



County of San Mateo - Planning and Building Department

ATTACHMENT A

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS OF DENIAL

Permit or Project File Numbers: PLN 2016-00195; Hearing Date: November 6, 2018
PLN 2016-00197

Prepared By: Camille Leung
Project Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS:

Regarding the Environmental Review, Find:

1. That the proposed project is exempt from environmental review pursuant to Section 15270 (Projects Which are Disapproved) of the California Environmental Quality Act (CEQA) Guidelines which exempts projects that would be denied by the Lead Agency.
2. That the non-renewal of the subject Williamson Act Contract is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15061(b)(3); no potential for causing a significant effect on the environment, therefore, not subject to CEQA.

Regarding the After-the-Fact Coastal Development Permit, Find:

3. That the project, as described in the application and accompanying materials required by Section 6328.7, does not conform with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program (LCP). The plans and materials have been reviewed against applicable LCP Policies, which regulate the location of new development, the protection of sensitive habitat, and development on Prime Soils and Lands Suitable for Agriculture. Regarding the location of development and sensitive habitat, the manner and location in which the 'horseshoe road' was constructed in close proximity to San Gregorio Creek, the dumping of sediment, trash, and debris into the creek, and the manner in which the owner conducts the proposed use has resulted in adverse environmental impacts at the subject parcels which have already occurred, continue to occur, and will likely worsen with time, as described in the California Department of Fish and Wildlife Report. Regarding development on Prime Soils and Lands Suitable for Agriculture, the location of the 'horseshoe road' on Prime Soils and Lands Suitable for Agriculture and the location of the

proposed construction equipment and materials storage use on Lands Suitable for Agriculture do not meet the required criteria, including those requiring maintaining water quality.

4. That the project does not conform to specific findings required by policies of the San Mateo County Local Coastal Program. As discussed in Section B.2 of the staff report and Finding 2 above, the project, as proposed, is not in compliance with applicable LCP Policies.

Regarding the After-the-Fact Planned Agricultural (PAD) Permit, Find:

5. The proposal does not meet the substantive criteria for the issuance of a PAD Permit, in particular criteria requiring development to be located, sited, and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site, and its surrounding is maintained to the maximum extent practicable. Grading, vegetation removal, and in-stream work associated with the construction/improvement of the 'horseshoe road' which runs alongside the creek and the manner in which the owner has conducted the proposed construction equipment and materials storage use has impacted San Gregorio creek and associated riparian areas.

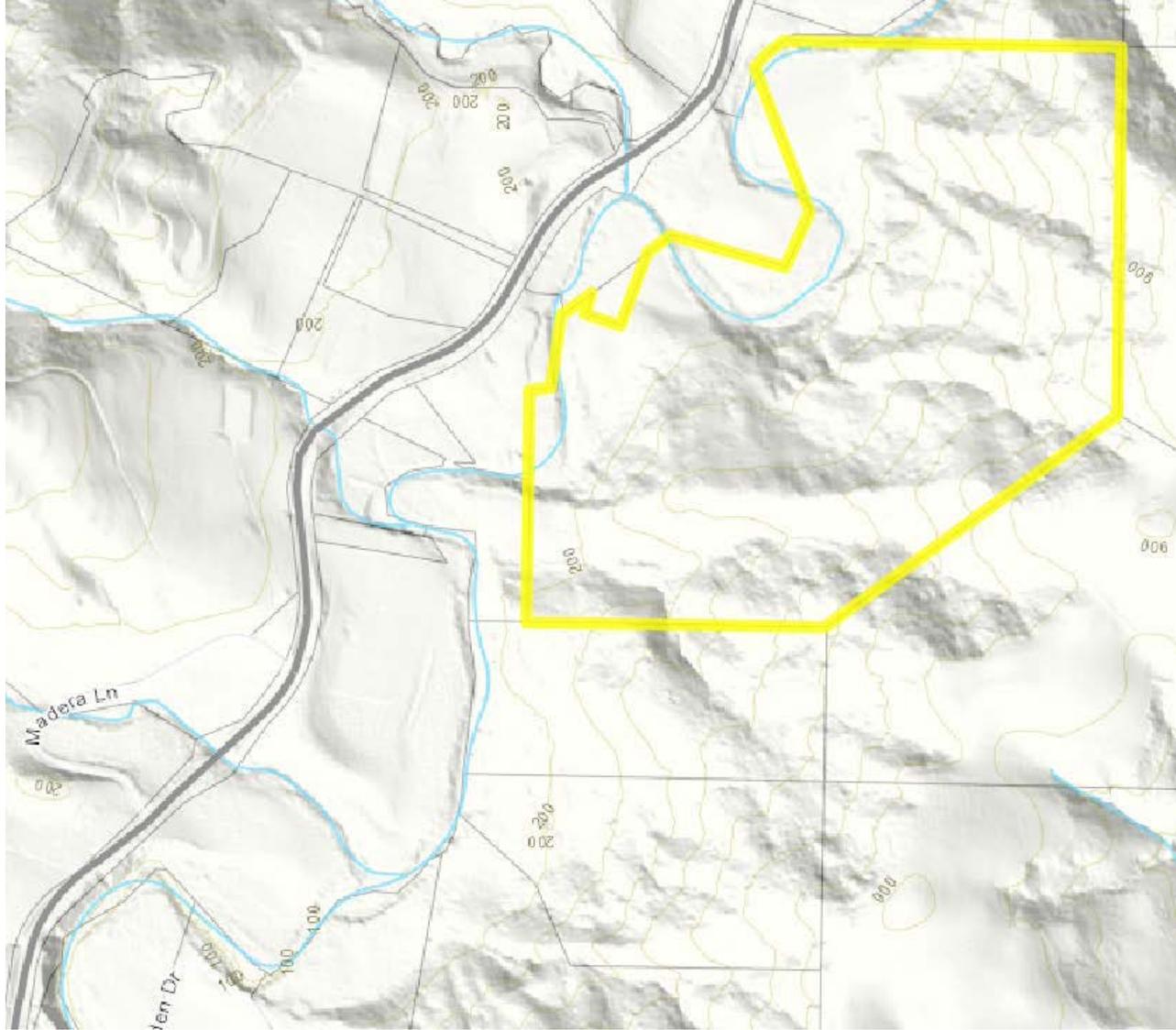
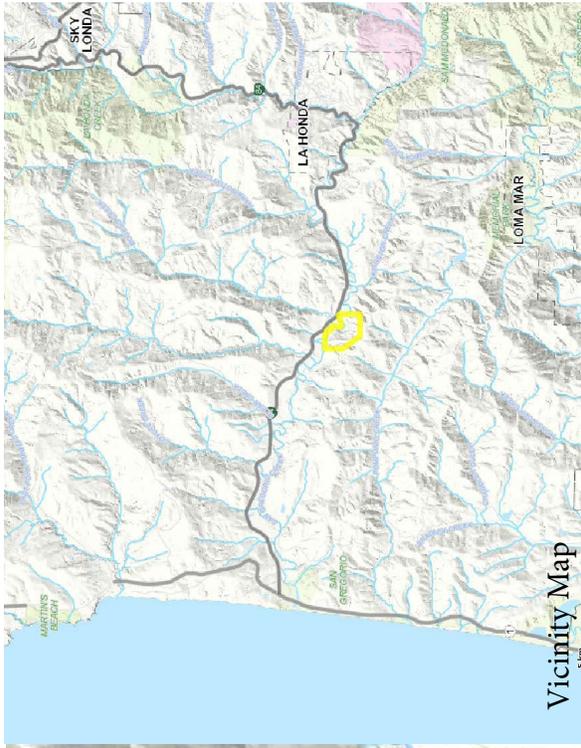
Regarding the After-the-Fact Grading Permit, Find:

6. That the granting of the permit will have a significant adverse effect on the environment. As described in the staff report, the grading activities associated with the construction of the "horseshoe road" have caused significant environmental impacts to San Gregorio Creek, associated habitat, and fish and wildlife.
7. That the project does not conform to the criteria of Chapter 8, Division VII, of the San Mateo County Ordinance Code, including the standards referenced in Section 9296. As described in Section B.4.b(1) of the staff report, the geotechnical measures implemented by the applicant are not adequate to properly stabilize the roadway alignment. To stabilize the roadway alignment, the large active landslide (Area F on Attachment E of the staff report) that is moving beneath the roadway would need to be stabilized.
8. That the project is not consistent with the General Plan. As described in Section 1 of the staff report, the project does not comply with General Plan policies establishing development standards to minimize land use conflicts with agriculture nor policies pertaining to the protection of sensitive habitat.



County of San Mateo - Planning and Building Department

ATTACHMENT B



San Mateo County Planning Commission Meeting

Owner/Applicant: _____

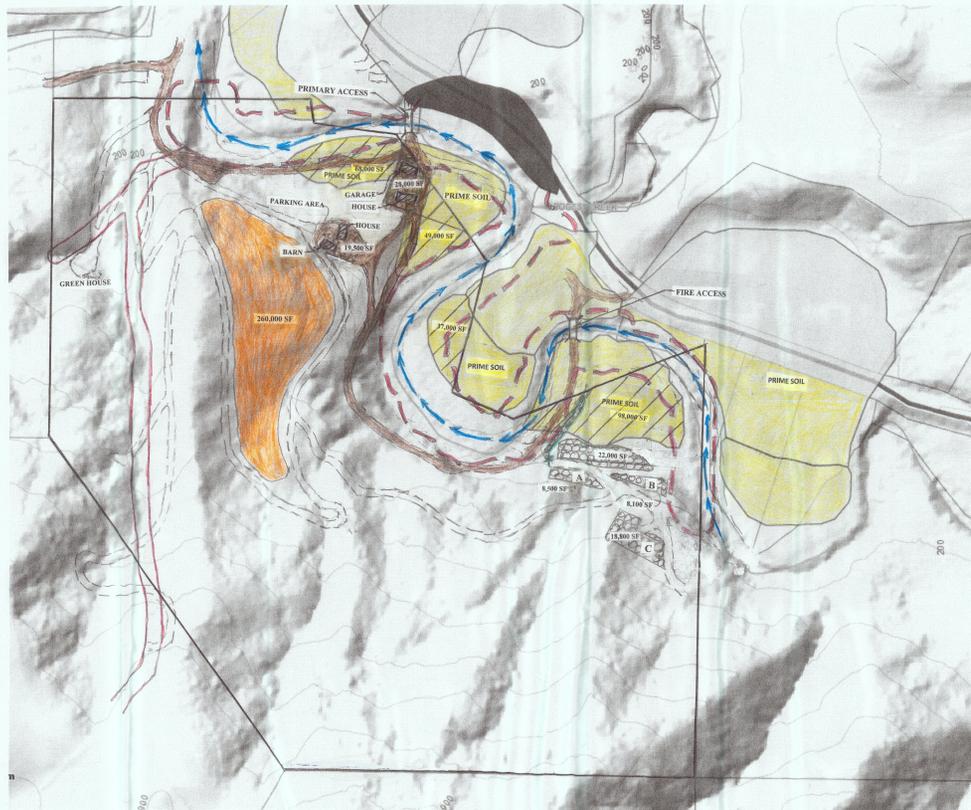
Attachment: _____

File Numbers: _____



County of San Mateo - Planning and Building Department

ATTACHMENT C



LEGEND

- PROPERTY LINE
- APPROX. STREAM FLOWLINE
- EXISTING BUILDING
- EXISTING ALL WEATHER ROAD & GRAVEL PARKING AREA
- EXISTING DIRT ROAD
- EXISTING BRIDGE
- INTERCEPTOR TRENCH
- RIPARIAN BUFFER (INTERMITTENT STREAM)
- RIPARIAN BUFFER (PERENNIAL STREAM)
- PROPOSED STORAGE & TEMPORARY STOCK PILE AREA (SCRAPPED TO DRAIN & SURFACED WITH BASE ROCK) (AREAS A, B, & C - EXISTING)
- NEW AGRICULTURAL AND GRAZING AREA
- PRIME SOIL AREAS WITHIN PROPERTY TO BE USED AS AGRICULTURAL



RECEIVED
 JAN 09 2008
 San Mateo County
 Planning Division

Berry and Associates
 1733 Woodside Road, Suite 325
 Redwood City, CA 94061
 Phone: (650) 368-0750



SITE PLAN OF KEY FEATURES
 4448 LA HONDA ROAD SAN MATEO CO. CA

Revision	No.	Date	By	Checked
	1	1/9/08	JCB	JCB
	2	1/9/08	JCB	JCB
	3	1/9/08	JCB	JCB
	4	1/9/08	JCB	JCB
	5	1/9/08	JCB	JCB
	6	1/9/08	JCB	JCB
	7	1/9/08	JCB	JCB
	8	1/9/08	JCB	JCB
	9	1/9/08	JCB	JCB
	10	1/9/08	JCB	JCB

Drawing Number: **C-1**

#3058

San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



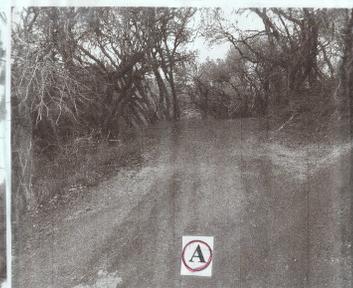
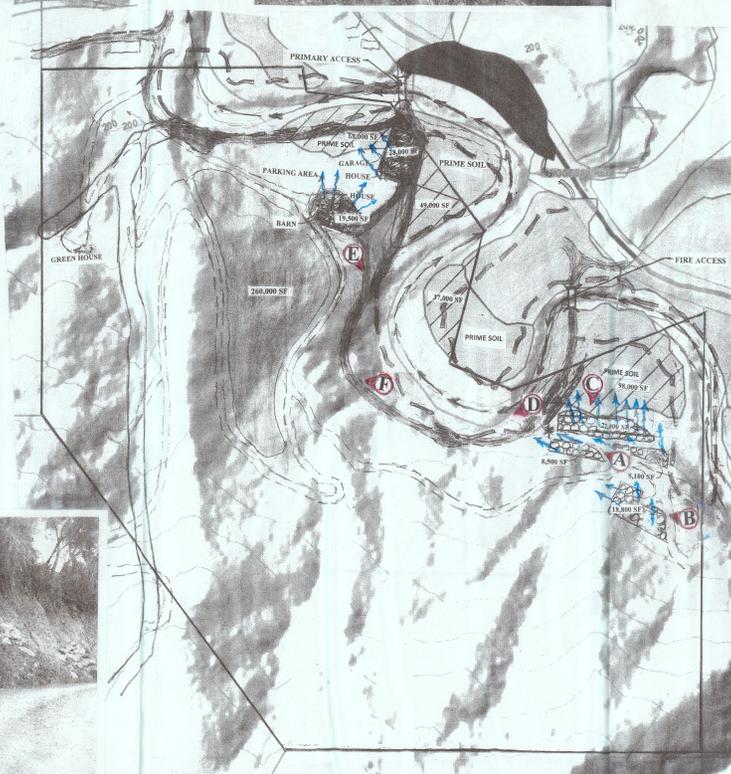
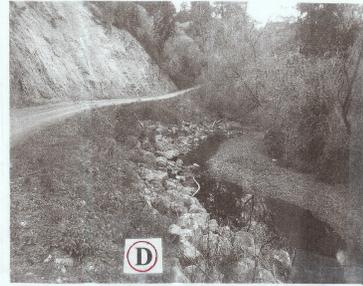
County of San Mateo - Planning and Building Department

ATTACHMENT D



County of San Mateo - Planning and Building Department

ATTACHMENT E



LEGEND

- PROPERTY LINE
- APPROX. STREAM FLOWLINE
- ▨ EXISTING BUILDING
- ▨ EXISTING ALL WATER ROAD & GRAVEL PARKING AREA
- ▨ EXISTING DIRT ROAD
- ▨ EXISTING BRIDGE
- ▨ INTERCEPTOR TRENCH
- ▨ RIPARIAN BUFFER (INTERMITTENT STREAM)
- ▨ RIPARIAN BUFFER (PERENNIAL STREAM)
- ▨ PROPOSED STORAGE & TEMPORARY STOCK PILE AREA (SCRAPED TO DRAIN & SURFACED WITH BASE ROCK) (& DRAINAGE PATTERN)
- ▨ NEW AGRICULTURAL AND GRAZING AREA
- ▨ PRIME SOIL AREAS WITHIN PROPERTY TO BE USED AS AGRICULTURAL

GRAPHIC SCALE
 (IN FEET)
 1 inch = 200 ft.

Berry and Associates
 1731 Woodside Place, Suite 335
 Redwood City, CA 94061
 Phone: (650) 368-0750



GEOTECH AND GRADING WORK
4448 LA HONDA ROAD SAN MATEO CO. CA

Revision	No.	Date	By	Checked

Drawing Number: **C-2**

#3058

San Mateo County Planning Commission Meeting

Owner/Applicant: _____

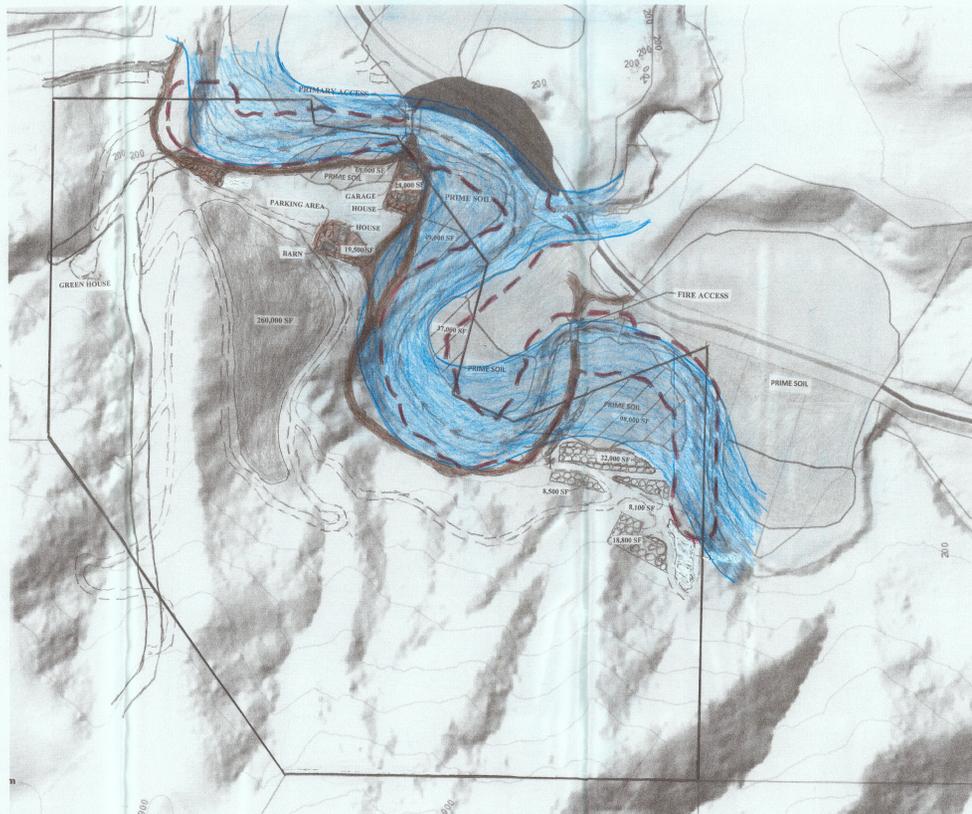
File Numbers: _____

Attachment: _____

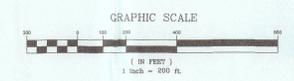


County of San Mateo - Planning and Building Department

ATTACHMENT F



- LEGEND**
- PROPERTY LINE
 - APPROX. STREAM FLOWLINE
 - EXISTING BUILDING
 - EXISTING ALL WATER ROAD & GRAVEL PARKING AREA
 - EXISTING DIRT ROAD
 - EXISTING BRIDGE
 - INTERCEPTOR TRENCH
 - RIPARIAN BUFFER (INTERMITTENT STREAM)
 - RIPARIAN BUFFER (PERENNIAL STREAM)
 - PROPOSED STORAGE & TEMPORARY STOCK PILE AREA (SCRAPED TO DRAIN & SURFACED WITH BASE ROCK)
 - NEW AGRICULTURAL AND GRAZING AREA
 - PRIME SOIL AREAS WITHIN PROPERTY TO BE USED AS AGRICULTURAL
 - FLOOD ZONE



Berry and Associates
 1733 Woodside Road, Suite 335
 Redwood City, CA 94061
 Phone: (650) 568-9750



FLOOD ZONE MAP
 4448 LA HONDA ROAD SAN MATEO CO. CA.

DATE:	10/27/07	NO.	
PROJECT:	208	REVISION:	
DRAWN:	DSK	APPROVED:	
CHECKED:	DSK		
DRAWING NUMBER:	C-3		

#3058

San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



County of San Mateo - Planning and Building Department

ATTACHMENT G



County of San Mateo - Planning and Building Department

ATTACHMENT H

COUNTY OF SAN MATEO PLANNING AND BUILDING

455 County Center, 2nd Floor
Redwood City, CA 94063
650-599-7310 T
www.planning.smcgov.org

July 25, 2018

James Rogers
4448 La Honda Road
San Gregorio, CA 94074

Dear Mr. Rogers:

Subject: LETTER OF DECISION
File Nos.: PLN2016-00195; PLN2016-00197
Location: 4448 La Honda Road, unincorporated San Gregorio
Assessor's Parcel No: 082-120-050

On July 11, 2018 the San Mateo County Planning Commission considered :1) an After-the-Fact Planned Agricultural Permit and Coastal Development Permit, pursuant to Sections 6353 and 6328.4 of the San Mateo County Zoning Regulations, to allow for operation of a construction equipment and materials storage use (associated with VIO2015-00056), and 2) an After-the-Fact Grading Permit, pursuant to Section 9283 of the Grading Regulations, for unpermitted grading performed in January 2015 (associated with VIO2015-00056) related to construction/upgrade of private access roads at 4448 La Honda Road, San Gregorio.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission denied the after-the-fact Grading Permit (County File Number PLN2016-00195) and after-the-fact Planned Agricultural Permit (PAD) and Coastal Development Permit (CDP) (County File Number PLN2016-00197), by making the findings identified in Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on July 25, 2018.**

The approval of this project is appealable to the California Coastal Commission. Any aggrieved person may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the notice of Final Local Decision. Please contact the Coastal Commission's North Central Coast District Office at 415/904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.



Please direct any questions regarding this matter to Senior Planner Camille Leung at 650/363-1826 or cleung@smcgov.org.

Sincerely,



Janneth Lujan
Planning Commission Secretary
Pcd711cc_jl (Item 2. Rogers)

Cc: Richard Rogers, Property Owner
California Coastal Commission
Michelle Leicester, California Department of Fish and Wildlife (CDFW)
Rich Sampson, CALFIRE
Lennie Roberts, Committee for Green Foothills
Wayne Hoss, Code Compliance Section
James Ober, CDFW

County of San Mateo
Planning and Building Department

FINDINGS OF DENIAL

Permit or Project File Numbers:
PLN2016-00195; PLN2016-00197

Hearing Date: July 11, 2018

Prepared By: Camille Leung
Project Planner

Adopted By: Planning Commission

FINDINGS

Regarding the Environmental Review, Found:

1. That the proposed project is exempt from environmental review pursuant to Section 15270 (Projects Which are Disapproved) of the California Environmental Quality Act (CEQA) Guidelines which exempts projects that would be denied by the Lead Agency.

Regarding the After-the-Fact Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Section 6328.7, does not conform with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program. The plans and materials have been reviewed against applicable LCP Policies, which regulate the location of new development, the protection of sensitive habitat, and development on Prime Soils and Lands Suitable for Agriculture. Regarding the location of development and sensitive habitat, the manner and location in which the 'horseshoe road' was constructed in close proximity to San Gregorio Creek, the dumping of sediment, trash, and debris into the creek, and the manner in which the owner conducts the proposed use has resulted in adverse environmental impacts at the subject parcels which have already occurred, continue to occur, and will likely worsen with time, as described in the CDFW Report. Regarding development on Prime Soils and Lands Suitable for Agriculture, the location of the 'horseshoe road' on Prime Soils and Lands Suitable for Agriculture and the location of the proposed construction equipment and materials storage use on Lands Suitable for Agriculture do not meet the required criteria, including those requiring maintaining water quality.
3. That the project does not conform to specific findings required by policies of the San Mateo County Local Coastal Program. As discussed in Section A.2 of the staff report and Finding 2 above, the project, as proposed, is not in compliance with applicable LCP Policies.

Regarding the After-the-Fact Planned Agricultural (PAD) Permit, Found:

4. The proposal does not meet the substantive criteria for the issuance of a PAD Permit, in particular criteria requiring development to be located, sited, and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site, and its surrounding is maintained to the maximum extent practicable. Grading, vegetation removal, and in-stream work associated with the construction/improvement of the 'horseshoe road' which runs alongside the creek and the manner in which the owner has conducted the proposed construction equipment and materials storage use has impacted San Gregorio creek and associated riparian areas.

Regarding the After-the-Fact Grading Permit, Found:

5. That the granting of the permit will have a significant adverse effect on the environment. As described in the staff report, the grading activities associated with the construction of the "horseshoe road" have caused significant environmental impacts to San Gregorio Creek, associated habitat, and fish and wildlife.
6. That the project does not conform to the criteria of Chapter 8, Division VII, of the San Mateo County Ordinance Code, including the standards referenced in Section 9296. As described in Section 4.b (1) of the staff report, the geotechnical measures implemented by the applicant are not adequate to properly stabilize the roadway alignment. To stabilize the roadway alignment, the large active landslide (Area F on Attachment D of the staff report) that is moving beneath the roadway would need to be stabilized.
7. That the project is not consistent with the General Plan. As described in Section 1 of the staff report, the project does not comply with General Plan policies establishing development standards to minimize land use conflicts with agriculture nor policies pertaining to the protection of sensitive habitat.



County of San Mateo - Planning and Building Department

ATTACHMENT I

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

PLANNING COMMISSION MEETING OF JULY 11, 2018

RECEIVED

JUL 11 2018

San Mateo County
Planning Division

ROGERS RANCH
4448 LA HONDA ROAD, SAN GREGORIO, CA.

(Attached photos of the current condition of the property)
(Attached Williamson act questionnaires 2015, 2016, 2017)
(Attached maps reflecting prime soil and creeks and roads)

DEAR COMMISSIONERS

As applicant I have been a part of this Planning and building dept. inspections and reports since the beginning.

CONTINUANCE

I am requesting a continuance for a period of 90 days to conclude the processing of this complicated project. We are close in our process to conclude negotiations with Fish & wildlife, and work out the final details with Planning.

PRIOR USE

The property was owned by a third generation farmer leading back into the early 1800s.

The farm, like most on the coast have been used for living, farming, grazing, and in the case of this property a TV repair business.

The over use of growing pumpkins rendered the property unusable to grow anything else when the property was purchased.

CONDITION

Richard Rogers purchased this property 3 years ago.

The property was in a condition that required much hauling and cleaning to get it in what we classified as useable.

The property had much debris and rubbish in all corners the property.

Over 30 high sider dump loads were removed from the property.

AMENDMENT

The soil required amendments and conditioning to become farmable.

In the interim the property was used for cattle grazing and now is transitioning into a crop farming operation. Winter Hay has been growing for the last two years with good success. The property is now being expanded for vegetables crops in open fields and green houses for 2018 onward.

COMPLIANCE

All work performed on the property that prompted the complaints by the County were all performed while the property was owned by the previous owner.

Mr. Rogers did assist in clearing the creek for the previous owner in record scale storms of 2014 when a major landslide closed the creek and prompted flooding of adjacent property and endangering structures. The owner solicited Mr. Rogers help in clearing and restoring the flow to the creek.

That owner was aware of the emergency repair plan in effect with the County and F&W at the time, but did not complete the required documentation to comply with the appropriate agencies.

After Mr. Rogers acquired the property he has gone to great length and expense to comply with all the requests made by the different County agencies. The County agencies have not granted any approval to complete the required work items and yet they file non-compliance when no approved plan has been accepted.

Mr. Rogers performed no other work on the property than is required to amend, clean or farm the property.

UNFOUNDED CLAIMS

The County agencies has made many unverified claims, such as Rogers dumping in the Creek, contamination, construction debris and tires all being deposited by Mr. Rogers

Just for the record, after every rainstorm, there is an incredible amount of debris floating down the river including a Cadillac that appeared just a few months ago in his area of the creek. He has pulled out many cars, tires, washing machines, shipping container and travel trailers, to list just a few. He has spent large sums of money to clean up the property. Dumping in the river is not in his vocabulary.

After extensive testing, No contamination has been found on the property.

I have been working with Camille and Wayne in Planning, and we all agree that the concerns could be worked through if given a little more time.

REQUEST

Thefor we humble request a short continuance so not to throw out all the hard work and expensive application fees expended to date.

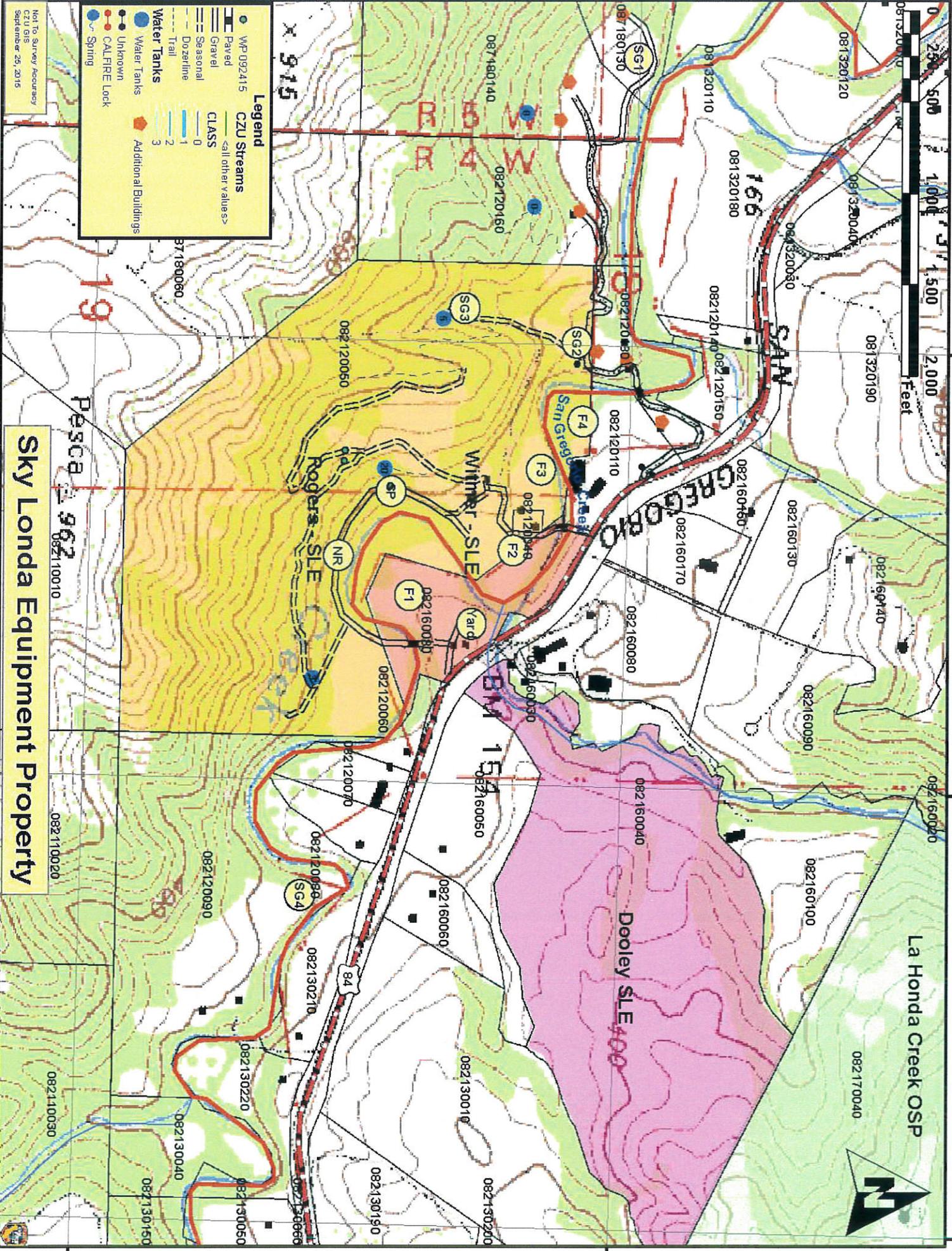
Sincerely,

James B. Rogers
Applicant

122°20'0"W

122°19'30"W

122°19'0"



Legend

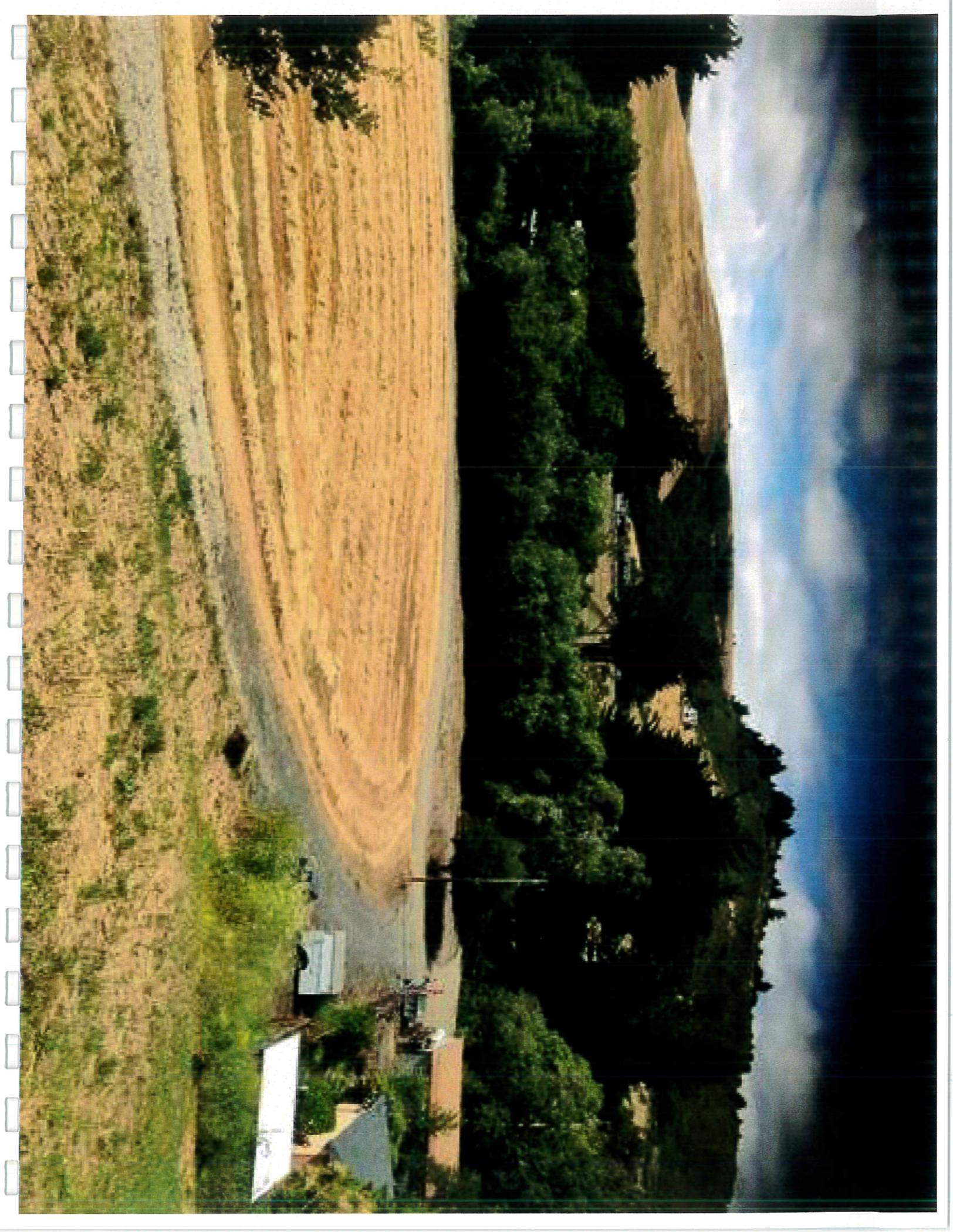
● WP 092215	CZU Streams	<call other values>
▬ Paved	CLASS	
▬ Gravel	0	
▬ Seasonal	1	
▬ Dorseline	2	
▬ Trail	3	
● Water Tanks	Additional Buildings	
● Unknown		
● CALFIRE Lock		
● Spring		

Sky Londa Equipment Property

Not To Survey Accuracy
CZU GIS
September 25, 2015

18°30'N 19°0'N 19°30'N
122°19'30"W 122°19'0"

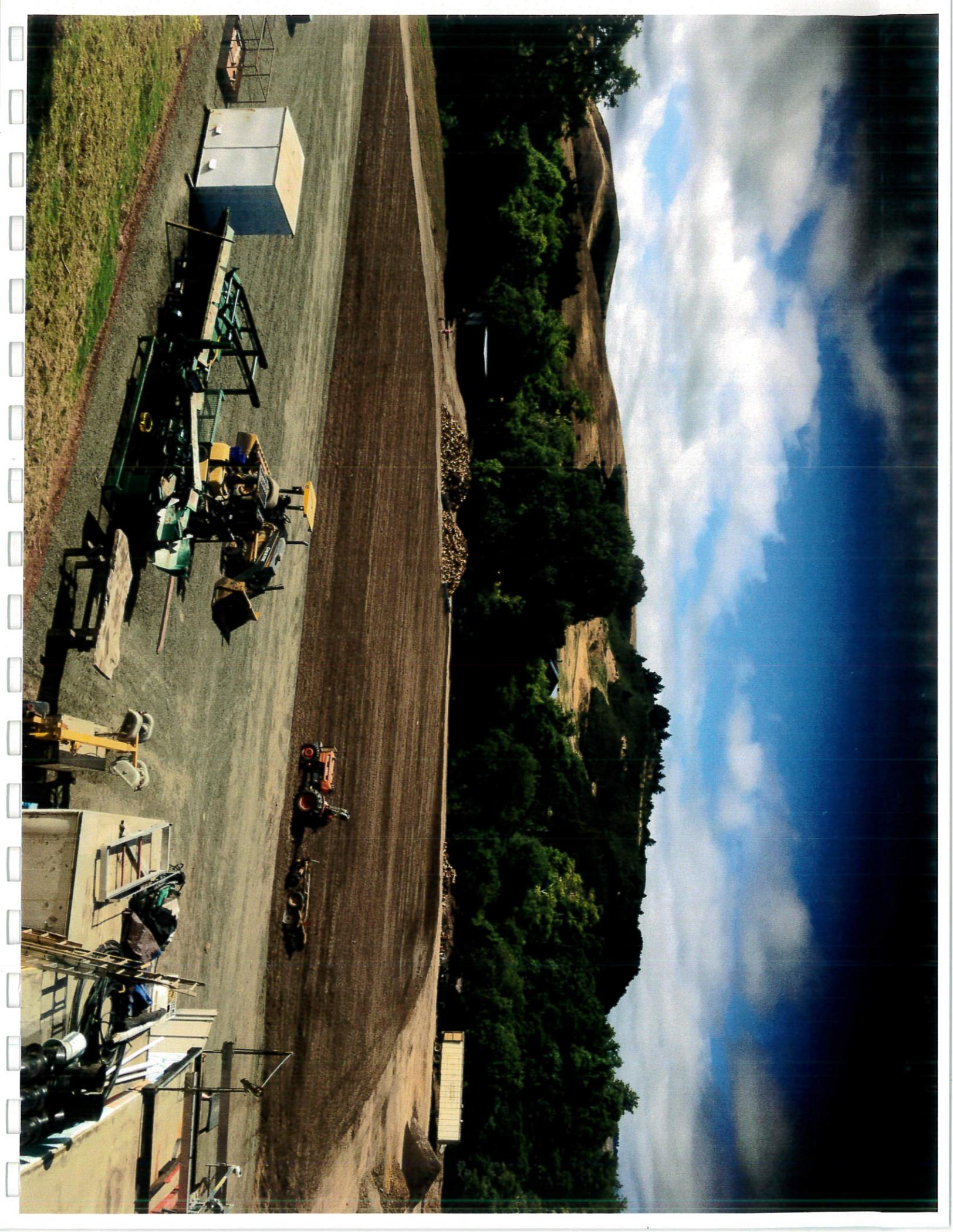














County of San Mateo - Planning and Building Department

ATTACHMENT J



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
Page 2

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
Page 3

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 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 cursive script that reads "Wayne Hoss".

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

**Environmental Impact Assessment
For the Property of
ROGERS, Richard K.**

**San Gregorio Creek, unnamed tributaries and immediate vicinity,
San Mateo County**



(Existing conditions at subject property on 13 March 2018. Photo by M. Leicester)

California Department of Fish and Wildlife

May 10, 2018



Overview

The information in this Environmental Impact Assessment was gathered on March 13, 2018, by California Department of Fish and Wildlife’s (CDFW) Senior Environmental Scientist (Specialists) Michelle Leicester and Heather McIntire, and Environmental Scientist Stephanie Holstege, during a site inspection conducted by CDFW Lieutenant James Ober. The inspection was conducted on property having the physical addresses of 4448 La Honda Road, San Gregorio, CA and 4581 La Honda Road, San Gregorio, CA (associated with Assessor’s Parcel Numbers 082-120-050 and 082-160-080, respectively). These properties and adjacent parcels have been evaluated multiple times in the past by CDFW staff and by staff from other local and state agencies including CalFIRE, County of San Mateo Code Compliance and the County of San Mateo Office of Environmental Health. Various violations have been repeatedly documented on the subject parcels and on adjacent parcels owned or leased by Richard Kevin ROGERS. An Administrative Notice of Violation (ANOV) was sent to ROGERS on May 23, 2012, following an inspection by Lt. Ober and CDFW Environmental Scientist Suzanne DeLeon. The ANOV detailed violations of Fish and Game Code associated with road and bridge construction, unauthorized water diversions, unauthorized grading and drainage ditches, and riparian destruction.

The March 13, 2018 inspection was on property known to be owned by ROGERS or leased by him in the recent past. During the site assessment, CDFW staff found that San Gregorio Creek, and unnamed tributaries thereto, had been and continued to be adversely impacted by ROGERS’ activities. These activities have resulted in environmental impacts and apparent violations of Fish and Game Code sections 1602, 5650 and 5652 (Table 1), documented herein.

TABLE 1. Fish & Game Code Violations				
Site ID	GPS/APN	Description of Activities	Violation Section	Violation Description
1	37.31267 N, -122.32883 W APN 082-120-050	Parking lot discharging directly to creek (oil/petroleum products)	5650(a)(1)	Pollution - deposition of deleterious substance (petroleum products)
2	37.31223 N, -122.32944 W APN 082-120-050	Parking lot sediment discharge directly to creek	5650(a)(6)	Pollution - deposition of deleterious substance (sediment)
3	37.31235 N, -122.32953 W APN 082-120-050	Dumped sediment from grading of illegal road and culvert clearing	1602(a), 1602(e)	Obstruction of streambed, placement of fill, failure to notify

TABLE 1. Fish & Game Code Violations

Site ID	GPS/APN	Description of Activities	Violation Section	Violation Description
			5650(a)(6)	Pollution - deposition of deleterious substance (sediment)
4	37.31319N, -122.32889 W APN 082-160-080	Storage shed placed at top of bank, containing pesticides, vehicles and other unknown substances	5652	Deposition of trash within 150' of high water mark
		Gasoline generator with no secondary containment	5650(a)(6)	Pollution
5	37.31335N, -122.32906 W APN 082-160-080	Large debris and trash dumped into channel or placed where it could enter active channel	5652(a)	Deposition of trash/debris within 150' of high water mark
		Abandoned backpack chemical applicator	5650(a)(6)	Pollution - deposition of deleterious substance
6	37.31365 N, -122.32861 W APN 082-160-080	Diversion to storage, diversion to offsite location	1602(a), 1602(e)	Alteration of streambed, failure to notify
7	37.31329 N, -122.32778 W APN 082-160-080	Large pile (200' L x 7' W x 10' H) of composting wood chips placed at top of bank	5650(a)(6)	Pollution – deposition of deleterious substance (nutrients)
			5652(a)	Deposition of trash/debris within 150' of high water mark
8	37.31224 N, -122.32802 W APN 082-120-050	Asphalt shavings/rubble dumped in flood plain	5650(a)(1)	Pollution – deposition of deleterious substances (petroleum product/ asphalt)

TABLE 1. Fish & Game Code Violations

Site ID	GPS/APN	Description of Activities	Violation Section	Violation Description
9	37.31213 N, -122.32750 W APN 082-120-050	Leaking hydraulic equipment with no secondary containment placed in flood plain and within 150' of top of bank	5650(a)(1)	Pollution – deposition of deleterious substance (petroleum product; (hydraulic fluid, oil, gas)
10	37.31207 N, -122.32945 W APN 082-120-050	Road grading and construction with no permits,	1602(a), 1602(e)	Alteration of streambed, failure to notify
		Undersized culvert placed with no permits	1602(a), 1602(e)	Obstruction of streambed, failure to notify
		Placement of fill and riprap, unauthorized grading	5650(a)(6)	Pollution – deposition of deleterious substance (sediment)
11	37.31545 N, -122.33073 W APN 082-160-080	Diversion to storage	1602(a), 1602(e)	Alteration of streambed, failure to notify
12	37.31524 N, -122.33023 APN 082-160-080	Sackcrete placed below top of bank	5650(a)(6)	Pollution – deposition of deleterious substance (concrete)
			1602(a), 1602(e)	Alteration of streambed, failure to notify
13	37.31583 N, -122.33077 W APN 082-160-080	Abandoned vehicles, trailers in floodplain less than 150' from bed bank or channel	5652(a)	Pollution – abandoned vehicles or parts thereof
		Vehicles stored in flood plain without secondary containment	5650(a)(1)	Pollution – deposition of deleterious substance (petroleum product; (hydraulic

TABLE 1. Fish & Game Code Violations				
Site ID	GPS/APN	Description of Activities	Violation Section	Violation Description
				fluid, oil, gas)
14	37.31540 N, -122.33042 W APN 082-160-080	Diversion, diversion infrastructure	1602(a), 1602(e)	Alteration of streambed, failure to notify

Pollutant sampling. During the site visit of March 13, 2018, water samples were taken by SrES Leicester from two separate locations on ROGERS' property where water had pooled on the ground or was being discharged to San Gregorio Creek. These samples were analyzed for petroleum hydrocarbons by the California Department of Fish and Wildlife's Water Pollution Control Lab. In a reported dated March 26, 2018, it was determined that the samples tested positive for petroleum hydrocarbons (Attachment B).

Location, Maps and Photos

The location of the subject parcels is in an unincorporated area of San Mateo County, associated with the street addresses 4448 and 4851 La Honda Road, in the town of San Gregorio, California (Attachment A). The Site Map (Attachment A) shows an aerial view of the property and the approximate locations of each of the 14 individual sites assessed. Maps and supporting documentation are referenced in this document as attachments and are included in the Appendix at the end of the report. All photos are referenced in this document as figures and can be found in the Appendix at the end of the report.

Detailed location information provided in this memo is based on geographic position system (GPS) coordinates collected during the site inspection using a handheld Garmin Rino 755t and via desk review using Garmin BaseCamp and Google Earth Pro. All waypoints are approximate and based on the North American Datum (NAD) 83. Property ownership and parcel data was obtained using LandVision Enterprise, v. Winter 18.

Fish and Game Code Violations

Violation Overview

Site conditions and the associated activities described in this Environmental Impact Assessment are in violation of the following Fish & Game Code sections:

Section 1602(a) states:

- (a) An entity may not substantially divert or obstruct the natural flow of, or

substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material....where it may pass into any river, stream, or lake, unless all of the following occur (summarized):

- (1) The department receives written notification regarding the activity in the manner prescribed by the department.

Section 1602(e) states:

- (e) It is unlawful for any entity to violate this chapter.

Stream alterations and/or obstructions were documented during the March 13, 2018 site inspection (see Table 1). These activities had been conducted without prior notification to CDFW's Lake or Streambed Alteration (LSA) Program pursuant to Fish & G. Code section 1602(a). No record of an LSA notification or issuance of a LSA agreement for these activities exists in CDFW's Project Tracking database. A Lake/Streambed Alteration Notification package proposing to place some very minor erosion control measures in the flood plain was received on April 19, 2012, and subsequently deemed incomplete by CDFW on May 18, 2012. No appropriate documentation responsive to the May 18, 2012 Notice of Incomplete Lake or Streambed Alteration Notification has been received to date by CDFW.

Section 5650(a) states:

- (a) Except as provided in subdivision (b), it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any of the following:
 - (1) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance;
 - (6) Any substance or material deleterious to fish, plant life, mammals, or bird life.

As a result of the site conditions and associated activities on the property, unknown quantities of petroleum products and/or petroleum distillates including but not limited to gasoline, engine oil, lubricating oil and hydraulic fluid, as well as large quantities of fine sediment have been permitted to pass, and/or placed where they could pass, into San Gregorio Creek and tributaries located throughout the impacted areas.

Section 5652(a) states:

- (a) It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any cans, bottles, garbage,

motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

As a result of the site conditions and associated activities on the property, vehicles have been abandoned within 150 feet of bed bank or channel on the subject property. Large quantities of trash, debris, wood chips and other deleterious substances have also been permitted to pass, and/or placed where they could pass, into San Gregorio Creek and tributaries located throughout the impacted areas.

Violation Descriptions

Impacts to resources documented in this report occurred on two parcels. The first is owned by ROGERS, identified as Assessors Parcel Number 082-120-050 and associated with the address 4448 La Honda Road, San Gregorio, California. The second is identified as Assessor's Parcel Number 082-160-080, associated with the address 4581 La Honda Road, San Gregorio, California and owned by David Witmer and Randy T. Witmer.

During the inspection on March 13, 2018, CDFW personnel observed and documented activities that substantially altered the bed, bank and channel of streams, tributaries and springs; obstructed and diverted the natural flow of the streams and springs; and placed fine sediment, fertilizer/chemicals, petroleum products and/or distillates, and/or other deleterious material where it has passed, and/or where it could pass into waters of the state. These activities consisted of:

- Three (3) active instream diversions as evidenced by water lines, water tanks and water tank trucks noted in place;
- One (1) culvert with associated bank revetment, riprap and placement of fill, installed at stream crossings without necessary permits;
- Ten (10) locations where placement of deleterious substances adjacent to or within the bed, bank or channel were documented.

(Table 1 & Figures 1-24).

Detailed descriptions of the existing conditions at each location at the time of the March 13, 2018 site inspection are set forth below.

Site Descriptions

Summary

Locations 6, 11 and 14 were documented to have existing instream diversions that were withdrawing water from San Gregorio Creek. Additionally, Location 6 was documented to be supplying a water hauling business. Locations 6 and 11 also had large water tanks installed for water storage. All three locations had instream infrastructure for purposes of diverting water from San Gregorio Creek.

Locations 1 through 5, 7 through 9 and 12 were documented to have deleterious

substances placed where they had passed, or where they were likely to pass, into waters of the state. Large portions of the subject parcels are currently being utilized for parking of vehicles and/or construction equipment, storage and/or dumping of miscellaneous construction debris, wood chips, asphalt, compost, leaking/derelict construction equipment and vehicles, and other inappropriate land uses.

Location 10 had evidence of placement of fill, excavation and/or grading within the active channel, obstruction of natural stream flow in tributaries or mainstem San Gregorio Creek, road construction and installation of an unpermitted culvert.

Location 13 was documented to have vehicles, trailers, and/or vehicle parts that had been abandoned without secondary containment within the bed bank or channel of San Gregorio Creek.

Locations 1, 2, 3 and 10 were documented to be significant sources of fine sediment discharging into San Gregorio Creek.

All impacts documented were to the mainstem or to tributaries of San Gregorio Creek. All measurements were taken in the field by CDFW staff using a 100-foot tape measure or a Nikon Prostaff rangefinder, for purposes of estimating volumes of fill and lengths of impact, where applicable, at each location. The results are detailed below.

Individual Locations

Location 1: This location involved a large cleared/graded area that was once used for agriculture, in the center of the floodplain and bordered by a bend in San Gregorio Creek. The area is now being used as a parking lot for vehicles and equipment, and as storage for a variety of equipment and construction debris, including but not limited to piles of broken/crumbled asphalt and concrete, gravel, old concrete K-rail, old plastic drainpipes, dirt, compost, wood chips, ceramic tiles, piles of broken machinery and other miscellaneous items. Drainage ditches led from this parking area directly into San Gregorio Creek. All had heavy fine sediment loads and carried oil sheen. Sample number 1 was taken in this location. (Figures 1, 2)

Location 2: This location was the point of discharge from which sediment and contaminant laden parking lot drainage was observed to be entering directly into San Gregorio Creek. Note the plume of fine sediment adjacent to the left bank of the creek. (Figure 3)

Location 3: A quantity of sediment generated by grooming and grading activities to maintain a road adjacent to this location had been sidecast into San Gregorio Creek at this location. The dumped sediment extended 39 feet into the active channel of San Gregorio Creek and was impacting a 59 foot long section of the left bank. The dumped material was also contributing to a sediment plume that was documented at the time of the site visit that extended for some distance downstream. The fill area was estimated to be between 2-4 feet deep depending on location (deeper toward the channel thalweg). The volume of fill was calculated to be 2,301 yd³, with an unknown amount eroded/washed downstream. (Figure 4)

Location 4: A shed had been placed within 10 feet of the top of the left bank of San Gregorio Creek. Inside the shed was a parking space for a vehicle, together with uncontained storage for various substances including pesticides, motor vehicle oil, antifreeze, fertilizer and other substances. A gas generator was placed immediately outside the shed, also within 10 feet of the top of bank. There were no vehicle drip pans, or secondary containment noted for the generator or any of the other items noted inside the shed. (Figures 5, 6, 7)

Location 5: Inspection of the stream bed revealed various pieces of trash, some embedded in the bank or channel of San Gregorio Creek. These items included but are not limited to, household plastic trash and/or debris, an abandoned backpack chemical applicator, tires, oil pans and motor vehicle parts. (Figure 8)

Location 6: A water diversion with a 4" hose leading from San Gregorio Creek and attached to the back of a water hauling truck was documented at this location. At least three water hauling trucks, some with "Skylonda Equipment" contact information, were documented at this location. A 5,000 gallon storage tank was also documented in this location adjacent to pump infrastructure and a ramshackle dwelling. (Figures 9, 10, 11)

Location 7: A large pile of composting wood waste, bark and chips had been placed approximately 75 feet from the top of bank of San Gregorio Creek. The pile was measured to be approximately 200 feet in length, 7 feet wide at the base, and approximately 8 feet high. (Figure 12)

Location 8: A large pile of asphalt shavings and chunks, appearing to be construction debris, had been placed in the floodplain. Leachate was noted adjacent to the piles. (Figures 13, 14)

Location 9: Derelict and inoperable equipment had been placed throughout the storage/parking lot area and none was observed to have any sort of secondary containment. There were also many piles of unknown substances that appeared to be compost, construction debris such as broken/crumbled asphalt or concrete, ceramic tile, logs, or similar items. At this location a piece of equipment was noted to be leaking directly onto the ground. A puddle of water that had collected beneath this piece of equipment had an oily sheen resembling petroleum distillate. Sample 2 was collected in this location. (Figures 15, 16)

Location 10: A culvert and road crossing had been installed across a swale/tributary to San Gregorio Creek and was draining directly into San Gregorio Creek. The culvert had riprap associated with the western end that drained into the creek and the entire swale it drained. The riprap had been placed along a 210 foot long section of the left bank of San Gregorio Creek and was approximately 25 feet wide, for a total impacted area of streambed approximately 5,250 square feet in size. The culvert was undersized and noted to be almost completely clogged with sediment and vegetation. The culvert was estimated to be 40 feet in length and 3 feet in diameter. (Figures 17, 18)

Location 11: A water diversion to storage was noted in this location. Although not

actively diverting at the time of the site inspection, this diversion was comprised of a 2" unscreened hose drawing water directly from San Gregorio Creek, with two associated 5,000 gallon storage tanks and a pump house. (Figures 19, 20)

Location 12: An area of sackcrete was noted to have been placed below the top of bank in San Gregorio Creek. The area of bank impacted by placement of sackcrete was approximately 2,500 square feet in size. (Figure 21)

Location 13: Vehicles were noted to have been abandoned in the floodplain of San Gregorio Creek at this location. Two vehicle frames, two filled/covered trailers and one car trailer were documented in this location. (Figure 22)

Location 14: A water diversion on the right bank, slightly upstream of Location 11, was documented in this location. The diversion consisted of a 3" screened hose drawing water from San Gregorio Creek, with associated pump infrastructure and PG&E service lines. It was not clear at the time of inspection where any water withdrawn was ultimately being delivered. (Figures 23, 24)

Environmental Setting

The site is located in western San Mateo County, along Highway 84 (Figure 1), in the coastal zone. The climate is Mediterranean and subject to the Pacific Ocean's marine layer which keeps temperatures moderate (average summertime air temperatures are typically in the 70s), and results in regular fog in the region. Average annual precipitation averages between 26 – 35", with the vast majority falling as rain during the months of December through March.

Soils in the impacted areas are predominantly alluvial loams, sandy loams and alluvial deposits consisting of cobbles and gravels originating from landslide activity in the upper watershed areas. These soil types are typically large grained and more porous than soils with a higher clay component, so water passes through them quickly and easily, making them a fertile, productive agricultural substrate. However, these traits can potentially result in accelerated movement of contaminants through the soil and into the groundwater/surface water interface. Presence of deleterious substances or contaminants in the floodplain is therefore more likely to result in pollution of surface waters immediately adjacent to any particular source of pollution.

While much of the watershed is privately owned and there is a strong historical agricultural use component to the landscape, a significant portion of the San Gregorio Creek watershed is held in open space preserves and parks. Mid Peninsula Regional Open Space District owns and manages over 10,000 ac, or 33% of the watershed. San Mateo County and the State of California also have large land holdings. One of the preserves, La Honda Creek Open Space, is located less than half a mile away from the subject property and has multiple documented occurrences of sensitive species reported to the California Natural Diversity Database (CNDDDB) (Attachment C, CNDDDB map). Because the CNDDDB relies on voluntary contributions of information on sensitive species occurrences, it is not a complete record and absence of occurrences on a

property should in no way be construed as confirmation of the absence of any species of concern, or the lack of suitable habitat in any given location.

The San Gregorio Creek watershed is known to provide habitat and ecological niches for a number of rare, sensitive and/or endemic species, most of which are protected under state and/or federal Endangered Species Acts (Natural Heritage Institute 2010). Not surprisingly, a significant body of research has been conducted in the watershed by various state and federal agency scientists. Millions of dollars in grant funding has been awarded to local environmental groups for implementation of habitat restoration and landowner outreach efforts for the benefit and preservation of these species and their habitat. For example, the San Mateo Resource Conservation District notes two successful projects in the San Gregorio watershed which together received a total of over \$8 million in grant funds from the State Water Resources Control Board and Fisheries Restoration Grant Program (see www.rcdprojects.org).

Due to the acknowledged high importance of the habitat and the significant risks to sensitive species that are present in San Gregorio watershed, deleterious effects resulting from ROGERS' activities are magnified, and can be considered particularly egregious.

Watershed Setting and Hydrology

San Gregorio Creek is the second largest watershed in coastal San Mateo County, draining an area of approximately 33,290 acres, comprising approximately 45 miles of stream channel. The watershed originates at an elevation of 2,700 feet above sea level in the Santa Cruz Mountains, part of the southern Coast Ranges, and generally drains to the southwest through steep canyons and redwood, Douglas-fir, and tanoak forests. Mainstem San Gregorio Creek flows 12 miles from its origination point at the confluence of Alpine and La Honda creeks, through rolling grasslands, coastal shrub, and agricultural areas before emptying into a seasonal coastal lagoon at the Pacific Ocean (Natural Heritage Institute 2010).

As with most central California waterways, San Gregorio has a distinct winter high flow period between November and April of most years due to the Mediterranean climate and rainfall pattern. Between November and April average flows range from 20-90cfs (cubic feet per second). During summer, almost no precipitation occurs and instream typically become very low, in some instances less than 1cfs (USGS gauge 11162570)

Adjudicated Stream

In 1993, after several years during which San Gregorio Creek was observed to go completely dry or experience periods of severe instream flow fluctuations as a result of unchecked water withdrawals, the stream was adjudicated by the State Water Resources Control Board in the Superior Court of San Mateo County, Decree #355792 (hereafter "Decree"). The Decree appointed a watermaster to monitor water withdrawals, and the water rights of all users in the watershed were codified in the resultant decree. For each water right, the Decree defines the type of water usage, the priority for delivery, the volume of annual allowable diversions, the time period during

which diversions are permitted, and the associated point of diversion. In addition, under the Decree all new water diversions (or activation of unexercised riparian rights) in the watershed are subject to the maintenance of minimum bypass, or instream flows, as measured at the USGS San Gregorio gauge (#11162570). There is no record either in the Decree or in the eWRIMS water rights database maintained by the State Water Resources Control Board, indicating that ROGERS has any established right under the Decree to withdraw water for sale, or divert water to storage, at any of the locations documented to have an active water diversion on March 13, 2018. There is also nothing of record to indicate that ROGERS or his representatives have legally activated any previously unexercised riparian water rights.

Fish and Wildlife Resources

Several special-status species have high potential to occur in the impacted area, or in waterways downstream of the impacted area which could be subject to deleterious effects as a result of activities in and around the impacted areas. These include steelhead trout, coho salmon, tidewater goby, California red-legged frog, foothill yellow-legged frog, San Francisco garter snake, and marbled murrelet. As well, the San Gregorio Creek watershed has been designated as critical habitat for steelhead trout, coho salmon, California red legged frog and tidewater goby (Attachment D).

Endangered Species Act (federal and state); Incidental Take Permit coverage

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. Under Fish and Game Code Section 2081(b), CDFW may authorize “take” of a species protected by the California Endangered Species Act, which is otherwise *incidental to lawful activities*, provided that certain conditions are met. In general, when activities are planned for locations that are likely to support listed species, CDFW recommends that an entity apply for an Incidental Take Permit (ITP), which provides legal coverage in the event that the entity’s activities result in harm or death to an individual or individuals of the species at risk. The US Fish and Wildlife Service has a similar process by which entities may obtain coverage for federally listed species, but definitions and requirements may be different.

There is no record of Rogers or his representatives obtaining ITP coverage for any of the sensitive species with potential to occur on the subject properties. The likelihood that death or harm to one or more of these species has occurred as a result of Rogers’ activities, is not insignificant.

Regional significance of San Gregorio Creek watershed

As discussed elsewhere in this document, the San Gregorio Creek watershed supports unusually high levels of diversity and species richness across several taxa. In particular,

the watershed supports populations of endemic, sensitive and/or special-status species for which declines due to human activities are well documented. The watershed has several open space preserves and has been the subject of several academic research projects focusing on instream flow studies, habitat requirements and status/population trends of listed aquatic species. Several local, state and federal agencies have deemed it a high priority for conservation and restoration, including the California Coastal Commission, California Department of Fish and Wildlife, National Marine Fisheries Service, County of San Mateo, and the State Water Resources Control Board. San Gregorio Creek is included as a Core Priority 1 watershed in NMFS' Coho Recovery Plan (NMFS 2012) and has been deemed a high priority for reintroduction of critically endangered CCC-ESU coho salmon (NMFS 2012; NMFS 2015). Accordingly, many NGO's have also focused their efforts on restoring and preserving San Gregorio watershed's unique resources including Trout Unlimited, the San Mateo Resource Conservation District, State Coastal Conservancy, Coastal Watershed Council, MidPeninsula Regional Open Space District, Peninsula Open Space Trust and the Natural Heritage Institute, to name a few (NMFS 2012; Natural Heritage Institute 2010). Millions of dollars in grant funds have been allocated to projects in the watershed from several sources for habitat restoration or enhancement, and for preservation of prime property for agricultural or open space purposes.

Conscientious land stewardship should always be a priority for property owners who wish to preserve and maintain their land in perpetuity. This responsibility weighs even more heavily on those who choose to own property in areas of such significance to threatened and endangered species.

Coho salmon (*Oncorhynchus kisutch*) and Steelhead trout (*Oncorhynchus mykiss*)

San Gregorio Creek is known to support two species of anadromous salmonids: the Central California Coast Evolutionarily Significant Unit (CCC-ESU) of coho salmon and the Central California Coast Distinct Population Unit (CCC-DPU) of steelhead trout. While their life histories and habitat niche preferences vary slightly, coho and steelhead are sympatric in San Gregorio Creek. CCC-ESU coho salmon are listed as endangered under both the federal and California Endangered Species Acts (NMFS 2012). CCC-DPU steelhead are listed as threatened under the federal Endangered Species Act (NMFS 2015) and are a California State Species of Special Concern.

Habitat requirements for both species to successfully spawn, eggs to incubate, and juveniles to rear, have been well documented in the literature (Reiser and Bjornn 1979; NMFS 2012; NMFS 2015). These requirements include but are not limited to 1) clean, permeable gravels or cobble for spawning and insect production; 2) sufficient primary productivity to ensure abundant prey insects for feeding fish; 3) instream flow of sufficient depth and velocity; 4) fresh, well-oxygenated water free of pollutants, contaminants and at temperatures appropriate to the amount of flow and prey items present; and 5) suspended sediment levels below levels that would impair steelhead sight feeding or result in sedimentation/smothering of the stream substrate.

Both species are considered "winter run", meaning the adult spawning migration takes place in winter between approximately mid-December and April. Both species are

anadromous, meaning they spawn and rear in fresh water, then migrate to the ocean as subadults, where they grow and mature before returning to freshwater to spawn. Coho always die after spawning, but steelhead are capable of repeated spawning events in consecutive years. Nests (referred to as “redds”) are typically constructed at the tails of pools, immediately upstream of a riffle, where water flowing through the gravel of the pool tail crest will ensure ample oxygenation of the eggs as they develop. After the eggs hatch, the juvenile steelhead will rear in the freshwater environment for 1-3 years, depending on conditions. Migration of ocean-ready juvenile steelhead (referred to as “smolts”) to the ocean typically takes place from March through mid to late May.

Salmonid species, especially in the juvenile life stages, are extremely sensitive to low instream flow and poor water quality conditions such as elevated water temperatures, turbidity due to excessive fine sediment, low dissolved oxygen levels, eutrophication and pollution by chemical fertilizers pesticides or petroleum products.

Tidewater goby (*Eucyclogobius newberryi*)

Tidewater goby are listed as threatened under the federal Endangered Species Act (USFWS 2018a) and are a California Species of Special Concern. Gobies are endemic to coastal California and are found almost exclusively in coastal lagoons, marshes and estuaries. Reproduction can occur nearly year-round, especially in warmer waters in the southern portion of the species’ range. Peak breeding activities commence in late April through early May, when male gobies dig a vertical nesting burrow 10 to 20 centimeters deep in substrate that usually contains a coarse sand component. Female tidewater gobies lay 300 to 500 eggs, which adhere to the walls of the burrow until hatching. Male gobies remain in or near the burrows for approximately 9 to 11 days to guard the eggs until they hatch. Once the eggs hatch, larval gobies are pelagic, and stay in the mid-water column near underwater vegetation until they become benthic. Typical prey items include small animals, usually mysid shrimp, gamarid amphipods, ostracods, and aquatic insects, especially chironomid midge larvae (Moyle 2002).

While tidewater goby are known for their wide tolerance range of water quality conditions, they are sensitive to declines in instream flow that result in dryback or inadequate inflow to coastal lagoons.

California red legged frog (*Rana draytonii*)

Red-legged frogs are listed as threatened under the federal Endangered Species Act (USFWS 2018b) and are a California State Species of Special Concern. Adult frogs prefer standing deep water and are often associated with seasonal or permanent bodies of water such as stock ponds, freshwater marshes or vernal pools. Frogs are also found in riparian areas, ephemeral drainages and seeps, and these areas are commonly used as migration corridors. However, any area within 1.5 miles of a breeding pond that remains cool and moist through the summer can potentially serve as non-breeding habitat. Frogs do not appear to be highly territorial but do tend to display high levels of site fidelity (Fellers and Kleeman 2007; Keung 2015). They are carnivorous, opportunistic feeders whose diet is entirely reliant on gape size.

Reproduction is strictly aquatic, requiring standing water with emergent vegetation for attachment of egg masses. Timing of breeding varies geographically and may occur at any time between November and April. Frogs may travel distances of up to 1.5 miles to access a breeding pond, using riparian corridors or overland on rainy nights. Eggs hatch within a few weeks and depending on temperature and productivity in the pond, tadpoles may begin to metamorphose within 3-4 months and disperse soon after metamorphosis is complete.

Threats to California red legged frog include habitat fragmentation and/or destruction, water diversions, degraded water quality and introduced predators such as bullfrogs.

Foothill yellow legged frog (*Rana boylei*)

This species is currently a candidate for listing as threatened under the California Endangered Species Act, and as such is afforded the same protections under state law as if it were already listed. It has also been proposed for listing under the Federal Endangered Species Act, but no ruling on this is expected until at least 2020 (Center for Biological Diversity 2016).

Yellow legged frogs are a stream dwelling species native to most drainages throughout California. Preferred habitat is small to moderate size, shallow streams with good water quality and clean cobble/gravel substrate. Primary prey is insects, and smaller amphibians; cannibalism is not uncommon. Breeding occurs in flowing streams, on the downstream side of riffles, cobbles and boulders, over which a relatively thin, gentle flow of water is present. Egg masses are baseball sized clusters of between 300-1200 eggs, attached to clean cobble substrate, between March and June. Breeding typically occurs after cessation of high winter flows and any snowmelt related runoff. Hatchlings remain near the natal egg mass for 7-10 days, and then disperse (Jennings and Hayes 1994).

Threats to foothill yellow legged frogs are similar to those of red legged frogs. These include habitat fragmentation and/or destruction, water diversions, degraded water quality and introduced predators such as bullfrogs. However, because yellow legged frogs are a stream dwelling species, they are more strongly impacted by effects of water diversions and polluted or diminished instream flows.

San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)

The San Francisco garter snake is listed as endangered under both the federal and California Endangered Species Acts (USFWS 2018c). This species has also received Fully Protected Species designation under Fish and Game Code Section 5050 (see http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html#Reptiles). Under F&GC Section 5050, Fully Protected reptile species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research.

The SF garter snake is endemic to San Mateo and Santa Cruz counties, found in the wild nowhere else in the world. Habitat includes streams, wetlands and freshwater

habitat, often isolated, throughout the two counties (Stebbins and McGinnis 2012). Reproduction occurs April through September and snakes are viviparous (give live birth). Snakes are known to estivate in rodent burrows during colder winter months when torpor sets in, or during drought conditions when their aquatic habitat dries back. Snakes have strong affinity for freshwater aquatic habitat, such as streams and ponds, as their preferred prey items include California red legged frogs, Pacific tree frogs and California newt species, all of which are strongly aquatic.

California red legged frogs are also a sensitive species with federal regulatory protection, and because of the strong reliance by SF garter snake populations on stable red legged frog populations, researchers have concluded that extirpation of California red-legged frogs in San Francisco garter snake habitat is likely to in turn result in localized extinction of the snake. SF garter snakes are also threatened by water diversions and habitat destruction/fragmentation of both upland and aquatic areas used by the snakes for forage and estivation.

Marbled murrelet (*Brachyramphus marmoratus*)

The marbled murrelet is listed as a threatened species under the federal Endangered Species Act (USFWS 2018d) and as an endangered species under the California Endangered Species Act (CDFW 2018). Murrelets are a small, robin-sized diving seabird strongly associated with near-shore marine waters where it roosts and feeds on fish and invertebrates. They spend the majority of their time at sea but come inland as far as 50 miles from mid-April to late September to nest in coastal stands of old-growth redwood and Douglas fir. Murrelet chicks are virtually helpless at hatching and rely on the adults for food. The adults feed the chick at least once per day, flying in (primarily at dawn and dusk) from feeding on the ocean, carrying one fish at a time. The young fledge from the nest in about 28 days and appear to fly directly to the sea upon leaving the nest.

Marbled murrelets have a naturally low reproductive rate because they lay only one egg per nest and not all adults nest every year. They are also very sensitive to human disturbance, and are easily driven away from nesting sites by noise and light pollution associated with vehicle traffic, construction or earth moving activity. Their declining populations have been attributed to habitat destruction and habitat degradation, mainly due to logging of old growth forests which they rely on for nesting/breeding habitat.

Impacts to Fish and Wildlife Resources

For the purposes of this report, it should be noted that Fish & Game Code section 45 defines “fish” as a wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn or ova thereof.

Effects of Water Diversion and/or Waterway Obstruction

Three water diversions were noted in operation during the site assessment. Diversion 1 (Location 6) was clearly being used to supply a water hauling business that withdrew

creek water for sale, off of the parcel on which it originated, in violation of the Decree. Water storage containers were documented at diversions 1 and 2, but not at diversion 3. On the central coast of California, all water sources are vitally important to wildlife. The 2012-2016 severe drought meant that water was even more critical to wildlife. Withdrawal of water from San Gregorio Creek in violation of the Decree, which provides for minimum bypass flows and minimum instream flow thresholds, likely had a substantial deleterious impact to obligate aquatic organisms such as fish and amphibians, which must have adequate stream flow to survive, and to a slightly lesser extent to terrestrial organisms which rely on the creek for drinking water.

Adequate water flow is critical to all stream dwelling species. Presence of water in semi-arid environments, including those in Mediterranean climates, is even more critical due to seasonal scarcity of water and frequency of drought or drought-like conditions. Substantial alteration of water sources streams and modified or diminished in-stream flows due to poor land use practices can potentially result in significant adverse impacts to aquatic and terrestrial wildlife that depend on these water sources for their survival. Diversion of water, particularly during summer low flow or drought conditions, reduces instream flow, impacts water quality and significantly degrades or eliminates habitat. Reduced instream flow volume has been found to have a strong positive correlation with increased water temperature (Arismendi et al, 2012). Increased water temperatures can increase susceptibility to disease, and result in lower quantities of dissolved oxygen, which can impact and/or reduce survival of species such as fish, aquatic insects and aquatic life stages of amphibians.

Effects of Petroleum Products

During the site visit of March 13, 2018, evidence was collected that was indicative of petroleum-based deleterious substances such as vehicle oil/fluids, hydraulic fluid, asphalt, pesticides, and other unknown substances having been placed where they could enter waters of the state. As mentioned elsewhere in this report, the porous nature of the soils at the subject parcels allow for easy transport of contaminants to shallow groundwater aquifers, and thence to the surface water in San Gregorio Creek. Research has shown that it is possible to predict, to some degree, the transport within an aquifer of those substances that move along with groundwater flow. For example, both water and certain contaminants flow in the direction of the topography from recharge areas to discharge areas. Soils that are porous and permeable tend to transmit water and certain types of contaminants with relative ease to an aquifer below, especially if that aquifer is shallow (USEPA 2015).

The toxic effects of petroleum products on the environment, including aquatic organisms and habitats, have been well documented over decades of research (Vazquez-Duhalt 1989, Incardona 2004). In addition to petroleum-associated effects, used motor oil has the increased impact of the heavy metals it contains, originating from fuel and motor wear (Vazquez-Duhalt 1989). Potential impacts to salmonids include, but are not limited to, morphological abnormalities during development in larval and juvenile stages (Incardona et al. 2004 and 2005), contamination of invertebrate food sources and resultant bioaccumulation of chemicals (Farrington 1991), and increased susceptibility to infestation by parasites after chronic exposure to petroleum hydrocarbons (Khan

1991).

Effects of Sediment and Turbidity

At several locations on the subject parcels, CDFW staff documented conditions caused by activities in violation of Fish and Game Code that resulted in volumes of sediment being placed directly, or placed where they could potentially enter, into San Gregorio Creek or its tributaries. These apparent violations were noted in conjunction with culvert placement, road construction, road grooming, and sediment-laden water being allowed to discharge from a parking/storage area directly into the creek.

Fine sediment (usually defined as sand, silt, and/or clay-sized particles less than 0.08 inches in diameter) produced by human activity is the “major pollutant of U.S. waters” (Waters, 1995 taken from Annear *et al.*, 2004) and is the “most important factor adversely affecting stream habitat” (Judy *et al.*, 1984 taken from Annear *et al.*, 2004).

Streams in semi-arid or arid environments provide critical sources of water and food for wildlife, and serve as habitat for breeding and forage for aquatic species. As discussed elsewhere, fine sediment can have severe, long term detrimental effects to streams and waterways for long distances downstream of impacted areas/disturbed areas, and impairing the habitat for the wildlife that depend on them. One cubic yard of fine sediment can smother 18 square yards of streambed to a depth of two inches. It is therefore apparent that excessive inputs of fine sediment, are deleterious to aquatic resources.

Some of the adverse effects associated with increased fine sediment include the following:

1. *Reduced survivorship of aquatic species because of low quality and complexity of habitat due to blanketing of substrate and infilling of pools.*

Sediment-induced habitat alterations (e.g. the infilling of interstitial spaces in the streambed gravel and pools) negatively affect habitat quality and therefore survivorship of fish and other aquatic species. The addition of excessive fine sediment to streams reduces habitat complexity, impairs sight feeding in the water column, fills in habitat features such as pools and reduces overall water depth. Sediment impaired streams can result in degraded water quality, loss of habitat for fish, larval amphibians and their insect prey, decreased prey availability and increased water temperatures. Crevices and interstices in streambed gravel, cobble and boulders are used as habitat by many freshwater benthic macroinvertebrates and to avoid predation, and as refugia from high stream flows by other aquatic species. Deep pools are important to aquatic species as refugia from predators and high summer air/water temperatures. As sediment fills these pools, these species are left exposed to the detrimental effects of warmer temperatures as well as becoming more susceptible to predation. Many aquatic species require clean attachment sites for eggs and rearing for juveniles. Excessive amounts of fine sediment in a stream can significantly reduce the number of available breeding sites. In addition, settling

sediment can smother egg masses. These effects can be observed for long distances downstream of impacted areas.

2. *Impacts of chronic turbidity and settled fine sediment on obligate aquatic species.*

Turbidity is a measurement of water clarity based on light scattering and attenuation that is impacted by the presence of both suspended and dissolved solids. High levels of total suspended solids and dissolved solids can increase water temperature and decrease dissolved oxygen (“DO”). This is because suspended particles absorb and retain heat from insolation at a greater rate than water molecules do. Heat is then transferred to the surrounding water by convection and conduction, especially in running water. Warm water does not hold DO as well as cooler water due to molecular expansion, thus further increasing the risk of a DO crash and/or a fish kill. Silt and excessive fine sediment tend to eliminate habitat complexity by suffocating the gravels and cobbles that provide interstitial spaces for insects, fish and larval amphibians. If fish or larval amphibians cannot obtain enough food to meet their metabolic demands, they are forced to emigrate or they will starve. Sight feeding organisms, such as rainbow trout, may have trouble finding adequate prey in turbid, cloudy water. Many aquatic species, especially salmonids, are sight feeders and as such, depend on water clarity for success in finding food. Turbid water decreases visibility, thereby adversely affecting foraging success diminishing survival. Turbidity can also cause aquatic species to expend energy attempting to rid their gills of sediment by coughing, subjecting sensitive gill tissues to abrasion, which can result in growth inhibition or in extreme instances, mortality.

3. *A decrease in the production of freshwater benthic macroinvertebrates and algae due to substrate coating with fines or burial of substrates.*

Healthy and stable populations of benthic macroinvertebrates are critical to any aquatic ecosystem because they are a primary food source for fish, amphibians, and other wildlife. The EPT Index is named for three orders of aquatic insects that are common in the benthic macroinvertebrate community: Ephemeroptera (mayflies), Plecoptera (stoneflies), and Trichoptera (caddisflies). “EPT” species are desirable because they are the preferred prey of many aquatic organisms due to their presence and availability in the water column. They are strongly preferred prey items especially for salmonid species. These insects develop on the clean surfaces of stream substrate ranging from large boulders to small gravel and require clear, flowing, well oxygenated water. They are typically intolerant of contaminants of any kind and thus also serve as excellent “indicator species” by which to judge the overall condition of a water body or stream reach. The deposition of excessive fine sediment around and over streambed substrates reduces the area upon which EPT aquatic insects may develop as well as impairs the turbulence required for effective feeding (Phillips, 1971). Over time, with excessive inputs of nutrients and/or fine sediment, the stream’s species composition will shift from EPT insects to burrowing species such as chironomids (blackflies and midges) and oligochaetes (aquatic worms), which are

less desirable and far less available to fish as prey (Waters 1995, at p. 75). Further, excessive fine sedimentation eliminates interstices used as both habitat and refugia by benthic macroinvertebrates to avoid predation and/or swift currents. Exposure to suspended particles can also sufficiently dislodge insects and algal populations to inhibit primary and secondary productivity to the detriment of the stream's carrying capacity for fish (Gammon, 1970; Iwamoto *et al.*, 1978).

Effects of Fertilizer Pollution, Nutrient Loading and Eutrophication

During the site visit of March 13, 2018, CDFW documented improper storage and/or placement of pesticides and/or fertilizers which had been placed where they had, or could potentially, pass into waters of the state.

Eutrophication is a process by which excessive amounts of bio-stimulatory substances from fertilizers, detergents, untreated sewage or other organic wastes are introduced into an aquatic system which then triggers explosive growth of algae or other plants. Under normal conditions, plant growth is held in check by a "limiting nutrient", typically either nitrogen or phosphorus. Large additions of one or the other substance in a bio-available form will inevitably result in rapid and explosive plant growth, usually of primary producers such as algae. This is commonly referred to as a "bloom". Nitrogen is usually the key limiting nutrient in west coast aquatic systems, as the substrate is commonly of marine origin and therefore relatively phosphorus-rich. Terrestrial systems rely on nitrogen-fixing plants or bacteria to convert atmospheric nitrogen into bio-available forms such as nitrate (NO₃). Since nitrogen-fixing is a slow process, excess nitrogen is not normally available except when artificially introduced by human activities. Organic and inorganic fertilizers, in the form of nitrogen-based compounds (ammonia, nitrite and/or nitrate) and phosphorus, can contaminate freshwater aquatic systems when used inappropriately in excess, or in close proximity to streams. The increased use of nitrogen-based fertilizers has led to some serious environmental problems (Newton, 2003). Cycling and sequestration of organic nitrogen compounds in soil organic matter is still poorly understood (Bingham and Cotrufo 2016) and excessive nitrogen compound inputs have unforeseen and long term implications influenced by many variables.

Some of the negative effects of nutrient loading and eutrophication on water bodies include but are not limited to:

- Greatly increased biomass of phytoplankton, filamentous algae, rooted aquatic plants, or floating species like *Azolla* or duckweed)
- Toxic or inedible phytoplankton species (including cyanobacteria such as *Microcystis spp.*)
- Changes in macrophyte (rooted aquatic plant) species composition and biomass
- Decreases in water transparency (increased turbidity)
- Color, smell, and water treatment problems
- Dissolved oxygen (DO) depletion, especially at night or seasonally
- Increased incidences of fish kills due to oxygen depletion, loss of prey base

- and/or toxic secretions from cyanobacteria or dinoflagellates
- Reduction or loss of populations of sensitive aquatic species
- Decreases in perceived aesthetic value of the water body
- Loss of biodiversity

Depletion of Dissolved Oxygen, Biological Oxygen Demand (BOD), Algal Blooms

Algal blooms act in several ways to affect DO levels in a water body. If the receiving water body is small or shallow, these effects are usually intensified. Algae can form a thick blanket on the surface of the water, blocking out sunlight to the bottom and preventing benthic photosynthesis from occurring. All respiring plants and animals require oxygen; even photosynthesizing plants stop emitting oxygen and become solely oxygen consumers after sunset. This can result in large diurnal swings in available DO levels, with potentially high levels of DO during the day when plants are photosynthesizing, plunging to levels near zero at night when photosynthesis has stopped but plants have not stopped respiring. Extremely low sustained DO levels (≤ 3 mg/L) can result in die-offs in which when fish and other aquatic organisms are suffocated.

Biological oxygen demand (BOD) is defined as the quantity of dissolved oxygen required (demanded) by aerobic organisms to break down organic material present in a given, confined water sample or aquatic system. Nitrogen compounds which trigger explosive plant growth (blooms) can also result in large plant die-offs, which can be either seasonal or tied to continuing inputs of excess nutrients. Bacterial demand for oxygen during the decomposition process quickly outstrips the supply; most of the available oxygen is taken up by the bacteria, leaving none for other aquatic organisms such as fish. Rapid increases in BOD, without a corresponding increase in DO levels, will result in inadequate DO levels, which will inevitably result in a die-off. This is the usual mechanism by which fish kills occur in hypereutrophic water bodies. Presence of oil, petroleum products and petroleum distillates in the water column also can interfere with oxygen exchange between air and water by creating a hydrophobic layer on the surface of the water, or by coating gills or skin and thereby preventing gas exchange.

Conclusions

Adverse environmental impacts at the subject parcels as a result of ROGERS' activities have already occurred, continue to be ongoing, and will likely worsen with time. CDFW staff documented significant quantities of sediment had been placed directly, or placed where it is likely to pass, into San Gregorio Creek and its unnamed tributaries, as a result of unauthorized construction of culverts, stream crossings and roads, and maintenance thereof. These activities were conducted without Incidental Take Permit coverage in sensitive habitat adjacent to areas known to support federally or state-listed species of plants and animals. Finally, CDFW staff documented water diversions being improperly operated without established rights under the existing Adjudication Decree.

Due to the above stated environmental conditions and FGC violations, sensitive and special status species have been and will continue to be adversely affected by habitat loss, habitat degradation, direct or indirect mortality, or some combination of these. These adverse effects have been and will continue to be caused as a result of increased sediment loading to the stream, pollution of the stream with deleterious substances, and/or a substantial alteration of critical water sources.

In this case, CDFW has determined that notification was required and a LSA agreement should have been obtained since the activities have and will continue to substantially adversely affect existing fish and wildlife resources. The purpose of issuing an LSA agreement is to ensure projects have protective measures to avoid or minimize adverse impacts to fish and wildlife resources and prevent discharge of deleterious materials to the San Gregorio Creek watershed. CDFW would also have recommended applying for CESA ITP coverage for several listed species with high potential to occur on the subject properties. The purpose of obtaining an ITP would be to ensure that full compensatory mitigation in the event of a take would have been provided for, and would have been in addition to any protective measures or conditions included in an LSA.

Prepared by: _____ Date: _____

Michelle Leicester
Senior Environmental Scientist (Specialist)
Watershed Enforcement Team

Reviewed by: _____ Date: _____

Corinne Gray
Senior Environmental Scientist (Supervisor)
Watershed Enforcement Team

References

- Annear, T.I., Chisholm, H. Beecher, A. Locke, and 12 other authors. 2004. Instream flows for riverine resource stewardship, revised edition. Cheyenne, WY: Instream Flow Council.
- Arismendi, et al. 2012. Increasing synchrony of high temperature and low flow in western North American streams: double trouble for coldwater biota? *Hydrobiologia*. DOI 10.1007/s10750-012-1327-2.
- Bingham, A.H. and M.F. Cotrufo. 2016. Organic nitrogen storage in mineral soil: implications for policy and management. *Science of the Total Environment*, vol. 551-552, pp. 116-126.
- California Department of Fish and Wildlife. 2018. State and federally listed endangered and threatened animals of California. Biogeographic Data Branch, Natural Diversity Database. Retrieved from <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline>
- Castro, J. and F. Reckendorf. 1995. Effects of Sediment on the Aquatic Environment: Potential NRCS Actions to Improve Aquatic Habitat - Working Paper No. 6. Retrieved from https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/?cid=nrcs143_014201
- Center for Biological Diversity. 2016. Petition to List Foothill Yellow Legged Frog as Threatened Under the California Endangered Species Act. Retrieved from http://www.biologicaldiversity.org/species/amphibians/foothill_yellow-legged_frog/pdfs/FYLF_state_petition_12-14-16.pdf
- Cordone, A.J., and D.W. Kelley. 1961. The influence of inorganic sediment on the aquatic life of Streams. *California Department of Fish and Game*, 47:189-228.
- Farrington, J. 1991. Biogeochemical processes governing exposure and uptake of organic pollutant compounds in aquatic organisms. *Environmental Health Perspectives*, Vol. 90, pp. 75-84.
- Fellers, G. M., and P. M. Kleeman. 2007. California Red-legged Frog (*Rana draytonii*) movement and habitat use: Implications for conservation. *Journal of Herpetology* 41: 276-286.
- Gammon, J.R. (1970). The effect of inorganic sediment on stream biota. *Environmental Protection Agency Water Pollution Control Research Series* 18050DWC12/70.
- Good, AG, Beatty PH (2011) Fertilizing Nature: A Tragedy of Excess in the Commons. *PLoS Biol* 9(8): e1001124. doi:10.1371/journal.pbio.1001124
- Incardona, J.P., T.K. Collier, and N.L. Scholz. 2004. Defects in cardiac function precede morphological abnormalities in fish embryos exposed to polycyclic aromatic hydrocarbons. *Toxicology and Applied Pharmacology* 196:191-205.
- Iwamoto, R.N., E.O. Salo, M.A. Madej, R.L. McComas. 1978. Sediment and water quality: A review of the literature including a suggested approach for water quality criteria. *Environmental Protection Agency*, 910/9-78-048.

- Jennings, M. and M. Hayes. 1994. Amphibian and reptile species of special concern in California. Report prepared for the California Department of Fish and Game, Inland Fisheries Division, Rancho Cordova, CA.
- Khan, R.A., J. Thulin. 1991. Influence of pollution on parasites of aquatic animals. *Advances In Parasitology*. 30:201-238.
- Keung, N. 2015. "Longitudinal Distribution and Summer Diurnal Microhabitat Use of California Red-Legged Frogs (*Rana draytonii*) in Coastal Waddell Creek" *Master's Thesis*. 4547. http://scholarworks.sjsu.edu/etd_theses/4547
- Moyle P.B. (2002). Inland fishes of California. University of California Press. Berkeley, CA.
- National Marine Fisheries Service. 2015. Public Draft - Coastal Multispecies Recovery Plan. NMFS West Coast Region, Santa Rosa, California.
- _____. 2012. Final Recovery Plan for Central California Coast coho salmon (*Oncorhynchus kisutch*) Evolutionarily Significant Unit. National Marine Fisheries Service, Southwest Region, Santa Rosa, California.
- Natural Heritage Institute. 2010. San Gregorio Creek Watershed Management Plan. Retrieved from www.sanmateorcd.org/SanGregorioWMP_final.pdf
- Phillips, R.W. (1971). Effects of sediment on the gravel environment and fish production. Pg. 64-74. *in*: J.T. Drygier and J.D. Hall (directors), Proceedings of a Symposium. Forest Land Uses and Stream Environment. October 19-21, 1970. Oregon State University, Corvallis, Oregon.
- Reiser, D.W. and T.C. Bjornn. 1979. Habitat requirements of anadromous salmonids. General Technical Report PNW-96, Idaho Cooperative Fishery Research Unit, USDA Forest Service, Moscow, ID.
- Rosgen, D.L. 1994. A classification of natural rivers. *Catena* 22 (1994) 169-199, Elsevier Science B.V.
- Stebbins, Robert C., and McGinnis, Samuel M. 2012. *Field Guide to Amphibians and Reptiles of California: Revised Edition* (California Natural History Guides) University of California Press.
- (USEPA) United States Environmental Protection Agency. 2015. "Getting Up to Speed" for section C, "Ground Water Contamination" is adapted from US EPA Seminar Publication. Wellhead Protection: A Guide for Small Communities. Chapter 3. EPA/625/R-93/002. Retrieved from: <https://www.epa.gov/sites/production/files/2015-08/documents/mgwc-gwc1.pdf>
- (USFWS) United States Fish and Wildlife Service. 2018a, May 10. Tidewater goby (*Eucyclogobius newberryi*) species overview. Retrieved from <https://www.fws.gov/arcata/es/fish/goby/goby.html>
- (USFWS) United States Fish and Wildlife Service. 2018b, June 20. California red legged frog (*Rana draytonii*) species overview. Retrieved from

https://www.fws.gov/sacramento/es_species/Accounts/Amphibians-Reptiles/es_ca-red-legged-frog.htm

(USFWS) United States Fish and Wildlife Service. 2018c, May 10. San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) species overview. Retrieved from https://www.fws.gov/sacramento/es_species/Accounts/Amphibians-Reptiles/sf_garter_snake/documents/sf_garter_snake.pdf

(USFWS) United States Fish and Wildlife Service. 2018d, May 10. Marbled murrelet (*Brachyramphus marmoratus*) species overview. Retrieved from https://www.fws.gov/arcata/es/birds/mm/m_murrelet.html

(USGS) United States Geological Survey. Stream gauge data for San Gregorio Creek, Gauge number 11162570. Retrieved May 10, 2018 from https://waterdata.usgs.gov/nwis/uv?site_no=11162570

Vazquez-Duhalt, R. 1989. Environmental impact of used motor oil. *The Science of the Total Environment* 79:1-23

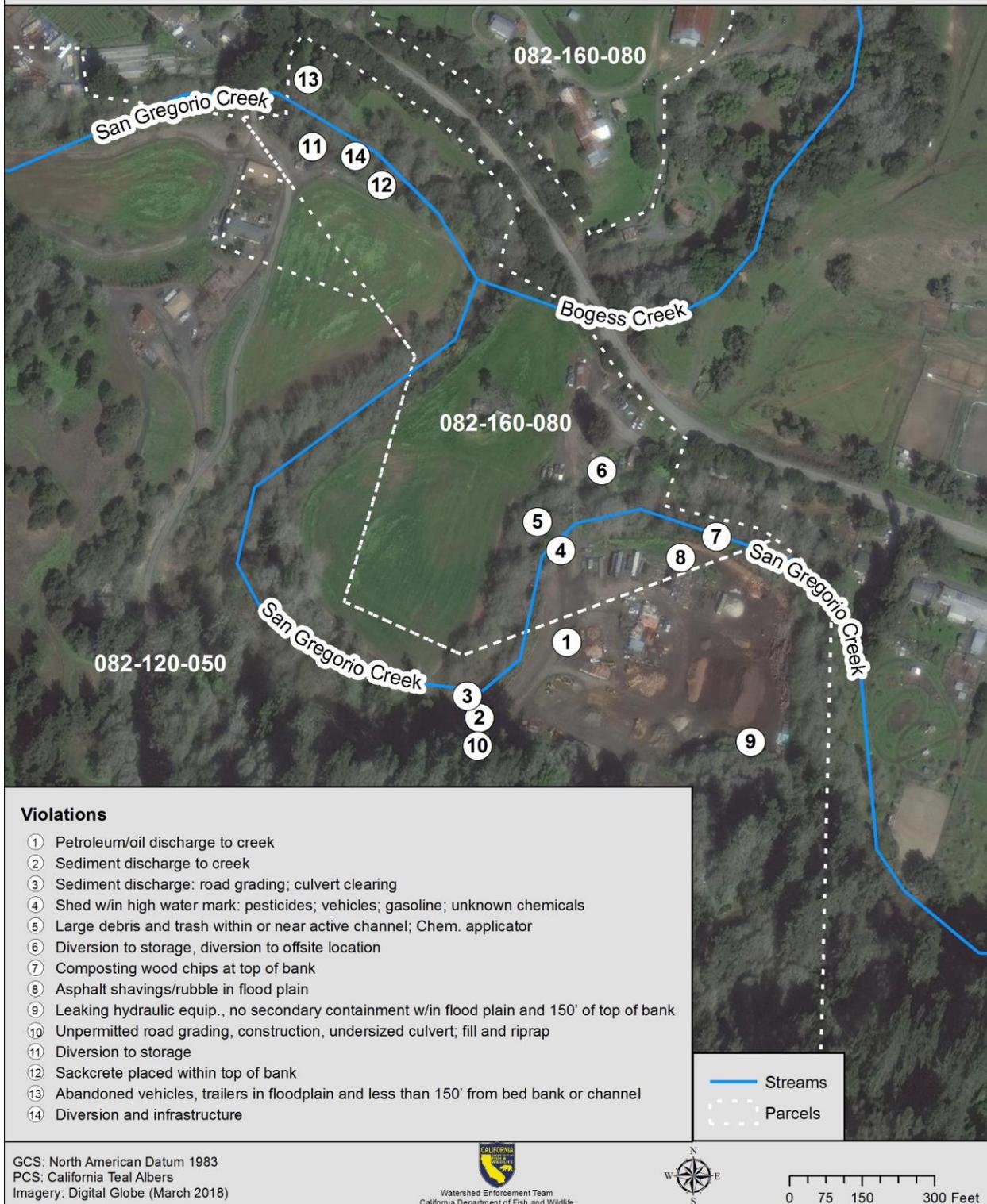
Waters, Thomas F. 1995. Sediment in Streams; Sources, Biological Effects and Control. American Fisheries Society Monograph 7. American Fisheries Society, Bethesda, MD, 251 pp.

Yuan, L. L. 2010. Estimating the effects of excess nutrients on stream invertebrates from observational data. *Ecol. Appl.* 2010 Jan;20 (1):110-25.

FIGURES AND ATTACHMENTS

Rogers

082-160-080 ; 082-120-050



Attachment A. Site Map of violations associated with Rogers properties (owned or leased)



State of California - The Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Petroleum Chemistry Laboratory
 1995 Nimbus Road
 Rancho Cordova, CA 95670
 PHONE: (916) 358-2803 FAX (916) 358-2801

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



LABORATORY REPORT

Name: Michelle Leicester **Lab Number:** S-011-18
Agency: California Dept. Fish and Wildlife **Other Number:**
Address: 7329 Silverado Trail **Date Sampled:** 03/13/2018
City: Napa, CA 94558 **Date Received:** 03/14/2018
RE: Roger's Case **Date Completed:** 03/26/2018
Index-PCA Code: 36002320/36000010010005

RESULTS OF CHEMICAL ANALYSIS: Confirm Petroleum Hydrocarbons

Sample	Description	Date	Time	Sampler
S-011-18-01	#1 Parking lot	03/13/18	1400	Michelle Leicester
S-011-18-02	#2 Compost/woodchip area	03/13/18	1500	Michelle Leicester

Samples S-011-18-01 and S-011-18-02 were extracted with dichloromethane and analyzed by GC/MS.

Results

S-011-18-01: Petroleum hydrocarbons were confirmed; however, analyte response was too low for characterization.

S-011-18-02: Petroleum hydrocarbons in the range of C₁₀-C₂₁ were confirmed with characteristics similar to highly refined lubricating oils or hydraulic fluids.

Copies to: Lt. James Ober (CDFW LED)

COST OF ANALYSIS:	(2 samples @ 554)	\$ 1,108
POLLUTION ACTION KIT:		\$
TOTAL		\$ 1,108

Deposit recovery costs to the Fish and Wildlife Pollution Account with "cost of analysis:" identified separately.

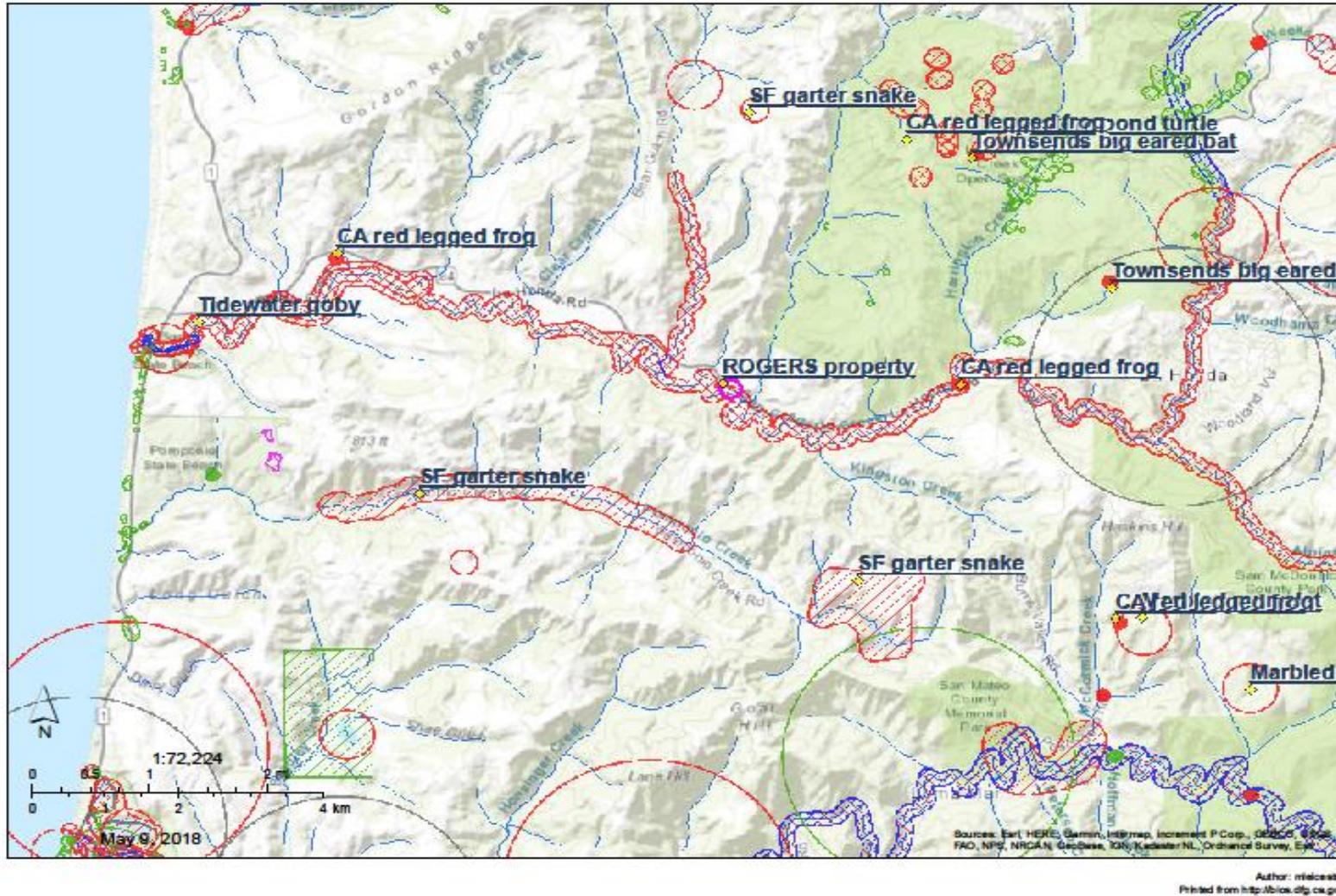

 Analyst (Joe LaCalle) 03/27/18
 Date


 Reviewed by (Shane Stahl) 03/27/18
 Date


 Laboratory Director (Marilee Vasquez, PhD) 03/27/18
 Date

Attachment B. Results from water quality testing done at the time of the March 13, 2018 site inspection.

CNDDDB/BIOS map of Rogers property



Attachment C. California Natural Diversity Database sensitive species occurrences within 4km of the subject properties on San Gregorio Creek.

FIGURES

All photos were taken on 13 March 2018 by Sr ES M. Leicester.



Figure 1. Plume of sediment and contaminant-laden discharge originating on the parking lot area and entering into San Gregorio Creek. Yellow area indicates the point of discharge.



Figure 2. Location in parking lot from which water sample #1 was obtained.



Figure 3. Point of discharge into San Gregorio Creek of parking lot discharge. Note plume of fine sediment. Yellow arrow indicates point of discharge.



Figure 4. Area of sediment that had been sidcast into San Gregorio Creek, likely as a result of road grading/grooming activities.



Figure 5. Shed with vehicle, trailer and gas generator right at top of left bank. No secondary containment was noted for any piece of equipment at the site.



Figure 6. Gas generator (with fuel in the tank) placed at top of left bank with no secondary containment. Sediment laden water is being discharged to San Gregorio Creek immediately to the left in this photo.



Figure 7. Chemicals lacking proper storage or secondary containment documented in the shed at the top of the left bank of San Gregorio Creek.



Figure 8. Chemical applicator noted discarded in San Gregorio Creek immediately below top of bank next to the shed.



Figure 9. Point of diversion #1 on right bank of San Gregorio Creek.



Figure 10. Water hauling trucks parked at top of bank and attached to Point of Diversion #1 (above).



Figure 11. Storage tank associated with Point of Diversion #1.



Figure 12. Large pile of composting wood chips on left bank of San Gregorio Creek.



Figure 13. Large pile of construction debris and asphalt in center of flood plain.



Figure 14. Leachate apparently associated with piles of construction debris, broken machinery and asphalt noted to be adjacent.



Figure 15. Derelict and leaking machinery placed in flood plain. Sample #2 was collected from the puddle next to the right side tire in this photo.



Figure 16. Oily sheen noted to be on puddle beneath leaking piece of equipment.



Figure 17. Culvert with associated fill and riprap installed without permits beneath road (also installed without permits) draining swale and emptying into San Gregorio Creek. Yellow arrow indicates location of outfall.



Figure 18. Eastern end of culvert draining swale and road areas, almost entirely clogged by sediment.



Figure 19. Two 5,000 gallon storage tanks at Point of Diversion #2.



Figure 20. Pump house and hose associated with Point of Diversion #2.



Figure 21. Sackcrete placed below top of bank without permits.



Figure 22. Abandoned vehicle in floodplain without secondary containment.



Figure 23. Point of diversion #3 on right bank of San Gregorio Creek.



Figure 24. Pump apparatus associated with Point of Diversion #3.

Note: Attachment M is available online at:

<https://planning.smcgov.org/events/planning-commission-hearing-jul-11-2018>



County of San Mateo - Planning and Building Department

ATTACHMENT M



County of San Mateo - Planning and Building Department

ATTACHMENT N

NOTICE OF VIOLATION

Date: June 9, 2018

Violation Location: 4448 La Honda Road, San Gregorio, San Mateo County

Property Owner: Richard Rogers

Business Owner: Skylonda Equipment, Alice's at Skylonda

Assessor's Parcel No.: 082-120-050

Case No.: VIO2018-00142

Zone: Planned Agricultural District/Coastal District

RE: **Violations of San Mateo County Zoning and Building Ordinances.**

As a result of my site visit to your property on April 9, 2018, I noted, photographed and recorded new violations of the San Mateo County Ordinance that are described within Zoning Code and Building Code. In accordance with the San Mateo County Ordinance, this letter is to notify you that the following violations were observed and **must be corrected by July 2, 2018.**

The specific elements in violation include, but may not be limited to, the following:

#1: Development within the Planned Agricultural District (PAD) and Coastal District (CD) without permits as required, in violation of the San Mateo County Zoning Code Sections 6328.4 & 6353. Specifically, the structure attached to the 25 KVA generator and the structure placed for flower processing require PAD and Coastal Development Permits as they are considered development with the PAD and CD districts, as well as Building Permits. Portability or lack of foundation is irrelevant.

#2: Installation of a commercial generator with wiring traveling to two affixed electrical circuit panels without building permits and a plumbed barn bathroom in violation of section 9006 of the San Mateo County Building Regulations. Specially, the generator wired to the two power panels and the barn bathroom require electrical and plumbing permits. There is no evidence the barn bathroom is portable. An intensification of use in the Coastal

Zone requires review by the Current Planning Section to determine whether a PAD or Coastal Development Permit is required.

In order to comply with the Code, by June 22, 2018, you shall

1. Remove the unpermitted structures from the property or include them within your current PAD/CD application. Request inspection once removed.
2. Immediately stop all usage of the commercial generator. Consult with Planning and Building Department staff regarding necessary planning and building permits and apply for the proper permits. Request inspection when corrected.
3. Discontinue use of and apply for a building permit to demolish the barn bathroom. If you plan to retain the bathroom, consult with Planning and Building Department staff regarding necessary planning and building permits and apply for the proper permits. Request inspection when corrected.
4. Comply with all the requirements ordered by the Hearing Officer on Novem

The above violation(s) are showed within the attached photographs and must be corrected by June 22, 2018. The County may conduct a re-inspection after that date. If the violation(s) have not been corrected by the date shown above, Administrative Citations ranging from \$100 to \$500 per violation per day or more severe enforcement remedies may be implemented.

The submission of incomplete applications and/or plans will not satisfy the compliance time frame requirements stated above. There is to be no delay on your part in making the revisions, if any, required in submitted plans. Your actions to obtain the required permits are to be sustained and timely.

Once you have obtained the required permits, corrective work or modifications are to begin immediately. You are to request an initial inspection within 10 days of the permit issue date. A final inspection approval may be required.

This notice may be recorded against the property with the San Mateo County Recorder's Office.

TAKE THIS NOTICE WITH YOU WHEN APPLYING FOR PERMITS.

**TO HELP YOU EXPEDITE YOUR TIME, PLEASE SCHEDULE AN
APPOINTMENT WITH ME TO SUBMIT YOUR PAPERWORK AT
THE BUILDING OR PLANNING COUNTER.**

Building and planning permits may be applied for at the building counter or planning counter at 455 County Center in Redwood City. Please telephone (650) 599-7310 for general information about getting the required permits and/or for zoning and sign permit information.

Wayne Hoss

A handwritten signature in cursive script that reads "Wayne Hoss".

Code Compliance
San Mateo County
Planning and Building Department



County of San Mateo - Planning and Building Department

ATTACHMENT O



04/09/2018



04/09/2018



THE NEW
WAGON
WHEEL
WAGON

04/09/2018



04/09/2018



04/09/2018



04/09/2018



04/09/2018

June 2007

Legend
4448 La Honda Rd



Google earth





04/09/2018



04/09/2018

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

 4448 La Honda Rd

April 2016



Legend

 4448 La Honda Rd

April 2016

4448 La Honda Rd

Lumbermill/Storage

Victoria 2012-Feb 15

Skylonda Equipment (glass/donnely)

Bridge 1

Bridge 2

B

C













1/11/16



1/11/16













1/11/16



1/11/16







County of San Mateo - Planning and Building Department

ATTACHMENT P

Melissa Ross / Senior Planner
Planning and Building Dept.
County of San Mateo
455 County Center 2nd Floor
Redwood City, Ca. 94063

RECEIVED

JUN 18 2018

6-17-18

**San Mateo County
Planning and Building Department**

Re:

Rogers Ranch Property 215 acres total
4448 La Honda Road, APN 082-120-050 unoccupied house, included Williamson act
4446 La Honda Road, APN 082-120-040 occupied home, excluded Williamson act

Dear Melissa

The property was purchase in late 2015 and the first possible full year farming operation could have been 2016. The property was in much disrepair and the land was full of brush, garbage, trash and debris.

The first year was to clean up the property and starts to plan out a farming operation for the following year.

The property was targeted for violations that existed prior to the Rogers purchase and has slowed the forward movement for any use.

We have put together some information that describes the Rogers Ranch property and the uses, layout and income derived from the different locations. This letter is accompanied by (2) 24'x36' site plans.

The first site plan reflects the La Honda creek and road alignment, topography and prime Ag designation. It also includes the following color-coded site-specific information:

- 1 Property lines
- 2-stream flow line
- 3 existing buildings
- 4 existing dirt roads
- 5 existing bridge
- 6 riparian buffers
- 7 storage areas for farming equipment
- 8 new proposed Ag area and tree farm
- 9 Green hoop House locations
- 10 Solar Plants
- 11 temp buildings
- 12-income area from crops

A second plan has been attached for your review that will outline the following:

- 1 creek alignment in (brown)
- 2 flood plain designations in (Blue).

PRIME LAND FARMING

The first plan shows 4 areas that are currently being farmed, a total of 252,000 sf in the prime soil designation in (Yellow) currently winter hay crop.

NON-PRIME LAND FARMING

The additional 180,000sf of farming in non-prime soils designated areas surrounding in (white) or uncolored. Currently under farming, winter hay crop.

Also a new Ag area designation of 260,000 sf. on the hillside (orange w/Green outline) will be utilized in the year 2019 for Tree farming.

STORAGE AREA

The designation area for farm and construction equipment storage, or stockpile is noted on the plan (57,000sf) Total sf.

ACCESS ROADS

The access roads are colored in (brown) and highlighted on the first site plan. All Roads are used to access farming areas excluding the two home and barn sites. All roads are about 16ft wide average

ACCESSORY STRUCTURES

The accessory structures are noted on the plan. The only accessory structures are shipping containers. The container on the west noted in (orange) is leased to Amanda Long for her vegetable prep and cleaning area. (8'x40')

The second structure is a farm worker Bathroom next to the barn and home site. (10'x8')

The third structure is a (8'x20') shipping container used to produce solar power, noted in (green)

INCOME HAY

In 2017 part of the property was farmed and received \$5700 in income from hay sales paid by Ron Cardozo. He harvested over 600 bails in 2017

Ron Cardozo has an agreement with the Rogers Ranch to harvest hay from the subject property for the year 2018 year onward

Mr. Cardozo purchases hay on a wholesale basis to feed his own herd of cattle and resells a portion to other horse and cattle ranchers on the coast.

The agreed price is now \$10 per bail and determined by the final number of bails collected, estimated at 750 to 800.

ADDITIONAL ACRAGE

The addition of acreage being prepared (staging area) for additional farming operation will add another estimated 200 bails from that area. Currently it is being tilled and may plant a late crop for this year.

Income is unknown at this time. Next years crop will be a winter hay and vegetable row crop in Spring. There are 4 planned hoop houses being installed in this area in the next few months as noted on the site plan in (purple)

INCOME VEGETABLES

The vegetable grower has agreed to lease the veg prep building and the three existing hoop houses for \$6000 annually. Additional hoop houses are proposed on site as noted on the plan and will only increase the income next year.

TREE FARMING

The upper hillside location of (orange w green outline) is targeted for planting early next year 2019.

These trees will be sold by the owner for the holiday season and income should be realized in Nov and Dec. 2020/21

LETTERS AND AGREEMENTS

Attached are letters and agreements for crop purchase and vegetable farming lease.

RON CARDOZA - Hay bails purchased and resold

AMANDA LONG -Vegetable growing, prep building and 3 hoop houses lease.

TAX RETURNS

I have attached the amended schedule F for 2017 tax return

Back up document from IRS

Obviously the income did not meet the minimum \$10,000 requirement for 2017, but the farming just literally started that year and soil amendments were just added. Additional work is still planned between each harvest to increase the soils productivity. This farmland was over farmed and not by definition Prime.

The income for 2018 exceeds the minimum (\$14k) and will only increase from there. This small amount of land designated for farming does not produce sufficient income. Therefor ancillary business operations must be added to pay the taxes, insurance maintenance and all other expenses.

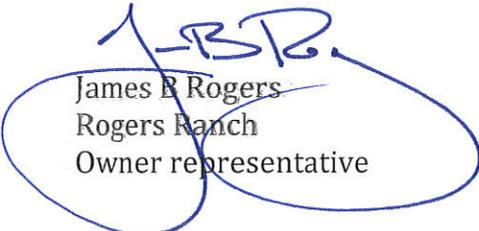
ANCILLARY BUSINESS

The ancillary business (PAD) it to store LIMITED construction equipment utilized for other work off premise. The second activity is to prepare soil amendment and or wood chips to resell to adjacent farmers and or Land owners, split firewood for resale. Temporary uses will be to utilize portable saw mill to saw cut existing logs for on site home siding and on site fencing.

If you need anything further let me know.

I have pictures of the site for your review.

Sincerely,



James B Rogers
Rogers Ranch
Owner representative

RECEIVED

JUN 18 2018

San Mateo County
Planning and Building Department

AGREEMENT

RON CARDOZA, AKA (RC) WISHES TO ENTER INTO THIS AGREEMENT TO GROW, CULTIVATE AND HARVEST AN ANNUAL HAY CROP ON THE PROPERTY KNOWN AS, 4448 LA HONDA ROAD IN SAN GREGORIO CA.

RICK ROGERS, AKA (RR) HEREBY AGREES TO ALLOW RC TO ENTER, WATER CULTIVATE AND HARVEST THE HAY CROP ON THE SUBJECT PROPERTY UNDER THE FOLLOWING TERMS AND CONDITIONS,

THE PARTIES AGREE THAT RC MAY CULTIVATE HAY FROM THE PROPERTY KNOWN AS THE ROGERS RANCH AT A PRICE OF \$10 PER BAIL. THE PARTIES AGREE TO NOT REMOVE ANY HAY BAILS FROM THE SUBJECT PROPERTY WITHOUT RR OR HIS REPRESENTATIVE TAKING A COUNT FIRST.

RC WILL BE RESPONSIBLE TO FURNISH HIS OWN PLANTING, CULTIVATING AND HARVESTING EQUIPMENT AT NO COST TO RR.

RR WILL BE RESPONSIBLE TO SUPPLY WATER, AND ACCESS TO THE PROPERTY AT ANY TIME DURING BUSINESS HOURS 6:00AM THROUGH 6:00 PM MONDAY THROUGH FRIDAY.

THE AMOUNT OF PROPERTY TO BE CULTIVATED MAY EXPAND AS ACRAGE BECOMES PLANTABLE.

RC AGREES TO PAY RR IN CASH WITHIN 10 DAYS OF REMOVING THE LAST BAIL.

RR IS NOT RESPONSIBLE FOR THE QUALITY OF THE CROP AND DOES NOT CARRY CROP INSURANCE ON BEHALF OF RC. ROGERS RANCH WILL NOT BE HELD RESPONSIBLE FOR ANY LOSS OR DAMAGE TO RC'S EQUIPMENT WHILE STORED OR WHILE IN OPERATION ON THE SUBJECT PROPERTY.

RR CAN TERMINATE THIS AGREEMENT AT ANY TIME. RC WILL BE ALLOWED TO HARVEST ANY CROP ALREADY PLANTED BEFORE TERMINATION BECOMES EFFECTIVE.

ALL PARTIES AGREE TO THESE TERMS AND CONDITIONS

JUNE 1 2018

Ron Cardoza

Rick Rogers

5-25-18

I Ron Cardoza buys all the Hay from Rick
Rogers property in San Gregorio, and resell
to various ranches and also supply hay
for my own cattle

Ron Cardoza

(650) 747-0428

RECEIVED

JUN 18 2018

San Mateo County
Planning and Building Department



(no subject)

1 message

James Rogers <jamesrogers58@gmail.com>
To: jamesrogers58@gmail.com

Sat, Jun 16, 2018 at 10:16





County of San Mateo - Planning and Building Department

ATTACHMENT Q

RESOLUTION NO. . _____

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

* * * * *

**RESOLUTION AUTHORIZING THE PLANNING AND BUILDING DEPARTMENT
TO FILE A NOTICE OF NON-RENEWAL OF A CALIFORNIA LAND CONSERVATION
CONTRACT PURSUANT TO THE SAN MATEO COUNTY LAND CONSERVATION
(WILLIAMSON) ACT UNIFORM RULES AND PROCEDURES FOR THE IDENTIFIED
PARCEL.**

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

WHEREAS, in 1965, the State Legislature enacted the California Land Conservation Act (Williamson Act) which authorizes local governments to enter into contracts with private landowners for the purposes of restricting development to agricultural, open space, and recreational related uses on specific parcels in exchange for reduced property tax assessments; and

WHEREAS, a private landowner and the County entered into such contract (AP69-03) for the subject parcel (APN 082-120-050); and

WHEREAS, in 2018, the Planning and Building Department conducted a review of the contracted parcel pursuant to the adopted 2013 San Mateo County Land Conservation (Williamson) Act Uniform Rules and Procedures which restricts development on contracted parcels to agricultural and compatible uses; and

WHEREAS, the Planning and Building Department has determined that the contracted parcel is non-compliant because (1) the owner has not submitted documents

adequately documenting the presence of commercial agricultural operations as requested by the Department, which renders the Planning and Building Department unable to evaluate the agricultural uses of said parcels and (2) income requirements for commercial agriculture have not been met; and

WHEREAS, the Community Development Director requests authorization to record a Notice of Non-Renewal of California Land Conservation Contract pursuant to the 2013 San Mateo County Land Conservation (Williamson) Act Uniform Rules and Procedures for the identified non-compliant contracted parcel; and

WHEREAS, the Board has reviewed the proposed Notice of Non-Renewal of California Land Conservation Contract and desires to non-renew the contract affecting the identified parcel.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Planning and Building Department is hereby authorized and directed to execute the Notice of Non-Renewal of California Land Conservation Contract for the identified parcel.

IT IS FURTHER DETERMINED AND ORDERED that the Community Development Director or his designee shall take all appropriate action to ensure recordation of the notice of non-renewal.

* * * * *



County of San Mateo - Planning and Building Department

ATTACHMENT R

<p>Recorded at the Request of, and When Recorded Return to: Camille Leung, Project Planner Planning and Building Department 455 County Center, 2nd Floor Mail Drop PLN122 Redwood City, CA 94063</p> <p>County File Numbers: PLN 2016-00195 and PLN 2016-00197</p> <p>Exempt from Fees Pursuant to Government Code Section 27383</p>	<p>For Clerk Use Only</p>
--	---------------------------

County of San Mateo
Planning and Building Department

**NOTICE OF NON-RENEWAL OF
CALIFORNIA LAND CONSERVATION CONTRACT**

On November 6, 2018, the County of San Mateo Board of Supervisors authorized by Resolution No. _____, the Planning and Building Department to record a County-Initiated Notice of Non-Renewal for APN 082-120-050.

In compliance with Section 51245 of the Government Code, the County has served the Notice of Non-Renewal at least 60 days prior to the contracts' renewal date of January 1, 2019.

The aforementioned contract will fully expire on December 31, 2027.

Steve Monowitz
Community Development Director
County of San Mateo

Date

SM:CL:pac - CMLCC0500_WP.V.DOCX
FRM00399.DOCX (10/29/14)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Mateo)

On _____, before me, _____,
a Notary Public, personally appeared STEVE MONOWITZ, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____