

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

DATE: November 2, 2017

TO: Zoning Hearing Officer

FROM: Code Compliance and Planning Staff

SUBJECT: Consideration of an appeal of Administrative Fines issued pursuant to Chapter 1.40 of the San Mateo County Ordinance Code for:

1. Development, including, but not limited to, grading, erection of solid materials or structures, change in the intensity of land, and removal of major vegetation for other purposes than agriculture, without a Coastal Development Permit and Planned Agricultural Permit, in violation of Sections 6328.4 and 6353 of the County Zoning Regulations.
2. Major grading, road creation, and land clearing without a Grading Permit, in violation of Section 9283 of the San Mateo County Ordinance Code (Regulations for Excavating, Grading, Filling, and Clearing), at 4448 La Honda Road, in the County unincorporated area of San Gregorio.

Citation #1: 2015-00056-1 (Issued August 31, 2017)

Citation #2: 2015-00056-2 (Issued October 3, 2017)

County File Nos.: VIO 2015-00056; PLN 2016-00195; PLN 2016-00197

APPEAL/APPELLANT

The property owner submitted an appeal on September 13, 2017.

The appeal request states:

“Any alleged violations of grading or erection of solid materials or structures, change in intensity of use of land, removal of major vegetation for other purposes than agriculture would have been performed prior to Rogers’ ownership. Once Rogers took ownership of the property, he has attempted to comply with County’s requests by submitting licensed engineering plans, geological reports, biological reports, and paying the necessary fees. The Planned Agricultural Permit was submitted with fees paid. The County and County consultants are making excessive and difficult demands. Rogers has made obvious attempts to comply and is still working through this process. Therefore, no penalties should be assessed when a land owner is trying to remedy violations that occurred prior to his ownership.”

PROPERTY INFORMATION

- A. Owner: Richard Rogers
- B. Violation Address: 4448 La Honda Road, San Gregorio, CA 94074
- C. APN: 082-120-050
- D. Size: 114 acres
- E. Zoning: Planned Agricultural District/Coastal Development (PAD/CD)
- F. General Plan Land Use Designation: Rural/Agriculture
- G. Sphere-of-Influence: N/A
- H. Water Supply: California Water Service - Bear Gulch
- I. Sewage Disposal: Existing septic system serves one house under remodel without permits. Building permits are pending.
- J. Flood Zone: Large portions of the property are in Zone X, Area of Minimal Flooding; portions of the property along San Gregorio Creek, including areas in the subject area of work, are within Zone A (Areas with 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage).

KEY ISSUES

As detailed in the letter sent by the Code Compliance Section to the property owner of the subject property, Richard Rogers, on July 26, 2017, Mr. Rogers is legally responsible for many land use, grading, and stormwater violations in addition to unpermitted development on the subject property.

The first violation of the citation refers to violations on the property which include, but are not limited to, the use of the property for construction, equipment and materials storage, lumber milling, water hauling, used roadway material recycling, and related activities, which are uses that are either not permitted within the Planned Agricultural Zoning District (PAD) within which the property is located, or require the issuance of permits that have not been obtained by the owner. Photos of such uses are included in Attachments E and F of this report. This violation also includes development including, but not limited to, the unpermitted construction and expansion of roadways, structures, and bridges on the property, as well as the unpermitted placement of fill and construction spoils on the property. This violation requires the issuance of a Coastal Development Permit and Planned Agricultural Permit, as required by Sections 6328.4 (*Requirement for a Coastal Development Permit*) and 6353 (*Uses Permitted Subject to the Issuance of a Planned Agricultural Permit*) of the County Zoning Regulations.

The second violation of the citation refers to unpermitted grading associated with the expansion of roadways and the unpermitted placement of fill and construction spoils on the property. Section 9283 of the San Mateo County Ordinance Code (*Regulations for Excavating, Grading, Filling, and Clearing*) requires the issuance of a Grading Permit for such work. Photos of such work are included in Attachments E, F, I, and N.

ENFORCEMENT TIMELINE

- | | |
|--------------------|---|
| May 23, 2012 | - California Department of Fish & Wildlife issues Notice of Violation for grading without permits by Richard Rogers, diversion of San Gregorio Creek by unpermitted grading and other violations of Fish & Game Code Section 1602 (Attachment C). |
| February 20, 2015 | - County issues First Notice of Violation (VIO 2015-00056) for grading and stormwater violations without permits (Attachment D). |
| May 25, 2015 | - County issues Second Notice of Violation for grading and stormwater violations without permits. |
| January 26, 2016 | - County issues Third Notice of Violation and Stop Work Notice (Attachment G). |
| July 26, 2017 | - County issues Forth Notice of Violation and order to complete planning applications or abate public nuisance (Attachment K). |
| August 31, 2017 | - County issues First Administrative Citation 2015-00056-1 for two separate violations (SMC Zoning Regulations 6328.4 and 6353 - Development in PAD without Planned Agricultural Permit and Costal Development Permit), (SMC Building Regulation 9283, Grading & Land Clearing without a permit). Administrative minimum penalty of \$200 (Attachment L). |
| September 13, 2017 | - Request for Administrative Citation Hearing Appeal submitted to the County by the appellant (Attachment M). |
| October 3, 2017 | - County issues Second Administrative Citation 2015-00056-2 (SMC Zoning Regulations 6328.4 and 6353) and (SMC Building Regulation 9283). Administrative minimum penalty of \$400 (Attachment L). |
| October 16, 2017 | - A request for an Administrative Appeal Hearing was received by the County from the appellant for the second citation (Attachment M). |

FILE HISTORY

- A. December 7, 2014: Written complaint letter from a member of the public received along with photographs alleging unpermitted grading and unlawful business practice by Richard Rogers, owner of Skylonda Equipment, occurring at 4448 La Honda Road, San Gregorio (APN 082-120-050). The complaint outlines extensive grading on designated prime soils within areas zoned as PAD/CD without permits, along with many other potential violations of State Law and County Ordinances (Attachment B).
- B. January 29, 2015: Investigation assigned to Senior Code Compliance Officer (CCO) Ana Santiago.
- C. February 20, 2015: CCO Santiago issues the First Notice of Violation to the property owner, Richard Rogers, 2015-000056 (Attachment D).
- D. May 25, 2015: After no response from the property owner, CCO Santiago issues second Notice of Violation.
- E. September 24, 2015: The San Mateo County Sheriff's Office executed a search warrant on the property to investigate an illegal marijuana growing and processing operation. County Environmental Health Division, Cal Fire, and California Department of Fish & Wildlife (CDFW) personnel assisted in the search of the 114 acre property. Unpermitted development including the construction of a wooden "drying" house, extensive grading to include a large road, timberland violations, and other environmental violations were discovered. Cal Fire and Environmental Health Division personnel later reported the incident to the County Planning and Building Department's Code Compliance Section with their observations and photographs.
- F. December 2, 2015: Property inspection conducted by Senior Planner Dave Holbrook, Building Inspection Manager Miles Hancock, and CCO Hector Carlos. They photographed extensive grading on the property. Additionally, they discovered evidence of grading of a new road that was approximately 1,000 feet long that was being actively maintained by the property owner. Within the road, County staff observed extensive deposits of broken bricks and asphalt grindings. The new road work involved grading activity within close proximity and along San Gregorio Creek. A portion of their photographs from this inspection are included in Attachment E.
- G. January 11, 2016: Property inspection conducted by Dave Holbrook, Miles Hancock, Hector Carlos, and Code Compliance Section Manager Wayne Hoss. Staff observed land use violations, grading and clearing violations, stormwater violations, building violations, and an illegal water extraction operation to pump trucks, all conducted without permits. Photographs were taken and the extent of noted violations are included in a letter dated January 26, 2016 (Attachment F).
- H. January 26, 2016: Senior CCO issued third Notice of Violation and Stop Work Notice (Attachment G).

- I. February 16, 2016: The Current Planning Section received a letter from J.R. Rodine, authorized representative of the property owner at the time, with a proposed plan to initiate after-the-fact PAD, CDP, and Grading Permit applications (Attachment H).
- J. March 24, 2016: Property inspection with experts hired by both the County and the property owner to determine the extent of the geological and biological damage and recommendations for remediation.

The County was represented by Senior Planner Camille Leung, Building Inspection Manager Miles Hancock, Building Erosion Control Inspector Jeremiah Pons, Code Compliance Section Manager Wayne Hoss, and Cotton Shires Geologist/Geological Engineer Ted Sayre (County Contractor).

The property owner was represented by James Rogers, Jeannie Jons, Biologist Taylor Peterson of TRA, Civil Engineer John Berry, and Geologist/Geological Consultant Joe Michelucci. The property owner was not present.

Ted Sayre prepared an overview of the extent of the geological and grading issues and recommended to the County that further testing be conducted by the property owner before permits or remediation work is conducted (Attachment I).

- K. May 11, 2016: On behalf of the property owner, J.R. Rodine submitted an after-the-fact CDP and grading permit application (PLN 2016-00195) for restoration and remediation of the unpermitted work and continued maintenance of the property. In a letter dated June 9, 2016, the application was deemed incomplete and the property owner's team was notified of the remaining requirements to complete the planning application by Senior Planner Camille Leung (Attachment J).
- L. May 11, 2016: On behalf of the property owner, J.R. Rodine submitted a Planned Agricultural Permit and Coastal Development Permit application (PLN 2016-00197) for the operation of Skylonda Equipment along with storage of large equipment and materials on the property. In a letter dated June 9, 2016, the application was deemed incomplete and the property owner's team was notified of the remaining requirements to complete the planning application by Senior Planner Camille Leung (Attachment J).
- M. May 13, 2016 - July 7, 2017: The property owner's representative, James Rogers, and Senior Planner Camille Leung exchanged numerous emails for over a year regarding the remaining items being required to complete the planning applications. The property owner submitted a complete biological report, but only limited geological reports. The property owner has refused to provide geological mapping and diagrams of land slide conditions and work performed at the property. The property owner was given a due date by the County of August 1, 2016 to complete the remaining application items. The planning department extended the due date to August 12, 2016.

To date, the property owner has declined to provide sufficient information to complete either application.

- N. July 26, 2017: The Code Compliance Section issued the property owner a 30-day notice to complete the remaining items on the planning applications or abate the public nuisance (Attachment K).
- O. August 31, 2017: After no response from the property owner, the first administrative citation 2015-00056-1 was issued. This citation is being appealed to the Hearing Officer by the property owner (Attachment L).
- P. October 3, 2017: With no further response from the property owner, a second administrative citation 2015-00056-2 was issued. This citation is being appealed to the Hearing Officer (Appendix L).

APPEAL PROCEDURES

Section 1.40.090 of the San Mateo County Ordinance allows any recipient of an administrative citation to request an appeal hearing to contest that there was a violation or that he or she is the responsible party, by completing a Request for Hearing Form and returning it to the County within 14 days from the date of the administrative citation, along with the processing fee as listed in the County's fee schedule. The Request for Hearing Form shall include a brief statement of material facts, in this case supporting the appellant's claim that no violation occurred or no penalties or other remedies shall be imposed. In accordance with these procedures, the property owner has filed a timely and complete appeal.

Section 1.40.120 regulates the Hearing Officer's decision and administrative order. The Hearing Officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person has caused or maintained the violation on the date specified in the administrative citation. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or cancel all or part of the administrative citation and shall list the reasons for that decision.

The Community Development Director has designated that the appeal be heard by the Zoning Hearing Officer, who will have the role of Hearing Officer.

STAFF RECOMMENDATION

Staff recommends that the Hearing Officer uphold both administrative citations as the person responsible (property owner) maintained the violations at the subject property for a significant period of time (at a minimum of February 20, 2015 until October 3, 2017) and on the dates that the administrative citations were issued. The decision issued by the Hearing Officer should include an administrative order to remove the use (i.e., construction equipment and materials storage operation) that is the subject of these violations by a set date and submit a plan for restoration and remediation of the damage caused by the unlawful land use and grading that includes a geological report with specific recommendations subject to the approval by the Community Development Director or their designee.

Confirmed Violations: These violations were confirmed to exist on the property during site inspections performed by Code Compliance Officers, Building Inspectors, and Senior Planners on several dates between 2015 and 2017.

1. Unpermitted Uses.

It is undisputed that the property is located within the Planned Agricultural Zoning District (PAD). Based on evidence submitted by staff, it is clear that significant unpermitted development has occurred on the property including, but not limited to, use of the property for construction, equipment and materials storage, lumber milling, water hauling, used roadway material recycling, and related activities (see Attachments E and F.) Such uses, even if somehow ancillary to agriculture, require the issuance of a Coastal Development Permit and Planned Agricultural Permit, as required by Sections 6328.4 (*Requirement for a Coastal Development Permit*) and 6353 (*Uses Permitted Subject to the Issuance of a Planned Agricultural Permit*) of the County Zoning Regulations. It is undisputed that Mr. Rogers did not obtain, and still has not obtained, such permits.

2. Illegal Grading.

Evidence submitted by staff shows that Mr. Rogers himself has performed illegal grading on the property and on an adjacent parcel since 2012. (See Attachment C, CA DFW Letter, dated May 23, 2012 (grading by Mr. Rogers in 2012); Attachment B, Complaint Letter, dated December 7, 2014 (grading by Mr. Rogers in 2014).

In addition, the law is clear that, as the owner of the property, Mr. Rogers is liable whether or not he performed the illegal grading. In cases involving liability for health and safety violations that constitute a public nuisance, like illegal grading, the California First District Court of Appeal has held that “whether the context be civil or criminal, liability and the duty to take affirmative action flow not from the landowner’s active responsibility for a condition of his land that causes widespread harm to others or his knowledge or intent to cause harm but rather, and quite simply, from his very possession and control of the land in question. This principle, that the private right to control land carries with it certain strictly enforceable public responsibilities is, as we have seen, a venerable idea; and it is one that grows progressively more vital in the law as the interdependencies in our society become more apparent and the threats to the integrity of our environment more ominous.” (*Leslie Salt Co. v. San Francisco Bay Conservation* (1984) 153 Cal.App.3d 605, 622.)

Additionally, various sections of the San Mateo County Ordinance are relevant to this case to include, but not limited to, the following:

1.08.030 - Separate Offenses.

Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by such person and shall be punishable accordingly.

1.08.040 - Violations a Public Nuisance.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of the provisions of this code is hereby declared to be a public nuisance. Each day such existence continues shall be regarded as a new and separate public nuisance.

1.20.090 - Person.

The word "Person" shall include any person, firm, association, organization, partnership, business trust, company, corporation, public agency, school district, the State of California, its political subdivisions, and/or instrumentalities thereof.

Due Process: The Planning and Building Department has followed the codified procedures to ensure due process for the recipient of the Notice of Violation and administrative citations.

Case Resolution: In order to close the active violation case, the property owner must complete their PAD, CDP, and other planning applications that have been deemed incomplete and perform restoration activities, as required by those permits if granted. Once this has occurred, the property owner must notify the Code Compliance Section and the Planning and Building staff for verification. If the Hearing Officer orders abatement by a set date and abatement occurs on or before that set date, no additional fines will be pursued, provided any outstanding fines are paid.

ATTACHMENTS

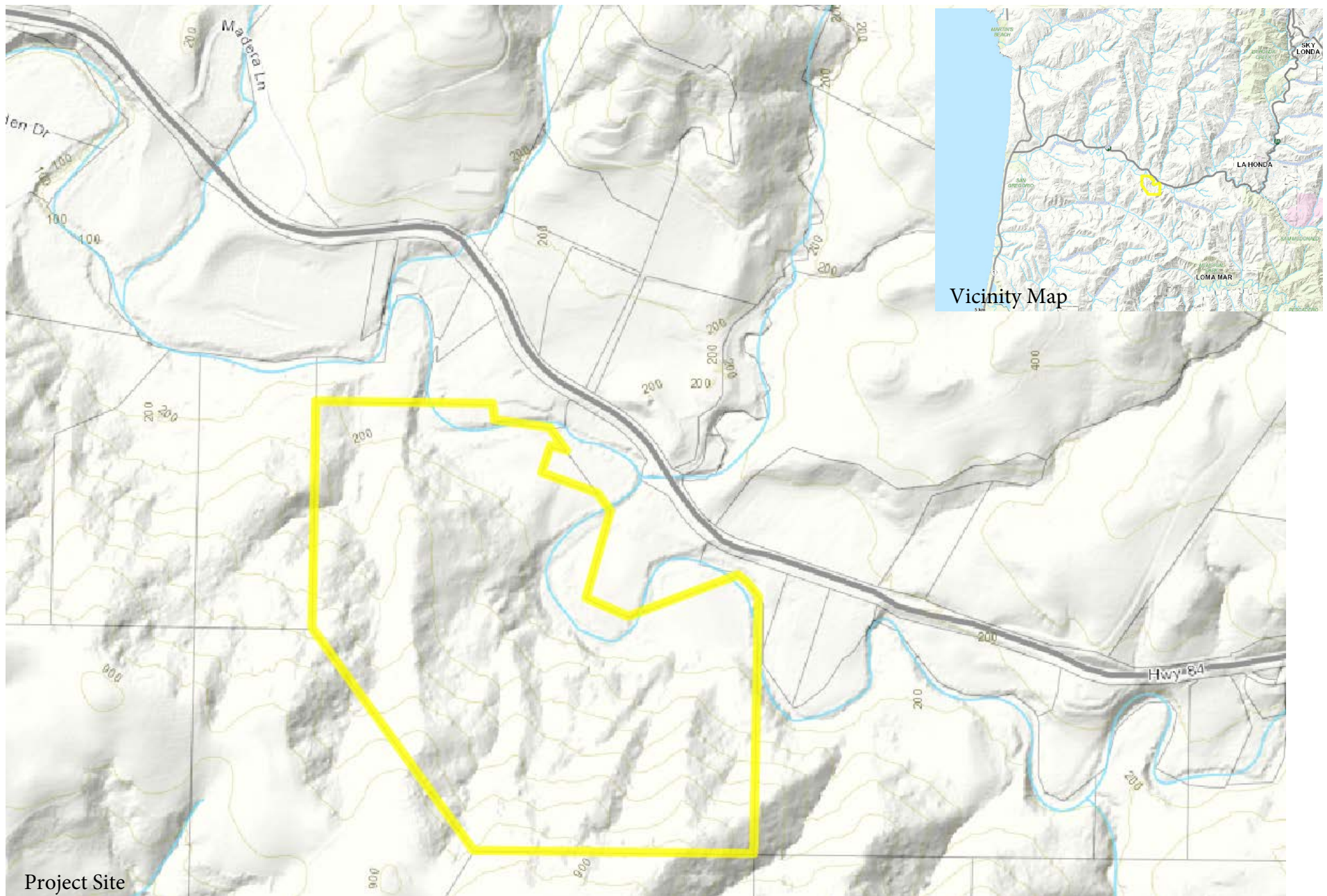
- A. Vicinity Map (APN: 082-120-050)
- B. Complaint Letter, dated December 7, 2014
- C. CDFW Letter, dated May 23, 2012
- D. Notice of Code Violation(s), dated February 20, 2015
- E. Photos from Inspection, dated December 2, 2015
- F. Photos from Inspection, dated January 11, 2016
- G. Notice of Code Violation(s), dated January 26, 2016
- H. Letter from Property Owner's Representative, dated February 16, 2016
- I. Letter from County Contractor Cotton Shires, dated March 31, 2016
- J. Letter of Incomplete Application from Senior Planner, dated May 11, 2016
- K. Notice of Incomplete Application from the County of San Mateo and Coastal Development Permits - Order to Produce within 30 Days or Abate Public Nuisance, dated July 26, 2017
- L. Administrative Citations, issued on August 31, 2017 and October 3, 2017
- M. Appeal Request Document, dated September 12, 2017
- N. Google Map Photos, dated 2007, 2011, 2013, and 2015

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County of San Mateo - Planning and Building Department

ATTACHMENT A



San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: **Richard Rogers**

Attachment: **A**

File Numbers: **VIO2015-00056; PLN2016-00195; PLN2016-00197**



County of San Mateo - Planning and Building Department

ATTACHMENT B

December 7, 2014

Mr. Jim Eggemeyer (Director)
Mr. Steve Monowitz (Deputy Director)
San Mateo County Planning & Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: Grading violations and illegal business occurring at 4448 La Honda Rd. San Gregorio CA, 94075 (Parcel No. 082-120-050)

Dear Mr. Eggemeyer and Mr. Monowitz:

I am submitting a formal complaint regarding the violations occurring at Parcel No. 082-120-050 also known as 4448 La Honda Rd., San Gregorio, CA 94075.

Specifically these violations are being conducted by Rick Rogers owner of Skylonda Equipment. Who conducts his business at 4646/4645 La Honda Rd., San Gregorio, CA 94075. He is leasing the property of 4646/4645 La Honda Rd., San Gregorio, CA 94075 as well as portions of Parcel no. 082-120-050. The field directly behind his house (located on 4646/4645 La Honda Rd.), is where Rick Rogers has had various trucking companies dump dirt and other construction site debris (see Tab 1). This has been ongoing since 2011. This area of La Honda Rd, is zoned PAD. Rick Rogers has no special permit to run such an operation. The same is true for 4646/4645 where he has a large pile of regrind stored above San Gregorio creek, as well as his fuel storage for his equipment (3 tanks, one for gasoline, one for white diesel and one for red diesel). Rick Rogers also has "employees" residing on the field behind his house in trailers (see picture Tab 2). There are other trailers not pictured that are hidden under the trees (there is a dirt road at the end of the field that goes up the hill).

Please see sections 6300 and 6500 of the San Mateo County Zoning Regulations.

The recent grading and filling in of dirt and construction debris on 082-120-050 is in direct violation of San Mateo County Ordinance Code section 8600.

I have attached numerous pictures as proof of these on-going violations. Please see below for explanations and a detail summary of what the picture shows.

Tab 1: Field behind Skylonda Equipment/Rick Rogers house. He has trucks come in there and dump dirt from various construction sites around the bay area. He has no special use permit. This field is labeled as prime soil in the county map as is the other fields. The bridge going over to this field was put in illegally back in 2011. California Fish & Game has been investigating this per James Ober of Fish & Game. (Pic. taken in Oct 2014)

Tab 2: Picture of one of several illegal trailers on the field (same field as pictured in Tab 1)(Pic. taken Oct 2014)

Mr. Jim Eggemeyer (Director)
Mr. Steve Monowitz (Deputy Director)
San Mateo County Planning & Building Department
December 7, 2014

Tab 3: Skylonda's D6C Cat (with brick that was previously in a pile over at the field with the dirt dumping etc) (Pic. taken Nov. 30, 2014)

Tab 4: Piles of brick (dumped there on 11/29/14 and others within the last week) (Pic. taken Nov. 30, 2014)

Tab 5: Regrind asphalt pushed over bank into creek (done on 11/29/14) (Pic. taken Nov. 30, 2014)

Tab 6: Drainage ditch into creek (put in on 11/29/14) (Pic. taken Nov. 30, 2014)

Tab 7: Path/drainage ditch...looking back towards to field (Pic. taken Nov. 30, 2014)

Tab 8: Skylonda's D6C Cat with brick that was recently spread out (Dec. 5, 2014), from the two piles of brick shown in Tab 4) (Pic. taken Dec. 6, 2014)

Tab 9: The field where illegal grading and dumping of dirt (same field as tab 4) (Pic. taken Dec. 6, 2014)

Tab 10: Aerial picture of properties taken off Zillow/Bing maps (sometime in 2011) (see red labeling)

- A: Where I live (in original house of the property)
- B. Field where current illegal grading/filling has been occurring
- C: Rick Rogers/Skylonda Equipment (4646/4645 La Honda Rd)
- D: Field where the piles of various construction dirt and debris is now located
- E. Landowners house for 4448 La Honda Rd.

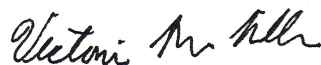
Tab 11: Aerial shot from Google Earth (sometime in 2014)

Tab 12: County map showing prime soil areas of the properties in question. Taken off San Mateo Counties web site.

Tab 13. Parcel map of 082-120-050

I expect that the county will take immediate action regarding these violations.
Please contact me regarding the status of this matter.

Sincerely,



Victoria MacMillan

Enclosures

Cc: Don Horsley Supervisor District 3











Victoria MacMillan

Wayne Hoss
Program Manager
San Mateo County Planning & Building
455 County Center, 2nd Floor
Redwood City, CA 94063

09/20/17

Subject: VIO2015-00056 Appeal Hearing

Dear Mr. Hoss:

I resided at the residence of parcel no. 082-120-050 from January 2012 to February 2015. During that time we had exclusive use of the house, and both barns. We were allowed to let our goats roam on the hills above the barns.

During that time we did not grade or dump anything on the property. I did have a large number of chickens in the barn that was later demolished by Rick Rogers. At the time I had small business selling eggs. I was a licensed egg handler.

Rick Rogers was leasing the land, parcel no. 082-0120-050 (with the exception of the 2 barns and house) from Marcia and Tom Howell. Any grading and dumping of construction waste was done exclusively by Rick Rogers and or his employees (Derick Z).

The house was in poor condition when we moved in, we did put in replacement windows and new roofing paper/shingles on the roof. Living there was pretty much the equivalent of "indoor camping". We did fix up the barns to make them usable for our chickens, goats etc.

The grading and dumping was done over a course of 3-4 years. It was originally contained to the field behind the Donnelly/Glass property but in 2013 and 2014 it expanded to the two fields that lay on either side of Howell house. The road was put in between Christmas 2014 and January 1 2015.

Sincerely,

/Victoria MacMillan/

Victoria MacMillan



County of San Mateo - Planning and Building Department

ATTACHMENT C



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.dfg.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 23, 2012

Mr. Rick Rodgers
Skylonda Equipment
Post Office Box 620387
Woodside, CA 94062

Dear Mr. Rodgers:

Subject: Administrative Notice of Violation of Fish and Game Code Section 1602

On March 29, 2012, Department of Fish and Game (DFG) Lieutenant Todd Ajari, Warden James Ober and Suzanne DeLeon, Environmental Scientist, visited the property of Skylonda Equipment at 4645 La Honda Road, San Mateo County to follow up on an anonymous telephone call. During the visit, the DFG representatives listed above observed several activities that are subject to Fish and Game Code section 1602. Below are the activities that were observed:

1. Bridge Installation and Associated Support Structure for the Bridge
A railroad car bridge was installed over the creek at the entrance of the property to facilitate vehicle traffic onto the stockyard. Mr. Rodgers stated the bridge was treated with copper green, a wood preservative. Underneath the bridge, large rip-rap with asphalt, plastic netting and other trash and debris were placed on both banks of San Gregorio Creek.
2. Diversion
On river right (right side of the bank looking downstream) close to the bridge, DFG representatives noticed a small diversion pipe approximately four inches in diameter that was placed into the creek to divert water.
3. Grading and Drainage Ditches
Earthen drainage ditches were constructed to drain the property directly into the creek. The earthen outfalls of these drainage ditches were located at the creek bank and were causing severe erosion into the creek.
4. Grading in the Riparian Zone
Several areas showed signs of tree and vegetation removal and grading in the riparian zone with woody debris, asphalt, concrete, and wood chips sidecast onto the bank in the riparian zone. Large equipment and storage sheds were stored on this graded area within and close to the riparian zone.
5. Truck Crossing across San Gregorio Creek
The creek just upstream of a landslide was used as a wet crossing for large equipment and trucks to access the stockyard.

Mr. Rick Rodgers
May 23, 2012
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Fish and Game Code Section 1602 requires a person to notify DFG before: 1) substantially diverting or obstructing the natural flow of a river, stream, or lake; 2) substantially changing the bed, channel or bank of a river, stream, or lake; 3) using any material from the bed, channel, or bank of a river, stream, or lake; and/or 4) depositing or disposing of debris, waste, or material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake.

In this case, DFG has determined that notification was required because the activities listed above substantially changed the bed, bank and channel of San Gregorio Creek, deposited debris and materials that can be deleterious to the fish and wildlife of San Gregorio Creek, and placed structures within the creek which have the potential to substantially divert the natural flow of San Gregorio Creek. The failure to notify DFG prior to modifications within the San Gregorio Creek is a violation of Fish and Game Code section 1602. In order to address this violation, you will need to immediately stop all the activities stated above, if you have not done so already and complete the Streambed Alteration Agreement Notification according to the Incomplete Letter sent to you on May 18, 2012. The notification should also include remedial items listed below, Attachment C Water Diversion and bridge information and installation plans. Please resubmit the complete package, notification fee balance if the actions required in the Incomplete Letter and this letter add to the project cost, and a copy of this notice to DFG at the above address by June 8, 2012.

Remedial actions to address the violations shall include but are not be limited to:

1. Clearing of all debris that was placed on the banks and in the creek, including asphalt, cement, plastic netting, trash, wood chips, etc.
2. Submitting proper drainage plans. Drainage plans shall include a bioswale or earthen area to filter out the polluted water from the property before draining into the creek. Drainage ditches shall not be earthen ditches which carry sediment directly to the creek.
3. The wet crossing shall not be utilized and the creek restored to its natural state at that site.
4. Large equipment, tool sheds and other material shall be moved at least 25 feet from the riparian zone. All large equipment shall be free of leaks and should have oil pans placed beneath them. The area between the riparian edge and 25-foot buffer for storage of large equipment and storage sheds should be re-vegetated with native material.
5. A re-vegetation plan for all bank areas where debris was placed shall be submitted.
6. A Plan to rectify the erosion from banks that were made steeper or changed by Mr. Rodgers. The river left bank near the bridge appeared to be built up by placement of soil and other debris on the bank and a berm was built on top of the

Mr. Rick Rodgers
May 23, 2012
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bank. Several other bank areas had debris sidecast over the bank, which has caused erosion, and the earthen drainage ditches outfalling over the bank into the creek has also caused erosion. The plan can include removing debris, grading the bank back to a gentler slope and re-vegetation with native material.

7. Straw waddles or hay bales should be placed on the outside border of the riparian zone where large equipment, soil, or other material will be stored or driven.
8. If the stockpile yard is to be filled, a fill plan describing amount and type of fill must be submitted.

After DFG receives the notification and fee, we will process the notification and issue a draft Streambed Alteration Agreement (Agreement) as described in Fish and Game Code Sections 1602 and 1603. This Administrative Notice is provided pursuant to Fish and Game Code Section 1614 which states that conditions in the Agreement provided by DFG to protect fish and wildlife resources are not subject to arbitration in the event you disagree with any of the protective measures, and you and DFG cannot resolve the disagreement (Fish and Game Code Section 1614).

If DFG does not receive the notification and fee by June 10, 2012, DFG may pursue other enforcement options, including referring the matter to the District Attorney's Office or the Attorney General's Office for civil or criminal prosecution.

If you have any questions regarding this letter, please contact Ms. DeLeon at (831) 440-9433 or by email at sdeleon@dfg.ca.gov; or Mr. Craig Weightman, Acting Environmental Program Manager, at (707) 944-5577.

Sincerely,



Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: Department of Fish and Game
Lt. Todd Ajari
Wdn. James Ober



County of San Mateo - Planning and Building Department

ATTACHMENT D

COUNTY OF SAN MATEO
PLANNING AND BUILDING

County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063
650-363-4161 T
650-363-4849 F
www.planning.smcgov.org

February 20, 2015

CERTIFIED MAIL

Richard Rogers
P. O. Box 620387
Woodside, CA 94062

Dear Property Owner:

SUBJECT: NOTICE OF GRADING AND STORM WATER VIOLATION
APN 082-120-050; File No. VIO 2015-00056

As the record owner of the unimproved property located on La Honda Road, San Gregorio, comprised of Assessor's Parcel Number 082-120-050, I am requesting your immediate attention to violations of the County of San Mateo Zoning Regulations and Ordinance Code. In response to a complaint, it has been determined that you are in violation of Sections 6328.4 and 8602. Specifically, placing fill and construction spoils on the property without the issuance of a coastal development permit and grading permit from the Planning and Building Department is prohibited.

In addition to the above violations, you may be in violation of the **STORM WATER MANAGEMENT AND DISCHARGE PROGRAM**. No sediment of any kind, soil or chemicals can be discharged into storm drains. Only clean clear rainwater can be discharged from your property into the storm drain system or waterway.

The required corrective action is to immediately stop all work, and apply for a coastal development permit and a grading permit to either allow the fill to be placed on the property or restore the site to a natural condition. This must be done within fifteen (15) calendar days of receipt of this notice. Also, include a sediment and erosion control plan that shall be implemented immediately following the Department's review and approval of the plan.

Your failure to submit an application for the above-required permits will result in a Notice of Violation being recorded against your property with the County Recorder's Office. Additionally, your failure to correct the violation(s) within fifteen (15) calendar days will result in a citation being issued to you for using and maintaining your property contrary to the provisions of the County's Zoning Regulations. The penalty is \$100 for the first violation, \$200 for a second violation within twelve (12) months, and \$500 for third and additional violations within twelve (12) months.

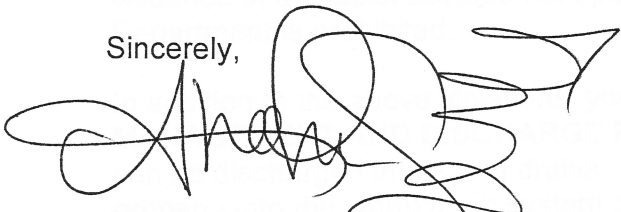


Please be advised that violations of the County Ordinances may also be prosecuted through civil and/or criminal procedures; however I would prefer to work cooperatively with you on this matter and avoid any legal involvement.

Notice is hereby given that, in addition to any other remedy allowed by law, your failure to correct this violation within fifteen (15) calendar days will result in your being assessed administrative costs associated with the processing of this violation at an hourly rate as established and adjusted from time to time by the Board of Supervisors. The hourly rate presently in effect is \$50.00 per hour of staff time. At the conclusion of this case, you will receive a summary of administrative costs charged to you. You will have the right to object to these charges by filing a Request for Hearing with the Planning and Building Department within ten (10) calendar days of service of the summary of charges. However, if legal action is implemented against you to obtain compliance, no appeal of the enforcement processing fees will be available.

If you have any further questions or concerns about this matter, you may contact me at 650/363-4825. I may be reached at this number, Monday through Friday, 8:00 a.m. to 4:30 p.m. I strongly suggest that if you wish to see me, please call me to make an appointment, as I am frequently out of the office on site inspections. Your cooperation in correcting this violation is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Santiago', with a large, stylized flourish extending to the right.

Ana Santiago
Senior Code Compliance Officer

AMS:jlh – AMSZ0169_WJE.DOCX



County of San Mateo - Planning and Building Department

ATTACHMENT E









County of San Mateo - Planning and Building Department

ATTACHMENT F































County of San Mateo - Planning and Building Department

ATTACHMENT G

January 26, 2016

CERTIFIED MAIL

Richard Rogers
P. O. Box 620387
Woodside, CA 94062

David Witmer
4581 La Honda Road
La Honda, CA 94020

Dear Mr. Rogers and Mr. Witmer:

SUBJECT: **STOP WORK NOTICE AND NOTICE OF LAND USE, GRADING,
STORMWATER, AND PERMIT VIOLATIONS (WARNING NOTICE)**
APNs 082-120-040, 082-120-050, and APN 082-160-080
County File No. VIO 2015-00056

As the record owner and/or tenant of the above-referenced properties located on La Honda Road, San Gregorio (the "Properties"), you are hereby notified that the San Mateo County Planning and Building Department has confirmed the presence of multiple and significant violations of the County's General Plan, Zoning Regulations, and County Ordinance Code on your Properties, as detailed below.

You are also hereby directed to immediately STOP all land uses, unauthorized business uses, construction, and development activities on the Properties that constitute a violation. Additionally, you must immediately implement an erosion control plan to correct the serious violations that are causing illicit discharge into the waterways and causing severe environmental damage.

The violations on the Properties include, but are not limited to, the following: the use of the Properties for construction, non-permitted use of any business to include Skylonda Equipment, lumber milling, water hauling, used roadway material recycling and related purposes, which are uses that are either not permitted within the Planned Agricultural Zoning District (PAD) within which the Properties are located, or required the issuance of permits that have not been obtained; the unpermitted construction and expansion of roadways, structures, and bridges on the property; the unpermitted placement of fill and construction spoils on the property; the unpermitted construction of water wells; and the unpermitted extraction of water from San Gregorio Creek.



These activities constitute violations of the requirements established by: Chapters 20B (Coastal Development District) and 21A (Planned Agricultural District) of the County's Zoning Regulations; Section 8600 *et seq* of the San Mateo County Ordinance Code regarding Excavation, Grading, Filling, and Land Clearing; and Section 9000 *et seq* of the San Mateo County Ordinance Code regarding Building; the environmental review requirements established by the California Environmental Quality Act; the policies and standards for land use and development established by the San Mateo County Local Coastal Program and General Plan; and many other laws and regulations that regulate timber harvesting, the discharge of stormwater and pollutants, construction within and adjacent to streams and rivers, the extraction of ground water and surface water, and that protect the habitat for rare, threatened, and endangered species.

The presence of the above violations has been confirmed by aerial photo analysis, as well as during site inspections conducted with the consent of Rick Rogers in December 2015 and January 2016, which yielded, but not limited to, the following evidence:

Land Use Violations: What were once agricultural fields are now being used for construction-related activities and storage. The website for Skylonda Equipment, the business that is based on the subject Properties, indicates that the business provides the following services: land clearing, debris removal, demolition, wood waste recycling, and construction activities that require grinders, excavators, loaders, dozers, low bed services, log trucks and trailers. Conditions observed, during recent site inspections and shown by aerial photographs, confirm that this business is being operated on the Properties, and that associated equipment, fueling facilities, and debris are being stored and used there. These uses are not allowed within the Planned Agricultural Zoning District and they constitute development that are not allowed, absent compliance with the development standards and permits requirements established by the County's Local Coastal Program.

On January 15, 2016, the Building Inspection Section issued and posted a Stop Work Notice on three fuel tanks located on the Properties. You must immediately stop all use of these fuel tanks and remove them, within 15 days of this notice, from the Properties in a legally approved manner. You must provide photographic evidence that the fuel tanks have been removed. A full re-inspection of the Properties will be requested of you at a future date to verify the tanks' removal.

Grading and Clearing Violations: Significant alterations to natural landforms on the Properties have occurred, including in the areas around the barn and the nearby residence, located near coordinates 37.185187, -122.195437. The depth and extent of the grading is evidenced by: (1) the rise in grade around the porch steps up to the house, (2) the amount of construction debris (brick, cement, asphalt) and aggregate seen in the outfall of grading all around the edges of this hilltop area (even more revealed with erosion gullies forming from recent rains), and (3) aerial photos, which show that contours in the vicinity of the house have been altered by the placement of rock and fill.

Significant amounts of trees and vegetation have also been removed, particularly in the area surrounding and to the north of the residence. Aerial photos pre-dating 2015 show a dense

row of trees and/or vegetation in this location. More recent site visits and photos indicate that no such vegetation remains. This area is generally located at coordinates 37.1853, -122.1957.

New roads have been built and/or reconstructed in the areas surrounding the barn and residence, including a roadway that runs downhill to, along and over San Gregorio Creek from coordinates 37.1851, -122.1953 to coordinates 37.1843, -122.1945. Fill and/or dirt spoils (from the above-cited topographic alterations and road construction) have been pushed off the road toward the edge of the creek embankment. The depth of such fill down near the creek appears to be several feet, as evidenced by piles of tree limb debris. Newly cut tree stumps and riprap between the illegal road and San Gregorio Creek.

New and/or reconstructed roadways on the Properties along and over San Gregorio Creek have caused massive erosion and slope failure on the upside of the road. This area appears to be extremely unstable and at risk of further failure, which could cause massive amounts of soil and roadway material to enter the creek. **Your attention is immediately demanded to implement erosion control measures and submit an erosion control plan to the County Planning and Building Department within 15 days and as outlined below.** This area is generally located at coordinates 37.1843, -122.1949, but other areas of erosion also require your immediate attention.

Additional road and building construction has taken place in the area identified as the "grow site," where two canvas covered greenhouse structures and a two-story structure built atop two cargo storage containers have been constructed. This road showed various degrees of erosion, given its steepness, especially as it leads circuitously from the previously cited barn and house site, and where it extends down the hill toward an adjacent developed parcel. This road is generally located near coordinates 37.1852, -122.2016.

Stormwater Violations: No sediment of any kind, soil or chemicals can be discharged into creeks and storm drains. Such discharging is occurring at multiple locations on the Properties, in violation of Section 4.100 *et seq* of the County Code. The following erosion control measures must be immediately implemented to prevent further serious environmental damage:

1. **Remove all fertilizer from any land near creeks or drainage culverts located on the Properties. Fertilizer must be stored in a covered container or removed from the Properties.**
2. **Clean up all fluids such as gas or oil from all vehicle parking and circulation areas by using dry cleaning methods only (absorption and legal disposal).**
3. **Consult with a licensed civil engineer and apply any additional erosion measures to address the unsupported eroding hillside along with submittal of an Erosion Control Plan to the County's Planning and Building Department Geotechnical Section.**

4. **Provide photographic evidence of the implemented procedures within 15 days of this notice. You may be asked later to allow for a re-inspection to ensure property measures are in place.**

Building Violations: Construction activities that were observed on the site and that have taken place without the required building permits include the installation and improvements to bridges on the Properties (including the replacement of decking and the installation of an electrical gate); the installation of fueling facilities, water tanks, underground and above ground electrical and plumbing equipment and facilities; the construction and/or alteration of structures (including the demolition and removal of the "blacksmith shop" and the "hay barn garage," and the construction of a large two-story structure, consisting of wood framing on top of two shipping containers (generally located at coordinates 37.314339, - 122.335175); and the placement of temporary storage units, storage containers, and/or a POD (Portable on Demand) storage units greater than 60 square feet.

Illegal Water Extractions: The construction of a well, the installation of dams, and the transfer of water from San Gregorio Creek to a water truck for delivery elsewhere was observed during our site visits. The environmental review and Coastal Development Permits required to conduct these activities have not been completed or obtained.

Permit Violations: All of the above-described activities constitute "development" which, as defined by Section 6328.3(h)) of the Zoning Regulation includes "... on land, in or under water, the placement or erection of any solid material or structure or disposal of any dredged material or ... liquid ... waste; grading, removing, dredging or extraction of any materials; change in intensity of use of land; construction, reconstruction, demolition or alteration of the size of any structure; and the removal ... of major vegetation other than for agricultural purposes ... and timber operations which are in accordance with a timber harvesting plan"

These development activities have been conducted without required permits, and therefore represent violations of: Coastal Development Permit requirements (Section 6328.3(r) of the Zoning Regulations); Planned Agricultural District Permit requirements (Section 6353 of the Zoning Regulations); Grading and Land Clearing Permit requirements (Section 8600 *et seq* of the County Code); and Building Permit requirements (Section 9000 *et seq* of the County Code).

The required corrective action is to immediately stop all work, and install immediate erosion control intervention measures. You must also apply for a Coastal Development Permit and a Grading Permit to restore the site to the conditions that existed prior to the above-described violations. Complete permit applications must be received by the Planning and Building Department within fifteen (15) calendar days from the date of this notice, and must include sediment and erosion control plan that shall be implemented following the Departments review and approval of the plan. Additional remediation requirements may be required at a later time.

Failure to submit the required applications will result in a Notice of Violation being recorded against your property with the County Recorder's Office, and will result in a citation being

Richard Rogers
David Witmer

- 5 -

January 26, 2016

issued to you for using and maintaining your property contrary to the provisions of the County's Zoning Regulations. The Zoning Regulations administrative penalties are \$100 for the first violation, \$200 for a second violation and \$500 for third and additional daily violations within twelve (12) months. Please be advised that in addition to the zoning violations, other County Ordinances and Criminal Code violations may also be prosecuted through civil and/or criminal process.

Furthermore, notice is hereby given that in addition to any other remedy allowed by law, you will be assessed administrative costs associated with the processing of this violation at an hourly rate as established and adjusted from time to time by the Board of Supervisors. At the conclusion of this case, you will receive a summary of administrative costs charged to you. You will have the right to object to these charges by filing a Request for Hearing with the Planning and Building Department within ten (10) calendar days of service of the summary of charges. However, if legal action is initiated against you to obtain compliance, no appeal of the enforcement processing fees will be available.

If you have any further questions or concerns about this matter, you may contact me at 650/363-4825. I may be reached at this number, Monday through Friday, 8:00 a.m. through 4:30 p.m. Your prompt attention to correcting these violations is appreciated.

Sincerely,



Ana Santiago
Senior Code Compliance Officer

AS:fc – AMSAA0038(rev)_WFE.DOCX

cc: Brian Kulich, Deputy County Counsel
Heather Forshey, Environmental Health
San Mateo County District Attorney
Jo Ginsburg, California Coastal Commission
Rich Sampson, Cal-Fire
James Ober, California Department of Fish and Wildlife
San Gregorio Creek Water Master
Bay Area Regional Water Control Board
State Water Resources Control Board
United States Department of Fish and Wildlife
National Marine Fisheries Service



County of San Mateo - Planning and Building Department

ATTACHMENT H

February 16, 2016

Mr. Steve Monowitz, Community Development Director
Mr. Wayne Hoss, Code Compliance Manager
County of San Mateo
455 County Center - 2nd Floor
Redwood City, CA 94063

VIA Hand and Electronic Delivery

Re: Richard Rogers - 4448 La Honda Road, San Gregorio, CA 94074 (APNs 082-120-040 & 082-120-050) Initiation of PAD, CDP, and Grading Permit Applications to Remediate Citations.

Gentlemen:

I wish to express my appreciation for your recent administrative and technical input. As you are aware, my client Richard Rogers dba, Skylonda Equipment, engaged me last month to guide his application and remediation team. To date, we have brought civil engineer John Berry and environmental consultants MIG/TRA on board to address the items in the Application Requirements you provided. Mr. Berry has been working with our client to facilitate the various items associated with grading, drainage, and erosion control. I have redacted your Application Requirements below (in **bold** text) and provided our responses to each following the respective item. In addition, we expect that Tay Peterson of MIG will outline a full work scope and schedule associated with items V and VI. In the short-term, there have been a series of cooperative and productive discussions with various county departments and we look forward to continuing them through the PAD, CDP, and grading permitting processes.

As a brief statement of intent, Mr. Rogers's near-term goal is to continue to restore the land to its original state, raise oat hay, fence and graze cattle, reside on the land, and conduct his equipment operation that is ancillary to agriculture fully meeting the codified definition. Moving forward, we will provide substantial support from the coast side agricultural community to establish this fact.

Mr. Rogers acquired the subject property a little over a year ago and took position within the last year. It consists of two parcels, one of 114+/- acres and the other 1+/-acre. The larger parcel is under the Williamson Act and I understand that Mr. Rogers wishes to increase its agricultural use accordingly. Unfortunately, the site was significantly degraded for several decades by renters under previous ownership. Many of the violations attributed to Mr. Rogers were in fact committed by previous renters prior to his ownership. However, restoration and agricultural use is a stated objective in conjunction to using a small portion of the property (3+/- acres) for equipment storage and maintenance that is transported off-site to provide a variety of services exclusively to local growers. As an additional point of information, Mr. Rogers is under contract with Cal Fire to provide emergency services that include transporting water and dozer work for clearing fire breaks. That equipment is stored on-site for on-call contract services.

Without altering your original Application Requirements, I have responded to each item as follows:

Application Requirements for Rogers After-The-Fact CDP:

I. Timeline and Plan for Cessation of Illegal Land Uses and Removal of Associated Equipment and Debris.

As a use ancillary to agriculture, it is our understanding that Mr. Rogers may continue to park and maintain his equipment on-site subject to complying with Environmental Health Division (EHS) hazmat plan requirements. He has recently enacted a hazmat plan and held on-site consultation with EHS staff. In the interim, applications for PAD and CDP permits will be submitted to legalize the operation. I have personal history with such a precedent having represented the legalization process for Half Moon Bay Paving and Grading at 1780 Higgins Canyon Road with full staff support, and Planning Commission and Board of Supervisors' approvals. The referenced debris removal will be completed in short order by Mr. Rogers and neighbor Todd Turner.

a. Please identify new storage location if location is within the County's jurisdiction. Permitting may be required.

No equipment is stored off-site. As a component of the PAD and CDP applications, civil engineer John Berry will produce a precise site plan identifying on-site equipment and vehicle storage. Currently this area is estimated to be 3 acres with the goal of reducing it to approximately 2+ acres if practicable.

II. Immediate Short Term Erosion Control Plan (a narrative is not acceptable).

Mr. Berry is currently preparing a full grading, drainage, and erosion control plan. In order to be precise, we are requesting that representatives of Public Works meet with Mr. Berry on site to assure that all requisite detail of the plan are identified and discussed to assure their inclusion. This site consultation may also include Tay Peterson and/or Autumn Meisel of MIG/TRA. The timeline - ASAP subject to cooperation from Public Works.

III. Plan for reduction of Staging Area to store only necessary equipment and maintenance of only necessary Access Driveways for Restoration Work, including rationale for equipment and land area to be maintained for such use.

See response I (a) above. Mr. Rogers has indicated that he hopes to reduce the approximate 3 acres currently in use for vehicle and equipment parking and maintenance by reducing the inventory of excess equipment. It is inarguable that this operation could be classified in any way other than ancillary to agricultural. The equipment is exclusively used to support both on and off-site agricultural operations.

IV. Plan for Demolition of "Grow House" and other Unpermitted Structures and associated access road.

General contractor Bruce Turner (Turner Construction) has or will soon file for a demolition permit to remove the referenced unpermitted structures. As for roads, our civil engineer will address their proposed treatment in plan detail to support the PAD, CDP, and Grading applications.

V. Biological report from professional biologist to analyze protected plant and animal species and habitat.

MIG/TRA Environmental Consultants are currently preparing their work scope. If any questions arise Tay Peterson will contact appropriate county and/or external agency staffs to assure to assure a complete work scope is defined. We anticipate this task will be completed within 5-10 working days.

VI. Timeline and Plan for Restoration, as recommended by a biologist:

- a. Restoring Creek to equivalent flow and function prior to diversion**
- b. Plan for Re-contouring and Re-vegetating footprint of demolished "Grow House" and other Unpermitted Structures**
- c. Plan for Removal of Unpermitted Fill/Roadway Surfacing**
- d. Plan for Re-contouring and Re-vegetating New Roads, Staging Areas to be restored, and other Graded Areas.**

(VI a-d) MIG/TRA's in-house biological and landscape design capabilities in collaboration with John Berry bring a multi-agency awareness of regulations and practices. Appropriate agency consultations will be conducted as part of the plan and program components of the permitting process.

VII. Plans prepared by a Licensed Civil Engineer to provide for adequate support of cut and fill banks, landslide areas, and eroded gullies.

Mr. Berry is in the process of preparing the requisite plan to reflect recent and/or proposed remedial work. Timeline - ASAP in conjunction with Public Works and MIG/TRA.

VIII. Plan to address Williamson Act requirements for farming or Non-Renewal of Williamson Act Contract.

Mr. Rogers is currently farming 10 acres for the production of hay. We anticipate incorporating a fencing plan in the PAD/CDP applications to enable a significant portion of the property to be used for cattle grazing. As previously stated, the land was allowed to deteriorate prior to Mr. Rogers's acquisition one year ago. His goal in acquiring the property is to reintroduce a largely agricultural component to the land in keeping with the Williamson contract.

IX. Timeline and plans for disposal of debris from all removed structures and materials
a. Must include a legal disposal location.

Neighbor Todd Turner will shortly remove and repurpose most if not all of the materials from structures designated and permitted for removal. It is my understanding that unusable debris (if any) will be transported to a licensed commercial disposal site. If any disposal is required, we will request that Mr. Turner provide proper receipts.

X. Plan for legalization of Repair work and Improvements to Barn and Residence.

Mr. Rogers has indicated that a building permit for the barn was filed and procured and a building permit for the house has been submitted and is pending.

As it pertains to a use ancillary to agriculture, Mr. Rogers performs a variety of off-site services for local growers such as hay harvesting, weed brushing and maintenance, the trailering and transporting of farm equipment, farmland road maintenance/repairs, graveling, deep soil ripping, and agricultural pond maintenance. In addition, his equipment transport services are utilized by timber harvesters.

He presently stores and maintains roughly one dozen pieces of equipment consisting of 1 crawler loader, 1 motor grader, 1 soil compactor, 1 smooth drum roller compactor, 1 log loading tire mounted tractor, 1 rubber tired soil loader, 1 excavator, 1 dozer, 1 fork lift, 1 flatbed trailer, and 1 water truck. Within the near future, we will refine this list and make any clarifications for future uses or the elimination of excess equipment.

Mr. Rogers has no employees but does engage the services of one or two independent contract workers as needed.

SUMMARY

I am presently acting as Mr. Rogers lead consultant on the permitting side as time is of the essence. Shortly, he will submit a formal agency authorization letter allowing me to continue in this capacity and to execute all county application documents.

Upon submittal of the above authorization, I will prepare and submit the CDP/PAD applications forms and companion sheet and environmental questionnaire.

It is requested that all legal matters be referred directly to his attorney Jonathan D. McDougall at 1640 Laurel Street, San Carlos, CA 94070 (650) 594-4200.

Thank you for the recent communications and guidance. Please feel free to share this letter internally and to contact me at any time throughout the process. We will be happy to maintain regular communication with county staff. In fact, it may be very useful to establish a telephonic status consultation day and time every two weeks to address respective questions, maintain a remedial schedule, and assess progress benchmarks.

Respectfully yours,



J. R. Rodine

cc: Richard Rogers
Jeani Johns
John Berry
MIG/TRA
Jonathan D. McDougall, Esq.
Supervisor Don Horsley
Lennie Roberts

SKYLONDA EQUIPMENT

March 17, 2016

To whom it may concern:

I authorize J.R. Rodine and/or Jeani Johns to apply for and sign application forms with the county on my behalf.



Rick Rogers
Skylonda Equipment



P.O. BOX 620387
WOODSIDE, CA 94062

PHONE	650-747-0252
FAX	650-747-0186
EMAIL	SKYLONDAEQUIPMENT@YAHOO.COM



County of San Mateo - Planning and Building Department

ATTACHMENT I

March 31, 2016
G5036

TO: Wayne Hoss
Code Compliance Manager
SAN MATEO COUNTY PLANNING & BUILDING
455 County Center, 2nd Floor
Redwood City, CA 94063

SUBJECT: **Preliminary Geotechnical Evaluation**
RE: Code Violation Site Inspection
VI0 2015-00056
Rogers and Witmer Property
La Honda Road (APNs 082-120-040, 082-120-050, 082-160-080)
San Gregorio

At your request, our Principal Engineering Geologist with Cotton, Shires and Associates, Inc. (CSA), completed a reconnaissance of the subject properties on March 24, 2016 to observe conditions created by unpermitted grading and construction. In addition, we have reviewed published geologic maps and historic and recent Google Earth images on 20 dates from 1953 to 2015.

DISCUSSION

The County has issued a notice of site permit violations and a stop work order for grading and extraction of creek water. Noted violations on the property include a non-permitted business (Skylonda Equipment), lumber milling, water hauling, roadway material recycling, and related activities not permitted within the Planned Agricultural Zoning District.

Our preliminary geotechnical evaluation has been focused on the impacts of site unpermitted grading and appropriate remediation methods to minimize future adverse slope stability impacts and prevent siltation of San Gregorio Creek. Recent grading has modified flow within the creek and hydrologic creek corridor analysis and remediation will be required to address creek channel adjustments from altered flow conditions, and to restore the channel to the pre-impacted condition. We understand that the property owner has been directed to apply for a Coastal Development Permit and Grading

Permit to restore the property to conditions that existed prior to unpermitted site grading.

SITE CONDITIONS

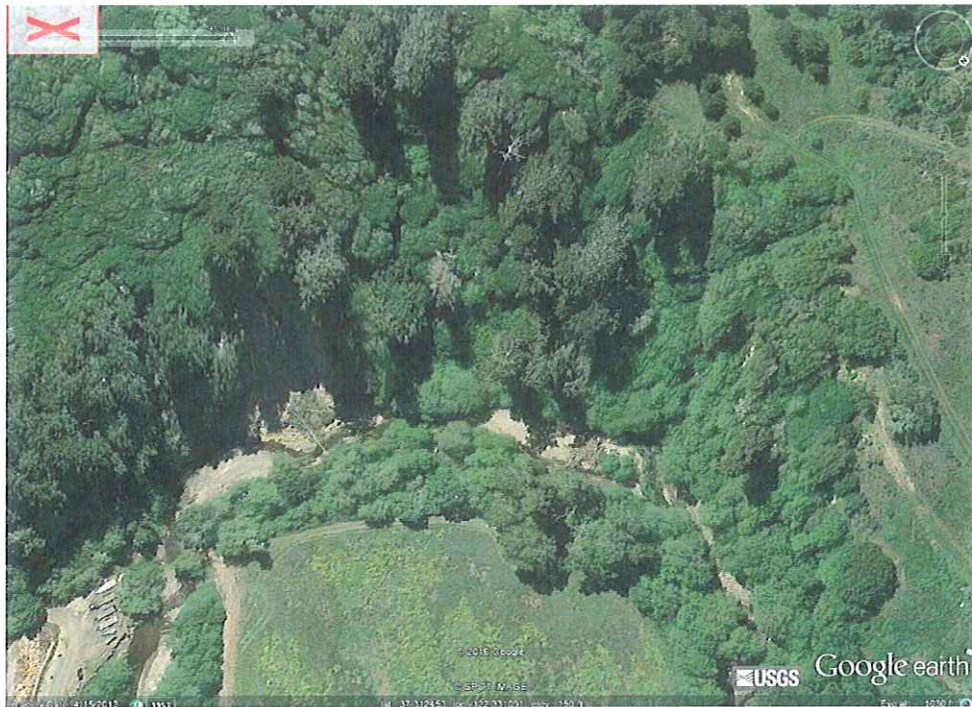
The property is underlain by mapped Pliocene Pomponio Mudstone. The gentle valley floor is mantled by coarse-grained alluvial deposits. Adjoining steep slopes are located within an area of landslide susceptibility mapped by the USGS. Substantial site grading appears to have occurred in 2015. The attached Figure 1 includes photographs of part of the property in March 2015 and April 2013. Signs of recent large scale cuts and fills are evident in the spring 2015 photograph. Grading includes construction of a pioneered roadway adjacent to the southern bank of San Gregorio Creek and also higher hillside roadways. Trees and significant areas of vegetation have been removed associated with roadway construction. Additional significant grading has occurred to the west of the Figure 1 photographs in the vicinity of a barn, a partially constructed residence, and an area identified as the "grow site."

Figure 2 includes photographs of a hillside roadway with recent cuts and fills. A large actively eroding gulley and roadway tension cracks were observed indicating areas of active slope instability.

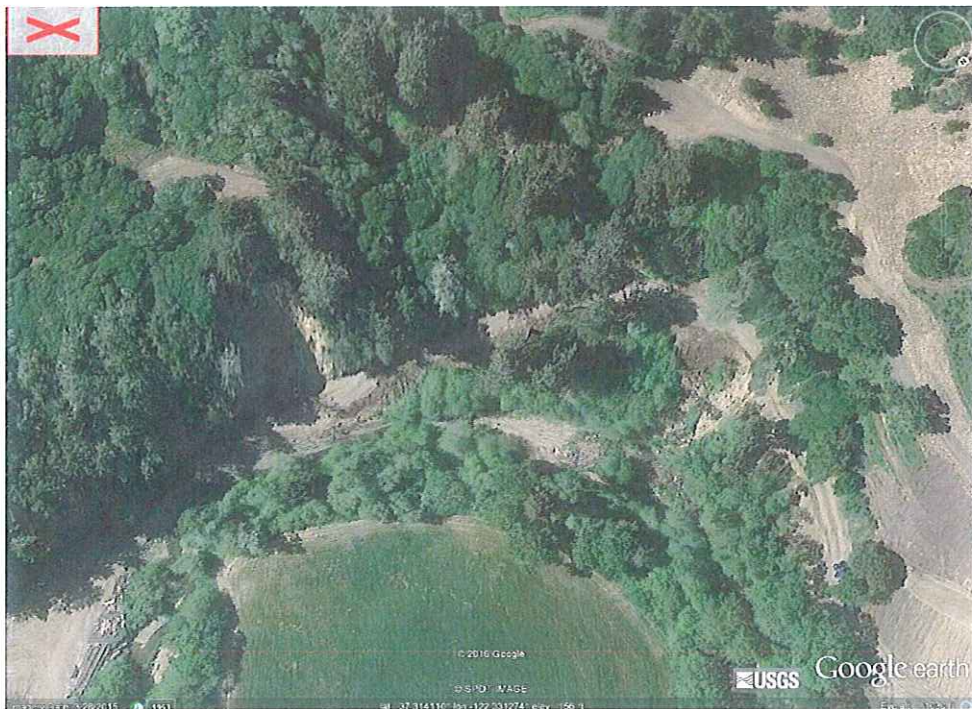
Figure 3 photographs illustrate a wide graded roadway adjacent to the southern bank of San Gregorio Creek. Rip rap placed along the toe of a roadway fill slope has relocated the southern edge of the creek channel. Signs of active bank erosion were observed along the north bank of the creek where channel width has been constricted by fill placement. Bent tree trunks are located within a large, slowly moving landslide that crosses beneath the roadway. The recent roadway cuts into the toe of this landslide are likely to adversely impact slope stability and possibly increase the rate of landslide movement. The high, precipitous, barren slope south of the graded roadway is in an area that has generated multiple landslides over the last 10 years with failures altering the alignment of San Gregorio Creek. There is a high potential for additional failures from this slope area. Both this area and the nearby slowly moving landslide could render the existing roadway impassible and unsuitable as a long term improvement.

During the site reconnaissance, areas were noted where uncompacted fill spoils were located on slopes immediately adjacent to the creek presenting ongoing siltation issues (Figure 4). Other portions of the creek displayed signs of localized flooding. Abundant woody debris of undetermined source was observed within the channel obstructing flow. Several portions of the creek channel appeared to be in a state of dynamic change.

Figure 1



April 2013



March 2015

Figure 2



Figure 3



Figure 4



CONCLUSIONS AND RECOMMENDATIONS ACTIONS

Unpermitted site grading has resulted in siltation of San Gregorio Creek, altered the creek alignment, potentially destabilized areas of preexisting landslides, increased the potential for new landsliding, created large undocumented fill prisms (that are potentially unstable), and created active gulley erosion. The above section describing site conditions is not intended to be comprehensive, but provides examples of the types and magnitudes of damages observed at the property. To complete a full inventory of site damages caused by unpermitted activities and to prioritize restoration efforts, we recommend that a professional hydrologic consultant be retained to focus on the disturbed creek corridor area. This consultant should identify critical creek segments where remediation is needed to restore natural channel flow and suggest specific design alternatives for consideration by the applicant's remediation team. The consultant should also have experience with creek restoration for steelhead habitat.

In order to develop a grading plan for restoration of the property, a detailed site topographic survey must first be prepared that covers all areas of recent grading across the property. In addition, topography should be obtained across slope areas, as deemed necessary by the Project Geologist, to facilitate geologic mapping of slopes and landslide features that interact with recent grading and restoration plans. The professional Hydrologic Consultant should provide input regarding the extent of topographic data to be collected along the creek corridor.

With respect to geologic, geotechnical and civil investigation and design tasks, it is important that a detailed geologic map first be prepared of the subject property primarily focusing on slope areas above the creek. The limits of recent cuts, fills, and erosional features should then be mapped and accurately depicted as an overlay on the geologic map. Mapping work should be completed by a qualified Engineering Geologist. Critical locations should then be identified where recent grading may adversely impact slope stability. The potential need and extent of subsurface exploration should be discussed with County geotechnical representatives after the requested mapping has been completed. The Project Geotechnical Engineer should evaluate slope stability and recommend grading design measures to accommodate restoration of the property to conditions that existed prior to unpermitted grading. The Project Civil Engineer should prepare grading plans that are in conformance with geotechnical recommendations.

Recommended deliverables to be prepared by the applicant's remediation team should include the following:

1. Detailed Topographic Survey – A detailed ground based topographic survey with 2-foot contour intervals should be prepared of all areas impacted by recent grading. In addition, topography should be collected in slope areas delineated by the Project Geologist, to allow landslide mapping, and in areas delineated by the Professional Hydrologic Consultant.
2. Engineering Geologic Mapping – A Certified Engineering Geologist should prepare a detailed geologic map of the areas impacted by recent site grading including all landslides that cross, or are potentially impacted by recent site grading. Locations should be selected for preparation of geologic cross sections. Graded features including cut slopes, fill slopes, and fill prisms should be depicted on the engineering geologic map along with erosional features.
3. Geotechnical Evaluations – A Geotechnical Engineer should assess the geotechnical conditions of altered slopes and identify areas where recent grading may adversely impact slope stability. The potential need and extent of subsurface exploration should be discussed with County geotechnical representatives after the requested mapping (Item 2) has been completed. The Consultant should recommend grading mitigation measures, or other geotechnical measures, to allow preparation of civil engineering slope restoration plans. At a minimum, proposed re-graded slopes should have stability properties that are equal to or greater than preexisting slopes. Consideration should be given to selective use of subdrain systems within the hillside fill to improve slope stability.
4. Civil Remediation Plans – Plans should be prepared to restore the property to conditions that existed prior to recent unpermitted site grading. Plans should address site erosional features and be designed to prevent siltation of the San Gregorio Creek. Any proposed final graded slopes steeper than standard code requirements should employ geotechnical design measures to achieve adequate stability (such as use of geogrid reinforcement in fill materials steeper than 2:1). Plans should be approved by the Project Geotechnical Consultant for conformance with recommendations prior to submittal to the County.

Appropriate documentation to address the above items should be submitted to the County for geotechnical review. Additional plans and documentation may be required by the Hydrologic Consultant or other County Departments.

LIMITATIONS

This preliminary geotechnical evaluation has been performed to provide technical advice to assist the County in determining appropriate actions. Our services have been limited to review of technical documents and a site reconnaissance. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied.

Respectfully submitted,

COTTON, SHIRES AND ASSOCIATES, INC.

Ted Sayre
Principal Engineering Geologist
CEG 1795

David T. Schrier
Principal Geotechnical Engineer
GE 2334

TS:DTS:kc



County of San Mateo - Planning and Building Department

ATTACHMENT J



Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

June 09, 2016

Page: 1

PROJECT APPLICATION IS DEEMED INCOMPLETE

JR RODINE

3148 Marble Ridge Court
Reno, NV 89511

SUBJECT: Application Status of Case No.: PLN2016-00197

Project Description: Planned Agricultural Permit & CDP for operation of an & construction equipment & materials, on a 114-acre property (associated with permits for restoration PLN2016-00195); & with VIO2015-00056. Appealable to the California Coastal Commission

Your application has received a preliminary review by the Planning Department's Development Review Committee; the application has been found to be incomplete as described on the following page(s).

Progress cannot be made on your application until it is complete. Please feel free to contact me or staff of other departments as indicated in the following pages if you have any questions or comments.

Once submitted, your material will be evaluated by the Development Review Committee and you will be advised if any incomplete items remain.

Sincerely,

Camille Leung
Project Planner
Phone: 650 363-1826
Email: CLeung@smcgov.org



Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

June 09, 2016

Page: 2

PLANNING CASE NO.: PLN2016-00197

Unless otherwise noted, submit all materials to the Planning Department. Materials will be routed to the project planner for further processing.



June 09, 2016

Page: 3

6/3/16 CML – The application is incomplete. Please submit the items listed below. This list includes newly listed items and items previously requested. Please provide 5 sets of all revised plans and 1 reduced set of plans.

1. Boundary Survey for property lines adjacent to areas of work (within 5 feet of a required setback (50-foot front setback and 20-foot side setbacks)
2. Business Plan, including: Services offered, service area, list of operable and inoperable (e.g., trailers) vehicles stored on-site, materials stored, and full and part-time employees, number and frequency of customer visits.
3. Geological report addressing stability of staging area
4. Completed C3C6 form
5. Environmental Information Form, specifically list how many trees over 12" d.b.h. were removed
6. Drainage Plan for staging area and associated access roads, showing drainage patterns and surfacing materials.
7. Creek and Bank Locations:
 - a. Overlay creek location and associated buffer zones from Figure 5 of Biological Resource Evaluation over site plan showing areas of work
 - b. Provide location, width, direction of flow of creek. Provide approximate location of top and toes of banks of creek within 100-feet of area(s) of work (work with biologist).
8. Provide clear Plans:
 - a. Dimension property lines
 - b. Show required minimum setbacks
 - c. Label the use of all structures
 - d. Show berms, trees along creek, location of all stored materials, all vehicles and parking locations, all equipment, all access roads, etc.
 - e. Identify boundaries of all Areas of Work and calculate total area of disturbance
 - f. Grading Plans: Area No. 8 – Aerial photos shows that staging area was created sometime after 2011. Please provide grading plans for work to this area since 2011.
 - a. Label contour lines consistent with topographic survey – use fine and bold lines to simplify plan
 - b. Show existing/proposed or before/after contours, using 2-foot contour intervals
 - g. Drainage Plan
 - i. Provide pattern and volume of drainage flows to new outfall and other drainage work done.
9. Comments on Biological Resource Evaluation



h. Evaluation addresses impact of remediation activities. It does not appear to assess the impact of work done--- such as, but not limited to, impacts of grading, alternation of drainage patterns, and vehicle storage to creek and habitat (steelhead) ---and mitigation necessary to restore habitat or minimize the impact of work already performed.

10. Water Quality Protection Plan per Biological Resource Evaluation

11. Application Requirements for Rogers After-The-Fact CDP (from list previously provided):

VIII. Plan to address Williamson Act requirements for farming or Non-Renewal of Williamson Act Contract



Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

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plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

June 09, 2016

Page: 1

PROJECT APPLICATION IS DEEMED INCOMPLETE

JR RODINE
3148 Marble Ridge Court
Reno, NV 89511

SUBJECT: Application Status of Case No.: PLN2016-00195

Project Description: 'After-the-fact' CDP & Grading Permit for restoration/remediation of grading for unpermitted work related to construction/upgrade of private access roads in January 2015 & removal of landslide debris necessary to address a landslide in December 2014 (associated with VIO2015-00056). Appealable to Coastal Commission.

Your application has received a preliminary review by the Planning Department's Development Review Committee; the application has been found to be incomplete as described on the following page(s).

Progress cannot be made on your application until it is complete. Please feel free to contact me or staff of other departments as indicated in the following pages if you have any questions or comments.

Once submitted, your material will be evaluated by the Development Review Committee and you will be advised if any incomplete items remain.

Sincerely,

Camille Leung
Project Planner
Phone: 650 363-1826
Email: CLeung@smcgov.org



Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122
plngbldg@smcgov.org
www.co.sanmateo.ca.us/planning

June 09, 2016

Page: 2

PLANNING CASE NO.: PLN2016-00195

Unless otherwise noted, submit all materials to the Planning Department. Materials will be routed to the project planner for further processing.

After the fact Grading Permit for Restoration

6/3/16 CML – The application is incomplete. Please submit the items listed below. This list includes newly listed items and items previously requested. Please provide 5 sets of all revised plans and 1 reduced set of plans.

1. Complete the following form:
 - a. Environmental Information Form, specifically list how many trees over 12" d.b.h. were removed.
2. Total Amount of cut and fill in cubic yards. Please breakdown calculation (prepared by a civil engineer) into the following categories:
 - a. Grading associated with drainage and roadwork (included imported gravel and other materials).
 - b. Grading associated with repair work (slide repair, stream bank restoration), including amount of imported boulders, etc.
 - c. Grading associated with residence and barn structures
3. Boundary Survey for property lines adjacent to areas of work (within 5 feet of a required setback (50-feet front setback and 20-feet side setbacks)
4. Topographic survey, recommended by Cotton Shires (County's consultant).
5. Hydrologic Evaluations, recommended by Cotton Shires (County's consultant).
6. Engineering Geologic Mapping, recommended by Cotton Shires (County's consultant).
 - a. Location and nature of known or suspected soil or geologic hazard areas (e.g., landslides, etc.) affected by work.
7. Creek and Bank Locations:
 - a. Overlay creek location and associated buffer zones from Figure 5 of Biological Resource Evaluation over site plan showing areas of work
 - b. Provide location, width, direction of flow of creek. Provide approximate location of top and toes of banks of creek within 100-feet of area(s) of work (work with biologist).
8. Provide clear plans (From Section 8604.1 of Grading Regulations)
 - a. Dimension property lines
 - b. Show required minimum setbacks
 - c. Label the use of all structures
 - d. Label contour lines consistent with topographic survey – use fine and bold lines to simplify plan
 - i. Show existing/proposed or before/after contours, using 2-foot contour intervals
 - e. Identify boundaries of all Areas of Work and calculate total area of disturbance

- i. Show areas of tree and vegetation removal. Estimate number, size, and type of trees removed.
 - ii. Show/Label all new roads: "Roads and Fire Trails" on site plan conflicts with "Hiking Trails" map (Figure 3 of Biological Resource Evaluation), both by Berry and Associates. Please explain discrepancy and label.
 - f. Describe all of the proposed uses for which the proposed grading is necessary.
 - i. Area No.1 – "Spring and Storage". Please describe storage use and explain why it is necessary in that location.
 - ii. Area No. 8 – Aerial photos shows that staging area was created sometime after 2011. Please label this area as: "Grading to be reviewed under **PLN2016-00197**".
 - iii. Describe purpose of all (old and new) roads and justification of road widening
 - g. Provide specifications, and cross-sections, profiles, elevations, dimensions and construction details based on accurate field data: Only some Details are provided, but these are not labelled as to which area they correspond to. Please provide the following details:
 - i. Area No. 3 – Please provide detailed plans and cross section (showing areas of cut/fill and materials placed) for roadway widening showing the conditions and width before and after grading work.
 - ii. Area No. 4 - Please provide detailed plans and cross section for culvert. Was road also widened? If so, provide detail showing areas of cut/fill and materials placed and show the conditions and width before and after grading work.
 - iii. Area No. 5 - Please provide detailed plans and cross section for inlet and culvert.
 - iv. Area No. 6 - Please provide detailed plans and cross section (showing areas of cut/fill and materials placed) for roadway re-grading and ditch modifications. Was road also widened? If so, provide detail showing areas of cut/fill and materials placed and show the conditions and width before and after grading work.
 - v. Area No. 7 – Show details for outfall. Details are provided for dissipation pipe but not for outfall.
 - h. Drainage Plan
 - i. Provide pattern and volume of drainage flows to new outfall and other drainage work done.
- 9. Comments on Biological Resource Evaluation
 - a. Evaluation addresses impact of remediation activities. It does not appear to assess the impact of work done--- such as, but not limited to, impacts of work within the creek to steelhead, impacts of re-direction of drainage to creek and surrounding areas, placement of construction materials on road surfaces to surrounding areas ---- and mitigation necessary to restore habitat or minimize the impact of work already performed.

10. Water Quality Protection Plan per Biological Resource Evaluation
11. Application Requirements for Rogers After-The-Fact CDP (from list previously provided):

VIII. Plan to address Williamson Act requirements for farming or Non-Renewal of Williamson Act Contract

X. Narrative Plan for legalization of Repair work and Improvements to Barn and Residence



County of San Mateo - Planning and Building Department

ATTACHMENT K

July 26, 2017

CERTIFIED MAIL AND ELECTRONIC DELIVERY

Richard Rogers
P. O. Box 620387
Woodside, CA 94062

James Rogers (Owner's Representative)
4448 La Honda Road
AKA: 4546 La Honda Road
San Gregorio, CA 94074

SUBJECT: **NOTICE OF INCOMPLETE APPLICATION FOR COUNTY OF SAN MATEO
AND COASTAL DEVELOPMENT PERMITS – ORDER TO PRODUCE WITHIN
30 DAYS OR ABATE PUBLIC NUISANCE**

**FINAL NOTICE OF LAND USE, GRADING, STORMWATER, AND PERMIT
VIOLATIONS; VIOLATIONS OF STOP WORK NOTICE**

APN's 082-120-050 & 082-120-040

County File Numbers:

VIO 2015-00056
BLD 2016-01205
PLN 2016-00197
PLN 2016-00195
BLD 2015-01992 (SWN 2015-00199)
BLD 2015-01989

Dear Richard and James Rogers:

This letter serves in combination with the formal Notice of Violation and Stop Work Notice sent to you on January 26, 2016 and all other written, email and verbal correspondence between you and the County of San Mateo's Building and Planning Department employees in reference to the above County file numbers. The above file numbers include open Code Compliance Section violations, incomplete or expired Building Department permit applications, expired demolition permits, incomplete Coastal Development Permit applications and incomplete Planning applications.

As the owner of record, tenant or owner's representative of the above referenced properties located on La Honda Road, San Gregorio, you are hereby notified that the San Mateo County

Planning and Building Department has confirmed the presence of multiple and significant violations of the County's Zoning Regulations, Building Regulations and County Ordinance Code on the subject properties.

You must renew and/or complete the following Building Permits, Planning Application Permits and Coastal Development Permits by August 28, 2017. Failure to complete these applications to the satisfaction of the Community Development Director by this date will cause administrative action by this department as authorized in the San Mateo County Ordinance.

Below is a summary of the minimum actions you must take by August 28, 2017. Additional details and discussion can be provided by the below identified Building and Planning Department Staff. We recommend all further correspondence be conducted in writing such as letter or electronic mail.

1. BLD 2016-01205 (Grow House Demolition and Erosion Control Mitigation Permit):

This permit was submitted by your representative on May 24, 2016, and after extensive correspondence with your consultants, a demolition permit with erosion control mitigation requirements was issued on December 16, 2016. This permit expired on June 20, 2017.

The required action is to comply with the requirements of and complete final inspections by a building inspector and planning staff to verify compliance. Call (650) 306-8415 as soon as possible to schedule this inspection.

Contacts for questions and clarification:

Building Official Miles Hancock mhancock@smcgov.org
Senior Planner Camille Leung cleung@smcgov.org

2. PLN 2016-00197 (Planned Agricultural Permit and Coastal Development Permit for the operation of a construction equipment and materials business on the property).

This permit application was submitted by your representative on May 11, 2016 and was deemed incomplete by the County. Senior Planner Camille Leung gave a list of the needed information to the representative in person on that date.

On June 3, 2016 some of the incomplete items were submitted and you were notified the application remained incomplete with a list of items still required for submission and completion.

On February 10, 2017, a limited and insufficient Geotechnical report was received which only addressed a small portion of the property known as the "staging" area. This report was reviewed by Senior Planner Camille Leung and Cotton Shires & Associates, under contract to

San Mateo County. On February 15, 2017, Senior Planner Camille Leung emailed you stating the application remained incomplete requesting **“clear maps showing the locations of the four test pits relative to grade contours and drainage improvements.”**

This permit application remains incomplete at this date. The required action is to submit the materials requested by the Planning staff.

Contacts for questions and clarification:

Senior Planner Camille Leung cleung@smcgov.org

- 3. PLN 2016-00195 (After-the-fact Coastal Development and Grading Permits for restoration and remediation of grading for unpermitted work related to construction of access roads and removal of debris necessary to address landslide) The permits are intended to address issues outlined in January 16, 2016 letter and Code Compliance Violations.**

This permit application was submitted by your representative on May 11, 2016 and deemed incomplete. Senior Planner Camille Leung gave a list of the needed information to the representative in person at that time and addition to many emails over the past 14 months.

There has been extensive meetings and communications between you, your representatives and County staff. The below required and missing items have previously been emailed to you by Camille Leung. This application remains incomplete for the following items:

After the fact Grading Permit for Restoration (PLN2016-00195)

Staff has revised the list of remaining incomplete items from the 6/3/16 letter sent to you. Please submit the items listed below. Please provide 5 sets of all revised plans and 1 reduced set of plans.

1. Complete the Environmental Information Form, specifically list how many trees over 12” d.b.h. were removed.
2. Describe all of the proposed uses for which the proposed grading is necessary. Show the location and provide a description of all (old and new) roads and justification of road widening
3. Provide an estimate for the amount of cut and fill in cubic yards. Please breakdown estimates of cut and fill (prepared by a civil engineer) for the following categories:
 - a. Grading associated with drainage and roadwork (included imported gravel and other materials).
 - b. Grading associated with repair work (slide repair, stream bank restoration), including amount of imported boulders, etc.
 - c. Grading associated with residence and barn structures

4. Boundary Survey for property lines adjacent to areas of work within 5 feet of a required setback (a minimum 50-foot front setback and minimum 20-foot side setbacks are required)

5. Engineering Geologic Mapping, recommended by Cotton Shires (County's consultant). Show location and nature of known or suspected soil or geologic hazard areas (e.g., landslides, etc.) affected by work.

6. Creek and Bank Locations:

- a. Overlay creek location and associated buffer zones from Figure 5 of Biological Resource Evaluation over site plan showing areas of work
- b. Provide approximate location, width, direction of flow of creek. Provide approximate location of top of banks of creek within 100-feet of area(s) of work

7. Provide clear plans (From Section 8604.1 of Grading Regulations)

- a. Dimension property lines
- b. Show required minimum setbacks
- c. Label all structures and describe their use
- d. Label contour lines – use fine and bold lines to simplify plan, showing approximate existing/proposed or before/after contours
- e. Identify boundaries of all Areas of Work and calculate total area of disturbance
- f. Show approximate areas of tree and vegetation removal. Estimate number, size, and type of trees removed.
- g. Provide specifications, and cross-sections, profiles, elevations, dimensions and construction details based on accurate field data: Only some details are provided, but these are not labeled as to which area they correspond to. Please provide the following details:

i. Area No. 3 – Please provide detailed plans and cross section (showing areas of cut/fill and materials placed) for roadway widening showing the conditions and width before and after grading work.

ii. Area No. 4 - Please provide detailed plans and cross section for culvert. Was road also widened? If so, provide detail showing areas of cut/fill and materials placed and show the conditions and width before and after grading work.

iii. Area No. 5 - Please provide detailed plans and cross section for inlet and culvert.

iv. Area No. 6 - Please provide detailed plans and cross section (showing areas of cut/fill and materials placed) for roadway re-grading and ditch modifications. Was road also widened? If so, provide detail showing areas of cut/fill and materials placed and show the conditions and width before and after grading work.

v. Area No. 7 – Show details for outfall. Details are provided for dissipation pipe but not for outfall.

h. Drainage Plan: Provide pattern and volume of drainage flows to new outfall and other drainage work done.

8. Comments on Biological Resource Evaluation: Evaluation addresses impact of remediation activities. It does not appear to assess the impact of work done--- such as, but not limited to, impacts of work within the creek to steelhead, impacts of re-direction of drainage to creek and surrounding areas, placement of construction materials on road surfaces to surrounding areas ---- and mitigation necessary to restore habitat or minimize the impact of work already performed.

9. Provide the Water Quality Protection Plan referenced in the Biological Resource Evaluation

10. Plan to address Williamson Act requirements for farming or Non-Renewal of Williamson Act Contract

The required action is to submit the above listed materials.

Contacts for questions and clarification:

Senior Planner Camille Leung cleung@smcgov.org

4. BLD 2015-01992 (SWN 2015-00199) – Repair dry-rot to barn by installing sheer wall plywood on exterior.

A Stop Work Notice was issued for unpermitted work to the barn on October 7, 2015. You applied for and received a building permit on October 10, 2015, your permit expired and was reinstated by you. The permit again expired on May 1, 2016 without competition or final inspection. Our Code Compliance Staff have noted during their site inspections that exterior work to the barn was conducted and additional exterior expansion under a black plastic tarp has been added in violation of the stop work notice. Exterior view also appears to show power installed in the barn without a building permit.

Your required action is to reinstate this building permit to include any additional unpermitted work and call for the proper inspections from the Building Inspection Section.

5. BLD 2015-01999 (SWN issued in January 26, 2016 letter) - House remodel.

A Stop Work Notice was issued for unpermitted work for the remodel of the house located on the property on January 26, 2016. You applied for a building permit on October 8, 2015. The building permit remains incomplete and has not been issued. This permit will not be issued until the completion of the planning applications and told to you by Camille Leung on February 7, 2017.

6. VIO 2015-00056 (Code Compliance Violations)

As detailed in the letter sent to you on January 26, 2016 by the Code Compliance Section, you are legally responsible for many land use, grading and storm water violations in addition to unpermitted development on the subject properties.

The violations on the Properties include, but are not limited to, the following: the use of the Properties for construction, equipment and materials storage, lumber milling, water hauling, used roadway material recycling and related activities, which are uses that are either not permitted within the Planned Agricultural Zoning District (PAD) within which the Properties are located, or require the issuance of permits that have not been obtained; the unpermitted construction and expansion of roadways, structures, and bridges on the property; the unpermitted placement of fill and construction spoils on the property; the unpermitted construction of water wells; and the unpermitted extraction of water from San Gregorio Creek.

These activities constitute violations of the requirements established by: Chapters 20B (Coastal Development District) and 21A (Planned Agricultural District) of the County's Zoning Regulations; Division VII (Building Regulations) of the San Mateo County Ordinance Code regarding Excavation, Grading, Filling, and Land Clearing; and Division VII (Building Regulations) of the San Mateo County Ordinance Code regarding Building; the environmental review requirements established by the California Environmental Quality Act; the policies and standards for land use and development established by the San Mateo County Local Coastal Program and General Plan; and many other laws and regulations that regulate timber harvesting, the discharge of stormwater and pollutants, construction within and adjacent to streams and rivers, the extraction of ground water and surface water, and that protect the habitat for rare, threatened, and endangered species.

Permit Violations: All of the above-described activities constitute "development" which, as defined by Section 6328.3(h)) of the Zoning Regulation includes "... on land, in or under water, the placement or erection of any solid material or structure or disposal of any dredged material or ... liquid ... waste; grading, removing, dredging or extraction of any materials; change in intensity of use of land; construction, reconstruction, demolition or alteration of the size of any structure; and the removal...of major vegetation other than for agricultural purposes ... and timber operations which are in accordance with a timber harvesting plan"

These development activities have been conducted without required permits, and therefore represent violations of: Coastal Development Permit requirements (Section 6328.3(r) of the Zoning Regulations); Planned Agricultural District Permit requirements (Section 6353 of the Zoning Regulations); Grading and Land Clearing Permit requirements and Building Permit requirements.

The Code Compliance Department will continue to monitor the status of the incomplete applications and uncorrected violations. The Code Compliance Department will proceed with administrative remedies at the direction of the Community Development Director should you fail to correct and complete the items details in this letter by August 28, 2017.

Richard Rogers
James Rogers

- 7 -

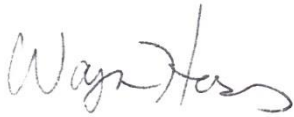
July 26, 2017

The Building and Planning Department strongly believes every opportunity has been provided to you for timely completion of your required permits. Building and Planning Department staff have met with you, your representatives and discussed the needed requirements in person, by phone and by email over two dozen times since December 2015.

Please complete the above required information by August 28, 2017.

If you have any further questions or concerns about this matter, you may contact me at whoss@smcgov.org. Your prompt attention to correcting these violations is appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wayne Hoss", with a stylized, cursive script.

Wayne Hoss
Code Compliance Program Manager

cc: Steve Monowitz, Community Development Director
Brian Kulich, Deputy County Counsel
Joan Kling, Code Compliance Manager
Miles Hancock, Building Official
Camille Leung, Senior Planner



County of San Mateo - Planning and Building Department

ATTACHMENT L

**County of San Mateo**

Planning and Building Department
CODE COMPLIANCE DIVISION
455 County Center 2nd floor
Redwood City, CA 94063
TELEPHONE NO. (650) 363-4825

Case No. VIO2015-00056**Citation No.** 2015-00056-1

Administrative Citation

Date of Violation: January 26, 2016 and continuous

☐ WARNING ☒ 1st Citation - \$100 per violation ☐ 2nd Citation - \$200 per violation
☐ 3rd Citation - \$500 (per violation and each violation within a 12-month period) ☐ Citation - \$500 per violation

Payment of \$200 is due no later than September 14, 2017 (see reverse for payment and appeal information)

*This citation prohibits the continuation or repeated occurrence of the violation(s) described below.
Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement by the County.*

Violation Address

4448 La Honda Road, San Gregorio 94074, San Mateo County

Assessor's Parcel Number

082-120-040 & 082-120-050

Person Cited

Richard Rogers

Relationship of person being cited

Property owner

Mailing Address

P.O. Box 620387, Woodside, CA 94062

Business (if applicable)

Skylonda Equipment

Code Section Violated**Description of Violation**

Name of Code		Section of Code	Description of Violation
1.	SMC Zoning Regulations	6328.4 6353	Development without a Coastal Development Permit within the Planned Agricultural District. Development within the Planned Agricultural District to include but not limited to, grading; erection of solid materials or structures; change in intensity of use of land; removal of major vegetation for other purposes than agriculture. Failure to obtain Planned Agricultural Permit.
2.	SMC Building Regulations	9283	Excavating, grading, filling and/or land clearing without an approved permit. Major grading, road creation and land clearing without a grading permit.

Corrections/Actions required by you: Refer to Notice of Violation dated January 25, 2016 and see attached Notice of Incomplete applications dated July 26, 2017.

1. Stop all development and business related activity within the Planned Agricultural District. Complete planning applications and coastal development permits. #PLN2016-00197, PLN2016-00195 & PLN2017-00045.
2. Complete Building, Planning, Agricultural and Coastal Development Permits. Obtain all required inspections, including a final inspection approval as detailed in the letter dated July 26, 2017.

Complete the above corrections by September 14, 2017. Failure to comply by this date may result in the issuance of the next level citation and/or other enforcement actions.**Enforcing Officer**

Wayne Hoss

Phone Number

650-395-8107

Signature**Date issued**

August 31, 2017

Method of Delivery

☐ In Person ☒ Posted on Property ☒ By Mail ☒ Other: by email

ADMINISTRATIVE CITATIONS

PLEASE READ CAREFULLY

AVISO IMPORTANTE: SI DESEA UNA TRADUCCIÓN, FAVOR DE LLAMAR AL NÚMERO (650) 363-4825

San Mateo County Code of Ordinances Section 1.40.050 provides for the issuance of Administrative Citations for violations of the Code. There are four levels of citations that may be issued progressively for a violation. The levels, as indicated on the front of the citation, are a Warning, a First Citation - \$100, a Second Citation - \$200, and a Third and subsequent Citations - \$500 for violations of the same San Mateo County code section within a 12-month period. Fines are per violation daily and are cumulative.

A. RIGHTS OF APPEAL

You have the right to contest the fact that the violation existed or that you are not the responsible party for said violation. The appeal must be made within 14 days from the date of the Administrative Citation. Within 14 days of issuance of the citation, you must submit a Request for Hearing Form along with a processing fee and an advance deposit of the Administrative Citation penalty.

A Request for Hearing Form may be obtained from the Planning and Building Department and the person specified on the Administrative Citation. The Request for Hearing Form shall include a brief statement of material facts supporting the appellant's claim that no violation occurred or no penalties or other remedies shall be imposed.

A valid and complete Request for Hearing will result in an Administrative Appeal Hearing.

A warning, if issued, does not incur a fine and, therefore, cannot be appealed.

B. HOW TO PAY FINE

The amount of the fine is indicated on the front of the administrative citation and is due within 14 days of the issue date of the citation. You may pay by mail or in person. Payment should be made by credit card, personal check, cashier's check, or money order payable to the County of San Mateo. Payment should be made at the address below. Please write the citation number on your check or money order.

County of San Mateo
Planning and Building Department
455 County Center 2nd floor
Redwood City, CA 94063
Attention: Code Compliance / Administrative Citations

Payment of any fine shall not excuse the failure to correct the violation nor shall it stop further enforcement by the County.

C. CONSEQUENCES FOR FAILURE TO PAY THE FINE

If the fine is not paid within 14 days of the issue date of the citation, the County may collect any past due administrative citation penalty, late payment charge, and costs of collection by use of any and all available legal means.

D. CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

There are numerous other enforcement options that may be used to encourage correction of violations. These options include, but are not limited to: criminal prosecution, civil litigation, abatement, recording the violation with the County Recorder, and forfeiture of certain benefits for substandard residential rental property.

If you need further information about the violation and/or how to comply, please call the officer designated on the front of the citation.

AVISO IMPORTANTE: SI DESEA UNA TRADUCCIÓN, FAVOR DE LLAMAR AL NÚMERO (650) 363-4825



County of San Mateo

Planning and Building Department
CODE COMPLIANCE DIVISION
455 County Center 2nd floor
Redwood City, CA 94063
TELEPHONE NO. (650) 363-4825

Case No. VIO2015-00056

Citation No. 2015-00056-2

Administrative Citation

Date of Violation: January 26, 2016 and continuous

☐ WARNING ☐ 1st Citation - \$100 per violation ☒ 2nd Citation - \$200 per violation
☐ 3rd Citation - \$500 (per violation and each violation within a 12-month period) ☐ Citation - \$500 per violation

Payment of \$400 is due no later than October 18, 2017 (see below for payment and appeal information)

This citation prohibits the continuation or repeated occurrence of the violation(s) described below.

Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement by the County.

Violation Address

4448 La Honda Road, San Gregorio 94074, San Mateo County

Assessor's Parcel Number

082-120-050

Person Cited

Richard Rogers

Relationship of person being cited

Property owner

Mailing Address

P.O. Box 620387, Woodside, CA 94062

Business (if applicable)

Skylonda Equipment

Code Section Violated

Name of Code		Section of Code	Description of Violation
1.	SMC Zoning Regulations	6328.4 6353	Development without a Coastal Development Permit within the Planned Agricultural District. Development within the Planned Agricultural District to include but not limited to, grading; erection of solid materials or structures; change in intensity of use of land; removal of major vegetation for other purposes than agriculture. Failure to obtain Planned Agricultural Permit.
2.	SMC Building Regulations	9283	Excavating, grading, filling and/or land clearing without an approved permit. Major grading, road creation and land clearing without a grading permit. Failure to complete current after the fact grading permits.

Corrections/Actions required by you: Refer to Notice of Violation dated January 25, 2016, letter sent July 26, 2017 and again with Admin Citation #1. No progress has been made with any applications since first citation issued August 31, 2017.

1. Stop all development and business related activity within the Planned Agricultural District. Complete planning applications and coastal development permits. #PLN2016-00197, PLN2016-00195 & PLN2017-00045.
2. Complete Building, Planning, Agricultural and Coastal Development Permits. Obtain all required inspections, including a final inspection approval as detailed in the letter dated July 26, 2017.

Complete the above corrections by October 18, 2017. Failure to comply by this date may result in the issuance of the next level citation and/or other enforcement actions.

Enforcing Officer

Wayne Hoss

Phone Number

650-395-8107

Signature

Date issued

October 3, 2017

Method of Delivery

☐ In Person ☒ Posted on Property ☒ By Mail ☒ Other: by email

ADMINISTRATIVE CITATIONS

PLEASE READ CAREFULLY

AVISO IMPORTANTE: SI DESEA UNA TRADUCCIÓN, FAVOR DE LLAMAR AL NÚMERO (650) 363-4825

San Mateo County Code of Ordinances Section 1.40.050 provides for the issuance of Administrative Citations for violations of the Code. There are four levels of citations that may be issued progressively for a violation. The levels, as indicated on the front of the citation, are a Warning, a First Citation - \$100, a Second Citation - \$200, and a Third and subsequent Citations - \$500 for violations of the same San Mateo County code section within a 12-month period. Fines are per violation daily and are cumulative.

A. RIGHTS OF APPEAL

You have the right to contest the fact that the violation existed or that you are not the responsible party for said violation. The appeal must be made within 14 days from the date of the Administrative Citation. Within 14 days of issuance of the citation, you must submit a Request for Hearing Form along with a processing fee and an advance deposit of the Administrative Citation penalty.

A Request for Hearing Form may be obtained from the Planning and Building Department and the person specified on the Administrative Citation. The Request for Hearing Form shall include a brief statement of material facts supporting the appellant's claim that no violation occurred or no penalties or other remedies shall be imposed.

A valid and complete Request for Hearing will result in an Administrative Appeal Hearing.

A warning, if issued, does not incur a fine and, therefore, cannot be appealed.

B. HOW TO PAY FINE

The amount of the fine is indicated on the front of the administrative citation and is due within 14 days of the issue date of the citation. You may pay by mail or in person. Payment should be made by credit card, personal check, cashier's check, or money order payable to the County of San Mateo. Payment should be made at the address below. Please write the citation number on your check or money order.

County of San Mateo
Planning and Building Department
455 County Center 2nd floor
Redwood City, CA 94063
Attention: Code Compliance / Administrative Citations

Payment of any fine shall not excuse the failure to correct the violation nor shall it stop further enforcement by the County.

C. CONSEQUENCES FOR FAILURE TO PAY THE FINE

If the fine is not paid within 14 days of the issue date of the citation, the County may collect any past due administrative citation penalty, late payment charge, and costs of collection by use of any and all available legal means.

D. CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

There are numerous other enforcement options that may be used to encourage correction of violations. These options include, but are not limited to: criminal prosecution, civil litigation, abatement, recording the violation with the County Recorder, and forfeiture of certain benefits for substandard residential rental property.

If you need further information about the violation and/or how to comply, please call the officer designated on the front of the citation.

AVISO IMPORTANTE: SI DESEA UNA TRADUCCIÓN, FAVOR DE LLAMAR AL NÚMERO (650) 363-4825



County of San Mateo - Planning and Building Department

ATTACHMENT M

**County of San Mateo**

Planning and Building Department
CODE COMPLIANCE DIVISION
455 County Center 2nd Floor
Redwood City, CA 94063
TELEPHONE NO. (650) 363-4825

Case No. VIO2015-00056

Administrative Citation Hearing Request Form

Date(s) of Citation(s): August 31, 2017		Due Date(s): September 14, 2017	
Citation Number(s): 2015-00056-1		Penalty Amount(s): \$200 Citation due by Sept 14, 2017 (Appeal Hearing before the Zoning Hearing Officer Amount Waived by Code Compliance for only this citation.)	
Code Section Violated		Description of Violation	
Name of Code	Section of Code		
1. SMC Zoning Regulations	6328.4 6353	Development without a Coastal Development Permit within the Planned Agricultural District. Development within the Planned Agricultural District to include but not limited to, grading; erection of solid materials or structures; change in intensity of use of land; removal of major vegetation for other purposes than agriculture. Failure to obtain Planned Agricultural Permit.	
2. SMC Building Regulations	9283	Excavating, grading, filling and/or land clearing without an approved permit. Major grading, road creation and land clearing without a grading permit.	
In accordance with San Mateo County Ordinance Code Section 1.40.090, You have the right to contest the fact that the violation existed or that you are not the responsible party for said violation. The appeal must be made within 14 days from the date of the Administrative Citation. <u>Within 14 days of issuance of the citation, you must submit this form along with a processing fee and an advance deposit of the Administrative Citation</u> penalty to the Planning and Building Department, Code Compliance Division at 455 County Center, 2nd Floor, Redwood City, CA 94063. Personal checks or money order must be made payable to: San Mateo County: Please do not send cash. The Request for Hearing Form shall include a brief statement of material facts supporting the appellant's claim that no violation occurred or no penalties or other remedies shall be imposed. A valid, timely and complete Request for Hearing will result in an Administrative Appeal Hearing. The date, time and location of the Administrative Hearing will be mailed to you. Notice: If you fail to submit this form with payment within 14 days of the Administrative Citation date, you will forfeit your right to an Administrative Hearing. ☐ Si desea interprete ☐ Other translation needed: _____			
Name of Appellant (Please Print) Richard Rogers		Phone Number 415-990-8078	Signature <i>Richard Rogers</i>
Date 9-12-17			
(For Office use only) Date/Time of Appeal Hearing To Be Determined with timely appeal		Location of Hearing TBD	

(Attach a brief statement of material facts supporting the appellant's claim that no violation occurred or no penalties or other remedies shall be imposed in the appellant's opinion by the above due date.

September 12, 2017

**County of San Mateo
Planning and Building Department
CODE COMPLIANCE DIVISION
455 County Center 2nd Floor
Redwood City, CA 94063**

Re: Violation address: 4448 La Honda Road San Gregorio, CA 94074

Citation number: 2015-00056-1

Statement of Material Facts:

Any alleged violations of grading or erection of solid materials or structures, change in intensity of use of land, removal of major vegetation for other purposes than agriculture would have been performed prior to Rogers ownership. Once Rogers took ownership of property he has attempted to comply with County's requests by submitting licensed engineering plans, geological reports, biological reports and paying necessary fees. The Planned Agricultural Permit was submitted with fee's paid. The County and County consultants are making excessive and difficult demands. Rogers has made obvious attempts to comply and is still working through this process. Therefore no penalties should be assessed when a land owner is trying to remedy violations that occurred prior to his ownership.



County of San Mateo

Planning and Building Department
CODE COMPLIANCE DIVISION
455 County Center 2nd Floor
Redwood City, CA 94063
TELEPHONE NO. (650) 363-4825

Case No. VIO2015-00056

Hearing Request Form

Date(s) of Citation(s): October 3, 2017	Due Date(s): October 18, 2017
Citation Number(s): 2015-00056-2	Penalty Amount(s): \$400 citation due by Oct 18, 2017 (Appeal hearing before the Zoning Hearing Officer waived by Code Compliance for this and citation 2015-00056-1)

Code Section Violated			Description of Violation
Name of Code		Section of Code	
1.	SMC Zoning Regulations	6328.4 6353	Development without a Coastal Development Permit within the Planned Agricultural District. Development within the Planned Agricultural District to include but not limited to, grading; erection of solid materials or structures; change in intensity of use of land; removal of major vegetation for other purposes than agriculture. Failure to obtain Planned Agricultural Permit.
2.	SMC Building Regulations	9283	Excavating, grading, filling and/or land clearing without an approved permit. Major grading, road creation and land clearing without a grading permit. Failure to complete current after the fact grading permits.

In accordance with San Mateo County Ordinance Code Section 1.40.090, You have the right to contest the fact that the violation existed or that you are not the responsible party for said violation. The appeal must be made within 14 days from the date of the Administrative Citation. **Within 14 days of issuance of the citation, you must submit this form along with a processing fee and an advance deposit of the Administrative Citation** penalty to the Planning and Building Department, Code Compliance Division at 455 County Center, 2nd Floor, Redwood City, CA 94063. Personal checks or money order must be made payable to: San Mateo County: **Please do not send cash.**

The Request for Hearing Form shall include a brief statement of material facts supporting the appellant's claim that no violation occurred or no penalties or other remedies shall be imposed. A valid, timely and complete Request for Hearing will result in an Administrative Appeal Hearing. The date, time and location of the Administrative Hearing will be mailed to you.

Notice: If you fail to submit this form with payment within 14 days of the Administrative Citation date, you will forfeit your right to an Administrative Hearing.

☐ Si desea interpretar ☐ Other translation needed: _____

Name of Appellant (Please Print) Richard Rogers	Phone Number	Signature	Date
(For Office use only) Date/Time of Appeal Hearing 10:00 am, November 2, 2017		Location of Hearing 455 County Center, Room 101, Redwood City, CA	

(Attach a brief statement of material facts supporting the appellant's claim that no violation occurred or no penalties or other remedies shall be imposed in the appellant's opinion by the above due date.)



County of San Mateo - Planning and Building Department

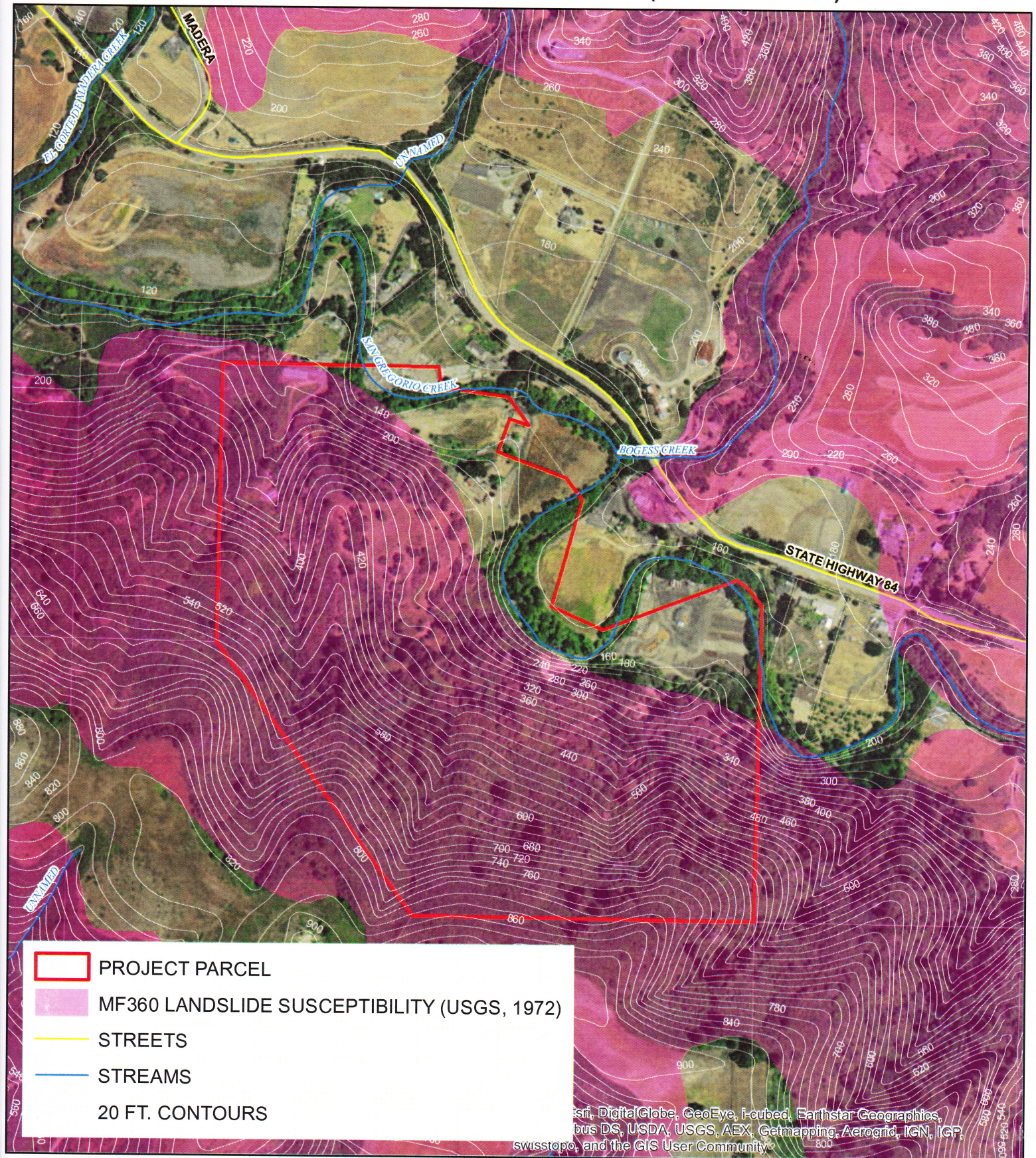
ATTACHMENT N



PLANNING AND BUILDING DEPARTMENT

REQUEST FOR INFORMATION

LANDSLIDE & FAULT LOCATIONS OF PARCEL (APN: 082-120-050)



June 2007

Legend

4448 La Honda Rd

Google earth

100 ft



May 2011

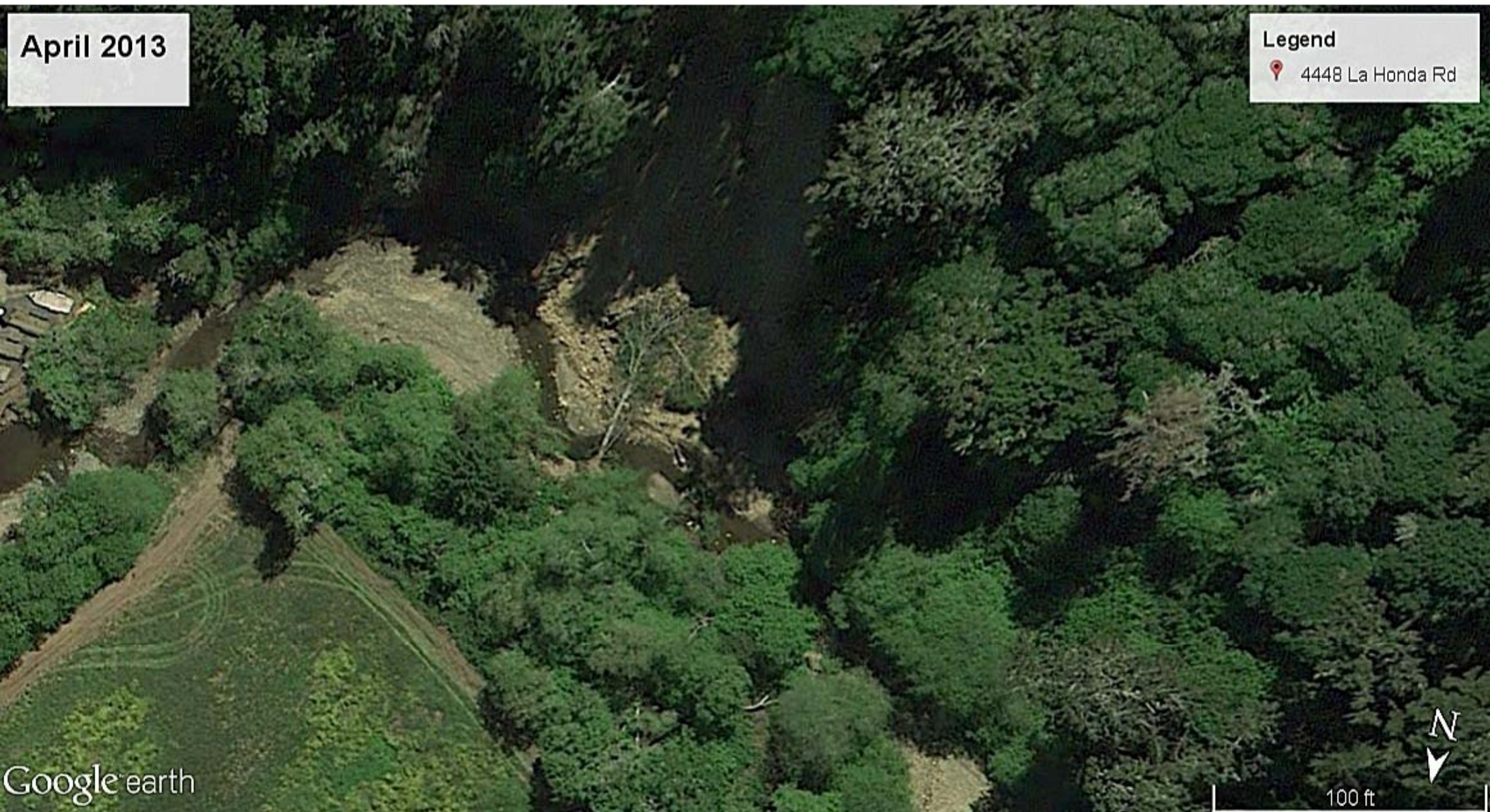
Legend

4448 La Honda Rd

Google earth

100 ft





April 2013

Legend

 4448 La Honda Rd

Google earth



100 ft

May 2015

Legend

 4448 La Honda Rd



Google earth

100 ft

Legend

 4448 La Honda Rd

April 2016

 4448 La Honda Rd



Legend

4448 La Honda Rd

April 2016

4448 La Honda Rd

Lumbermill/Storage

Victoria 2012-Feb 15

Bridge 1

Skylonda Equipment (glass/donnelly)

Bridge 2

Google earth

800 ft

