

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

DATE: November 10, 2021

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of an Agricultural Preserve and California Land Conservation (Williamson) Act Contract.

County File Number: PLN 2020-00166 (Coastways Ranch)

PROPOSAL

The applicant, Charles N. Hudson for Coastways Ranch, is requesting to establish an Agricultural Preserve and execute a California Land Conservation (Williamson) Act contract on a 426.66-acre parcel in Pescadero where 82.5 acres of the parcel are currently in irrigated agricultural production and 21 acres are unirrigated pasture. The parcel is developed with various agricultural structures constructed in the early 1900's, such as storage, garages, cabins, and now unusable structures that previously served agricultural purposes. The parcel straddles Cabrillo Highway, approximately 10 miles north of Davenport, with most of the parcel on the east side of the highway.

RECOMMENDATION

That the Planning Commission recommend that the Board of Supervisors:

1. Find the request to establish an Agricultural Preserve to be consistent with the County General Plan, Planned Agricultural District/Coastal Development District, the California Land Conservation Act, and San Mateo County Land Conservation Act Uniform Rules and Procedures.
2. Adopt a resolution to establish the subject property as an agricultural preserve and execute a California Land Conservation Contract for the subject property.

SUMMARY

General Plan and Local Coastal Plan. The request to place the parcel within an Agricultural Preserve and contract is consistent with the General Plan and Local Coastal Program land use designation of "Agriculture." The establishment of the preserve and contract does not require the issuance of a Coastal Development Permit since this

request does not meet the definition of development under the Local Coastal Program, though the request is consistent with Local Coastal Program policies.

Zoning Regulations. The request is also consistent with the Planned Agricultural District Zoning District which seeks to preserve and foster existing agricultural operations in order to keep in agricultural production the maximum amount of prime agricultural land and all other lands suitable for agriculture. The property contains approximately 17.3 acres of prime agricultural land that will continue in commercial agricultural operation for the foreseeable future.

California Land Conservation Act and San Mateo County Williamson Act Uniform Rules and Procedures. The request is consistent with the Agricultural Preserve requirements of the California Land Conservation Act (Act) for agricultural preserves of at least 100 acres. This crop growing operation borders contracted land to the north and is identified in the County's Uniform Rules and Procedures Agricultural Enterprise Area where the Board of Supervisors has identified Williamson Act eligible lands. Further the contract request meets the application and minimum eligibility requirements of the County's Williamson Act Program for parcel size, minimum crop income, land use designation, zoning district, and compatible uses.

As required by the Act, the Local Agency Formation Commission has reviewed the request and noted that the property is located within a rural area of San Mateo County and not located within the service boundaries of a city or special district. The property is within the La Honda-Pescadero Unified School District and it would be anticipated that the reduction in property tax to the District, due to the Williamson Act Contract, would be minimal.

The Agricultural Advisory Committee reviewed the request at their March 8, 2021 meeting and recommended approval.

Environmental Review. The project is categorically exempt from the California Environmental Quality Act, (CEQA), pursuant to Section 15317, Class 17 (Open Space Contracts or Easements), which exempts the establishment of agricultural preserves.

Fiscal Impact. The amount of tax loss resulting from this project is offset by the approximate 215 parcels exiting contracts and returning to standard tax assessment, since 2007, as a result of both landowner and County initiated contract non-renewals.

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

DATE: November 10, 2021

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of an Agricultural Preserve and California Land Conservation (Williamson) Act Contract, pursuant to the San Mateo County Land Conservation Act Uniform Rules and Procedures, on a 426.66-acre parcel located at 640 Cabrillo Highway in the unincorporated Pescadero area.

County File Number: PLN 2020-00166 (Coastways Ranch)

PROPOSAL

The applicant, Charles N. Hudson for Coastways Ranch, is requesting to establish an Agricultural Preserve and execute a California Land Conservation (Williamson) Act contract on a 426.66-acre parcel in Pescadero where 82.5 acres of the parcel are currently in irrigated agricultural production and 21 acres are unirrigated pasture. The parcel is developed with various agricultural structures constructed in the early 1900's, such as storage, garages, cabins, and now unusable structures that previously served agricultural purposes. The parcel straddles Cabrillo Highway, approximately 10 miles north of Davenport, with most of the parcel on the east side of the highway.

RECOMMENDATION

That the Planning Commission recommends that the Board of Supervisors:

1. Find the request to establish an Agricultural Preserve to be consistent with the County General Plan, Planned Agricultural District/Coastal Development District, the California Land Conservation Act, and San Mateo County Land Conservation Act Uniform Rules and Procedures.
2. Adopt a resolution to establish the subject property as an agricultural preserve and execute a California Land Conservation Contract for the subject property.

BACKGROUND

Report Prepared By: Delaney Selvidge, Project Planner, 650/363-1867

Applicant: Charles N. Hudson

Owner: Coastways Ranch Inc.

Location: 640 Cabrillo Highway, Pescadero, CA 94060

APN: 089-230-420

Size: 426.66 acres

Existing Zoning: PAD/CD (Planned Agricultural District/Coastal Development)

General Plan Designation: Agriculture

Local Coastal Plan Designation: Agriculture

Sphere-of-Influence: N/A

Williamson Act: Not presently contracted. Not within an Agricultural Preserve.

Existing Land Use: Berries (32 acres), vegetables (20 acres), cow pasture (21 acres), cover crops (31 acres), structures (5 acres), barn, storage buildings, garages, and dwellings, and reservoir (10 acres).

Water Supply: The parcel has permits to divert water from New Year's Creek (Permit No. 1653 7334, License No. 6323), Finney Creek (Permit No. 7334, License No. 4955), and Elliot Creek (Permit No. 17355, License No. 11542) of various amounts to serve domestic and agricultural uses on the parcel.

Sewage Disposal: Existing septic system

Flood Zone: The majority of the parcel is Zone X (area of minimal flood hazard), but small sections of the parcel following Finney and Elliot Creeks on either side of Cabrillo Highway are Zone A (floodplain; no base flood elevations established); FEMA Panel 06081C0506F, effective August 2, 2017.

Environmental Evaluation: Categorically exempt pursuant to California Environmental Quality Act Guidelines Section 15317, Class 17 (Open Space Contracts or Easements), which exempts the establishment of agricultural preserves.

Setting: The parcel is located approximately 10 miles north of Davenport and 28 miles south of Half Moon Bay at the southern tip of the County. The parcel straddles Cabrillo

Highway. The majority of the parcel is on the east side of the highway and all structures are located on the eastern portion of the parcel. The parcel is partially bordered by Big Basin State Park on the east and Ano Nuevo State Park/Pacific Ocean on the west. North of the parcel are other parcels under separate Agricultural Preserve Contracts. South of the subject parcel are two smaller parcels owned by the applicant, but these parcels are not currently in agricultural production.

DISCUSSION

A. **KEY ISSUES**

1. **Compliance with General Plan Policies**

The proposed agricultural preserve is consistent with the parcel's General Plan Land Use Designation of "Agriculture."

Policy 9.28 (*Encourage Existing and Potential Agricultural Activities*) seeks to encourage the continuance of existing agricultural and agriculturally – related activities and Policy 9.31 (*Protection of Agricultural Lands*) seeks to apply methods which assist in the retention and expansion of lands with agricultural activities such as density bonuses and enforceable restrictions (e.g., easements, contracts or deed restrictions, or other appropriate methods).

Designating the parcel as an Agricultural Preserve and executing a contract in conformance with the California Land Conservation Act and San Mateo County Williamson Act Program for this property is consistent with these policies. The contract will restrict the use of the land to ongoing commercial agriculture, agriculturally related uses, and compatible uses in an enforceable way in exchange for a property tax benefit that encourages retaining the property in agricultural production.

2. **Compliance with Local Coastal Program Policies**

The establishment of Agricultural Preserves and execution of Land Conservation Act contracts is not defined as development in the County's Local Coastal Program. Thus, these actions are not subject to the issuance of a Coastal Development Permit, though this request is consistent with Local Coastal Program policies which seek to preserve and promote agricultural use of land.

3. **Compliance with Zoning Regulations**

The agricultural preserve and contract request is consistent with the Planned Agricultural District and Coastal Development District regulations which seek to preserve and foster existing agricultural operations in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production. As defined in the zoning

and Local Coastal Program regulations, the property contains approximately 17.3 acres of prime agricultural land that will continue in agricultural operation for the foreseeable future

4. Compliance with the California Land Conservation Act and San Mateo County Williamson Act Uniform Rules and Procedures

a. Agricultural Preserve Requirements

Landowners who desire to enter into Williamson Act contracts with the County must first have their parcel included in an Agricultural Preserve. Agricultural Preserves are areas devoted to agricultural uses and must not be less than 100 acres unless a smaller preserve is necessary due to the unique characteristics of the agricultural enterprises in that area and that the smaller preserve is consistent with the General Plan (Government Code Section 51230).

Once included in the Agricultural Preserve, a landowner and the County may enter into a contract processed concurrently with the Agricultural Preserve application. Coastways Ranch has requested establishment of the Agricultural Preserve and contract. Establishing an agricultural preserve on this property is consistent with the County's Uniform Rules and General Plan (Agricultural land use designation).

b. Contract Application and Minimum Eligibility Requirements

As required by Uniform Rule 3 (Application Procedure) of the County's Uniform Rules and Procedures, the applicant has submitted a legal parcel description and a site plan. The site plan identifies parcel boundaries, location of agricultural uses, location and uses of all existing buildings, existing utilities, and watercourses and water impoundments. The parcel is legal with development occurring on the parcel in the early 1900's, prior to the County's authority over building permits. Additionally, the Statement of Agricultural Uses, including gross parcel acreage, acreage of agricultural production by operation, water source and irrigation methods, compatible use calculations, and gross agricultural income were submitted or verified by staff.

Staff has reviewed the applicable documents for minimum eligibility requirements, see below. The application is compliant with these requirements and qualifies under Crop Income as the agricultural use for the contract. Crop income is held confidential; review of this criterion is identified only as "Completed."

	Williamson Act Program Requirements	Planning Review	Compliance
Important Farmland Series Map	Mapped: Prime, Statewide Importance, Unique, or Local Importance	Prime Farmland and Grazing Lands	Yes
Land Use Designation	Open Space or Agriculture	Agriculture	Yes
Zoning¹	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size²	40 acres	426.66 acres	Yes
Prime Soils³	--	17.3 acres	--
Non-Prime Soils	--	409.36 acres	--
Crop Income^{4, 5}	\$19,676 (\$250 per acre of prime soils and \$37.50 per acre of non-prime soils)	Completed	Yes
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone). 2. Parcel size taken from the San Mateo County Assessor's Office records. 3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification). Class III lands capable of growing artichokes or brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data. 4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6) 5. Crop income taken from Swanton Berry Farms using gross sales and farm stand sales for years 2017, 2018, and 2019 for purposes of this review.			

Parcel Uses

Existing commercial agricultural operations includes six fields on a total of 103.4 acres (Attachment D):

Field No.	Acres	Agricultural Commodity
Field 1	25.6	Berries, Kiwi
Field 2	30.7	Row Crops*
Field 3	20.9	Pasture
Field 4	18.2	Row Crops
Field 5	6.2	Row Crops
Field 6	1.8	Artichokes

*Past and existing row crops include strawberries, broccoli, cauliflower, peas, pumpkins, celery, Brussel sprouts, and artichokes.

Uses as a Percent of Land Area		
Use	Acres	Percent
Agriculture	104	24.4%
Open Space	307	72.1%
Buildings and Reservoir	15	<1%
Total	426	100%

Compatible Uses

All development on the parcel (barns, garages, sheds, irrigation pond, and dwellings) are compatible uses under the Williamson Act Program. The majority of this development is exempt from the Maximum Allowance of Compatible Uses calculation (Uniform Rule 2.A.5.b.3), which excludes agricultural support structures from this calculation. All compatible uses on the parcel (agricultural and non-agricultural) total less than 1 percent of the total land area, well under the 25 percent allowed under the Williamson Act Program.

Existing development on the parcel consists of barns, cabins, garages, sheds, and shops, etc., as identified in the table below and depicted in Attachment E of this staff report. As required by Uniform Rule 2 of the County's Uniform Rules and Procedures, Eligibility Requirements, for Land Conservation Act (LCA) Contracts the maximum allowance of compatible uses on a parcel cannot exceed the percentage used for agricultural purposes and is not permitted to exceed 25 percent of the parcel size. Twenty-five percent of the 426.66-acre project parcel is approximately 106.6 acres. However, only 103.4 acres are currently under agricultural production. As such, the maximum allowance of compatible uses for this parcel cannot exceed 103.4 acres.

Existing Development	
Building	Size
Main Ranch House	3,652 sq. ft.
Garages (2)	4,502 sq. ft.
Storage Sheds (6)	2,346 sq. ft.
Cabins (6)	5,073 sq. ft.
Granary	1,080 sq. ft.
Barn	1,427 sq. ft.
Washroom	108 sq. ft.
Shop	1,536 sq. ft.
Total	16,724 sq. ft.

For the purposes of calculating the maximum allowance of compatible uses permitted on a parcel unpaved road, farm labor housing, building/structures used to support the agricultural use (e.g., barns) and underground utilities are excluded from this calculation. Per the table above, the main ranch house, garages, cabins, and washroom are counted towards the maximum allowance and equate to 13,335 sq. ft. of building area. This is well below their maximum limit of 103 acres. All existing Compatible Uses are compliant with the Williamson Act Program.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act, (CEQA), pursuant to CEQA Guidelines Section 15317, Class 17 (Open Space Contracts or Easements), which exempts the establishment of agricultural preserves.

C. REVIEWING AGENCIES

1. San Mateo County Agricultural Advisory Committee

The Agricultural Advisory Committee heard this item at its March 8, 2021 public hearing and unanimously recommended approval of the agricultural preserve and Williamson Act contract.

2. San Mateo County Assessor's Office

Comments from the Assessor's Office are found under Section D of this report.

3. Local Agency Formation Commission

The project was referred to the Local Agency Formation Commission pursuant to Government Code Section 51233 for the establishment of the agricultural preserve. The property is located within a rural area of San Mateo County and not located within the service boundaries of a city or special district, nor is it within a sphere of influence of a city or special district. The subject property is zoned for agricultural use, which is proposed to be continued on the property.

The property is within the La Honda-Pescadero Unified School District and it would be anticipated that the reduction in property tax to the District, due to the Williamson Act Contract, would be minimal.

D. FISCAL IMPACT

Prior to the 2009-2010 State budget, the State annually appropriated funds to partially offset the property tax loss to local government. Since that time, subvention funds have been eliminated from the budget. Although the State no longer provides subventions to local jurisdictions, the amount of tax loss resulting from the project is offset by the approximately 215 parcels exiting contracts and returning to standard tax assessment since 2007 as a result of both landowner and County initiated contract non-renewals (the majority of contract non-renewals concluded by 2020).

ATTACHMENTS

- A. Recommended Findings
- B. Vicinity Map
- C. Prime Soils Map
- D. Site Plan and Structure Map
- E. Statement of Agricultural Operations
- F. Resolutions Establishing Agricultural Preserve and Execution of Land Conservation Contract

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS

Permit or Project File Number: PLN 2020-00166 Hearing Date: November 10, 2021

Prepared By: Delaney Selvidge, For Adoption By: Planning Commission
Project Planner

RECOMMENDED FINDINGS

That the Planning Commission recommend that the Board of Supervisors:

1. Find the request to establish an Agricultural Preserve to be consistent with the County General Plan, Planned Agricultural District/Coastal Development District, the California Land Conservation Act, and the San Mateo County Land Conservation Act Uniform Rules and Procedures.
2. Adopt a resolution to establish the subject property as an agricultural preserve and execute a California Land Conservation contract for the subject property.

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B

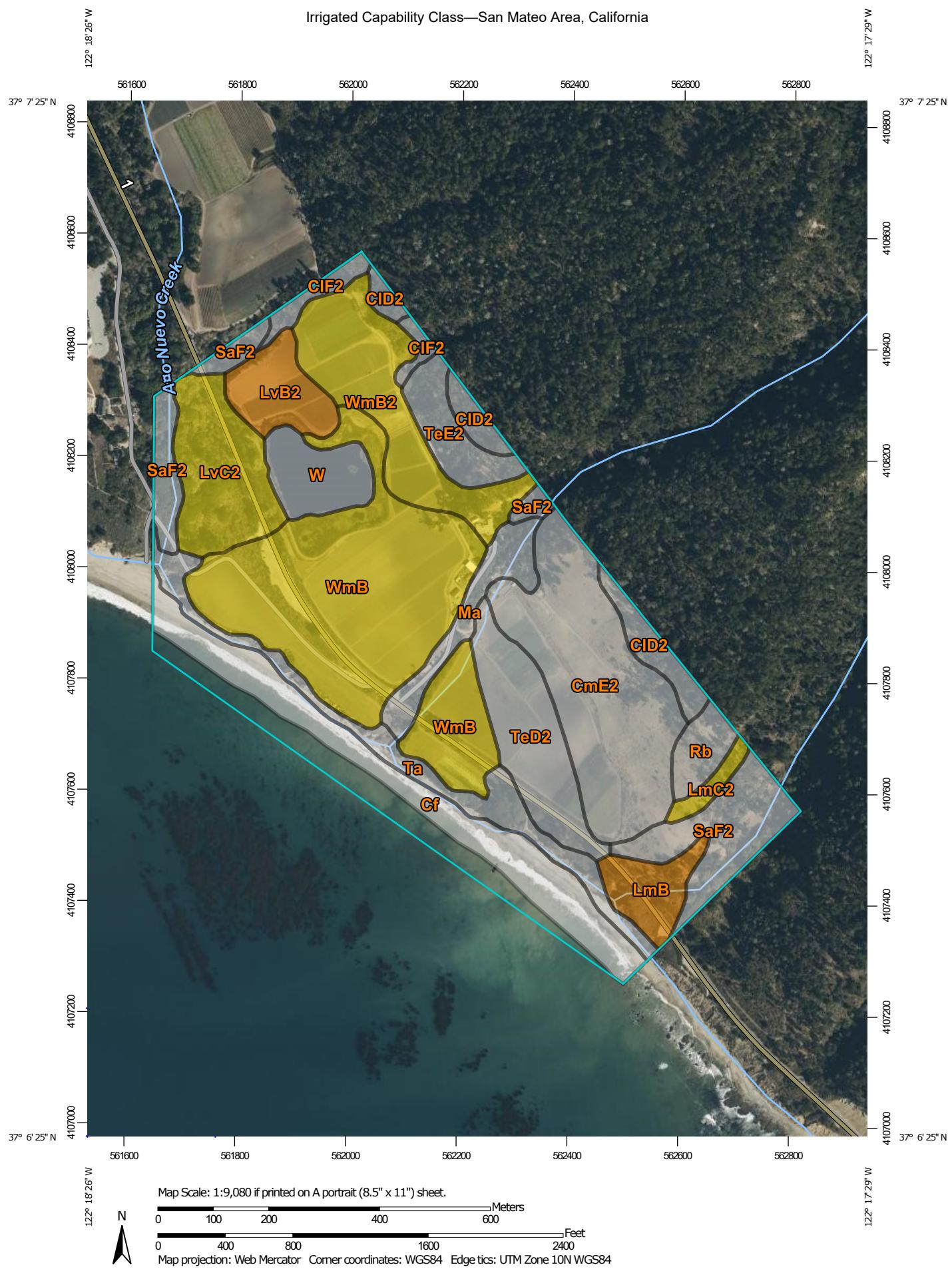




COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

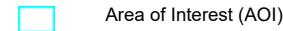
Irrigated Capability Class—San Mateo Area, California



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

2/9/2021
Page 1 of 5

MAP LEGEND**Area of Interest (AOI)****Soils****Soil Rating Polygons**

- Capability Class - I
- Capability Class - II
- Capability Class - III
- Capability Class - IV
- Capability Class - V
- Capability Class - VI
- Capability Class - VII
- Capability Class - VIII
- Not rated or not available

Soil Rating Lines

- Capability Class - I
- Capability Class - II
- Capability Class - III
- Capability Class - IV
- Capability Class - V
- Capability Class - VI
- Capability Class - VII
- Capability Class - VIII
- Not rated or not available

Soil Rating Points

- Capability Class - I
- Capability Class - II

■ Capability Class - III■ Capability Class - IV■ Capability Class - V■ Capability Class - VI■ Capability Class - VII■ Capability Class - VIII■ Not rated or not available**Water Features**

- ~ Streams and Canals

Transportation

- Rails
- Interstate Highways
- ~~~~ US Routes
- ~~~~ Major Roads
- ~~~~ Local Roads

Background

- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: San Mateo Area, California

Survey Area Data: Version 14, May 29, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 18, 2019—Oct 4, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Irrigated Capability Class

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Cf	Coastal beaches		16.3	8.4%
CID2	Colma loam, moderately steep, eroded		5.8	3.0%
CIF2	Colma loam, very steep, eroded		2.6	1.3%
CmE2	Colma sandy loam, steep, eroded		25.1	12.9%
LmB	Lockwood loam, gently sloping	2	4.8	2.5%
LmC2	Lockwood loam, sloping, eroded	3	1.5	0.8%
LvB2	Lockwood loam, brown subsoil variant, gently sloping, eroded	2	6.0	3.1%
LvC2	Lockwood loam, brown subsoil variant, sloping, eroded	3	11.5	5.9%
Ma	Mixed alluvial land		5.5	2.8%
Rb	Rough broken land		3.1	1.6%
SaF2	Santa Lucia loam, very steep, eroded		14.2	7.3%
Ta	Terrace escarpments		9.5	4.9%
TeD2	Tierra loam, moderately steep, eroded		11.3	5.8%
TeE2	Tierra loam, steep, eroded		5.2	2.7%
W	Water		5.8	3.0%
WmB	Watsonville loam, gently sloping	3	42.0	21.6%
WmB2	Watsonville loam, gently sloping, eroded	3	15.3	7.9%
Totals for Area of Interest			194.1	100.0%

Description

Land capability classification shows, in a general way, the suitability of soils for most kinds of field crops. Crops that require special management are excluded. The soils are grouped according to their limitations for field crops, the risk of damage if they are used for crops, and the way they respond to management. The criteria used in grouping the soils do not include major and generally expensive landforming that would change slope, depth, or other characteristics of the soils, nor do they include possible but unlikely major reclamation projects. Capability classification is not a substitute for interpretations that show suitability and limitations of groups of soils for rangeland, for woodland, or for engineering purposes.

In the capability system, soils are generally grouped at three levels—capability class, subclass, and unit. Only class and subclass are included in this data set.

Capability classes, the broadest groups, are designated by the numbers 1 through 8. The numbers indicate progressively greater limitations and narrower choices for practical use. The classes are defined as follows:

Class 1 soils have few limitations that restrict their use.

Class 2 soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.

Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices, or both.

Class 4 soils have very severe limitations that reduce the choice of plants or that require very careful management, or both.

Class 5 soils are subject to little or no erosion but have other limitations, impractical to remove, that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 6 soils have severe limitations that make them generally unsuitable for cultivation and that restrict their use mainly to pasture, rangeland, forestland, or wildlife habitat.

Class 7 soils have very severe limitations that make them unsuitable for cultivation and that restrict their use mainly to grazing, forestland, or wildlife habitat.

Class 8 soils and miscellaneous areas have limitations that preclude commercial plant production and that restrict their use to recreational purposes, wildlife habitat, watershed, or esthetic purposes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified



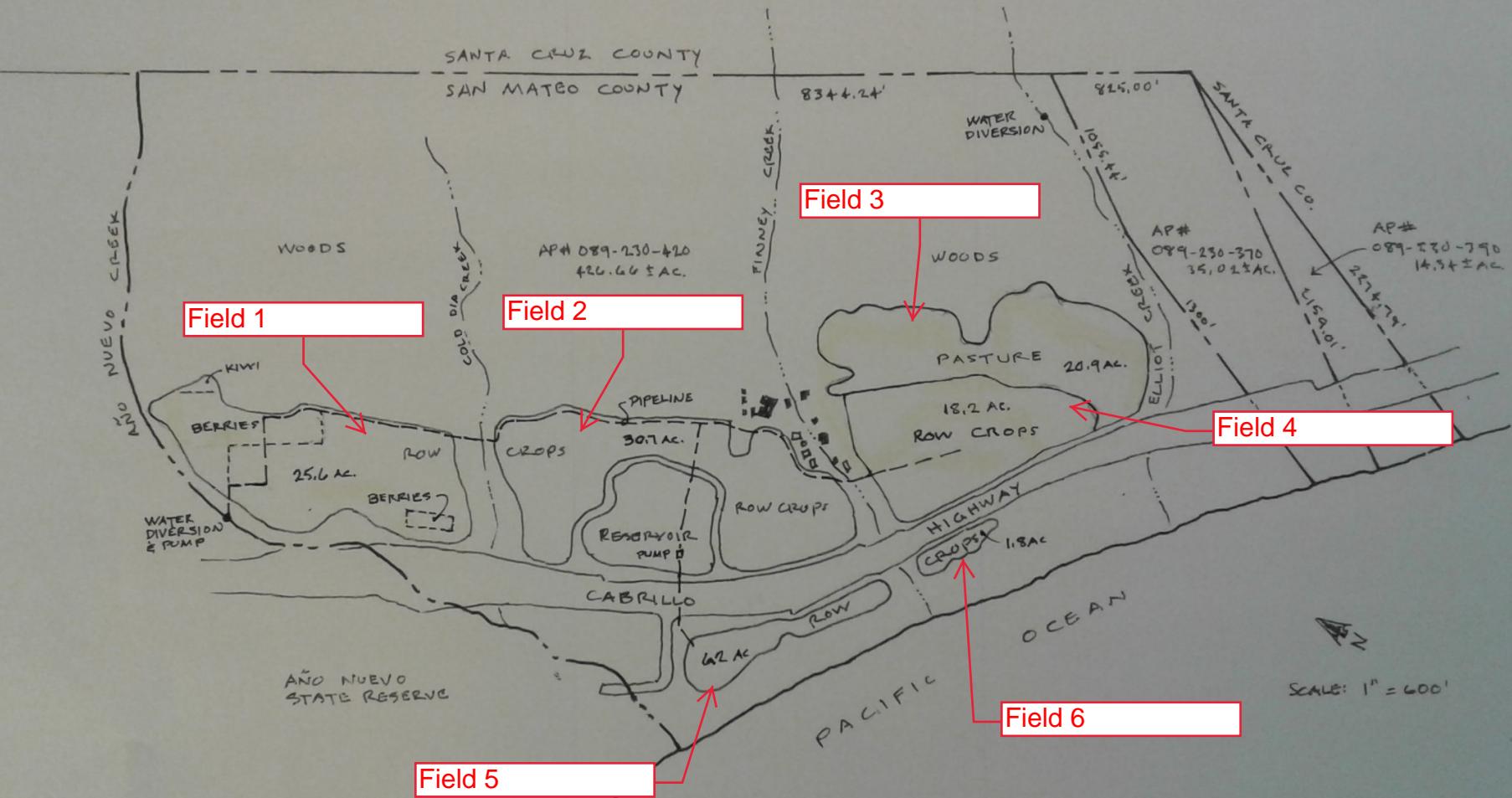
Tie-break Rule: Higher





COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

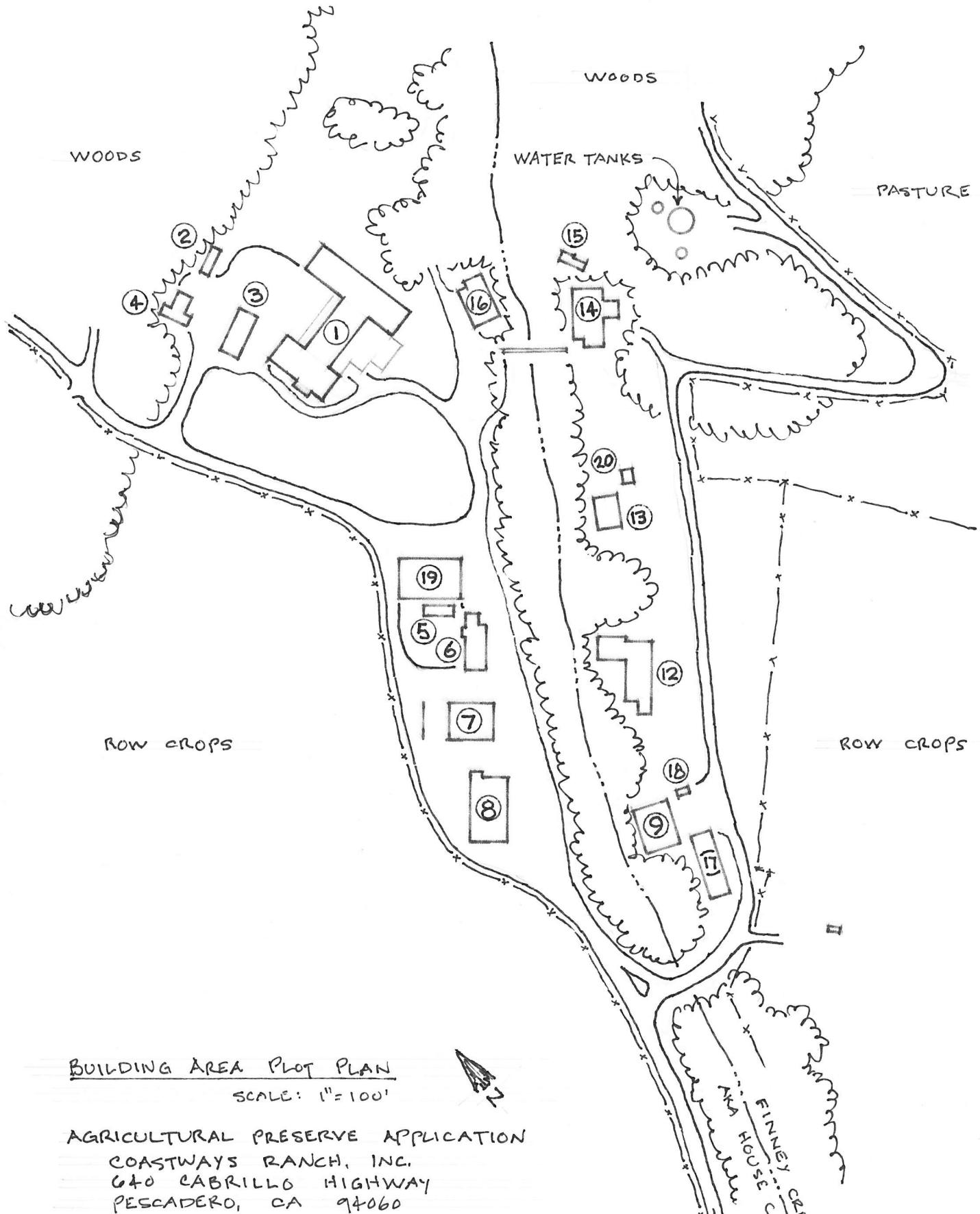
ATTACHMENT D



GENERAL PLAN: AG
ZONING: PAD/CD

AGRICULTURAL PRESERVE APPLICATION

OWNER: COASTWAYS RANCH, INC.
640 CABRILLO HIGHWAY
PESCADERO, CA 94060



BUILDING AREA PLOT PLAN

SCALE: 1" = 100'

AGRICULTURAL PRESERVE APPLICATION
COASTWAYS RANCH, INC.
670 CABRILLO HIGHWAY
PESCADERO, CA 94060

Building Area Plot Plan Legend

	Building	Size (sq. ft.)
1.	Main ranch house	House: 3652 Garages: 800
2.	Shed (storage)	240
3.	Garage (storage)	702
4.	Cabin (storage)	360
5.	Shed (storage)	220
6.	Shed (storage)	668
7.	Granary (storage)	1080
8.	Barn (equipment & storage)	1427
9.	Cabin	864
10 & 11 no longer exist.		
12.	Cabin	1333
13.	Cabin	520
14.	Cabin	1228
15.	Shed (storage)	198
16.	Cabin	768
17.	Shed (storage)	900
18.	Wash room	108
19.	Shop	1536
20.	Shed (storage)	120

Numbers 1-17 correspond to the building numbers used by the Assessor.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT E

COASTWAYS RANCH, INC.
AGRICULTURAL PRESERVE APPLICATION
(Revised August 24, 2021)

<u>Owner:</u>	<u>Applicant:</u>
Coastways Ranch, Inc.	Charles N. Hudson
Timothy H. Hudson, CEO	7600 Uva Drive
640 Cabrillo Highway	Redwood Valley, CA 95470
Pescadero, CA 94060	
650-879-0414	707-485-8153 cell 707-391-3825
thudson@juno.com	cnh@pacific.net

Project location: 640 Cabrillo Hwy, Pescadero, CA.

Coastways Ranch is on the San Mateo County coast, 28 miles south of Half Moon Bay, 10 miles north of Davenport, at the very southern tip of San Mateo County. The property is bounded on the north by Año Nuevo Creek, on the east and south by Santa Cruz County, on the west by the Pacific Ocean, and is traversed by Cabrillo Highway and New Years Creek Road, and consists of three Assessor Parcel Numbers:

APN: 089-230-370	35.02 ac. +-	General Plan: AG	Zoning: PAD/CD
APN: 089-230-390	14.34 ac. +-	General Plan: AG	Zoning: PAD/CD
APN: 089-230-420	<u>426.66 ac. +-</u>	General Plan: AG	Zoning: PAD/CD
Total:	476.02 ac. +-		

The two smaller parcels were determined in 1976 by the San Mateo County Planning Department to be separate legal parcels, due to their having been conveyed in 1930 before the existence of the county's subdivision ordinance. APN 089-230-370 was subsequently enlarged through approval of a boundary line adjustment in 1980.

Project description:

Enroll APN 089-230-420 with an area of 426.66 acres into an Agricultural Preserve (AGP) and an Agricultural Land Conservation Act Contract (A/LCA) under the Williamson Act. Parcels 089-230-370 and 089-230-390 have been determined by Planning staff not to qualify for inclusion in an agricultural preserve.

Existing Site Conditions:

Coastways Ranch is the southernmost portion of San Mateo County. The ranch is bounded on the north by Año Nuevo Creek, on the east and south by Santa Cruz County, and on the west by the Pacific Ocean. Adjacent to the beach there is an 80+- foot bluff, inland of which is a coastal terrace of farmland with level to moderate slopes, joined to the east by wooded land with moderate to steep slopes. The coastal terrace narrows as it extends southerly on APN 890-230-420, the main ranch parcel. There is no agricultural

land on APNs 890-230-370 and 390, the two smaller parcels at the south end of the ranch.

In addition to Año Nuevo Creek on the north, the ranch is traversed by three smaller drainages: Cold Dip Creek, Finney Creek (aka House Creek), and Elliot Creek. Water for agricultural use is stored in a California Jurisdictional Dam, No. 1600-0, created in 1951 by enlargement of an earlier dam, and which provides a 100 acre foot reservoir.

Coastways Ranch has three permits and licenses from the California State Water Rights Board for diversion and use of water on three streams:

Permit No. 7334, License No. 4955, dated January 21, 1958, allowing diversion and use of water from Elliot Creek for 0.25 cubic feet per second from April 1 to December 1 of each year; and 30 acre feet per year to be diverted to storage from April 1 to May 31 of each year.

Permit No. 1653, License No. 6323, dated June 5, 1961, allowing diversion and use of water from New Year's Creek for 0.69 cubic feet per second from January 1 to December 31 of each year, and 76 acre-feet per year to be diverted to storage from January 1 to May 31 of each year.

Permit No. 17355, License No. 11542, dated February 16, 1977, for diversion of water from Finney Creek, for stock and domestic use.

Water from New Years Creek (Año Nuevo Creek) is diverted from a small concrete dam and pumped into the reservoir or used directly for irrigation. Water from Elliot Creek flows by gravity through a pipeline to the reservoir. Water from Finney Creek flows by gravity to the water tanks.

Ownership:

Coastways Ranch was purchased by David and Mary Atkins in 1917 and has continued to be owned by their descendants to date. In 1989 Coastways Ranch, Inc., a Subchapter S Corporation, was formed and title to the land was transferred to the corporation. There are currently 27 shareholders, all either descendants of or trusts for the benefit of descendants of David and Mary Atkins.

Existing Structures:

Structures existing on Coastways Ranch are shown on the Building Area Plot Plan, and include the main ranch house, five residential cabins, one shop, one barn, nine storage sheds, one wash room, and three water tanks. Domestic water comes from a spring in Finney Creek and is stored in the water tanks. Water for irrigation is provided from a pump house on a pier in the reservoir, and a second pump house at the water diversion on Año Nuevo Creek.

Agricultural Use (all on APN 089-230-420):

Farming has been ongoing on Coastways Ranch most years since purchase of the ranch by David and Mary Atkins in 1917. Most recently, between 2003 and 2020, 83 acres of farmland have been leased to Swanton Berry Farms, Inc. for growing berries and vegetables, primarily strawberries.

Swanton operated a U-Pick operation on Coastways and sold produce at a roadside facility north of Davenport and at farmers markets. Due to the covid-19 pandemic Swanton has had to curtail the U-Pick operation and has reduced the leased acreage to 15 acres. Coastways is in the process of negotiating a lease with a new farmer on a portion of the land and is seeking additional lessees.

Approximately six acres of the farmed land are planted to berries on trellises. The remainder of the farmed area has been rotated between strawberries, vegetables, and cover crops, the locations and areas of which vary during any given year, and from year to year. In January of 2020 there were approximately 32 acres of berries, 20 acres of vegetables, and 31 acres of cover crop.

In addition to the farmland, there are approximately 21 acres of pasture land that have been leased to a rancher for grazing cattle. The cows also have access to the wooded area adjacent to the pasture land, and to the two smaller parcels at the south end of the ranch. The cows had to be relocated due to the CZU Fire in August, 2020, but as burned fences get repaired and vegetation grows back it is anticipated the cows will return.

Irrigation of berries and row crops is by means of drip lines and moveable sprinklers. There are buried water lines which can be supplied with water from either the pump in the reservoir or the one at Año Nuevo Creek. Moveable pipes with overhead sprinklers can be connected to the buried lines at numerous risers along the pipeline. Pasture land is not irrigated.

Deer fencing has been placed around much of the farmed area, particularly between the farmland and the wooded lands to the east. In some areas fencing is unnecessary due to topography and/or thick growth of poison oak, brambles, and other brush making passage impossible. Portions of the fencing were damaged by the CZU Fire and falling burned trees, but repairs are underway.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT F

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

**RESOLUTION ESTABLISHING AN AGRICULTURAL PRESERVE
AND AUTHORIZING EXECUTION OF CALIFORNIA LAND CONSERVATION
(WILLIAMSON) ACT CONTRACT**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, Coastways Ranch Inc. is the owner of certain land in the County of San Mateo used for agricultural purposes within the concept of the California Land Conservation Act of 1965, and has requested to have said land designated as an Agricultural Preserve, and has submitted such request with a properly executed contract form heretofore approved by this Board, for execution by this Board; and

WHEREAS, the County of San Mateo is authorized to establish Agricultural Preserves by the California Land Conservation Act; and

WHEREAS, all procedural requirements of the Land Conservation Act and Board of Supervisors of San Mateo County Resolution No. 071565 have been followed; and

WHEREAS, this Board of Supervisors, has received and reviewed the report of the Planning Commission establishing that this Preserve is consistent with the General Plan of San Mateo County; and

WHEREAS, this Board deems it desirable to enter into land conservation contracts, under the provisions of the California Land conservation Act on 1965, with owners of land which is appropriately used for agriculture or other purposes authorized by said Act, or purposes left within the discretion of the Board of Supervisors under the terms of the Act; and

WHEREAS, the Board of Supervisors does hereby establish the policy and rules which will govern the administration of this Preserve, to wit:

1. Establishment, Disestablishment, Alterations. The procedures set forth in Resolution No. 071565 of the Board of Supervisors of San Mateo County shall govern the establishment, disestablishment and alteration of the boundaries of this Preserve. The procedures in said Resolution are incorporated herein and made a part hereof as it fully set forth.

2. Policy. This Board recognizes that:

a. The preservation of a maximum amount of the limited supply of agricultural land is necessary for the conservation of the State's economic resources, and is necessary not only for the maintenance of the agricultural economy of the State, but also for the assurance of adequate, healthful and nutritious food for future residents of this State and Nation.

- b. The discouragement of premature and unnecessary conversion of agricultural and open spaces to urban uses is a matter of public interest, and will be of benefit to urban dwellers themselves in that it will discourage discontinuous urban development patterns which unnecessarily increase the costs of community services to community residents.
- c. In a rapidly urbanizing society, agricultural and other open space lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of the Williamson Act, constitutes an important physical, social, aesthetic, and economic asset to existing or pending urban or metropolitan developments.
- d. Within this Preserve, the lands shall be used only for the commercial production of agricultural commodities and other compatible uses herein designated.
- e. Property owners executing a contract for property within this Preserve should understand that the Board of Supervisors intends that the contract will run for the full term provided therein.

3. Permitted Agricultural Uses. Permitted agricultural uses are defined in EXHIBIT "B" hereto, which is incorporated herein and made a part of this Resolution.
4. Compatible Uses. Compatible uses are defined in EXHIBIT "C" hereto, which is incorporated herein and made a part of this Resolution.
5. Limitation on Uses. If a contract is entered into, incorporating the agricultural and compatible uses specified in EXHIBITS "B" AND "C" hereto, the property owner shall be limited to said uses even though the Zoning Ordinance or other codes, ordinances or regulations authorize different uses. In the event other codes, ordinances or regulations are or should become more restrictive than the uses authorized by the contract, the codes, ordinances or regulations shall prevail.
6. Continuation of Preserve. Pursuant to the California Land Conservation Act, this Preserve shall continue in full effect following any annexation, incorporation or disincorporation of the land described in EXHIBIT "A", except as provided for in Subsection 51243(b) of the Government Code.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. That the area of San Mateo County described in EXHIBIT "A" of this Resolution is hereby designated and established as an Agricultural Preserve within the meaning of and pursuant to the California Land Conservation Act of 1965, subject to the policy and rules specified herein.
2. That the form of the Land Conservation Contract presented to this Board be, and the same is hereby, approved.
3. That the Chair of this Board of Supervisors be, and is hereby authorized and director to execute, said contract for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest her signature hereto.
4. That a copy of this Resolution, and a Map of the property described in EXHIBIT "A" hereof, be filed with the County Recorder of San Mateo for said County Recorder and Director of Agriculture, State of California, and that said Resolution and Map be kept current by the County of San Mateo for said County Recorder and Director of Agriculture.

* * * * *

EXHIBIT "A"

To

RESOLUTION ESTABLISHING AN AGRICULTURAL PRESERVE AND AUTHORIZING EXECUTION OF CALIFORNIA LAND CONSERVATION (WILLIAMSON) ACT CONTRACT

APN: 089-230-420

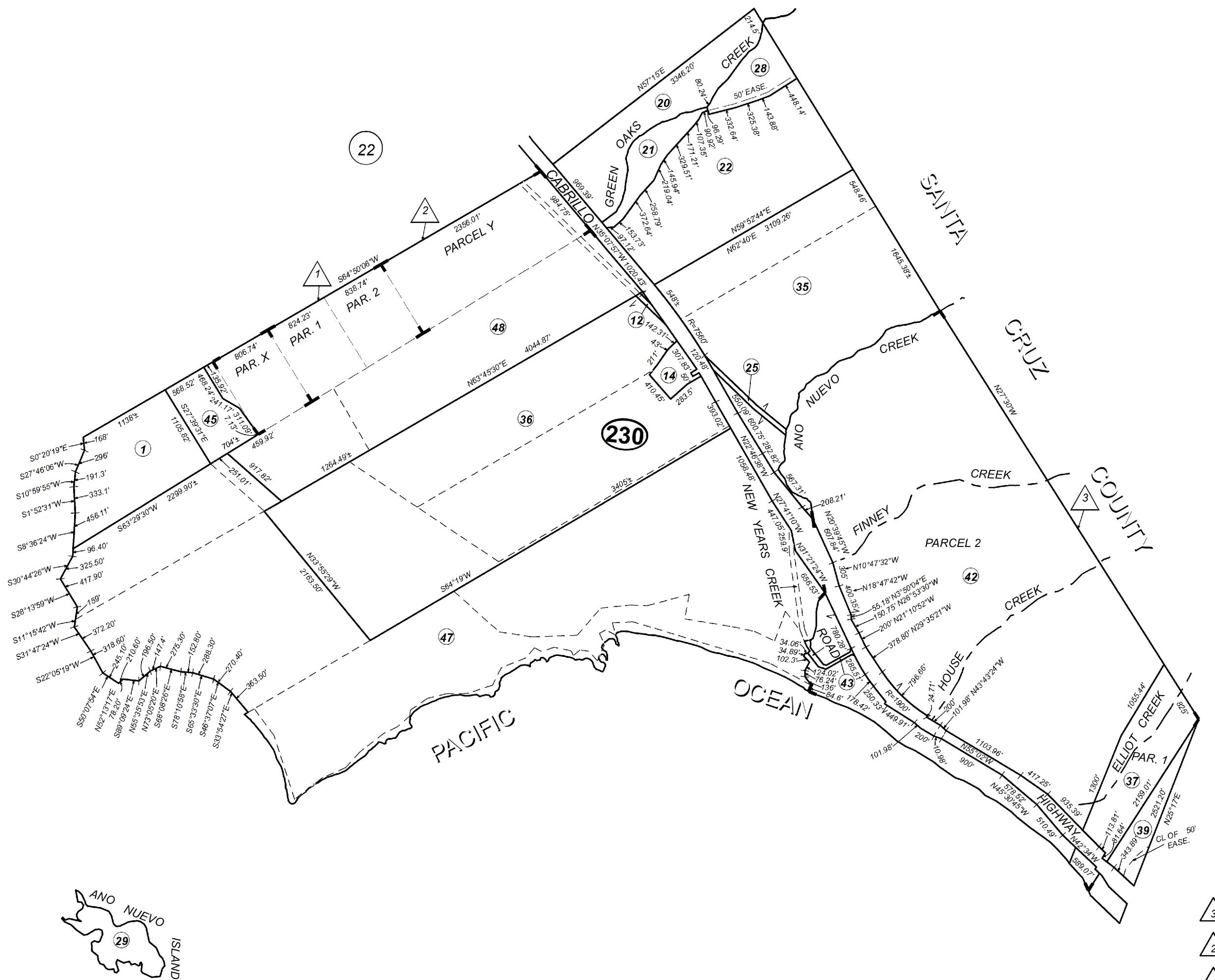
The land referred to is situated in the unincorporated area of the County of San Mateo, State of California, and is described as follows:

Parcel "2" as shown on that certain map entitled "PARCEL MAP OF A PORTION OF RANCHO PUNTA DEL ANO NUEVO, BEING THE LAND DESCRIBED IN 6878 O.R. 450, SAN MATEO COUNTY RECORDS, SAN MATEO COUNTY, CALIFORNIA", filed in the office of the County Recorder of San Mateo County, State of California, on August 4, 1980 in Volume 50 of Parcel Map at pages 5 and 6.

* * * * *

89-23

$$1'' = 1200'$$



GL

EXHIBIT “B”

To

RESOLUTION ESTABLISHING AN AGRICULTURAL PRESERVE AND AUTHORIZING EXECUTION OF CALIFORNIA LAND CONSERVATION (WILLIAMSON) ACT CONTRACT

“PERMITTED AGRICULTURAL USES” are defined as follows:

- A. Commercial production of agricultural commodities, as defined in the San Mateo County Land Conservation Act Regulations. Agricultural commodities shall mean an unprocessed product of farms, ranches, production nurseries and forests.

Agricultural commodities shall include fruits, nuts and vegetables; grains, such as wheat, barley, oats and corn; mushrooms; legumes, such as field beans and peas; animal feed and forage crops, such as grain, hay and alfalfa; seed crops; fiber, bio-fuel and oilseed crops, such as safflower and sunflower; nursery stock, such as Christmas trees, ornamentals and cut flowers; trees grown for lumber and wood products; turf grown for sod; livestock, such as cattle, sheep, alpacas, llamas and swine; poultry, such as chickens, ostriches and emus.

- B. Commercial grazing operation for the purpose of pasturing livestock such as cattle, sheep, alpacas, and llamas.

C. Commercial horse breeding provided the annual breeding operation consists of a minimum of 15 broodmares. The keeping of horses does not constitute an agricultural use.

* * * * *

EXHIBIT “C”

To

RESOLUTION ESTABLISHING AN AGRICULTURAL PRESERVE AND AUTHORIZING EXECUTION OF CALIFORNIA LAND CONSERVATION (WILLIAMSON) ACT CONTRACT

“COMPATIBLE USES” are defined as follows:

1. Compatible uses include and shall comply with the provisions of Government Code Section 51238-51238.1 and the underlying San Mateo County land use designation and zoning of the parcel, including permitting requirements. The following uses are identified as “Compatible Uses”:
 - a. The erection, construction, alteration, or maintenance of gas, electric, water, communication, or agricultural laborer housing facilities.
 - b. Non-residential development customarily considered accessory to agricultural uses.
 - c. Soil dependent and non-soil dependent greenhouses and nurseries.
 - d. Temporary roadstands for seasonal sale of produce grown in San Mateo County.
 - e. Permanent roadstands for the seasonal sale of produce.

- f. Single-family residences, including repairs, alterations and additions.
- g. Keeping of pets in association with a one-family dwelling and the limited keeping of pets in association with a farm labor housing unit or multiple-family dwelling unit.
- h. Animal fanciers.
- i. Public recreation/shoreline access trail, commercial recreation.
- j. Onshore oil and gas exploration, production, and minimum necessary related storage.
- k. Multi-family residences if for affordable housing.
- l. Schools, fire stations.
- m. Aquacultural activities.
- n. Wineries.
- o. Timber harvesting, commercial woodlots and log storage.
- p. Facilities for the processing, storing, packaging, and shipping of agricultural products.

- q. Kennels or catteries.
- r. Scientific/technical research and test facilities.
- s. Some uses not listed could be considered as "Compatible Uses" upon determination by the Planning Commission and Board of Supervisors.

* * * * *

CALIFORNIA LAND CONSERVATION CONTRACT

NO. _____

* * * * *

CALIFORNIA LAND CONSERVATION (WILLIAMSON) ACT CONTRACT PROVIDING FOR A MINIMUM OF TWENTY (20) YEAR TERM FOR PARCEL 089- 230-420

THIS CALIFORNIA LAND CONSERVATION CONTRACT, made and entered into this DATE day of MONTH, YEAR, by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and Coastways Ranch Inc. or successors thereof, hereinafter referred to as "OWNER";

WHEREAS, the OWNER is the legal owner of certain real property herein referred to as the subject property situated in the County of San Mateo, State of California; and

WHEREAS, the subject property is described in EXHIBIT "A" which is made a part of this Contract; and

WHEREAS, the subject property is located in an Agricultural Preserve which has heretofore been established by the COUNTY and a map of which is on file with the Recorder of San Mateo County; and

WHEREAS, the OWNER and the COUNTY desire to limit the use of the subject property to agricultural uses and compatible uses to preserve the limited supply of agricultural land and to discourage the premature and unnecessary conversion of agricultural land to urban uses; and

WHEREAS, the OWNER and the COUNTY recognize that agricultural land has definite public value as open space, that preservation of land in agricultural production will assure an adequate food supply and that such agricultural land constitutes an important social, aesthetic and economic asset to the people of the County and the State of California; and

WHEREAS, both the OWNER and the COUNTY intend that this Contract is and shall continue to be, through its initial term and any extension thereof, an enforceable restriction within the meaning of Section 8 of Article XIII of the State Constitution, and that this Contract shall thereby qualify as an enforceable restriction under the provisions of the California Revenue and Taxation Code, Section 422.

NOW, THEREFORE, the parties, in consideration of the mutual benefits and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. AGREEMENT MADE PURSUANT TO CALIFORNIA LAND CONSERVATION ACT

This Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200), hereinafter referred to as the Act, and is subject to all provisions thereof, including any subsequent amendments thereto. This Contract is also made and entered into pursuant to Resolution 071565 (San Mateo County Land Conservation (Williamson) Act Uniform Rules and Procedures) of the Board of Supervisors of the County of San Mateo, and is subject to all of the provisions of said Resolution incorporated herein by reference, including any subsequent amendments thereto.

2. CONSIDERATION

It is agreed that the consideration for the execution of this Contract is the substantial public benefit to be derived by the COUNTY from the preservation of land in agricultural or compatible uses, and the advantage which will accrue to the OWNER as a result of the effect on the method of determining the assessed value of the subject property, including any reduction thereto due to the imposition of limitations on its use set forth in this Contract. Neither the COUNTY nor the OWNER shall receive any payment in consideration of the obligations imposed herein.

3. SUCCESSORS IN INTEREST

This Contract shall run with the land described herein and shall be binding upon and insure to the benefit of all successors in the interest of the OWNER. This Contract shall also be binding upon and inure to the benefit of any succeeding city or county acquiring jurisdiction over all or any portion of the subject property, except as provided in Section 51296 of the Act in the case of certain annexations to cities.

4. DIVISION OF SUBJECT PROPERTY

In the event the subject property is divided, the OWNER or successors thereof, as the case may be, agree as a condition of such division to execute such Contract or Contracts as will restrict any parcels created by said division to the same extent as the subject property is restricted by the Contract at the time of division. The COUNTY shall, as a condition of

approving the division of the subject property, require the execution of the Contracts provided for in this paragraph.

The OWNER of any parcel created by division of the subject property may exercise, independently of any other OWNER of a portion of the divided property, any of the rights of the OWNER executing this Contract, including the right to give notice of non-renewal as provided in Paragraph 8. The effect of any such action by an OWNER of a parcel created by a division of the subject property shall not be imputed to the owners of the remaining parcels and shall have no effect on the Contracts which apply to the remaining parcels of the divided land.

5. USE OF SUBJECT PROPERTY

During the term of this Contract, or any extensions thereof, the subject property shall not be used for any purpose other than the "Permitted Agricultural Uses" or "Compatible Uses" set forth in EXHIBITS "B" and "C". The OWNER shall be limited to these uses, except that if the ordinances, codes or regulations of the COUNTY are more restrictive as to the use of said property than is the Resolution, the ordinances, codes or regulations shall prevail.

6. ADDITIONAL USES

The Board of Supervisors of the COUNTY may from time to time during the term of this Contract or any extension thereof, by resolution, revise the lists of "Permitted Agricultural Uses" or "Compatible Uses" for the Agricultural Preserve in which the subject property is located; provided that said Board shall not eliminate any such permitted agricultural or compatible use during the term of this Contract or any extension thereof without the written consent of the OWNER or his successors in interest.

7. TERM

This Contract shall be effective on the date first written above, hereinafter the Anniversary Date, and shall remain in effect for a period of twenty (20) years therefrom. On each succeeding anniversary date, one (1) year shall automatically be added to the unexpired term unless notice of non-renewal is given as provided in Paragraph 8. If either party gives notice not to renew, it is understood and agreed that this Contract shall remain in effect for the unexpired term.

8. NOTICE OF NON-RENEWAL

If either the OWNER or the COUNTY desires in any year not to renew this Contract, that party shall serve written notice of non-renewal of the Contract

upon the other party in advance of the anniversary date. Unless such written notice is served by the OWNER at least ninety (90) days prior to the anniversary date or by the COUNTY at least sixty (60) days prior to the anniversary date, the Contract shall be considered renewed as provided in Paragraph 7. Upon receipt by the OWNER of a notice from the COUNTY of non-renewal, the OWNER may protest the non-renewal, provided such protest is made in writing and is filed with the Clerk of the Board of Supervisors of the COUNTY not later than thirty (30) days after receipt of said notice of non-renewal. The COUNTY may withdraw the notice of non-renewal at any time prior to the anniversary date. Upon request by the OWNER, the Board of the Supervisors of the COUNTY may authorize the OWNER to serve a notice of non-renewal on a portion of the subject property, provided that such notice is in accordance with the foregoing provisions of this paragraph.

9. **ACTION IN EMINENT DOMAIN TO TAKE ALL OR PART OF THE SUBJECT PROPERTY**

Upon the filing of an action in Eminent Domain by an agency or person specified in Section 51297.1 of the Government Code, for the condemnation of the fee title of all or a portion of the subject property or upon the acquisition of the fee in lieu of condemnation, this Contract shall be null and void as provided in said Section 51295.

10. **ABANDONMENT OF ACTION IN EMINENT DOMAIN**

In the event a condemnation suit is abandoned in whole or in part, or if funds are not provided to acquire the subject property in lieu of condemnation, the OWNER agrees to execute a new Contract for all of the subject property to have been taken or acquired, which Contract shall be identical to the Contract in effect at the time the suit was filed or on the date the land was to have been acquired, provided that: (1) a notice for non-renewal was not given by either party prior to the filing of suit or date the property was to have been acquired, and (2) the property at the time of said execution of a new Contract is within the boundaries of an Agricultural Preserve.

11. **REMOVAL OF SUBJECT PROPERTY FROM AGRICULTURAL PRESERVE**

In the event any proposal to disestablish or to alter the boundary of an Agricultural Preserve will remove the subject property from such a Preserve, the Board of Supervisors of the COUNTY shall furnish such notice of the proposed alteration or disestablishment to the OWNER as required by Section 51232 of the Act. Removal of any of the property from the Agricultural Preserve in which the subject property is located shall be the equivalent of notice of non-renewal, as provided in Paragraph 8, at least

sixty (60) days prior to the anniversary date following the removal. The COUNTY shall record the notice of non-renewal in the Office of the Recorder of the COUNTY, as required by Paragraph 13 herein; however, the OWNER agrees that a failure of the COUNTY to record said notice of non-renewal shall not invalidate or in any manner affect said notice.

12. **INFORMATION TO COUNTY**

The OWNER shall furnish the COUNTY with such information as the COUNTY may require in order to enable it to determine the value of the subject property for assessment purposes and the eligibility of the subject property under the provisions of the Act.

13. **RECORDING OF DOCUMENTS**

In the event of the termination of this Contract with respect to any part of the subject property, the COUNTY shall record the documents evidencing such termination with the Recorder of the COUNTY.

14. **ENFORCEMENT OF CONTRACT**

Any conveyance, contract, or authorization (whether written or oral) by the OWNER, or his successors in interest, which would permit use of the subject property contrary to the terms of this Contract or the rules of the Agricultural Preserve in which the subject property is located, will be deemed a breach of this Contract. The COUNTY may bring any action in court necessary to enforce this Contract including, but not limited to, an action to enforce the Contract by specific performance or injunction. It is understood and agreed that the enforcement proceedings provided in this paragraph are not exclusive and that both the OWNER and the COUNTY may pursue their legal and equitable remedies.

15. **CANCELLATION**

This California Land Conservation (Williamson) Act Contract may be cancelled as to all or a part of the subject property only upon the petition of the OWNER to the COUNTY, and after a public hearing has been held and notice thereof given as required by Section 51297 of the Government Code. The Board of Supervisors of the COUNTY may approve cancellation only as provided by Article 7 of the Act.

16. **SEVERABILITY**

It is understood and agreed by the parties hereto that if any of these provisions shall contravene or be invalid under any law, such contravention or invalidity shall not invalidate the whole Contract, but is shall be construed as if not containing that particular provision or provisions held to be invalid,

and the rights and obligations of the parties hereto shall be construed and enforced accordingly.

17. **ASSESSMENT INFORMATION**

OWNER agrees to provide COUNTY, upon request, with all information concerning OWNER'S agricultural, recreational or open space and compatible activities upon the subject property, including but not limited to, income derived in the course of OWNER's agricultural pursuits in relation to the subject property. Said information will be necessary to implement the assessment process, pursuant to the California Land Conservation Act of 1965 (as amended) and the San Mateo County Land Conservation Act Uniform Rules and Procedures (as amended).

18. **CONTRACT SUBJECT TO EXERCISE OF POLICE POWER**

Nothing in this Contract shall limit or supersede the planning, zoning, health, safety and other police powers of the COUNTY, and the right of the COUNTY to exercise such powers with regard to the subject property.

19. **EXCULPATORY CLAUSE**

The OWNER shall hold the COUNTY harmless from any demand, claim, cause of action or action for damages involving the OWNER'S interest or rights in and to the real property described herein. Person or persons signing this Contract represent that they are OWNERS of the real property entitled to and possessing the authority to enter into this Contract and to bind the real property in accordance with this Contract.

20. **COSTS OF LITIGATION**

In case the COUNTY shall, without any fault on its part, be made a party to any litigation commenced by or against OWNER, the OWNER shall and will pay all costs together with reasonable attorney's fees incurred by or imposed upon COUNTY by or in connection with such litigation; further, OWNER shall and will pay all costs and reasonable attorney's fees which may be incurred or paid by COUNTY in enforcing the covenants and agreements of this Contract.

21. **ANNEXATION**

This Contract shall be transferred from COUNTY to any succeeding City or County acquiring jurisdiction over the subject property in the manner provided for in Section 51296 of the California Government Code. On the completion of annexation proceedings by a City, that City shall succeed to all

rights, duties and powers of the County under this Contract for that portion of the subject property annexed to the City.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the day and year first written above.

(NOTE: OWNERS SIGNATURES MUST BE NOTARIZED)

COASTWAYS RANCH INC.

By
President,
"Owner"

COUNTY OF SAN MATEO

By
President, Board of Supervisors
"County"

ATTEST: _____

Clerk of Said Board of Supervisors

(NOTARIAL ACKNOWLEDGMENT)

* * * * *