed public workshops would allow for a better examination of likely future subdivisions in San Mateo’s agricultural landscape, and their impacts on San Mateo County agriculture.<sup>4</sup>

***4. Environmental review should be undertaken.***

Farm Bureau also urges you to initiate a process of environmental review under the California Environmental Quality Act (“CEQA”) prior to considering the approval of the proposed text amendments. CEQA is an ideal process to inform the public of the environmental

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<sup>3</sup> In this regard, we note that the California Coastal Commission – the state agency charged with implementing the Coastal Act – does not appear to have asked for the text amendments on the basis of inconsistency with the Coastal Act, and indeed appears to have no position on them.

<sup>4</sup> While not directly a matter of County concern, it bears recognition that one of the proponents of the proposed text amendments – MROSD – operates under a memorandum of understanding with the San Mateo County Farm Bureau that requires it to work cooperatively with the Farm Bureau to support and preserve agricultural operations, and to protect the economic and physical integrity of agricultural lands on the San Mateo Coast. As such, MROSD should support Farm Bureau’s request in this case.

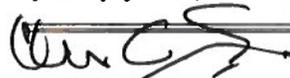
Ms. Melissa Ross  
February 12, 2020  
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consequences of a proposed public action, including the potential changes to the environment in this case – including impacts to protected agricultural resources. CEQA caselaw reinforces the proposition that environmental review should occur as early in a public process as is reasonably possible, and in this case would provide a more comprehensive look at what the zoning changes might do to the landscape than is presently being provided.

Given the concerns outlined above, the San Mateo County Farm Bureau respectfully requests that the County table these zoning text amendments until such time as a deliberate process of public workshops can be scheduled, accompanied by sufficient environmental review.

We look forward to working with you on these potential changes.

Very truly yours,



Christian C. Scheuring  
Managing Counsel

/CCS

cc: Ms. Stephanie Davis  
Good City Company  
[sdavis@goodcityco.com](mailto:sdavis@goodcityco.com)

Mr. Timothy J. Fox  
County Counsel  
Planning Commission  
[tfox@smcgov.org](mailto:tfox@smcgov.org)

Ms. Zoe Kersteen-Tucker  
Board Member, MROSD  
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Mr. Ben Wright  
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Ms. Ana Maria Ruiz  
General Manager, MROSD  
[aruiz@openspace.org](mailto:aruiz@openspace.org)

Ms. Melissa Ross  
February 12, 2020  
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Mr. Michael Callagy  
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Mr. Don Horsley  
Supervisor, County of San Mateo  
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Mr. David Canepa  
Supervisor, County of San Mateo  
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Ms. Sherry Golestan  
Deputy Clerk of the Board of Supervisors  
[sgolestan@smcgov.org](mailto:sgolestan@smcgov.org)

---

Mr. Steve Monowitz  
Planning Director, County of San Mateo  
[smonowitz@smcgov.org](mailto:smonowitz@smcgov.org)

Mr. Lenny Roberts  
Legislative Advocate, Green Foothills  
[lennie@greenfoothills.org](mailto:lennie@greenfoothills.org)



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT K



Midpeninsula Regional  
OpenSpace

Midpeninsula Regional Open Space District

GENERAL MANAGER  
Ana M. Ruiz

BOARD OF DIRECTORS  
Pete Siemens  
Yoriko Kishimoto  
Jed Cyr  
Curt Riffle  
Karen Holman  
Larry Hassett  
Zoe Kersteen-Tucker

March 24, 2020

Christian Scheuring  
Legal Services Division  
California Farm Bureau Federation  
2600 River Plaza Drive, Sacramento, CA 95833

Re: San Mateo County Proposed Zoning Amendment--Planned Agricultural District

Dear Ms. Scheuring:

I am in receipt of your February 12, 2020 letter regarding the proposed zoning amendment for Planned Agricultural Districts in San Mateo County. As one of the project applicants, along with our partner, Peninsula Open Space Trust (POST), it is important that the Midpeninsula Regional Open Space District (District) respond to your letter.

The District's Service Plan for the San Mateo County coastal annexation area, adopted in 2003 and approved by the San Mateo County Local Agency Formation Commission (LAFCo) in 2004, includes policies and commitments for land acquisition, resource management, public trails, and agriculture. The District's coastside mission statement recognizes the compatibility that can exist between ecologically-sensitive public access and agriculture:

*To acquire and preserve in perpetuity open space land and agricultural land of regional significance, protect and restore the natural environment, preserve rural character, encourage viable agricultural use of land resources, and provide opportunities for ecologically sensitive public enjoyment and education.*

As part of the LAFCo approval of the coastal annexation process, the District entered into a Memorandum of Agreement (MOU) with the San Mateo County Farm Bureau for consultations on land purchases, grazing and farm leases, and public trail planning on coastside agricultural lands. Since 2006, the District has acquired 30 properties from willing sellers and protected over 11,000 acres of open space and agricultural land in the coastal area. Today, these lands include over 8,000-acres of rangeland in long-term conservation grazing leases and 33-acres of cultivated farmland leased to local farmers. In the last five years, the La Honda Creek and Russian Ridge Open Space Preserves have been opened for public trail access that is compatible with existing grazing operations. In accordance with the MOU, the District consulted with the Farm Bureau on all of these projects. The District has also consulted numerous times with the Farm Bureau on the proposed zoning amendments that are the primary subject of this response letter.

Your letter notes that the Coastal Act does not require the proposed zoning amendments for Planned Agricultural Districts. While this statement is correct, the County is free to regulate land divisions in different ways *so long as such regulations are not inconsistent* with the Coastal Act. We believe that the amendments proposed to ensure consistency are both appropriate and warranted, and the application to amend San Mateo County's zoning and subdivision ordinances has merit.

The proposed amendments are consistent with numerous other County policies, including the County's General Plan and the Local Coastal Plan (LCP), that have long contained extensive policies to ensure that coastal recreation can overlap with and co-exist with long-term agricultural use. Contrary to your suggestion, the amendments would not compromise public health, safety, or welfare but rather serves dual goals of encouraging long-term agricultural viability while allowing for compatible public access where appropriate.

As for the timeline provided to the San Mateo County Farm Bureau for review, the District has provided the Farm Bureau and other committees a lengthy and meaningful process for review and comment, including the following:

- On October 28, 2019, District staff initiated an on-site consultation site visit with the Farm Bureau executive members to discuss a lot split project that is the impetus for the zoning amendment application.
- On November 4, 2019, District staff presented the lot split project and discussed the zoning amendment application with the Farm Bureau and informed attendees that the County would schedule a future presentation to the Farm Bureau.
- On January 6, 2020, the County, the District and POST presented the zoning amendment to the Farm Bureau.
- On January 13, 2020, the County, the District, and POST presented the zoning amendment to the County Agricultural Advisory Committee with members of the Farm Bureau in attendance.
- In February, the County, the District, and POST presented the zoning amendment to two other local municipal advisory committees on the Coast with a member of the Farm Bureau in attendance at the Pescadero Advisory Committee (PMAC) meeting on February 11, 2020.
- In February and March, the District attended Farm Bureau meetings and further discussed the zoning amendment application.
- In February and March, the District and POST attended Agricultural Advisory meetings and further discussed the zoning amendment application with Farm Bureau members in attendance.
- In March, the District and POST attended a PMAC meeting and further discussed the zoning amendment application with members of the Farm Bureau in attendance.

In summary, to date, this public review process has consisted of six (6) public meetings, three (3) local meetings with the Farm Bureau including members of the public in attendance, and one community meeting with Sustainable Pescadero -- all in the San Mateo County coastside community. Additional public engagement is scheduled starting in April where both the Farm Bureau and the public will have the opportunity to provide comments to the Planning Commission, the Board of Supervisors, and the Coastal Commission before the amendments are approved. In light of this extensive and robust public engagement, the District does not agree with your contention that the County should provide additional review time.

Both the California Coastal Act Section 30106 definition of "Development" and the "Definition of Development" under Component Policy 1.2 of the County Local Coastal Program (LCP)

specifically exempt “... **land divisions brought about in connection with purchase of such land by a public agency for public recreation use...**” In light of this clear exemption and our ongoing commitment to support and protect local agriculture, the District maintains that the zoning amendments are narrowly focused to provide consistency among the County’s zoning and subdivision ordinances, the County’s LCP policies, and the Coastal Act.

District staff and legal counsel have spent significant time analyzing the proposed amendments to determine what, if any, unintended consequences may arise as a result of the proposed amendments. Based on this analysis, the likelihood of unintended consequences appears to be very low and your letter does not provide any concrete examples for additional consideration. Please be reminded that the exemption is narrowly tailored—it only applies to “land divisions brought about in connection with the purchase of lands by a public agency for public recreational use.” The exemption therefore applies only to a limited type of project (land divisions), by limited types of entities (public agencies), for limited purposes (public recreational uses). 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. Exempted land divisions will still be required to comply with many other requirements that protect long-term agricultural use, including the preparation of a Master Land Division Plan and obtaining a Planned Agricultural Permit. Any subsequent proposals to implement public recreation will require additional permit applications and public review. The District believes that these requirements will ensure that any unintended consequences will be either minimal or fully avoided.

Finally, with regard to CEQA review, the County will make the appropriate CEQA evaluation and findings as part of the zoning amendment. Consequently, the District or other public agency (or the County as the case may be) will be required to perform applicable CEQA review for each project before any use of the proposed exemptions.

Over the last 15 years, the District has demonstrated its commitment to protecting agricultural and open space land on the San Mateo coast. The ultimate goal of this amendment is to allow public access while facilitating long-term agricultural viability, consistent with the County’s policy goals for the coastal zone and the District’s mission to provide environmentally sensitive public access, along with supporting the agricultural heritage of the Coastal area. Without the proposed amendments, public agencies like the District will be inhibited from pursuing many land acquisition projects that can simultaneously provide public access and permanent protection of agricultural resources.

Sincerely,  


Ana Maria Ruiz  
General Manager

- Cc: Melissa Ross, San Mateo County Planning Department
- Steve Monowitz, Community Development Director
- Michael Callagy, County Administrator
- San Mateo County Board of Supervisors
- Tim Fox, County Counsel
- Sherry Golestan, Deputy Clerk of the Board
- Ben Wright, Peninsula Open Space Trust
- Lenny Roberts, Green Foothills
- Midpeninsula Regional Open Space District Board of Directors

# Letter RE: San Mateo County Proposed Zoning Amendment--Planned Agricultural District

Final Audit Report

2020-03-25

Created:	2020-03-25
By:	Maria Soria (msoria@openspace.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAkwx4awANOASWzzrvX96JS0ma_olbEJ6o

## "Letter RE: San Mateo County Proposed Zoning Amendment--Planned Agricultural District" History

-  Document created by Maria Soria (msoria@openspace.org)  
2020-03-25 - 4:29:00 AM GMT- IP address: 50.237.119.54
-  Document emailed to Ana M Ruiz (aruiz@openspace.org) for signature  
2020-03-25 - 4:29:38 AM GMT
-  Email viewed by Ana M Ruiz (aruiz@openspace.org)  
2020-03-25 - 9:17:31 PM GMT- IP address: 50.237.119.54
-  Document e-signed by Ana M Ruiz (aruiz@openspace.org)  
Signature Date: 2020-03-25 - 9:18:40 PM GMT - Time Source: server- IP address: 108.211.109.81
-  Signed document emailed to Maria Soria (msoria@openspace.org) and Ana M Ruiz (aruiz@openspace.org)  
2020-03-25 - 9:18:40 PM GMT



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT L



## SAN MATEO COUNTY FARM BUREAU

765 MAIN STREET  
HALF MOON BAY, CALIFORNIA 94019  
PHONE: (650) 726-4485

FARM BUREAU

April 2, 2020

Ana Ruiz, General Manager  
Midpeninsula Regional Open Space District  
330 Distel Circle  
Los Altos, CA 94022

### **RE: MROSD Response to Chris Scheuring Letter**

Dear Ms. Ruiz:

This letter responds to your letter to Chris Scheuring of the California Farm Bureau Federation, which was originally addressed to County of San Mateo staff. We are responding directly to you, since many of the details your letter covers relate to local process in regard to the zoning text amendment under consideration, and because we operate under a MOU with MROSD that requires us to work cooperatively with you on matters that affect agriculture in San Mateo County. We take that obligation to consult with you seriously, and we are sure that you do as well.

As an initial matter, we note that Mr. Scheuring's letter was addressed to County of San Mateo staff in relation to several important points of public process which the County is responsible for, and to date we are unaware of any response by the County to Mr. Scheuring's letter. In the letter, he raised several concerns on our behalf – including a request for public workshops and information about CEQA compliance – and we hope you are able to assist us in clearing these matters up by asking County staff to respond. In the first instance, his letter was for the County to respond to.

With respect to the substance of your letter, we think your letter quite overstates the outreach that MROSD and POST have conducted with respect to their zoning requests of the County. A number of individual stakeholder meetings and presentations were indeed pursued by you as the interested applicants, but none bore the inclusive and thorough nature of County-sponsored public workshops – and the presentations themselves differed according to the group they were presented to, and not all were received well. Again, we ask for you to support our request for a more deliberate series of properly-noticed public workshops to examine your proposed zoning text amendments, as a matter of sound public policy; there may be many other constituents within San Mateo County that have an interest in coastal zoning.

We would also request that you provide us with more detailed information about the CEQA process your letter mentions – your letter assures us that CEQA will be followed by the County in the appropriate manner. You appear to indicate that project-level CEQA review will occur – but not a programmatic review

before adoption of the ordinance, which appears to depart from ordinary CEQA practice. Legislative enactments like general plan amendments and zoning changes regularly receive CEQA review as a matter of course, where they may foreseeably cause impacts to the environment. Since this zoning change is obviously being driven by two specific projects, we think CEQA should occur prior to the enactment of the amendment which will permit these projects.

Your assistance in confirming the County's actual direction in this case would be most helpful.

Sincerely,



BJ Burns  
President

Cc: Melissa Ross, San Mateo County Planning Department  
Steve Monowitz, Community Development Director  
Michael Callagy, County Administrator  
San Mateo County Board of Supervisors  
Tim Fox, County Counsel  
Sherry Golestan, Deputy Clerk of the Board  
Ben Wright, Peninsula Open Space Trust  
Lennie Roberts, Green Foothills  
Midpeninsula Regional Open Space District Board of Directors  
Mike Williams, MROSD



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT M

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

# ATTACHMENT N

March 14, 2020

Ms. Melissa Ross, Senior Planner  
Planning and Building Department  
County of San Mateo  
County Office Building  
455 County Center  
Redwood City, CA 94063

**Re: Proposed Zoning Ordinance Text Amendments – MROSD and POST**

Dear Ms. Ross:

I have met with Ben Wright and Mike Williams to better understand what is involved with the amendments that they are requesting, and I was at a presentation at PMAC and at Sustainable Pescadero on this subject. I would like to add my support to what Midpeninsula Regional Open Space District (MROSD) and Peninsula Open Space Trust (POST) are trying to accomplish through this proposal to amend the San Mateo County Planned Agricultural Development (PAD) & Resource Management-Coastal Zone (RM-CZ) text.

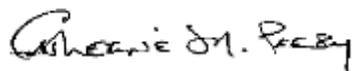
I think this benefits Pescadero in three major ways. It would make it more likely that the community could achieve the goal of having trails that come from the town to the ocean, or from Butano State Park to the ocean, in collaboration with State Parks. MROSD has said this is one of their goals. That was one of the highest priorities to come out of the Pescadero Town Planning Initiative.

Because Pescadero has become a mecca for sustainable farming, the goal of allowing about 400 acres of their holdings to be available for private ownership by farmers in a way that helps them become independent, and builds wealth in the community, is a logical evolution of their support for agriculture. POST should be recognized and lauded for their change in focus that supports sustainable agriculture, and the farmers who are implementing it.

POST has been actively participating in the community, and is becoming a trusted partner at the table at Sustainable Pescadero meetings, is supporting our Farmers Market, and is helping to establish farm labor housing. The ability to transfer land to independent farmers actually strengthens not just these farmers but our whole community, and I think this is a very farsighted and generous goal.

For these reasons, I want to add my wholehearted support for these changes, and the positive results that they can bring about.

Sincerely,



Catherine M. Peery, Co-Moderator  
Sustainable Pescadero Collaborative



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT O



## CITY OF HALF MOON BAY

501 Main Street  
Half Moon Bay, CA 94019

RECEIVED

2020 MAR 30 P 1:26

SAN MATEO COUNTY  
PLANNING AND BUILDING  
DEPARTMENT

March 24, 2020

Ms. Melissa Ross, Senior Planner  
Planning and Building Department  
County of San Mateo  
County Office Building  
455 County Center  
Redwood City, CA 94063

### Re: Proposed Zoning Ordinance Text Amendments – MROSD and POST

Dear Ms. Ross:

On behalf of the City of Half Moon Bay, we write in support of Midpeninsula Regional Open Space District (MROSD) and Peninsula Open Space Trust's (POST) proposal to amend the San Mateo County Planned Agricultural Development (PAD) & Resource Management-Coastal Zone (RM-CZ) text to conform with the Coastal Act & the San Mateo County Local Coastal Program (LCP). The Coastal Act and LCP includes an exemption, which applies narrowly to "land divisions brought about in connection with the purchase of lands by a public agency for public recreational use." The proposed zoning and subdivision text amendments will provide consistency with the LCP and Coastal Act.

The zoning amendments will maintain the public review process as public agencies work together to implement the regional trails programs identified in the LCP. The City has entered into letter of intent with MROSD and POST to partner on future public trail access at the City's Johnston House Park property and the surrounding Johnston Ranch property while supporting continued farming and ranching on the Johnston Ranch property. The City also supports providing access to other nearby open space and park lands owned by POST, MROSD and State Parks and value protection of the San Mateo Coast's farmland, and rangeland.

The City of Half Moon Bay supports the proposal of MROSD and POST to amend these specific planning and zoning texts. We appreciate your consideration of these amendments as they would allow public trail access while protecting long-term agricultural resources in private farm ownership.

Sincerely,

Bob Nisbet, City Manager  
City of Half Moon Bay

Cc: Michael Williams



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT P



March 26, 2020

Melissa Ross, Senior Planner  
San Mateo County Planning  
455 County Center, Second Floor  
Redwood City, CA 94062

Re: MROSD and POST proposed LCP Amendment, PLN2019-00258

Dear Melissa

Mike Williams has kindly provided me with your February 11 Staff Report to the PMAC. On behalf of Green Foothills, I have the following comments.

First a bit of background: As the San Mateo County Advocate for Green Foothills since 1978, I attended and extensively commented at the 40 public hearings and workshops over a two-year period of time, during which the County's Local Coastal Program was drafted. This very robust planning effort resulted in the first LCP to be submitted to the Coastal Commission for certification. I also served on the Central Coastal Commission during 1980 and 1981 when the County LCP was under consideration, and I voted to recommend approval of the LCP, with modifications per Coastal Staff, to the State Coastal Commission. Subsequently the State Commission certified the LCP with modifications. (n.b., the Regional Commissions sunsetted in 1981).

There are some details and/or errors in the Staff Report that I would like to provide some suggested modifications or clarification on.

The specific exemption or exception in both the California Coastal Act Section 30106 definition of "Development" and in the LCP Land Use Plan Policy 1.2 "Definition of Development" regarding land divisions: "**for the purchase of land by a public agency for public recreational use**" takes precedence over any lack of clarity in the Zoning Regulations (PAD and RM/CZ) and the Subdivision Regulations. The Land Use Plan consists of broad policies, and the Zoning Regulations and Subdivision Regulations are Implementing Ordinances. Therefore, the purpose of the proposed Amendments to the PAD, RM-CZ, and Subdivision Regulations are to clarify any ambiguities or inconsistencies, and in my view, constitute a *de minimus* change to these Regulations. It would help if the Staff Report included this point.

Page 1, second paragraph, first line: the parenthetical "e.g., lot line adjustments" should be changed to read: "including Lot Line Adjustments". As stated, it appears that only Lot Line Adjustments would be affected, but in most, if not all, cases, a public agency would indeed be subdividing a parcel, rather than moving a lot line between two or more contiguous parcels.

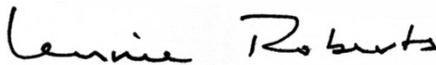
Page 2, bottom paragraph, fourth sentence: “Other public agencies within the project area ...” Suggest adding “that own land” after “agencies”. The list of Agencies in the Staff Report should not include the Highlands Recreation District and the Ladera Recreation District, as these Community Service Districts are located on the urban Bayside and do not own land within the County’s Coastal Zone. Additional agencies that do own land within the Coastal Zone, and that may in the future acquire land that is zoned RM/CZ or PAD for public recreational use include: City of Half Moon Bay (which already owns the 20-acre Johnston House parcel on Higgins Road on land zoned PAD), Montara Water and Sanitary District and Granada Community Services District (both of which also have park powers and may acquire PAD or RM/CZ land for public recreational use in the future). You may wish to include these.

Page 3, top paragraph, fifth line: change “presented” to “submitted”.

Page 4, under “Setting”, first line, change first sentence to: “There are approximately 80,981 acres of land within the San Mateo County Coastal Zone that...”. On the fourth line and following: I assume that reference to Pescadero’s area will be deleted, as this was a memo to the PMAC and is not relevant to the consideration of the entire County’s Coastal Zone by the Planning Commission and Board of Supervisors.

Thank you for considering these comments.

Sincerely,



Lennie Roberts, Legislative Advocate, Green Foothills

cc: Mike Williams, MROSD



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT Q

## Zoning Amendments (PMAC)

Nic Erridge <nic@pescaderocouncil.org>

Mon 4/20/2020 10:58 AM

To: Mike Williams <mwilliams@openspace.org>; Melissa Ross <mross@smcgov.org>

**CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.**

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Mike, thanks for the additional information.

The below statement has been approved by the PMAC Board;

*PMAC strives to support and partner with all of its community based stakeholders. PMAC is generally supportive of the proposed amendments aligning the San Mateo County terms for Midpen or POST agricultural conservation easements for conformity with Planned Agricultural (PAD) zoning and for San Mateo County to allow public trail implementation. However, it is also PMAC's request that the process for making these changes be coordinated with the AAC, Farm Bureau's and PMAC's wishes for further review and requests additional time for this review.*



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT R

# Midcoast Community Council

*An elected Advisory Council to the San Mateo County Board of Supervisors  
representing Montara, Moss Beach, El Granada, Princeton, and Miramar*

P.O. Box 248, Moss Beach, CA 94038-0248 - [www.MidcoastCommunityCouncil.org](http://www.MidcoastCommunityCouncil.org)

**Len Erickson**   **Michelle Weil**   **Claire Toutant**   **Barbra Mathewson**   **Dave Olson**   **Dan Haggerty**  
Chair   Vice-Chair   Secretary   Treasurer

Date: February 26, 2020  
To: Melissa Ross, SMC Project Planner, Stephanie Davis, Planning Consultant  
Cc: San Mateo County Planning Commission, Mike Williams (MROSD), Daniel Olstein (POST)  
From: Midcoast Community Council  
Subject: **Requests addition to Zoning and LCP Change for PAD and RM-CZ** (PLN2019-00258)

The Midcoast Community Council supports these changes for consistency of regulations with request to publicly owned lands intended for recreation to allow more flexibility in land acquisition and trail creation.

The MCC requests a small addition to this amendment. The change affects the same chapters of the zoning ordinance that already being updated, so it seems like an opportune time to clarify building height measurement.

For both RM-CZ and PAD lands in the Midcoast area, please add a sentence that building height be measured in a manner consistent with residential zoning in the Midcoast, namely that building height is measured from the lower of natural or finished grade to the highest point of the building above.

The requested additional sentence to two sections is shown below, underscored and highlighted.

## CHAPTER 36 - RM-CZ DISTRICT

SECTION 6908A. MAXIMUM HEIGHT OF STRUCTURES. In the RM-CZ District, no residential or commercial structure shall exceed three stories or 36 feet in height except: (1) as allowed by use permit provisions in Chapter 22, Article 2, Section 6405 of the San Mateo County Ordinance Code, and (2) in the Midcoast LCP Update Project Area, as shown on the map that is part of this Chapter, no residential structure shall exceed 28 feet in height. If any portion of a structure is used for residential purposes, the height limit for the entire structure is 28 feet. In the Midcoast LCP Update Project Area, building height shall be measured from the lower of natural or finished grade to the topmost point of the building immediately above.

CHAPTER 21A - PAD DISTRICT

SECTION 6358. MAXIMUM HEIGHT OF STRUCTURES. In the Planned Agricultural District, no residential or commercial structure shall exceed three stories or 36 feet in height, except: (1) as allowed by use permit provisions in Chapter 22, Article 2, Section 6405, of the San Mateo County Ordinance Code, and (2) in the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, no residential structure shall exceed 28 feet in height. If any portion of a structure is used for residential purposes, the height limit for the entire structure is 28 feet. In the Midcoast LCP Update Project Area, building height shall be measured from the lower of natural or finished grade to the topmost point of the building immediately above.

MIDCOAST COMMUNITY COUNCIL  
s/Len Erickson Chair



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT S

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# 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, specifically regarding 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.

The possible further conveyance of large ranches from the private sector into the public domain, where it’s almost certain to remain forever, is not deemed a small matter by the

AAC. While the Project Sponsors acknowledge the advantages of private ownership coupled with responsible stewardship of agricultural row crop land, when it comes to the sale of ranches and ranch lands, this impact has not been fully considered and different public agencies may not have the same commitment to protecting agricultural resources. Consequently, we believe that the details of the text amendments warrant further review and consideration because they are of broad and permanent consequences, as detailed in our recommendations below.

**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 parcels created 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 compatible public recreational use, and so additionally remove protections from remaining land parcels resulting from the division that remain intended solely 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.
- b. 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 protections 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?

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 their manifest principled prioritization afforded to the conservation of agriculture and agricultural lands.

## **B. Alternative Language**

Second, the AAC recommends that the County consider adopting 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 and agriculture generally.

The AAC offers this proposed wording of such an amendment be substantially along the lines of the following:

*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 a properly recorded agricultural easement (which the County shall accept and hold in perpetuity) 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.*

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 appreciate the overall work of the Project Sponsors to facilitate and support multiple, complementary public access and recreation activities on coastal lands where it has been balanced with and complimentary to existing agricultural and ranching activities. 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,



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: 7    NAYS: 0    RECUSALS: 2    ABSENT: 2**

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



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

# ATTACHMENT T



Midpeninsula Regional  
OpenSpace

Midpeninsula Regional Open Space District

GENERAL MANAGER  
Ana M. Ruiz

BOARD OF DIRECTORS  
Pete Siemens  
Yoriko Kishimoto  
Jed Cyr  
Curt Riffle  
Karen Holman  
Larry Hassett  
Zoe Kersteen-Tucker

May 20, 2020

San Mateo County Planning Commission  
400 County Center  
Redwood City, CA 94063

Re: Proposed Zoning and Subdivision Text Amendments – PLN2019-00258

Dear Planning Commissioners,

As one of the project applicants, along with our partner, Peninsula Open Space Trust (POST), it is important that the Midpeninsula Regional Open Space District (District) respond to the Agricultural Advisory Committee's (AAC) letter to the Planning Commission dated May 18, 2020, to respond to their concerns and to reiterate our ongoing commitment to supporting and preserving agriculture on the San Mateo County coast.

The purpose of the proposed zoning amendments application is to remove any inconsistencies between the County's zoning language and both the 1976 California Coastal Act's Section 30106 definition of "Development" and the 2012 San Mateo County Local Coastal Program's (LCP) similar "Definition of Development" under Component Policy 1.2. Both the Coastal Act and the County's LCP clearly and specifically exempt **"... land divisions brought about in connection with purchase of such land by a public agency for public recreation use..."**

The proposed zoning and subdivision text amendments are narrow and specific in focus and apply only to a limited type of project (land divisions), by limited types of entities (public agencies), for limited purposes like trails (public recreational uses). Public recreation as contemplated in both the Coastal Act and the LCP is already considered a compatible use within Planned Agricultural Development (PAD) zoning, subject to a PAD Permit (Section 6353). Therefore, we maintain that the zoning and subdivision text amendments are necessary to provide consistency and conformity with the County's LCP policies and the Coastal Act.

Under the proposed text amendments, land division will continue to require compliance with zoning ordinances, LCP policies, the General Plan, and accompanying California Environmental Quality Act (CEQA) findings. Each application would be unique to a specific site and the result of negotiation between all parties. For lands in the PAD, applications would continue to be reviewed by the AAC and the County Planning Commission to ensure protection of agriculture and grazing. In addition, these projects will be reviewed at public meetings by the District's Real Property Committee and Board of Directors.

The AAC letter raises the concern of "potential negative impacts" but does not identify these impacts. The AAC raises the concern that "different public agencies may not have the same

commitment to protecting agricultural resources.” But as mentioned, all land divisions for the purposes identified in the proposed amendments will continue to require a Master Land Division Plan to protect agricultural resources, compliance with PAD zoning ordinances, LCP policies, the General Plan, and CEQA findings. The District supports the continuing compliance process for the protection of access for water, agricultural resources and infrastructure.

The District’s Coastal Service Plan for the San Mateo County coastal annexation area (approved by the San Mateo County Local Agency Formation Commission (LAFCo) in 2004) best summarizes the District’s commitment to support local agriculture as part of the mission to preserve and protect coastal open space. It includes adopted policies formulated with 5 years of coastal community input that guide the District’s commitment to protect agriculture and natural resources when planning for and managing public trails. The District’s coastside mission statement recognizes the compatibility that can exist between agriculture and public access:

*To acquire and preserve in perpetuity open space land and agricultural land of regional significance, protect and restore the natural environment, preserve rural character, encourage viable agricultural use of land resources, and provide opportunities for ecologically sensitive public enjoyment and education.*

As part of LAFCo’s approval of the Coastal Service Plan and a commitment to work closely with the agricultural community, the District entered into a Memorandum of Understanding (MOU) with the San Mateo County Farm Bureau for consultations on land purchases, grazing and farm leases, and public trail planning on coastside agricultural lands. In addition to the limitation on coastal development contained in the County’s zoning code, the MOU also incorporates the agricultural mitigation measures to protect agricultural lands and operations adopted as part of the Coastal Service Plan’s Environmental Impact Report.

The Coastal Service Plan continues to guide the District’s actions on the coast. It requires that any land in active agriculture at the time of purchase by the District must remain in agriculture. Since 2006, the District has acquired 30 properties from willing sellers and protected 11,000 acres of coastal open space and agricultural land. None of these transactions have resulted in a loss of rangeland or farmland, and over 8,000 acres continue in agricultural uses under District ownership. In time and with improved access, grazing may be reintroduced on additional District lands.

The District has consulted on all agricultural land purchases and agricultural leases with the Farm Bureau per the terms of our MOU and received a finding for General Plan conformity from the County. Many inherited agricultural tenants were under short-term arrangements such as month-to-month or handshake agreements. The Farm Bureau advised the District to enter into long-term commitments with tenants on District lands to improve stability. The District acted upon this advice; our policy and practice is to enter into long-term leases with ranchers and farmers.

In the last five years, the La Honda Creek and Russian Ridge Open Space Preserves have been opened for public trail access that is compatible with existing grazing operations. While grazing remains the primary use on these properties, these trails have been well-received by local and regional users alike.

To address the AAC's first recommendation that the County undertake **Environmental Review** of the amendments to analyze their potential impacts to agricultural and ranching activities, we believe that this is unwarranted. Public recreation, and potential land divisions in connection with them, has already been contemplated in the Coastal Act and LCP. The proposed amendments are needed only to reflect the guidance contained in those documents. As such, PAD zoning continues to protect agriculture when land divisions for allowed public recreation demonstrate that the existing or potential agricultural productivity of all resulting parcels shall not be diminished (Chapter 21A, Section 6355 C2). The proposed amendments will not remove provisions such as these.

To address the AAC's second recommendation **Alternative Language**, the District appreciates the inclusion of public recreation use in the AAC's proposed language; however, the AAC opposes the removal of recorded agricultural or conservation easements requirements Sections 6364.B and 6906.1. The District supports the removal of these requirements and the maximum parcel size requirement Sections 6363.B and 6364.A on the basis that the specific exemption for **"land divisions brought about in connection with purchase of such land by a public agency for public recreation use"** takes precedence over the PAD and RM/CZ zoning regulations. However, County staff has suggested it may consider adding a condition of approval for land division applications that San Mateo County would reserve the right to review terms for District or POST agricultural conservation easements for conformity with the protections intended in the PAD zoning, the purpose of the underlying land division, and the General Plan. The District and POST agree with this proposed condition.

In addition, the District is obligated by the mitigation measures identified in the Service Plan's certified EIR to preserve and support continuing agriculture.

Mitigation AGR-3g states that:

*When acquiring lands in agricultural use, the acquisition shall be subject to continued use by the owner or operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. All agricultural land which is not needed for recreation or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and, whenever legally feasible, the District will offer for sale or lease the maximum amount of agricultural land to active farm operators on terms compatible with the recreational and habitat use. Lands that do not have significant recreation or sensitive habitat values and which can clearly support productive agricultural operations will generally be offered for sale while other agricultural lands will generally be offered for lease.*

Mitigation AGL-3d also offers guidance for trail implementation:

*District lands or easements upon which trails are sited shall provide width sufficient for management and/or buffer space from adjacent uses so as not to preclude the viability of those uses. Buffers established to separate recreation and other open space uses from agricultural operations shall be designed and managed in accordance with the following standards:*

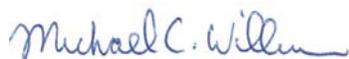
- a) Buffers shall be designed in relation to the nature of the adjoining land use, potential land uses and proposed public access;*
- b) Buffers shall be designed in relation to the topography and other physical characteristics of the buffer area;*
- c) Buffers shall be designed with consideration of biological, soil, and other site conditions in order to limit the potential spread of non-native invasive species or pathogens onto agricultural lands;*
- d) Buffers shall be of sufficient width to allow agricultural use of adjoining agricultural lands including application of pesticides and other agricultural chemicals on all lands needing treatment taking into account the likelihood and extent of potential pesticide drift;*

- e) All lands used for buffers should be on land or interests in land owned by the District; adjoining landowners shall not be required to provide land for buffers.
  - f) The District shall be responsible for the management and maintenance of all lands used as buffers.
  - g) If a specific buffer fails to resolve conflicts between a recreational use and adjacent agricultural uses the recreational use shall be moved to a different location.
- All buffers shall be developed in consultation with the owners and operators of adjoining agricultural lands.

To address the AAC’s third recommendation for a **Public Workshop**, the District has attended fourteen (14) community meetings to present, discuss, and respond to questions regarding the proposed text amendments: four (4) meetings with the Farm Bureau, six (6) meetings with the AAC, two (2) meetings with Pescadero Municipal Advisory Committee (PMAC), one (1) meeting with Mid Coast Community Council (MCC) and one (1) meeting with Sustainable Pescadero. An article on the proposal was published on February 12, 2020 in the Half Moon Bay Review. The project opponents, Farm Bureau/AAC members, attended eleven (11) of those meetings, including the second PMAC meeting, and engaged the members of those committees in discussion. The District believes there has been extensive opportunity to discuss this matter with the coastal and agricultural community. For specific land division projects, the District is committed to having future projects reviewed as outlined previously.

In summary, the California Coastal Act and the County LCP clearly and specifically exempt “... **land divisions brought about in connection with purchase of such land by a public agency for public recreation use...**” The text amendments are intended to provide consistency and conformity between the County’s zoning and subdivision regulations and the LCP and State Coastal Act exemption. The intent of the proposed text amendments is to further the goals of public access while supporting long-term agricultural viability, consistent with the County’s policies for the coastal zone. The District and POST are committed to working with the coastal community to achieve these goals. Further, the District is committed to providing the AAC annual presentations on our work to support and preserve agricultural lands and its operators.

Sincerely,



Michael C. Williams  
Real Property Manager

Attachment: Memorandum of Understanding between Farm Bureau and MROSD

- |   |                                 |
|---|---------------------------------|
| cc: Melissa Ross, Senior Planner              | Agricultural Advisory Committee |
| Steve Monowitz, Community Development Manager | Farm Bureau                     |
| Michael Callagy, County Manager               | Walter Moore, POST              |
| John Beier, County Counsel                    | Ben Wright, POST                |
| Tim Fox, Deputy Counsel                       | Dan Olstein, POST               |
| San Mateo County Board of Supervisors         | Lennie Roberts, Green Foothills |
| Ana Ruiz, General Manager MROSD               |                                 |
| MROSD Board of Directors                      |                                 |



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

# **ATTACHMENT U**

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

**DATE:** February 11, 2020

**TO:** Pescadero Municipal Advisory Committee (PMAC)

**FROM:** Melissa Ross, San Mateo County Senior Planner, [mross@smcgov.org](mailto:mross@smcgov.org)  
650/599-1559

Stephanie Davis, Good City Company/Planning Consultant,  
[sdavis@goodcityco.com](mailto:sdavis@goodcityco.com) 650/773-7249

**SUBJECT:** Midpeninsula Open Space District (MROSD) and Peninsula Open Space Trust (POST) proposed Local Coastal Program Amendment (Zoning and Subdivision Ordinance Text Amendments)

County File Number: PLN 2019-00258 (MROSD/POST)

**PROPOSAL**

San Mateo County has received an application from the Project Sponsors (MROSD and POST) requesting a series of Local Coastal Program (LCP) text amendments to the San Mateo County Zoning and Subdivision Ordinances for consistency with the California Coastal Act Section 30106 definition of “*Development*” and County 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 to be acquired by, the Project Sponsors, as well as other public agencies.

The inconsistency arises from MROSD proposed/future land divisions (e.g., lot line adjustments) for public recreation purposes, which invoke the Subdivision Ordinance and the references within that Ordinance to the respective Zoning Districts, requiring the public agency to grant to the County an agricultural easement, in perpetuity, and to restrict the maximum lot size of non-agricultural parcels to 5 acres. Additionally, the easement and maximum lot size are required when processing the associated zoning permits (exempting Coastal Development) for such land divisions. Although the Coastal Act and Local Coastal Program exempt these activities from “development”, thus not requiring a Coastal Development Permit, MROSD and other public agencies, are still subject to these requirements by virtue of the associated zoning and subdivision ordinance references and requirements.

The text amendments are “focused” and intended to address future public recreational facility projects on lands owned by the MROSD, as well as other public agencies, in the coastal zone districts of the Planned Agricultural District (PAD) and the Resource

Management Coastal Zone (RM-CZ) to alleviate requirements resulting from land divisions, namely:

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.

It is noted that the text amendments proposed would not exempt MROSD or other public agencies with future projects in the affected zoning districts from preparing associated Master Land Division Plans as is currently required by County Ordinance nor from compliance with General Plan or other applicable Zoning and Subdivision Regulations requirements.

If the proposed amendment is approved and certified by the Coastal Commission, future development of any parcels owned by public agencies would continue to be regulated by the applicable Zoning Regulations with exception to the two requirements listed above. To the extent relevant, Planned Agricultural District (PAD) and Coastal Development (CDP) permits would be processed, subject to review and approval by the relevant County advisory committees and decision-making bodies at the time of any application. Any required permits are required to address impacts to the natural environment, agriculture and adjoining properties as outlined in County General Plan policies and Zoning Regulations.

### **TEXT AMENDMENTS**

The project, as currently proposed, includes text amendments to the following four (4) Zoning Regulations and Subdivision Ordinance sections. See Attachment A for proposed draft language of associated proposed text amendments.

1. Chapter 21A Planned Agricultural District (PAD).
2. Chapter 36 Resource Management-Coastal Zone (RM-CZ).
3. Subdivision Regulations, Chapter 4 Exactions, Article 9 Agricultural Protection in the Planned Agricultural District.
4. Subdivision Regulations, Chapter 4 Exactions, Article 10 Open Space Preservation in the Resource Management/Coastal Zone District.

As noted above, the project would include all parcels within the PAD and RM-CZ zoning districts located within the Coastal Zone boundary. This equates to approximately 80,981 acres of land. Please see Attachment B, Map of Project Extent and Attachment C, Map San Mateo County Coastal Zone – Project Sponsors and Other Publicly Owned Lands. Other public agencies within the project area include, City of Pacifica, County Parks, SFPUC, U.S. Bureau of Land Management, U.S. National Park Service, Highlands Recreation District, Ladera Recreation District, CA State Parks and Recreation, CA State Coastal Conservancy, CA Department of Fish and Wildlife.

## **APPLICATION PROCESS AND OTHER CONSULTATIONS**

The proposed project requires Ordinance amendments to both the Zoning and Subdivision Ordinances and will subsequently require formal consideration and action by both the San Mateo County Planning Commission and Board of Supervisors, anticipated for public hearing in late spring 2020. Following such County public meetings, the application will be presented to the California Coastal Commission for Certification of LCP amendments, including any environmental evaluation.

Prior to these formal public hearings and following consultation by the PMAC tonight, staff intends to have additional consultation with the Mid-Coast Community Council (MCC) in February 2020 for discussion and feedback. Consultation with the Farm Bureau was completed on January 6, 2020 and with the Agricultural Advisory Committee (AAC) on January 13, 2020.

## **DECISION MAKER**

Board of Supervisors

## **QUESTIONS FOR THE PMAC**

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

## **BACKGROUND**

Report Prepared By: Melissa Ross, San Mateo County Senior Planner, and Stephanie Davis, Good City Company/Planning Consultant.

Applicants: MidPeninsula Open Space District (MROSD) and Peninsula Open Space Trust (POST).

Owners: Public agency landowners (applicable to public recreation projects).

Location: Varied throughout the Coastal Zone and Pescadero. See Attachments B, C and F.

APN(s): Various.

Parcel Size: Various.

Existing Zoning: Planned Agricultural District (PAD) and Resource Management-Coastal Zone (RM-CZ).

General Plan Designation: Various. See Attachments B and C.

Local Coastal Plan Designation: Various. See Attachments B and C.

Williamson Act: Various. See Attachments B and C.

Environmental Evaluation: The project would be subject to the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 21080.5. in which a functionally equivalent CEQA analysis will be performed ‘in lieu” of any otherwise required CEQA analysis, as a state agency’s (in this case the California Coastal Commission) certified regulatory program (in this case the Local Coastal Program) is statutorily exempt from CEQA.

Setting: There is approximately 80,981 acres of land within the LCP boundaries that have a land use designation of PAD or RM-CZ. See Attachment B, Map of Project Extent and Attachment C, Map San Mateo County Coastal Zone – Project Sponsors and Other Publicly Owned Lands. Within Pescadero, there is approximately 38,530 acres of Coastal Zone land, of which approximately 14,000 acres is owned by a public agency; specifically 0 acres owned by MROSD, 6,826.39 acres owned by POST, and 8,046.32 acres owned by other public agencies – See Attachment F Map of Pescadero boundary.

*Will the project be visible from a public road?*

No specific development project proposed at this time. Depending on specific location(s) of any future public recreation project(s), there could be visibility from a public road that will be evaluated at the time of formal project submittal to the Planning Department.

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

Again, no development is proposed at this time. Policy conformance review would occur at the time a formal development project is submitted to the Planning Department.

*Is there prime soil on the project site?*

It is anticipated that prime agricultural lands are within the project area, however, no development is proposed at this time. Prime agricultural lands would be evaluated if and when a formal development proposal is submitted to the Planning Department.

**DISCUSSION**

A. **KEY ISSUES**

1. Compliance with Planned Agricultural District (PAD) and Resource Management – Coastal Zone (RM-CZ) Regulations

The scope of 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.

Additionally, it is noted that MROSD has a series of publicly adopted policies and programs that further the purpose, spirit, and intent of the PAD District.

- a. Basic Policy of MROSD, Adopted March 10, 1999.

*“Agriculture and Revenue-Producing Use. The District supports the continued agricultural use of land acquired for open space as an economic and cultural resource, including, but not limited to, grazing, orchards, row crops, and vineyards. ...”*

- b. Agricultural Land Use Policy of MROSD, Adopted February 8, 1978

See Attachment D, MROSD Agricultural Use Policy Statements

- c. Memorandum of Understanding (MOU) Between the San Mateo County Farm Bureau and Midpeninsula Regional Open Space District, dated January 28, 2004.

See Attachment E, MOU Between the San Mateo County Farm Bureau and Midpeninsula Regional Open Space District.

- d. MROSD Coastside Protection Program Service Plan, Coastal Service Plan (Service Plan). This Service Plan governs the disposition of agricultural uses has been previously determined consistent with the County General Plan and is required to adhere to the Service Plan policies including the following:

The Service Plan is required to have staff with agricultural management expertise who manages and coordinates agricultural agreements with agricultural (including ranching and farming uses) lessees on their land.

An adopted objective of the Service Plan, to preserve both existing and potential agricultural operations in order to the keep the maximum amount of prime agricultural land and other lands suitable for agricultural in agricultural production.

Specific mitigations of the Service Plan require performance standards for future public improvement actions to minimize the impacts to agricultural and farmlands, assessed on a case by case basis, including such details as:

- 1) *“...located away from existing prime agricultural lands and Unique Farmlands...”*
- 2) *“...All trails and public facilities should be located so as not to fragment agricultural operations unless no feasible alternative is available. While trails that bisect grazing lands would not be likely to fragment grazing operations, trails that bisect cultivated crops could adversely affect the vitality of agricultural lands and should be avoided. If trails must traverse cultivated lands they shall be permitted only if signs, buffers, other measures....”*
- 3) *“...shall clearly sign trails adjacent to active agricultural areas...to minimize trespassing and conflicts with agricultural users.”*

In addition, the Project Sponsors have noted the following additional practices related to the agricultural uses on lands they own/acquire. Within the Service Plan area, MROSD manages over 8,000 acres of agricultural uses primarily rangeland.

- 4) Grazing and agricultural leases, are a minimum of 5 years, with a 5-year option to renew and preference for local operators.
- 5) Grazing tenant/farm worker housing on larger grazing leases is provided/supported.
- 6) Substantial capital investments in property-specific grazing infrastructure improvements such as fencing, ranch road repair and maintenance, new wells and associated water tanks, distribution lines and troughs, corrals are conducted.
- 7) Development of property-specific Rangeland Management Plans to support and enhance conservation grazing to achieve grassland habitat enhancement is conducted.

## 2. Compliance with Local Coastal Program Policies

As noted above, the proposed zoning and subdivision text amendments are found to be consistent with, and support, LCP Development Review Policy 1.2 below:

As stated in Section 30106 of the Coastal Act, define development to mean:

*On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, **except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use;** change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).*

*As used in this section, "structure" includes, but is not limited to, any buildings, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.*

3. Compliance with the Williamson Act

Amendments to the Zoning and Subdivision Ordinances do not affect the County's Williamson Act Program (Program). Eligibility requirements for agricultural contracts are unchanged by the proposed text amendments and the requirement for a private landowner to maintain Program compliance, including returning Assessor's Office Agricultural Questionnaires, will be evaluated when future development permits are submitted.

**ATTACHMENTS**

- A. Proposed Draft Zoning/Subdivision Text Amendments
- B. Map of Full Project Extent
- C. Map San Mateo County Coastal Zone – Project Sponsors and Other Publicly Owned Lands
- D. MROSD Agricultural Use Policy Statements, Adopted February 8, 1978
- E. Memorandum of Understanding (MOU) Between the San Mateo County Farm Bureau and Midpeninsula Regional Open Space District, dated January 28, 2004
- F. Map of Pescadero – Project Sponsors and Other Publicly Owned Lands

ATTACHMENT A  
Proposed Draft Zoning/Subdivision Text Amendments

DRAFT\*  
PROPOSED ZONING TEXT AMENDMENTS

\*Proposed New text – ***bold, italicized***

\*Proposed Deleted Text – ~~strikethrough~~

ZONING REGULATIONS

1. Ch. 21A “PAD” District (Planned Agricultural District) – 3 Sections.

a. Section 6363.B. “Parcel Size. Non-Agricultural Parcels.”:

B. Non-Agricultural Parcels

For any parcel created after the effective date of this ordinance which is to be used for non-agricultural purposes, the parcel size shall be determined on a case-by-case basis to ensure that domestic well water and on-site sewage requirements are met. ***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 purposes shall not exceed 5 acres. All non-agricultural parcels shall be clustered (in one or as few clusters as possible), and sited in locations most protective of existing and potential agricultural uses.

b. Section 6364.A. “Procedural Criteria for Issuance of a Planned Agricultural Permit. Master Land Division Plan”:

A. Master Land Division Plan

Before any division of land, the applicant shall file a Master Land Division Plan demonstrating how the parcel will be ultimately divided according to maximum density of development permitted and which parcels will be used for agricultural and non-agricultural uses if conversions are permitted. ***Except where the land division is brought about in connection with the purchase of land by a public agency for public recreational use*** ~~Division~~ for non-agricultural parcels shall be as small as practicable, not to exceed 5 acres when used for residential purposes, and shall ensure that minimum domestic well water and on-site sewage disposal area requirements are met. Division shall be permitted in phases, and all future divisions occurring on land for which a plan has been filed must conform to that plan. Master Land Division

Plans shall not be required for land divisions which solely provide affordable housing, as defined by LCP Policy 3.7 on March 25, 1986.

**c. Section 6364.B. “Easements on Agricultural Parcels”**

**B. Easements on Agricultural Parcels**

After a Master Land Division Plan has been filed, and as a condition of approval thereof, the applicant shall grant to the County (and the County shall accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture (as defined in Section 6352C and D of this ordinance) and farm labor housing. The covenant shall specify that, anytime after three years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon the finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to open space. Uses consistent with the definition of Open Space shall mean all those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site’s natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to the natural landforms. **Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.**

**2. Ch. 36 Resource Management-Coastal Zone (RM-CZ) District – 1 Section.**

**a. Section 6906.1 “Conservation Open Space Easement”**

SECTION 6906.1. CONSERVATION OPEN SPACE EASEMENT.  
Require, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980). **Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.**

SUBDIVISION ORDINANCE

**3. Subdivision Regulations, Chapter 4 Exactions, Article 9 Agricultural Protection in the Planned Agricultural District - 1 Section.**

**a. Section 7067 – Exemptions**

1. Pursuant to LCP Policy 5.14b, the requirement to grant an agriculture protection easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.

**2. Pursuant to LCP Policy 1.2, the requirement to grant an agricultural protection easement does not apply to any parcel included in a land subdivision brought about in connection with the purchase of land by a public agency for the public recreational use.**

**4. Subdivision Regulations, Chapter 4 Exactions, Article 10 Open Space Preservation in the Resource Management/Coastal Zone District**

**a. Section 7071 – Exemptions**

1. Pursuant to LCP Policy 1.9b, the requirement to grant a conservation/open space easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.

**2. Pursuant to LCP Policy 1.9.b., the requirement to grant a conservation/open space easement does not apply to any parcel included in a land subdivision brought about in connection with the purchase of land by a public agency for the public recreational use.**



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

# **PUBLIC CORRESPONDENCE**



RECEIVED

March 12, 2020

Ms. Melissa Ross, Senior Planner  
Planning and Building Department  
County of San Mateo  
County Office Building  
455 County Center  
Redwood City, CA 94063

2020 MAR 25 A 11:19

SAN MATEO COUNTY  
PLANNING AND BUILDING  
DEPARTMENT

**Re: Proposed Zoning Ordinance Text Amendments – MROSD and POST**

Dear Ms. Ross:

On behalf of California FarmLink, we write in support of Midpeninsula Regional Open Space District (MROSD) and Peninsula Open Space Trust's (POST) proposal to amend the San Mateo County Planned Agricultural Development (PAD) & Resource Management-Coastal Zone (RM-CZ) text to conform with the Coastal Act & LCP and maintain the public review process. As an organization that supports small independent farms with sustainable farming practices in Northern California, we value how these amendments would benefit the San Mateo Coast's farmers, farmland, and rangeland.

California FarmLink is dedicated to ensuring that small and beginning farmers not only have access to farmland on the San Mateo Coast, but also the opportunity to purchase farmland. The proposed amendments support our goals of increasing access to and ownership of farmland by farmers by enabling public-private partnerships that preserve coastal land while retaining farmland portions in private ownership. Agricultural conservation easements held by POST, rather than the County, can better ensure that farming continues and make the land more affordable. Through independent farm ownership, we believe farmers can build equity and create more resilient and sustainable businesses. In addition, California FarmLink agrees that these text amendments would benefit rangelands on the San Mateo Coast. Public agency ownership provides a way to secure and maintain a basis of large healthy working lands that support the broader agricultural system.

Keeping farmland and rangeland in production and in the hands of farmers has strong economic value for farmers, ranchers, and their communities. Additionally, by keeping these lands in production and protected, the community has better access to healthy local food and the land itself can have a more sustainable future.

California FarmLink supports the proposal of MROSD and POST to amend these specific planning and zoning texts. We appreciate your consideration of these amendments as they would positively improve the accessibility of San Mateo's farmland for small independent farmers to own and operate.

Sincerely,

A handwritten signature in black ink, appearing to read "Reggie Knox".

Reggie Knox, Executive Director

April 28, 2020

Ms. Melissa Ross, Senior Planner  
Planning and Building Department  
County of San Mateo  
County Office Building  
455 County Center  
Redwood City, CA 94063

**Re: Proposed Zoning Ordinance Text Amendments – MROSD and POST**

Dear Ms. Ross:

On behalf of Kitchen Table Advisors, I am writing in support of Midpeninsula Regional Open Space District (MROSD) and Peninsula Open Space Trust's (POST) proposal to amend the San Mateo County Planned Agricultural Development (PAD) & Resource Management-Coastal Zone (RM-CZ) text to conform with the Coastal Act & LCP and maintain the public review process. As an organization that supports small independent farms and ranches with sustainable farming practices in Northern California, we value how these amendments would benefit the San Mateo Coast's farmers, farmland, and rangeland.

Kitchen Table Advisors is dedicated to ensuring our small independent farmers not only have equitable access to farmland on the San Mateo Coast, but also the opportunity to purchase farmland. The proposed amendments support our goals of increasing access to and ownership of farmland by farmers by enabling public-private partnerships that preserve coastal land while retaining farmland portions in private ownership. Agricultural conservation easements reviewed by the County and held by POST will help ensure that farming continues and make the land more affordable. Through independent farm ownership, we believe farmers can build equity and create more resilient and sustainable businesses. In addition, Kitchen Table Advisors agrees that these text amendments would benefit rangelands on the San Mateo Coast. Public agency ownership provides a way to secure and maintain a basis of large healthy working lands that support the broader agricultural ecosystem.

Keeping farmland and rangeland in production and in the hands of farmers has strong economic value for farmers, ranchers, and their communities. Additionally, by keeping these lands in production and protected, the community has better access to healthy local food and the land itself can have a more sustainable future.

Kitchen Table Advisors supports the proposal of MROSD and POST to amend these specific planning and zoning texts. We appreciate your consideration of these amendments as they would positively improve the accessibility of San Mateo's farmland for small independent farmers to own and operate.

Sincerely,  
Sarah Gearen  
Director, Kitchen Table Advisors  
sarah@kitchentableadvisors.org  
415.717.4328



Midpeninsula Regional  
OpenSpace

Midpeninsula Regional Open Space District

**GENERAL MANAGER**  
Ana M. Ruiz

**BOARD OF DIRECTORS**  
Pete Siemens  
Yoriko Kishimoto  
Jed Cyr  
Curt Riffle  
Karen Holman  
Larry Hassett  
Zoe Kersteen-Tucker

April 13, 2020

Laura Richstone, Agricultural Advisory Committee Liaison  
455 County Center, 2nd Floor  
Redwood City, CA 94062

**Subject:** Comments for April 13, 2020 Agenda item No.7 - PLN 2019-00258  
PAD and RM Zoned Lands within the Coastal Zone

Attached please find project fact sheet and map from Midpeninsula Regional Open Space District related to PLN 2019-00258 - PAD and RM Zoned Lands within the Coastal Zone, respectfully submitted to be read into the record and discussed at the Agricultural Advisory Committee meeting tonight.

Sincerely,

Michael Williams  
Real Property Manager

Attachments: Project Fact Sheet  
Map: Grazing Properties of Midpeninsula Regional Open Space District

Cc: Melissa Ross, Senior Planner, San Mateo County Planning Department  
Benjamin Wright, POST Director of Land Transactions  
Lauren Silberman, Agricultural Advisory Committee Secretary

## San Mateo County PAD and RM Zoning Amendment Fact Sheet

The State Coastal Act & San Mateo County's Local Coastal Program (LCP) exempts land divisions by public agencies for the purposes of public recreation, like trails, from their definition of development since their creation in 1976 and 1980 respectively.

- The intent of the exemption is to preserve and foster existing and future land uses in the Coastal Zone, including agriculture, while seeking opportunities to provide compatible and sustainable levels of recreation.

This is a narrowly focused amendment because it:

- Does not change language of the LCP or zoning on any property in the Coastal Zone
- Does not change other land protections found in the zoning code
- Can only be used when land divisions are negotiated between a willing seller and a public agency.
- Opportunities for well-planned public trails is ensured by public review and permits before implementation
- Existing uses on the remaining private parcel do not change.

Allowing another public agency such as Midpen or land trust such as POST to hold the required agricultural or conservation easement is consistent with the purposes of the exemption and the County's zoning code.

- The County may designate their authority to oversee the easement to another public agency (Midpen) or qualified land trust (POST) if it is determined that it is appropriate to do so
- Midpen and POST support that the County retain the authority to review the proposed easement for compliance with existing General Plan, LCP, and zoning code

With broad community support, Midpen expanded its boundary as a result of coastal community requests in the 1990's for public agencies to protect rural and agricultural lands from development. Since adopting the *Service Plan for the San Mateo County Coastal Annexation* area in 2004, Midpen is committed to working with landowners to preserve farmlands and private property rights.

- Since 2006, Midpen has acquired 30 properties from willing sellers and protected over 11,000 acres of open space and agricultural land in the coastal area.
- For each purchase of agricultural land, lease, or a major planned improvement, Midpen has consulted with the San Mateo County Farm Bureau per the terms of our Memorandum of Understanding with them.
- Today, these lands include over 8,000-acres of rangeland in long-term conservation grazing leases with six ranchers and 33-acres of cultivated farmland leased to three local farmers (see attached map).
- Midpen reintroduced grazing on an additional 2,000-acres outside the coastal annexation area at the Big Dipper/Silva properties at Skyline Ridge Open Space Preserve and the former McDonald Ranch at La Honda Creek Preserve.
- In the last five years, the La Honda Creek and Russian Ridge Open Space Preserves have successfully been opened for public trail access that is compatible with existing grazing operations.

Midpen and POST are partnering on several potential projects with the expressed intent of dividing farm parcels that can then be sold to farmers and preserved with permanent agricultural conservation easements while the uplands are transferred to a public agency partner (Midpen) that is committed to both public recreation and agriculture.

In the case of these partnership projects, the proposed regulatory amendments will enable POST to pursue the transfer of more than 400 acres of preserved farmland to private farmers in the next 3-5 years. This will directly enable farmers to own and build equity in farmland, and ensure that farmland remains available for future generations, addressing two key challenges that the applicants, the County, and the AAC recognize.

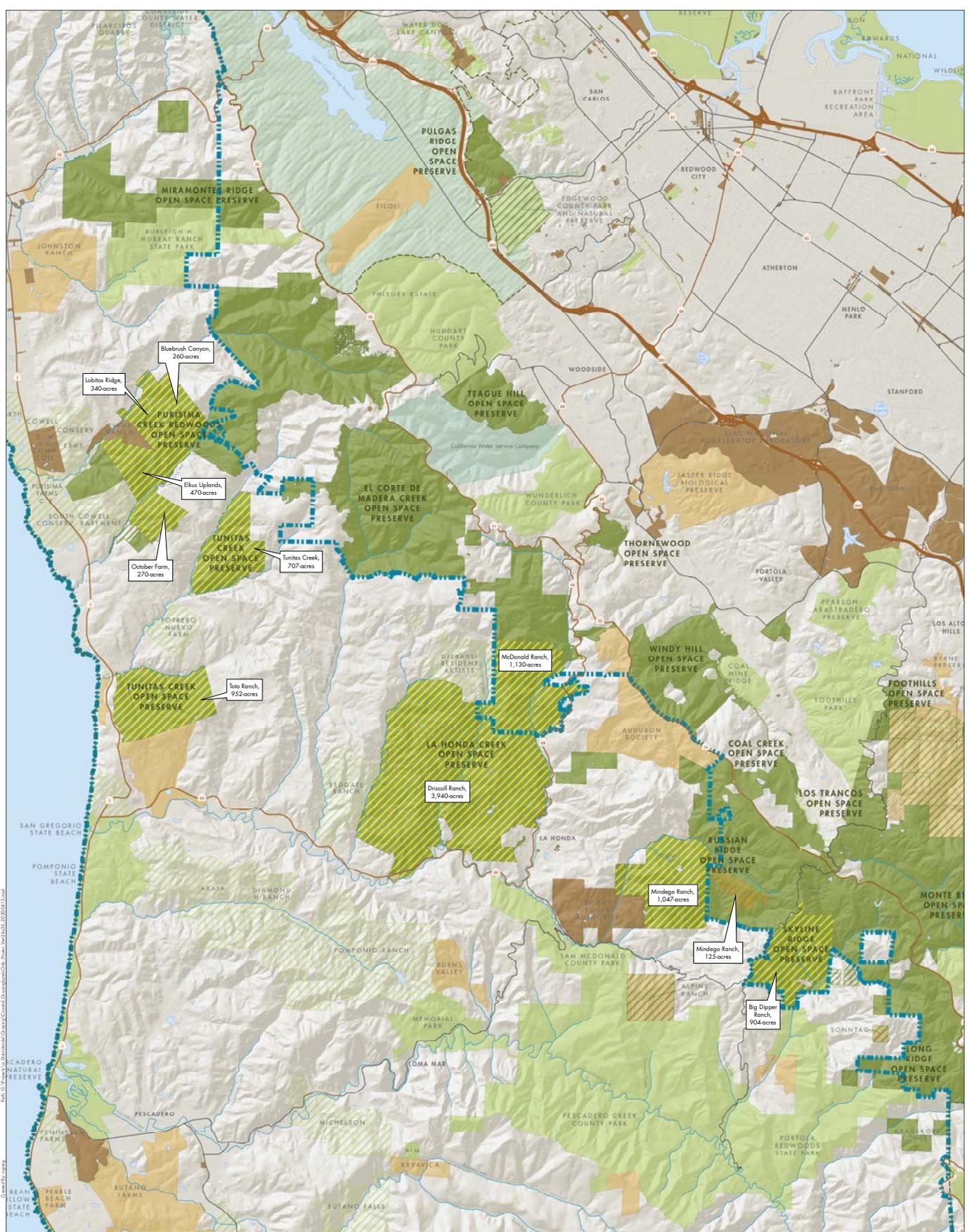
Midpen is committed to providing periodic updates to both the Farm Bureau and the Agricultural Advisory Committee, and any community group seeking more information about our efforts.

For more information on Midpen's Coastal Service Plan, please see our webpage:

<https://www.openspace.org/our-work/projects/coastside-protection-program>

## **MIDPEN COASTSIDE MISSION**

To acquire and preserve in perpetuity open space land and agricultural land of regional significance, protect and restore the natural environment, preserve rural character, encourage viable agricultural use of land resources, and provide opportunities for ecologically sensitive public enjoyment and education.



**Grazing Properties, Midpeninsula Regional Open Space District**

- |   |  |   |   |   |                 |
|---|--|---|---|---|-----------------|
|  | MROSD Preserves                          |  | MROSD Conservation or Agricultural Easement     |  | Current Grazing |
|  | Other Protected Open Space or Park Lands |  | Non-MROSD Conservation or Agricultural Easement |  | Future Grazing  |
|  | Land Trust                               |  | MROSD Boundary                                  |   |                 |
|  | Watershed Land                           |  | Coastal Service Plan Area                       |   |                 |
|  | Other Public Agency                      |  | Private Property                                |   |                 |



April 2020  
 Miles 0 1 2

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



FARM BUREAU

## SAN MATEO COUNTY FARM BUREAU

765 MAIN STREET  
HALF MOON BAY, CALIFORNIA 94019  
PHONE: (650) 726-4485

May 11, 2020

President Slocum and Members of the Board  
Board of Supervisors  
County of San Mateo  
County Office Building  
455 County Center  
Redwood City, CA. 94063

### **Re: Proposed Zoning Ordinance Text Amendments – MROSD and POST – Request to Table**

Dear President Slocum and Members of the Board:

The San Mateo County Farm Bureau (“Farm Bureau”) would like to request that the County suspend public process in relation to the pending proposed zoning ordinance text amendments for the coastal zone which have been sponsored by the Midpeninsula Regional Open Space District (MROSD) and the Peninsula Open Space Trust (POST).

Specifically, we would request that further process on these text amendments is deferred until such time as in-person meetings can be held both among interested stakeholders and County representatives, and as to the required public hearings to be held before County policymaking bodies such as the planning commission and this Board. During a time of declared public health emergency relating to the COVID-19 pandemic, we do not believe any urgency attaches to these proposals which would prevent the fuller public discussion of related issues that can only occur during in-person public meetings that are not dependent on access to electronic technology. Among other things, Farm Bureau would like a fuller discussion of possible limitations and constraints associated with public recreational trails that may be enabled by the underlying zoning changes.

We note also that these proposed zoning enactments have been the subject of previous inquiry to the County by Farm Bureau’s legal counsel in Sacramento. To date, we are unaware of any response by the County to this inquiry, communicated to the County by letter of February 12, 2020, and it raises several important questions regarding the public process required for this zoning proposal.

Your response will be welcomed. We appreciate the County’s past commitment to its agricultural heritage and landscape, and look forward to working constructively with the Board on agricultural issues as public health exigencies may allow.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "BJ Burns".

BJ Burns  
President

cc: MROSD Board of Directors & Staff  
County Planning Department

San Mateo Planning Commissioners  
455 County Center, Second Floor  
Redwood City, CA 94063

25 May 2020

RE: PLN2019-00258 Proposal to Amend Subdivision Text

I am a voting member of the AAC representing the general public. I participated in the editing of the letter of recommendations which you will receive as part of this review process for the referenced text amendment proposal; however, I feel the need to write individually to express my view that the goals of POST and MidPen and the local agricultural/ranching communities can, and should be, complementary and collaborative.

As a lifetime resident of San Mateo County and a fifth generation Californian whose grandparents were all farmers and ranchers, I am a dedicated supporter of these activities remaining a vital part of our regional economy. I am also a supporter of MidPen and POST in their mission to secure and steward open spaces and agricultural lands in our South Bay Area.

As a decades long customer of farmers markets and community supported food sources (agriculture, fishing and ranching), I am committed to promoting a healthy, regionally sourced food economy. I am equally committed to conserving open space, natural resources and wildlife habitat. I feel it is important to the quality of life for all in our region to enjoy respectful and thoughtful recreational use as access to these open spaces. As I write, I'm very aware I am giving voice to so many of my neighbors and colleagues who shop CSA's and our local farmers markets and frequently head out to open space trails on weekends with their families and friends (or at least they did prior to our current sheltering and social distancing orders). In fact, in these current and future 'new normal' times, research has shown open space access to nature's wilder areas will be all the more critical to mental and physical health, even in constricted circumstances.

I would strongly urge a solution that acknowledges and enables the goals for a supported ag and ranching economy into the future *as well as* respectful public access through these food resource *and* open space lands. It is important to apply knowledge and creative problem-solving talents toward the best longterm solution for all parties rather than an expedited decision that might critically compromise either local food system or open space access.

Thank you for your consideration. May the best decision arise from your deep listening to all viewpoints and 'design thinking' talents, applying users' inputs into the final 'product'. (The last a nod to my career in user centered research/design in tech.) :)

Respectfully,  
Judith Humburg, Resident of Menlo Park

May 25, 2020

Fred Hanson, Chair, and Commissioners,  
San Mateo County Planning Commission  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063

**Re: Item 2 on the May 27, 2020 Agenda:** Local Coastal Program Amendment to address inconsistencies between the Definition of Development in California Coastal Act Section 30106 and County Local Coastal Program Land Use Plan Policy 1.2 and Implementing Policies in the Planned Agricultural District (PAD), Resource Management District/Coastal Zone (RM/CZ) and Subdivision Regulations Article 9 and 10; County File Number PLN2019-00258

Dear Chair Hansen and Commissioners,

I write in support of the Staff Recommendation that you (1) recommend to the Board of Supervisors that they approve the requested LCP Amendment, subject to certification by the California Coastal Commission, and (2) recommend that the Board of Supervisors adopt the resolution in Attachment A.

The proposed LCP Amendment will resolve inconsistencies between the Definition of Development in the California Coastal Act and the County's Local Coastal Program and relevant sections of the County's Implementing Ordinances (PAD, RM/CZ, and Subdivision Regulations) that are applicable solely to **"the purchase of land by a public agency for public recreational use"**.

Any subsequent public recreational use or development, including trails, parking areas, and other public recreational facilities, would still require a Coastal Development Permit. A good example of this CDP requirement is Item #1 on your May 27 Agenda, which is consideration of a Coastal Development Permit and Planned Agricultural Permit for the drilling of a domestic well for park users at Butano State Park.

As pointed out in our letter of March 26, 2020 (Staff Report Attachment P), the specific language in Coastal Act Section 20106 and the LCP Land Use Plan (LUP) Policy 1.2 "Definition of Development" exempting land divisions **"for the purchase of land by a public agency for public recreational use"** is controlling, and takes precedence over any apparent contradiction in the County Zoning and Subdivision Regulations. We believe that it is helpful for all interested parties to have clarification of any ambiguities or inconsistencies in the LCP. In this case, the proposed Amendment is, in our view, a *de minimus* change to the Zoning and Subdivision Regulations.

Notably, the Definition of Development in the County Zoning Regulations Section 6328.3(h) also includes the same exemption of land divisions "for the purchase of land by a public agency for public



recreational use” which further supports the importance of clearing up any potential confusion by the cited inconsistencies in the PAD, RM/CZ and Subdivision Regulations.

Thank you for considering our comments,

*Lennie Roberts*

Lennie Roberts, Legislative Advocate, Green Foothills

cc: Mike Williams, MROSD



San Mateo County Planning Commissioners  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063

May 20, 2020

Subject: PLN2019-00258 Subdivision Text Amendment

Dear Honorable Commissioners:

There have been an extremely limited number of subdivisions in the rural area of San Mateo County since the adoption of existing regulations and polices. That may have been the intended purpose of the regulations that became more rigorous with the additional requirement of conservation easements for Resource Management District parcel subdivisions that was approved in the recent past. This proposed text amendment would result in expedited land transfers and subdivisions due to a significant relaxation of the rules for public agencies without the requirement for conservation easements or a limited residential parcel size.

Please consider alternatives that do not require a text amendment:

***Long-term lease or use easement for recreational purpose purchased from landowner at market rate, or an out right purchase of the parcel with a life estate for the landowner.***

Both of these approaches could add time to the transaction but would be within the existing rules that have provided protections to agricultural and rural area since the early 1980's and those rules would continue to apply to all landowners.

The proposed text amendment would allow **any** public agency to apply for a subdivision that included a future recreational component. This could be a public agency without a history of accommodation for agriculture. The project sponsors, MPROSD and POST, have increased their attention and policies to accommodate agricultural interests and concerns over the years, but to be clear that is not the main mission of either organization. There is no guarantee that another public agency utilizing the proposed exemption would respect the agricultural heritage and community to the same degree as both sponsors have demonstrated.

The agricultural community has undergone a transformation with the majority of property in the rural area now owned and/or managed by public agencies and non-profits or under conservation easements held by non-profits organizations. This has changed the nature of agricultural pursuits on the coastside and the proposed amendment could impact this trend in new and unknown ways.

The proposed text amendment would permit subdivision without the test of viable agriculture that the California Coastal Commission has required just for single-family residential projects on existing parcels. The proposed text amendment would allow the creation of 2 or more parcels without meeting the requirement that the agricultural potential of the parcels is not diminished per Section 6350 (e) of the Planned Agricultural District ordinance.

The California Coastal Commission has required affirmative agricultural easements on projects that just involve construction of a single-family residence on Planned Agricultural District parcel, with no creation of additional parcels to ensure continuation of agriculture on the single parcel seeking approval of a house. Is the proposed future recreational use on one parcel worth negating the need to ensure the agricultural use on the other parcel(s) created by the subdivision?

May 20, 2020

Page 2 of 2

It is understandable why both MPROSD and POST seek a faster and easier way to secure additional property and projects. However, how long would the public have to wait for the benefit of potential recreation use to offset the repercussion from the subdivision? The proposed text amendment does not exact any committeemen that the recreational use or improvements will actually occur. Is this adequate justification for a free pass at the rules that require a conservation easement and restrict parcel size for private individuals seeking to subdivide their property?

There are pending subdivisions that intend to utilize this amendment and others already discussed at public meetings. Therefore a detailed and comprehensive environmental document is necessary to assess the potential adverse impacts from additional subdivision that would result in additional parcels and potential intensification of use in the rural area. The rural area west of Skyline Blvd has land use policies primarily centered on resource protection. Additional subdivisions typically create more demand on water, soil resources and generate additional traffic. Even though the proposed use on one parcel would have a future recreational benefit is that great enough to offset the other impacts from creating additional parcels?

It is also important to consider the tax consequences of the sale, improvement and maintenance of the targeted properties. Strides have been made to backfill some of the revenue losses however an in-depth study of the overall tax implications from private ownership to public recreation or other conservation related uses should be considered for remaining agricultural community and their need for rural services.

I sincerely appreciate MPROSD, POST, County Staff, Farm Bureau, Agricultural Advisory Committee, Pescadero Advisory Committee and other interested parties that have met and discussed this complicated subject. There may be an alternative that can bridge the differences apparent at this juncture given all the creative and talented people involved on this matter.

I support the Agricultural Advisory Committee's request for a joint workshop to cover the numerous issues raised by this proposed change in order to reach an acceptable outcome for all concerned interests.

Respectfully submitted,



Kerry L. Burke

Cc: San Mateo County Board of Supervisors  
MPROSD Board of Directors  
POST Board of Directors

Burke Land Use  
332 Princeton Ave.  
Half Moon Bay, CA 94019

## Janneth Lujan

---

**From:** Ronald Sturgeon <ronsturgeon@aol.com>  
**Sent:** Tuesday, May 26, 2020 3:01 PM  
**To:** Planning\_Commission  
**Cc:** Janneth Lujan  
**Subject:** Consideration of a local Coastal Program Amendment; Agenda Item 2 (PLN 2019-00258)

**CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.**

---

San Mateo County Planning Commission  
400 County Center  
Redwood City, California

March 25, 2020

Re: Regular **Agenda Item 2** (PLN 2019-00258) appearing on the Planning Commission's 5/27/2020 *Agenda*:

Dear Chair Hansson and Commissioners:

I agree with the Green Foothills' assessment that there is no inconsistency between the LCP's definition of 'development' and its implementing zoning and other ordinances that needs to be corrected (Green Foothills, March 26, 2020 comment letter submitted by Lennie Roberts, included in *Staff Report*); but absolutely disagree with its assessment that what MROSD and POST are proposing, by sleight of process, is *de minimus*.

Ms. Roberts is rightfully accorded a large share of credit for the LCP's high prioritization of the preservation of the County's agriculture lodged in its policies - higher than that given it by the *Coastal Act* and certainly above that given it by the Midpeninsula Regional Open Space District either in policy or practice. It's surprising then to learn of her approval of an attempted circumvention of the LCP amendment process, that she labored so long and hard to enact, which would weaken a core LCP restriction on non-agricultural development on agricultural land. The *Act* and the LCP exempt the mere division of land for certain and limited purposes from needing a CDP, but not from all regulation; and pointedly not that regulation which is directed at effecting the public interest in balancing coastal priorities.

MROSD and POST ("the Sponsors") are proposing amending LCP implementing text in order to exempt all public agencies from any restriction on the size of residential parcels created by a subdivision of agricultural lands for a recreational use. In answer to why in the world they would be requesting this their answer is "maybe we would like to construct ranger housing or something". Regardless, the restriction on residential development of agricultural land is not only codified in the LCP's implementing text but in an LCP Policy itself (\*5.13, word for word); a particular policy that the amendment thereof (for the benefit of public agencies or anyone else) must be sanctioned by a 4/5 vote of the BOS and subsequent confirmation by the electorate. The Sponsors and County Staff now acknowledge that what is proposed constitutes an LCP amendment, but are misguided in their conclusion that the amendment they are proposing is exempt from the required confirmation.

The assurances that the Sponsors would offer that "don't worry, the underlying zoning doesn't change" with the acquisition of agricultural lands' by a public agency is misleading and ignores or is oblivious to what's currently happening. When a ranch is acquired by Midpen it's immediately destined to be moved into or become a preserve, and subject to the rules/ordinances of the District's own making - regulations that dwarf the underlying zoning and undermine the ranch as a ranch. For instance: On Midpen lands if a grazing tenant comes upon a scene of carnage

wherein mountain lions or coyotes are, right before his/her very eyes, attacking/devouring livestock they are unable/forbidden to do anything about it (not by the underlying zoning, but by the District ordinances). That's how you know the ranch is no longer a ranch but some kind of preserve - a wildlife preserve, a mountain lion and coyote preserve no less. Not only are the District's rules and regulations of great consequence to the ranches that they acquire, but also to the surrounding/nearby private ranches that have to suffer the economic loss incurred from the District's in effect operating an ever increasing number of nurseries for livestock predators in their vicinity.

Contrary to Staff's conclusion (page 23) that the LCP and any amendment thereof "is statutorily exempt from CEQA": Any amendment is still subject to all the substantive provisions of CEQA per its processing by the Coastal Commission - including public scoping for and mitigation of any significant or potentially significant effects that it might have on the environment. The *Staff Report* indicates that Coastal Commission staff was informed of the Sponsors' proposals in December of 2019; there is no indication of whether CCC staff was consulted regarding possible "zoning text amendments" or an LCP amendment - its, and the County's CEQA obligations under these two alternatives are not the same.

I request that the Commission withhold its approval of the text amendments as proposed.

Sincerely,

Ron Sturgeon

## Janneth Lujan

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**From:** smcfbhmb@aol.com  
**Sent:** Tuesday, May 26, 2020 3:48 PM  
**To:** Planning\_Commission  
**Cc:** Janneth Lujan; Steve Monowitz; bburns186@yahoo.com; Jess Brown  
**Subject:** Regular Agenda Item 2 (PLN 2019-00258) appearing on the Planning Commission's 5/27/2020 Agenda

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Chair Frederick Hansson and Commissioners  
San Mateo County Planning Commission  
455 County Center # 2  
Redwood City, CA 94063

March 25, 2020

**Re: Regular Agenda Item 2 (PLN 2019-00258) appearing on the Planning Commission's 5/27/2020 Agenda**

Dear Chair Hansson and Commissioners:

The Farm Bureau is dismayed at the lack of opportunity the public has been given to provide input on this matter of high importance in the coastal zone. While there were several presentations to stakeholders groups, there was no interest in meaningful input. It appeared the presentations merely checked the box in the process to make the proposed changes.

The Farm Bureau has been presented with confusing and different characterizations of what is being proposed, and its questions and concerns have been rebuffed. Now, what was initially and repeatedly characterized by the Sponsors during its description/presentations of their proposal as merely simple and straight forward changes in purported "inconsistent" wording found in several zoning and subdivision regulations, is now brought forward to the Planning Commission as a LCP amendment.

The Sponsors' presentations to specifically selected small stakeholder groups are a long way from a worthy public process; most County residents undoubtedly have no idea what's happening at this point. The Commission is requested to move the Sponsors' proposal(s) to a more deliberative process by tabling this Item for consideration at a future meeting after the holding of multiple public workshops and a better canvassing of the public has occurred.

Sincerely,

BJ Burns,  
President



**FARM BUREAU**

San Mateo County Farm Bureau

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