

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2021-00381 Hearing Date: September 13, 2022

Prepared By: Angela Chavez
Project Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That the project is categorically exempt under the provisions of Class 5, Section 15305 of the California Environmental Quality Act Guidelines (Minor Alterations to Land Use Limitations), which is applicable in areas with an average slope of less than 20% (the slope of the areas of alteration is no more than 10%) which do not result in changes in land use or density (the parcel legalizations and boundary adjustments will not increase the number of parcels or allowable density); and
2. That the project is categorically exempt under the provisions of Class 17, Section 15317 of the California Environmentally Quality Act Guidelines (Open Space Contracts or Easements), which includes the making and reconfiguration of open space contracts under the Williamson Act.

For the Coastal Development Permit (CDP), Find:

For the Certificates of Compliance

3. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP), specifically with regard to the Locating and Planning New Development Component of the Local Coastal Program.
4. That the project is not located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, and therefore is not subject to conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

5. That the project conforms to specific findings required by policies of the San Mateo County LCP with regard to Legalizing Parcels and Coastal Development Permit Standards of Review for Legalizing Parcels as legalization of the parcels conforms with the Agricultural land use designation, the requirement for a Coastal Development Permit to legalize the parcel is being pursued under the subject application, and as conditioned there is no evidence that legalization of the three parcels will have any adverse impact on coastal resources.

For the Planned Agricultural District (PAD) Permit, Find:

6. That the project complies with all applicable criteria for issuance of PAD permit contained in Section 6355 of the County Zoning Regulations, including:

General Criteria

- a. That the encroachment of all development upon land which is suitable for agricultural use is minimized since no development is presently proposed with this application. The project will consolidate lands currently utilized for agricultural activities and will protect all of the project area with either a Farmland Security Zone Contract or Open Space Easement.
- b. That all development permitted on the site is clustered. No development is proposed as part of this project.
- c. That every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Zoning Regulations. No development or change of use is currently proposed as part of this project. Any future development will be subject to a determination of compliance with all applicable Development Review Criteria in Chapter 20A.2 including Section 6324.1 (*Environmental Quality Criteria*), Section 6324.2 (*Site Design Criteria*), Section 6324.3 (*Utilities*), Section 6324.4 (*Water Resources Criteria*), and Section 6324.6 (*Hazards to Public Safety Criteria*). Furthermore, approval of an adequate domestic water supply and sewage disposal system will be required by the Environmental Health Division at such time future development is proposed.

Water Supply Criteria

That any potential future development may be required to comply with all County Environmental Health Division's standards and regulations for a well and/or onsite wastewater treatment system to serve such development. Given the proposed parcel configuration and contract protections there is no expected impacts to diminish water supplies serving the existing agricultural crops.

Criteria for the Division of Prime Agricultural Land

- a. That Prime Agricultural Land which covers an entire parcel will not be divided. The project proposes to consolidate, rather than divide, parcels consisting of prime agricultural land in compliance with the agricultural criteria of the PAD. Each of the project parcels has portions of Prime Agricultural Land and supports productive agricultural crops. The parcel boundaries will be adjusted to limit useable Prime Agricultural Land to Parcels 1,3, and 4.
- b. That Prime Agricultural Land within a parcel will not be divided as the project proposes to consolidate, rather than divide, parcels consisting of prime agricultural land in compliance with the agricultural criteria of the PAD. While there are portions of prime agricultural land on Parcel 2 these are largely not farmable due to their relationship to Higgins Canyon Road (just at the road or within the right-of-way).
- c. That Prime Agricultural Land within a parcel will not be divided when the only building site would be on such Prime Agricultural Land. The project proposes to consolidate the current agriculture uses on three of the parcels which will all be covered by Farmland Security Zone contracts. The remaining parcel will largely consist of lands suitable for agriculture and other lands. These lands will be covered by an Open Space Easement.

Procedural Criteria for Issuance of a Planned Agricultural Permit

a. Master Land Division Plan

That 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 the development permitted and which parcels will be used of agricultural and non-agricultural uses. Previous density analysis determined that the project parcels resulted in approximately 7.6 density credits. While the project includes the issuance of three Certificates of Compliance (Type B), these parcels will be reconfigured to consolidate the prime agricultural lands. The project applicants also propose to record Farmland Security Zone Contracts and Open Space Easements over the reconfigured parcels. No future development is proposed as part of this project. All future development will be subject to further County review and approval if any should be proposed.

b. Easements on Agricultural Parcels

That the applicant shall grant to the County 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 agricultural and farm labor housing. The applicant is proposing to cover the existing agricultural uses with a Farmland Security Zone contract and remaining area with an Open Space Easement to ensure continued long-term use of the land for agricultural production/resource protection.

c. Agricultural Land Management Plan

That for parcels 20 acres or more in size before division or conversion, the applicant shall file an agricultural land management plan demonstrating how, if applicable, the agricultural productivity of the land will be fostered and preserved. The subject agricultural lands have been acquired by POST in an effort to ensure that the agricultural land remains under productive agricultural use. The reconfigured boundaries of parcels 1,3, and 4 will correspond with the existing ongoing agricultural activities and will be covered by Farmland Security Zone Contract with future plans to transfer these parcels to a long-term agricultural operator. Parcel 2 is planned to be transferred to Midpeninsula Regional Open Space District to serve as part of their trail network. While the areas of reconfigured parcel 2 are not currently being farmed there are no limitations to the future use of this parcel for agricultural related uses. Therefore, this project will foster and preserve the agriculture of the project lands.

For the Conditional Certificates of Compliance (Type B), Find:

7. That the processing of the Certificate of Compliance (Type B) is in full conformance with the County Subdivision Regulations Section 7134 (Legalization of Parcels; Certificate of Compliance).
8. That the processing of the Certificate of Compliance (Type B) is in full conformance with Government Code section 66499, et seq.

For the Lot Line Adjustment (LLA), Find:

9. That the processing and conditions of approval of the lot line adjustment are in full conformance with Section 7124 of the San Mateo County Subdivision Regulations. This lot line adjustment is consistent with the criteria set forth in Section 7126.1 as the new parcels meet the minimum parcel size, emergency and routine access exists, existing water entitlements will remain in place, the site currently is not served by public sewage facilities but are of adequate size to support a septic system, the land taken from one parcel is added to an adjoining parcel ensuring that no greater number of parcels than originally existed is created, and the project will not result in impacts upon scenic corridors, wetlands, coastal resources, or authorized coastal development.

For the Rescinding and Replacement of the Williamson Act Contracts:

10. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
11. There is no net decrease in the amount of the acreage restricted. In cases where parcels involved in a lot line adjustment are all subject to contracts rescinded pursuant to Section 51257 of the California Land Conservation Act, this finding is satisfied as the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
12. At least 90% of the land under the former contract or contracts remains under the new contract or contracts. All lands currently covered by a contract will continue to be covered by either a Farmland Security Zone or Open Space Easement contract.
13. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain the agriculture use as defined in Section 51222 of the California Land Conservation Act. The resulting parcel configurations do not result in a greater number of parcels and comply with the general plan in their resulting size and design to allow for the existing agricultural uses to continue.
14. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts. The proposed lot line adjustment changes the internal boundaries between four parcels which were historically conveyed jointly. The modifications to consolidate the existing agricultural uses on three of the parcels is not expected to have any impacts to adjacent lands.
15. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use. The proposed lot line adjustment changes the internal boundaries between four parcels which were historically conveyed jointly. The modifications to consolidate the existing agricultural uses on three of the parcels is not expected to have any impacts to adjacent lands.
16. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan. The project reconfigures the boundaries to consolidate existing agricultural activities. The resulting parcel configurations do not result in a greater number of parcels and comply with the general plan in their resulting size and design to allow for the existing agricultural uses to continue.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal as described in the plans, supporting materials, and reports approved by the Board of Supervisors on September 13, 2022. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director, if they are consistent with the intent of and in substantial conformance with this approval.
2. The subject Certificates of Compliance (Type B) shall be recorded prior to the recordation of any other documents associated with this project.
3. The applicant is advised that prior to recordation of the Certificate of Compliance, Lot Line Adjustment, and Rescindment and Replacement Contract documents the owner/applicant shall provide the project planner with a check to cover recording fee costs. The project planner will confirm the amount prior to recordation.
4. For Parcels Not of Record, Acreage, and Multi-Directional Adjustments In accordance with Section 8762 of the State Business and Professions Code, for parcels not of record, acreage and lot line adjustments involving multi-directional adjustments, the applicant will be required to submit a Record of Survey map and numerical closure sheets for all parcels, in addition to the deeds and legal descriptions to be recorded as specified in Section 7128.1a, of the County Subdivision Regulations.
- 5.. For those lot line adjustments described in Section 7128.1b, of the County Subdivision Regulations, the applicant has the option to record a parcel map in accordance with Article 3, Chapter 2 of the Subdivision Regulations, in lieu of submitting the items specified in Section 7128.1b. However, no parcel map, final map, or tentative map shall be required as a condition to the approval of a lot line adjustment that has obtained all other required approvals.
6. Prior to recordation of the lot line adjustment, the applicant shall seek and obtain from the City of Half Moon Bay, by merger, lot line adjustment, or whatever other process the City provides, final approval of the reconfiguration of the lot lines as depicted in the project application that fall within city limits.

Environmental Health Services

7. Any future development of housing, residential structures or any other structures requiring potable water supply or containing fixtures requiring septic wastewater disposal will require provision for adequate water supply and sewage disposal in accordance with County codes.

Review by Cal-FIRE

8. The applicant shall comply with all Cal-Fire requirements prior or as part of the recordation of the Lot Line Adjustment.