



GRANADA SANITARY DISTRICT
OF SAN MATEO COUNTY

Board of Directors
Leonard Woren, President
Matthew Clark, Vice-President
Ric Lohman, Secretary
Gael Erickson, Treasurer
Jim Blanchard, Board Member

October 18, 2013

Martha Poyatos, Executive Officer
Local Agency Formation Commission
455 County Center, 2nd Floor
Redwood City, CA 94063-1663
mpoyatos@smcgov.org

**Re: Application for Reorganization of Granada Sanitary District
Supplemental Mitigation Measures**

Dear Ms. Poyatos:

Please be advised that the Granada Sanitary District has approved the attached additional mitigation measures for this Project and requests that they be included in the above referenced application.

Sincerely,

Granada Sanitary District



Chuck Duffy, General Manager

EXHIBIT B

Granada Sanitary Reorganization Project Mitigation Measures Related to Agricultural Resources:

AGRICULTURAL RESOURCES

Mitigation Measure #2. The District will conduct CEQA review regarding agricultural resources to the extent required by law at the time each individual future project which affects agricultural resources is proposed and the District will identify and review possible mitigation measures and alternatives at that time.

Mitigation Measure #2.5. The District has adopted park and recreation acquisition and program implementation policies to ensure that any projects would not result in the conversion of prime or unique farmland or farms of statewide importance as shown on the Farmland Mapping and Monitoring Program of the California Resources Agency unless certain findings can be made. Furthermore no new buildings, staging areas or recreation facilities shall be located on such lands. Trails and habitat preservation areas shall either be located to avoid such lands 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 agricultural lands shall be consulted to identify appropriate routes on those lands. 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).

The term "prime agricultural land" as used in the District Agricultural Lands Policy 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 inflation, using 1965 as the base year, according to a recognized consumer price index. The term "prime agricultural land" as used in the District Policy shall also include unique farmland or farms of statewide importance as shown on the Farmland Mapping and Monitoring Program of the California Resources Agency.

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 the Farmland Mapping and Monitoring Program of the California Resources Agency. 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. If trails must traverse cultivated lands 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 are implemented.

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.

The 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.

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, State laws and any advisories published by the California Department of Pesticide Regulation (CDPR) or the County Agricultural Commissioner. These chemicals shall only be applied by a person who is properly licensed and/or trained in their application.

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).

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 used, sold or leased pursuant to the use and management plan adopted for the property. All agricultural land which is not needed for parks or 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.

The provision of parks and recreation services may involve 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 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 for any lands acquired by the District or managed through contract for other public or private nonprofit property owners. All lands acquired by the District for parks and recreation services 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.

Prior to making any lands available to public access for low-intensity recreation, 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.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE SAN MATEO COUNTY FARM BUREAU
AND GRANADA SANITARY DISTRICT

WHEREAS, upon mutually beneficial discussions between their respective representatives, the Granada Sanitary District is entering into and carrying out this Memorandum of Understanding with the San Mateo County Farm Bureau in consideration of the Farm Bureau [agreeing that it has no objections to approval by requesting that](#) LAFCo [approve of](#) the District's application for Reorganization enabling the provision of parks and recreation services as filed on April 19, 2013, ~~in its entirety~~.

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 Granada Sanitary District ("District") has filed an application with the San Mateo County Local Agency Formation Commission ("LAFCo") to reorganize into the Granada Community Services District and add parks and recreation services (including Detachment of certain rural portions of the existing Granada Sanitary District and amendment of the existing District Sphere of Influence to be consistent with such Detachment) and has proposed a related District Agricultural Lands Policy ("District Policy") for the purposes of protecting agricultural resources and production; 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 of providing parks and recreation services for the benefit of its members and all residents of San Mateo County; and

WHEREAS, the District Policy establishes the policy of the District to insure that where parks and recreation services occur, they are 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 parks and recreation services to ensure that such uses avoid adverse impacts to adjacent agricultural operations; and

WHEREAS, Government Code 65402 provides for a review by the Planning Commission as to County General Plan Conformity for acquisition of land for park purposes; and

WHEREAS, a Planned Agricultural District (PAD) Permit/CDP is required by County Code Section 6355 for development of PAD land for park or recreation purposes (which permit is appealable to the Coastal Commission); and

WHEREAS, if a rezoning is needed for any District park or recreation project, an amendment of the Local Coastal Program Land Use Plan (LCPLUP) is currently required for such rezoning; and

WHEREAS, the District acknowledges the restriction on provision of sewer services outside the urban/rural boundary under the LCPLUP; and

WHEREAS, the District Policy prohibits the District's use of the power of eminent domain on real property zoned PAD for the purpose of providing parks and recreation services (unless mutually acceptable to the landowner), and the Farm Bureau has requested that this prohibition be established through a LAFCo condition of approval requiring a District ordinance establishing such eminent domain prohibition to be adopted, maintained and applied so as to further insure the permanence of this District Policy; and

WHEREAS, the Board of Directors of the District desires to adopt such ordinance 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 for the purpose of providing parks and recreation services 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; and

WHEREAS, nothing in this MOU or District Policy is intended to affect the District's authority to exercise eminent domain for purposes of carrying out its functions in providing sewer and/or solid waste services.

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 for park or recreation purposes in the District's parks and recreation services jurisdiction. The Farm Bureau has requested that the District adopt an ordinance prohibiting the District's use of the power of eminent domain on land zoned PAD (unless mutually acceptable to the landowner) for the purpose of providing parks and recreation services. The District has agreed to adopt such an ordinance and to have such adoption made a condition of any LAFCo approval of the District Reorganization Project. A copy of the proposed ordinance is attached hereto, marked "Exhibit A" and incorporated by this reference. The Farm Bureau has agreed to support this ordinance without amendment.

2. The San Mateo County Farm Bureau and the District desire to insure that the District's implementation of the District Policy will 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 Application to LAFCo for Reorganization enabling the provision of parks and recreation services, the District has adopted 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 parks and recreation services, uses, and management plans on or adjoining land zoned PAD.

c. When considering proposed acquisition of land for, or provision of, parks and recreation services or uses on or adjoining land zoned PAD, the District will provide the Farm Bureau prior written notice of any hearings at which acquisition, site services or uses, and/or management 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 acquisition, site services or uses, and/or 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 acquisition, 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 Reorganization enabling the provision of parks and/or recreation services 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 limitation of the District's power of eminent domain by ordinance is a key component that will further protect agricultural lands from being removed from production. On that basis the San Mateo County Farm Bureau agrees that it does not and will not object to expresses its support for and endorsement of the District's Reorganization enabling the provision of parks and/or recreation services.

4. The Farm Bureau does not object requests that to approval by LAFCo approve of the District's application for Reorganization enabling the provision of parks and recreation services as filed on April 19, 2013, 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
Granada Sanitary District
504 Avenue Alhambra, Third Floor
El Granada, CA 94018

7. This MOU shall be of no further force or effect if:

- a. LAFCo does not approve the District's application for Reorganization enabling the provision of parks and recreation services as filed on April 19, 2013, in its entirety and with conditions acceptable to the District; or

- b. A majority of the voters voting on the Reorganization described in subsection 7(a) above do not vote in favor of such Reorganization on or before June 30, 2014.

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:

By: _____

Date:

DISTRICT:

By: _____

Date:

EXHIBIT A

GRANADA SANITARY DISTRICT

Ordinance No. 166

AN ORDINANCE RESTRICTING THE USE OF EMINENT DOMAIN FOR ACQUISITION
OF PROPERTY INTERESTS FOR THE PARKS AND RECREATION PURPOSES

The Board of Directors of the Granada Sanitary District does hereby ordain as follows:

SECTION 1. FINDINGS

The Board of Directors (“GSD Board”) of the Granada Sanitary District (“GSD”) finds and declares as follows:

- A. The Granada Sanitary District ("District") has filed an application with the San Mateo County Local Agency Formation Commission ("LAFCo") to reorganize into the Granada Community Services District and add parks and recreation services (including Detachment of certain rural portions of the existing Granada Sanitary District and amendment of the existing District Sphere of Influence to be consistent with such Detachment) and has adopted a related District Agricultural Lands Policy (“District Policy”) for the purposes of protecting agricultural resources and production; and
- B. The District Policy establishes the policy of the District to insure that where parks and recreation services occur, they are planned and managed in a manner that avoids adverse impacts to adjacent agricultural operations; and
- C. The Granada Sanitary District (District) is committed to building and maintaining good relationships with all its neighbors. To demonstrate this commitment, the District’s Board of Directors has adopted a Good Neighbor Policy to become effective if and when the Local Agency Formation Commission (LAFCo) approves the District’s Reorganization Project which includes establishing it as a community services district with the added powers of providing parks and recreation services.

SECTION 2. REGULATION

The following regulation is hereby adopted:

The Granada Community Services District shall not exercise the power of eminent domain to acquire any real property or any interest in real property zoned PAD (Planned Agricultural District) by the County of San Mateo for the purpose of providing parks and recreation services (unless mutually acceptable to the landowner).

SECTION 3. SEVERANCE CLAUSE

The Board declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this Ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this Ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this Ordinance is held invalid, the Board declares that it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 4. EFFECTIVE DATES

This Ordinance, shall become effective ONLY upon the happening of both of the following:

- a. LAFCo approval of the Granada Sanitary District's application for Reorganization enabling the provision of parks and recreation services as filed on April 19, 2013, in its entirety and with conditions acceptable to the District; and
- b. A majority of the voters voting on the Reorganization described in subsection a. above voting in favor of such Reorganization on or before June 30, 2014;

and then only upon the effective date of this Ordinance as prescribed in Section 5 of this Ordinance.

SECTION 5. PUBLICATION AND POSTING

Upon adoption, this Ordinance shall be entered in the minutes of the GSD Board and shall be published once in the Half Moon Bay Review, or such other newspaper of general circulation as may be determined by the GSD Board, and shall be posted in three (3) public places within GSD for a period of one week. This Ordinance takes effect upon expiration of the week of publication and posting.

The above and foregoing Ordinance was regularly introduced and thereafter passed and adopted at the regular meeting of the Board of Directors of the Granada Sanitary District held on the 17th day of October, 2013, by the following vote.

AYES: BLANCHARD, CLARK, ERICKSON, LOHMAN and WOREN

NOES:

ABSTAIN:

ABSENT:

/s/
Leonard Woren, President

Countersigned:

/s/
Ric Lohman, Secretary

EXHIBIT B

Granada Sanitary Reorganization Project Mitigation Measures Related to Agricultural Resources:

AGRICULTURAL RESOURCES

Mitigation Measure #2. The District will conduct CEQA review regarding agricultural resources to the extent required by law at the time each individual future project which affects agricultural resources is proposed and the District will identify and review possible mitigation measures and alternatives at that time.

Mitigation Measure #2.5. The District has adopted park and recreation acquisition and program implementation policies to ensure that any projects would not result in the conversion of prime or unique farmland or farms of statewide importance as shown on the Farmland Mapping and Monitoring Program of the California Resources Agency unless certain findings can be made. Furthermore no new buildings, staging areas or recreation facilities shall be located on such lands. Trails and habitat preservation areas shall either be located to avoid such lands 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 agricultural lands shall be consulted to identify appropriate routes on those lands. 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) [by the District](#).

The term "prime agricultural land" as used in the District Agricultural Lands Policy 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.
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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 will should be avoided. ~~If trails must traverse cultivated lands 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 are implemented.~~

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- (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.

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The provision of parks and recreation services may involve 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 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 for any lands acquired by the District or managed through contract for other public or private nonprofit property owners. All lands acquired by the District for parks and recreation services 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.

Prior to making any lands available to public access for low-intensity recreation, 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.