

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SECTION 1. The San Mateo County Zoning Ordinance, Part 1, Chapter 21A Planned Agricultural District (PAD) is hereby amended to change the text of Section 6363.B. Parcel Size. Non-Agricultural Parcels as follows, with new text shown **bold**, *italicized*, and underlined; and deleted text shown ~~strikethrough~~:

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

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

Section 6364.A. Procedural Criteria for Issuance of a Planned Agricultural Permit. Master Land Division Plan. Before any division of land, the applicant shall file a

Master Land Division Plan demonstrating how the parcel will be ultimately divided according to maximum density of development permitted and which parcels will be used for agricultural and non-agricultural uses if conversions are permitted.

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

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

Section 6364.B. Easements on Agricultural Parcels. After a Master Land Division Plan has been filed, and as a condition of approval thereof, the applicant shall grant to the County (and the County shall accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture (as defined in Section 6352C

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

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

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

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

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

Section 7067. Exemptions

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

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

SECTION 6. The San Mateo County Subdivision Ordinance, Part 2, Chapter 4 Exactions, Article 10 Open Space Preservation in the Resource Management/Coastal Zone District is hereby amended to change the text of Section 7071. Exemption as follows, with new text shown **bold**, *italicized*, and underlined; and deleted text shown strikethrough:

Section 7071. Exemptions

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

- 2.** ***Pursuant to LCP Policy 1.2, the requirement to grant a conservation/open space easement does not apply to any parcel included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.***

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

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