

Board Meeting Date: September 13, 2022
Special Notice / Hearing: 10-Day Notice
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: EXECUTIVE SUMMARY: Consideration of an appeal of the Planning Commission's decision to approve a Coastal Development Permit, Planned Agricultural District Permit, and Certificates of Compliance (Type B) to confirm the separate legality of three parcels and a subsequent Lot Line Adjustment affecting those three and a fourth legal parcel. The project also includes a request to rescind Land Conservation (Williamson Act) and Farmland Security Zone Contracts and replace with same or with an Open Space Easement reconciling with the newly adjusted parcels. The Coastal Development Permit is appealable to the California Coastal Commission.

County File Number: PLN 2021-00381 (POST/MidPen)

RECOMMENDATION:

- A) Deny the appeal and uphold the Planning Commission's approval of the Coastal Development Permit, Planned Agricultural District Permit, Certificates of Compliance (Type B), and Lot Line Adjustment by approving County File PLN 2021-00381, making the required findings and adopting the conditions of approval listed in Attachment A.
- B) Find that the rescission and replacement of Land Conservation (Williamson Act) and Farmland Security Zone contracts on the subject four parcels to facilitate a Lot Line Adjustment between same parcels is consistent with the County General Plan, the Local Coastal Program (LCP), and Planned Agricultural District/Coastal District Zoning Regulations, the Land Conservation Act, and Board of Supervisors Resolution No. 72854, relating to the implementation of the California Land Conservation (Williamson) Act program in San Mateo County.
- C) Adopt a resolution rescinding the California Land Conservation Act (Williamson Act) Contract and Farmland Security Zone Contract for APNS 065-210-090, 065-210-220, 065-210-240, 065-370-200, AND 064-370-070, and replacing said contracts with a Farmland Security Zone Contract and Open Space Easement agreements.

BACKGROUND:

The applicants, Peninsula Open Space Trust and Midpeninsula Regional Open Space District, are requesting to legalize three parcels, and lot line adjust the parcel

boundaries of four parcels. 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 three of the parcels will correspond with the existing ongoing agricultural activities, and the applicant has plans to transfer these parcels to a long-term agricultural operator in the future. The remaining reconfigured parcel is planned to be transferred to Midpeninsula Regional Open Space District to serve as part of their trail network. The project also includes the rescindment and replacement of a Williamson Act Contract for a Farm Land Security Zone contract for the reconfigured agricultural parcels including one additional parcel which is not part of the adjustments but is part of the original contract, rescindment and exchange of an existing Land Conservation Act Williamson Act contract with a 10-year Open Space Easement, and rescindment and exchange of an existing Farmland Security Zone Williamson Act contract with a 20-year Open Space Easement.

DISCUSSION:

The Planning Commission approved the Coastal Development Permit, Planned Agriculture Permit, Certificates of Compliance (Type B), and Lot Line Adjustment and recommended that the Board of Supervisors approve the Williamson Act contract revisions at its May 25, 2022 hearing. An appeal of that approval and recommendation was submitted on June 9, 2022, by attorneys representing the San Mateo County Farm Bureau. The appeal is largely focused on the Categorical Exemptions utilized for the environmental review of the project and the belief that the project has the potential to result in significant impacts to agricultural lands. It is Staff's recommendation that appeal be denied and the Planning Commission's approval of the project be upheld based upon the project's compliance with the General Plan, Local Coastal Program, Zoning Regulations, Subdivision Regulations, and Williamson Act Program as discussed below:

General Plan and Local Coastal Program

The request to establish three parcels as legal parcels, reconfigure the parcel boundaries, and rescind and replace existing Williamson Act and Farmland Security Zone contracts is consistent with the General Plan and the Local Coastal Program (where applicable) land use designation of "Agriculture". The lot line adjustment and contract amendments do not require the issuance of a Coastal Development Permit since these requests do not meet the definition of development of the Local Coastal Program (for public agencies), though the requests are consistent with the Local Coastal Program policies.

Zoning Regulations

The requests are also consistent with the Planned Agricultural District Zoning District which seeks to preserve and foster existing agricultural operations in order to keep in agricultural production the maximum amount of prime agricultural land and all other lands suitable for agriculture. The majority of prime agricultural lands will be concentrated on three of the parcels and will continue in commercial agricultural

operation. An agricultural land management plan has been provided which describes how the agricultural productivity of the land will be fostered and preserved.

Subdivision Regulations

The Lot Line Adjustment will adjust the boundaries between four parcels in order to optimize agricultural use by protecting cultivated farmland on parcels that can sustain agricultural activities while encouraging grazing, open space, and low-intensity recreation use on parcels suitable for those uses. The reconfigured parcels conform to the requirements of the Planned Agricultural District (PAD) regulations. While no physical development is proposed as part of the project, the reconfigured parcels are of adequate size and configuration to provide suitable building sites, including for routine and emergency access.

California Land Conservation Act and San Mateo County Williams Act Uniform Rules and Procedures

The request to rescind and replace the existing contracts is consistent with the Agricultural Preserve requirements of the California Land Conservation Act (Act). The existing 224 acres of existing cultivated agricultural lands will be covered by a single new 20-year Farmland Security Zone Contract and will continue in agricultural operation. The 207 acres that comprise the northern portion of re-configured Parcel 2 will be covered by a new 20-year Open Space Easement and the 227 acres which will make up the southern portion of re-configured Parcel 2 will be covered by a new 10-year Open Space Easement. Reconfigured Parcel 2 will continue to support grazing on the northern portion of the parcel, has the potential for reintroduction of grazing to the southern portion, and will allow the parcel to remain largely as open space with the potential of low intensity public recreation in the future.

As required by the Act, the Local Agency Formation Commission previously reviewed the request and noted that no service boundaries, cities, special districts, or school districts would be adversely impacted.

The Agricultural Advisory Committee (AAC) reviewed the request at their February 14, 2022 meeting and continued the item to conduct site visits. The AAC reviewed the project again at their March 14, 2022 public hearing and recommended approval of the project.

Environmental Review

The project is categorically exempt from the California Environmental Quality Act, pursuant to the provisions of Class 5, Section 15305 (Minor Alterations in Land Use Limitations) and Class 17, Section 15317 (Open Space Contracts or Easements), which

exempts minor lot line adjustments and the establishment/changes to agricultural preserves.

The resolutions and contracts have been reviewed and approved by County Counsel as to form.

FISCAL IMPACT:

The contract modifications will result in a \$5,840 impact to the subject properties current tax burdens and, therefore, results in a minimal fiscal impact on the County.