COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

San Mateo County

Vicinity Map



0.57 0 0.28 0.57 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Latitude Geographics Group Ltd.

1: 18,056

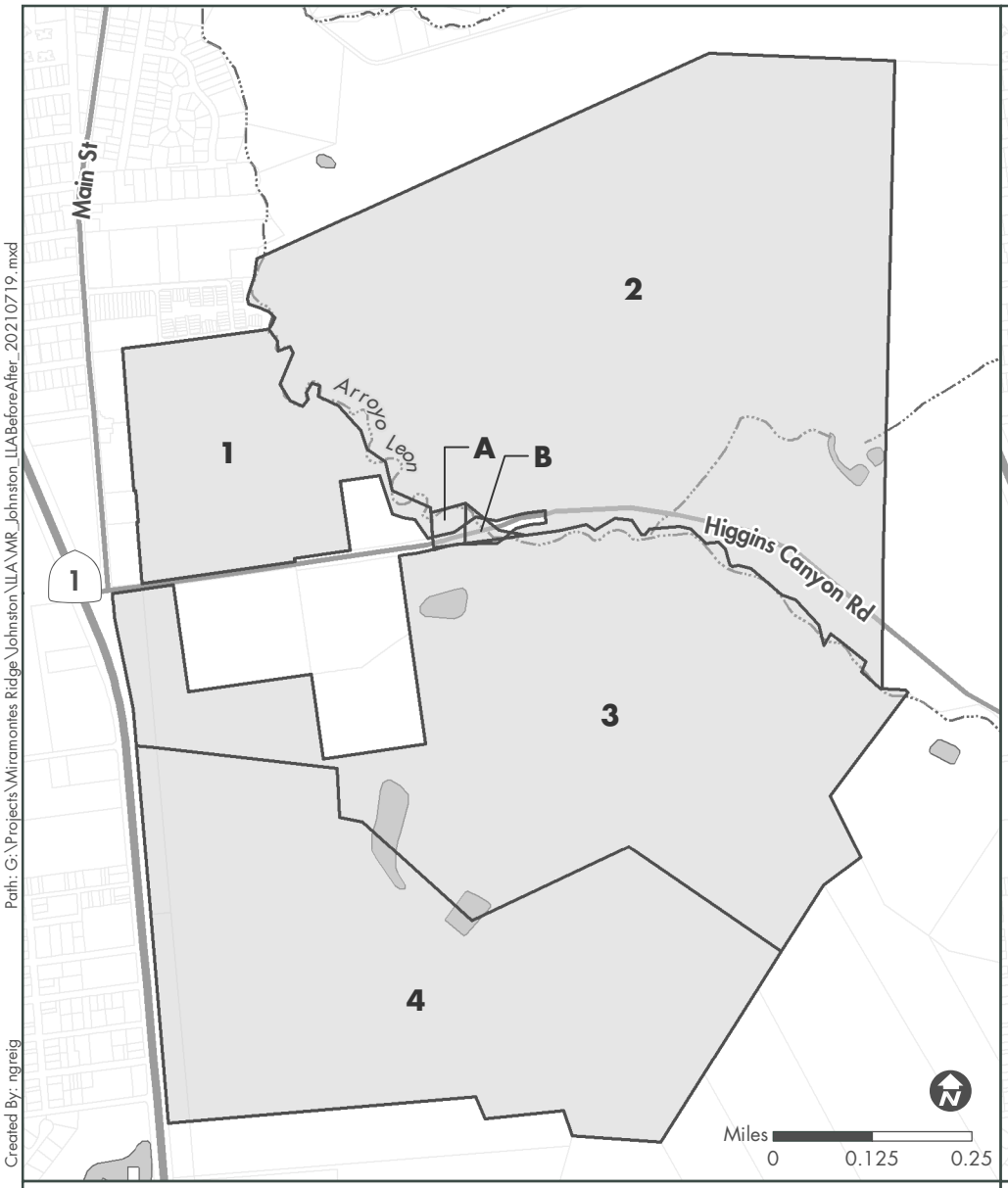
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

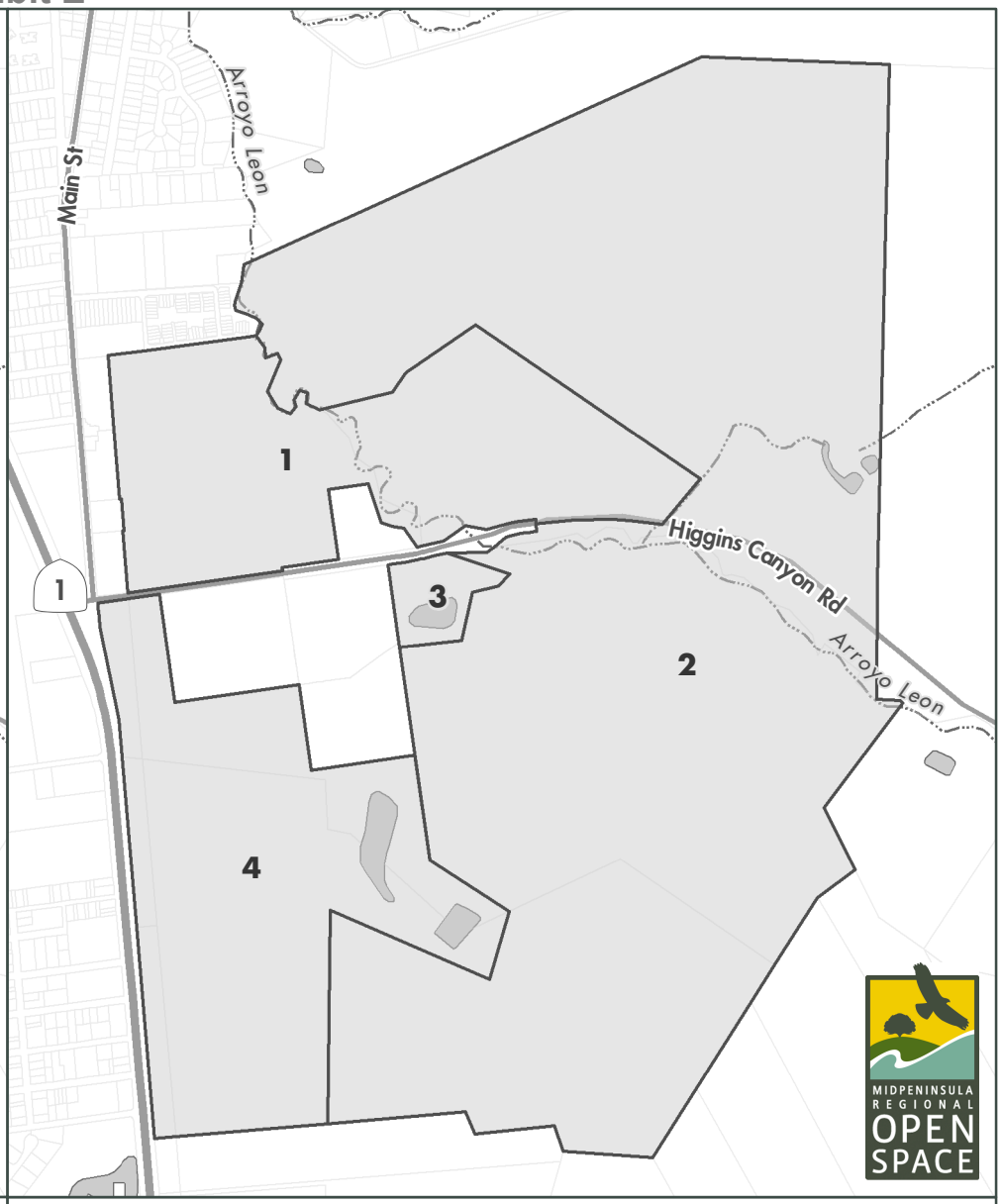
THIS MAP IS NOT TO BE USED FOR NAVIGATION

COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT D

Exhibit E





Path: G:\Projects\Miramontes Ridge\Johnston\LLA\MR_Johnston_LLABeforeAfter_20210719.mxd

Created By: ngreig

Existing Parcel Configuration

Parcel	Acres	APNs and Certificates of Compliance
1	50	064-370-200
2	249	064-370-070
3	183	065-210-240 & 230
4	161	065-210-220, 017, 019 & 021
A	0.5	CoC 2017-106396
B	0.5	CoC 2017-106397

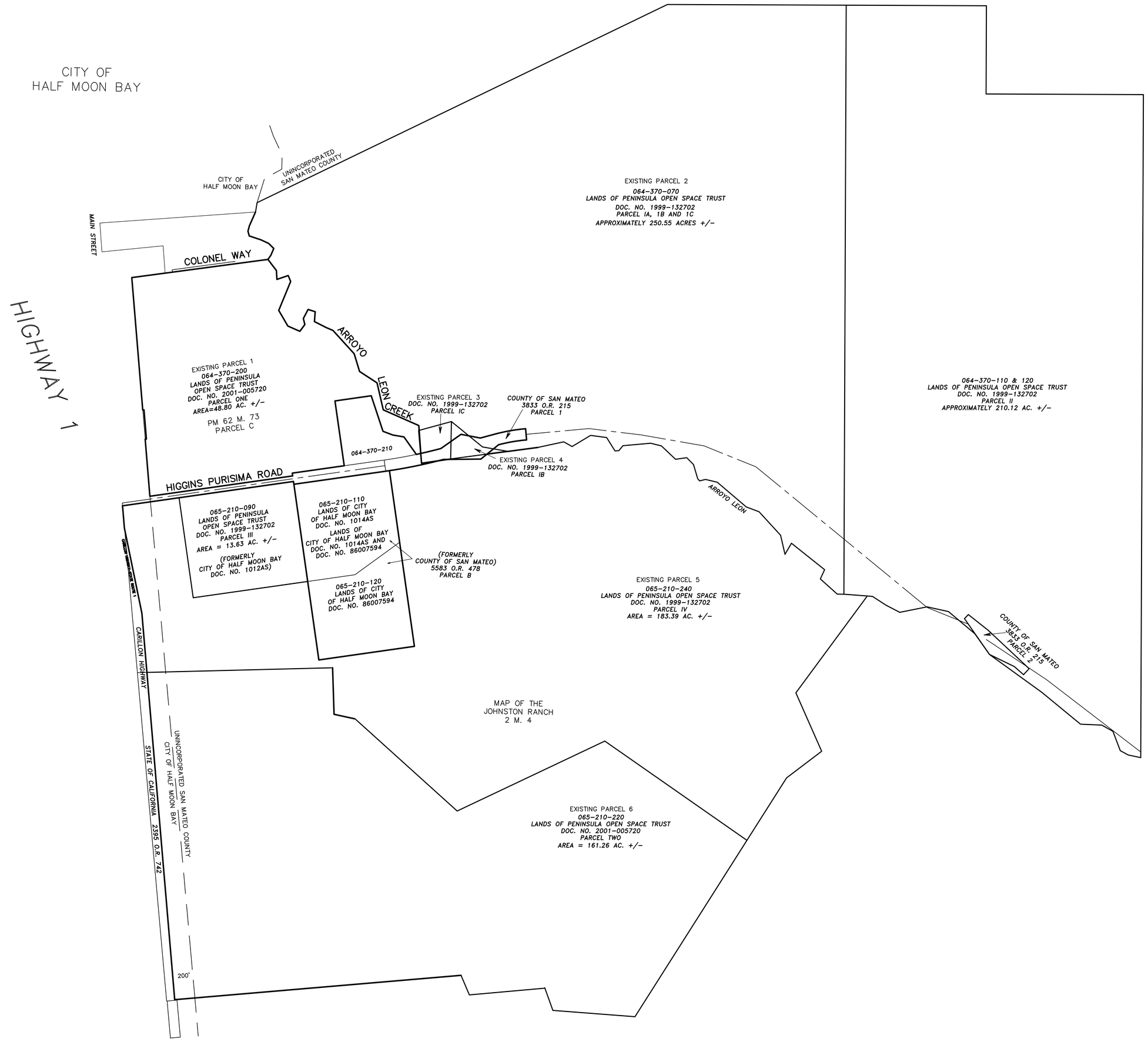
Modified Parcels after Lot Line Adjustment

Parcel	Acres	APNs
1	93	064-370-200 & portion of 064-370-070
2	434	Portions of 064-370-070, 065-210-240 & 065-210-220
3	7	Portion of 065-210-240
4	110	Portions of 065-210-220 & 240, 065-210-190, 210 & 230

Midpeninsula Regional Open Space District *(Midpen)* 9/22/2021

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

JOHNSTON RANCH
EXISTING PARCEL CONFIGURATION
OVERALL BOUNDARY MAPPING
BASED ON FIELD SURVEYS AND
ROTATED RECORD LINEWORK
AUGUST 2017, MAY 2018, AND DECEMBER 2021
SCALE: 1" = 300'



LEGEND

- EXISTING PARCEL LINE
- CITY LIMIT LINE–APPROXIMATE LOCATION
- PARCEL LINE

BOUNDARY LINE STATEMENT:

BOUNDARY LINES ARE FIELD LOCATED IN THE VICINITY OF CHANGES. ALL OTHER EXISTING BOUNDARY LINES ARE BASED ON RECORD MEASUREMENTS AND HAVE BEEN ROTATED TO THE STATE PLANE COORDINATE SYSTEM.

CITY LIMIT LINE IS AN APPROXIMATE LOCATION BASED ON THE COUNTY OF SAN MATEO GIS SITE.

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF BEN WRIGHT, POST.

Kristina D. Comerer
KRISTINA D. COMERER, PLS 6766

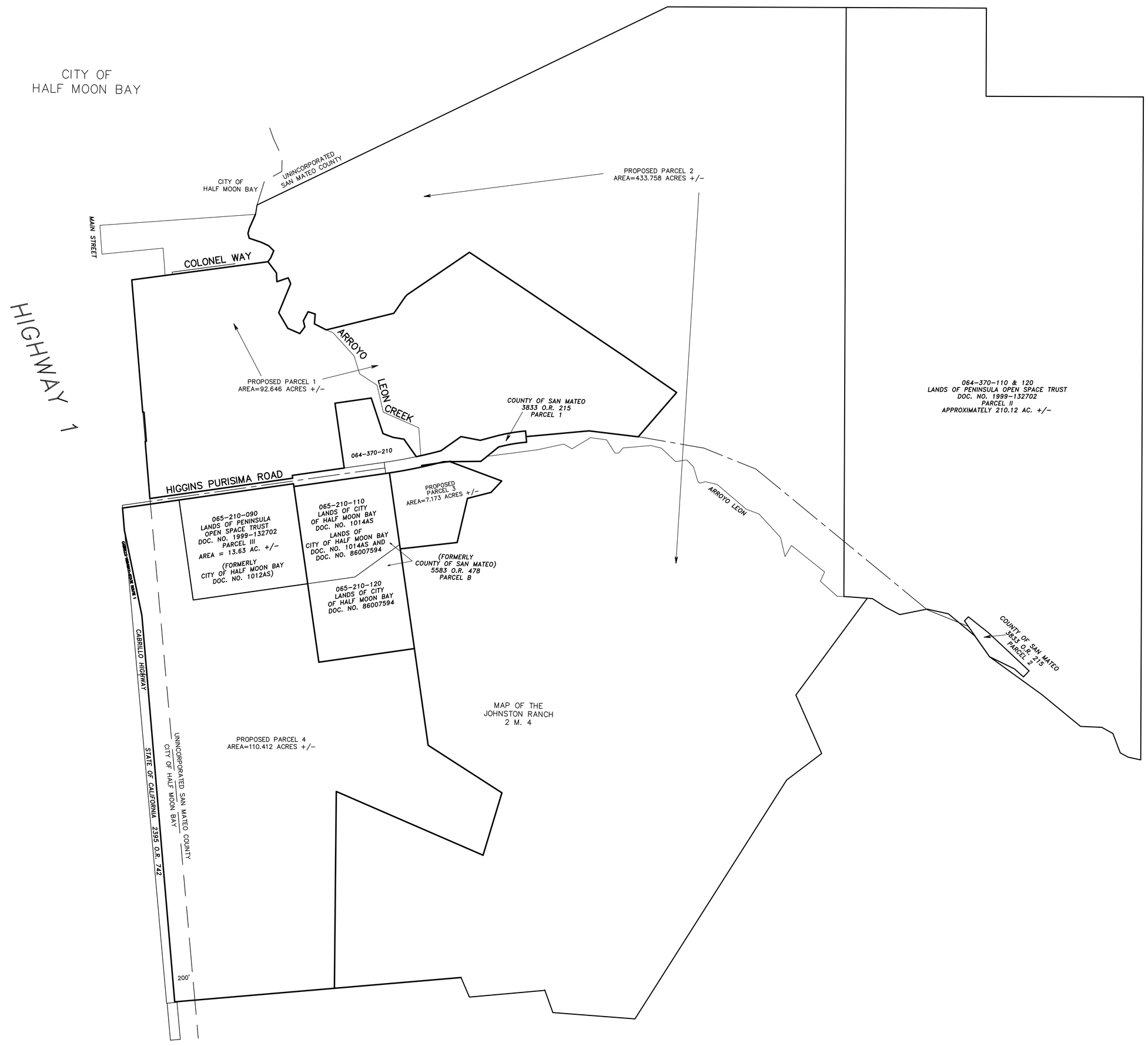
DATE: DECEMBER 10, 2021

LICENSED LAND SURVEYOR
KRISTINA D. COMERER
L.S. 6766
Exp 9/30/22
STATE OF CALIFORNIA

CROSS LAND SURVEYING, INC.
2210 MT. PLEASANT ROAD
SAN JOSE, CA 95148
(408) 274-7994

PROJECT NO. 16-24

JOHNSTON RANCH
PROPOSED FINAL PARCEL CONFIGURATION
OVERALL BOUNDARY MAPPING
BASED ON FIELD SURVEYS AND
ROTATED RECORD LINEWORK
AUGUST 2017, MAY 2018 AND DECEMBER 2021
SCALE: 1" = 300'



LEGEND

- NEW CONFIGURATION OF PARCELS
- CITY LIMIT LINE–APPROXIMATE LOCATION
- PARCEL LINE

BOUNDARY LINE STATEMENT:

BOUNDARY LINES ARE FIELD LOCATED IN THE VICINITY OF CHANGES. ALL OTHER EXISTING BOUNDARY LINES ARE BASED ON RECORD MEASUREMENTS AND HAVE BEEN ROTATED TO THE STATE PLANE COORDINATE SYSTEM.

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DATE: DECEMBER 10, 2021

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT E

Supplemental Statement
Johnston Ranch
Land Division Application
September 30, 2021

Project Background

Johnston Ranch is an 868-acre property located along Higgins Canyon Road in the immediate vicinity of the City of Half Moon Bay. In 1999 and 2001 Johnston Ranch was purchased from developers by Peninsula Open Space Trust (POST), an independent non-profit land trust, in response to public concerns about the accelerating loss of agricultural lands and open space in San Mateo County (the County) to development. Since that time, POST has held the property with the intent of retaining the cultivated portions to be transferred to a local farmer, subject to an agricultural conservation easement, and transferring the bulk of the property, primarily uplands, to a public agency that can provide permanent protection and management of those areas as open space (with grazing where appropriate) and can develop and maintain compatible public trail use on them. In 2014, Midpeninsula Regional Open Space District (MROSD) secured voter-approved bond funding for a wide range of open space conservation projects within its jurisdiction, including the purchase of Johnston Ranch uplands as an addition to MROSD's existing Miramontes Ridge Open Space Preserve. In 2018 and 2019, MROSD secured additional state Habitat Conservation Fund and Coastal Conservancy grant funding to support this purchase. On September 8, 2021, the County determined that the proposed purchase of the property by MROSD was in conformity with San Mateo County's General Plan.

Project Overview

As co-applicants, POST and MROSD have prepared an application to complete the steps necessary to transfer portions of Johnston Ranch into public ownership for protected open space with public recreational use and benefit while retaining the agricultural viability of the property. The application packet includes:

1) Application for final legalization of three Type B Certificates of Compliance (CoC),
2) A parcel merger of two small existing parcels into a larger parcel,
3) A subsequent lot line adjustment (LLA), which is considered a land division, to reconfigure four parcels, and
4) Williamson Act Contract replacements or exchanges on reconfigured parcels and existing parcels, to better plan for and preserve productive farmland, open space, and planned recreational uses, and to facilitate the sale of cultivated farmland to a private owner/operator.

The lot line adjustment is brought about in connection with the purchase of land by a public agency (MROSD) for public recreational uses as allowed under Policy 1.2 of the County's Local

Coastal Program and in compliance with the State Coastal Act of 1976. This application and all accompanying plans and documents are submitted in accordance with the updated provisions of the Amendment to San Mateo County's Local Coastal Program Implementation Plan (PAD, RM-CZ, Corresponding Subdivision Regulations Sections) as approved by the Board of Supervisors on July 7, 2020 and certified by the California Coastal Commission on January 13, 2021.

After the approval of the application, the reconfigured parcels will continue in existing farming and livestock grazing uses and will enhance protection of open space and better accommodate future public trail recreational uses, in compliance with the County's Local Coastal Program. The parcel reconfigurations will preserve and enhance agriculture by realigning parcel boundaries to support the continuation of agricultural operation. POST will place a permanent agricultural conservation easement on the cultivated parcels upon transfer to a farmer. This conservation easement will include mandatory agricultural use provisions and restrict development. The reconfigured agricultural parcels will be easier to manage, will retain existing agricultural production, and will enhance a farmer's ability to control and monitor food safety. The reconfigured parcel size, future agricultural conservation easement, and the new Williamson Act contract will facilitate the sale of this cultivated farmland to a private owner/operator, which will enable them to build equity and provide greater security for the benefits that this farm provides for local agriculture and the community.

The details of the LLA and its benefits are fully addressed in the Master Land Division Plan (MLDP) that is part of this LLA application.

A Coastal Development Permit is not required for the LLA application because the LLA is brought about in connection with the purchase of land by a public agency, MROSD, for public recreational use and therefore not considered development as defined in Policy 1.2 of the County's Local Coastal Program (LCP). Compliance with applicable LCP policies is discussed in detail below, however, to support the land division findings (including LLA finding 1.a) that are needed to approve the application.

A Planned Agricultural District (PAD) permit is required because all the parcels associated with this application are located within the Rural Agricultural General Plan Land Use designation and are zoned Planned Agricultural District/Coastal Development (PAD/CD), and a PAD permit is required for all land divisions including lot line adjustments in the PAD/CD zone. Therefore, compliance with the applicable zoning regulations is also discussed in detail below.

Attachment A, page 1 of 2, shows the existing configuration of the eight parcels on the 868-acre Johnston Ranch and Attachment A, page 2 of 2, shows the configuration of the property after the merger of two small existing parcels (Parcel A and B) into Parcel 1. Attachment B shows the subsequent reconfiguration of four of the parcels as part of a lot line adjustment (LLA).

There are four primary project components:

1) Parcel legalization, which includes application for three Type B CoC's for APN's 064-370-070, 065-210-240, and 065-210-220. These applications have been submitted and are on-file with the San Mateo County Planning and Building Department and will become part of this subject application. (For information purposes, two Type A Certificates of Compliance (CoC) have previously been issued for parcel numbers 1.b and 1.c, (also known as existing parcels A and B) as shown on Attachment A, which have been historically identified as part of Assessor's Parcel Number (APN) 064-370-070 but are in fact each a separate legal parcel. Documentation of these two approvals is on-file with the San Mateo County Planning and Building Department but can be provided by POST if needed);

2) Parcel merger of two small existing parcels, A and B (also known as parcels 1.b and 1.c), with existing Parcel 1, as shown on Attachment A, page 2;

3) Land division (lot line adjustment) affecting the configuration of four existing parcels as shown on Attachment B; and

4) Adjust Williamson Act contracts on the Property:
    a. Rescind/replace existing Williamson Act (WA) contracts on the agricultural parcels with a Farm Land Security Zone (FSZ) contract on the reconfigured agricultural parcels;
    b. Rescind/exchange an existing Land Conservation Act (LCA) WA contract with a 10-year Open Space Easement (OSE) on the fallow southern portion of one reconfigured parcel;
    c. Rescind/exchange an existing Farmland Security Zone (FSZ) WA contract with a 20-year OSE on the northern portion of that same reconfigured parcel;
    d. Non-renew an existing LCA WA contract on one existing parcel which is not part of the land division/parcel merger application.
    e. The parcels where WA contracts will be exchanged for OSEs and the one which will be non-renewed are all suitable for grazing and public recreational uses but not cultivated row crops. Existing WA contracted lands are shown on Attachment C.

General Plan Designation, Property Zoning, and Density Credits

Existing Property General Plan Designation, Zoning, and proximity to County Scenic Corridor:

Johnston Ranch, including the two parcels to be merged and the four parcels to be reconfigured, are in the Coastal Zone, have a General Plan designation of rural agriculture, are zoned PAD/CD, and are in the County Scenic Corridor as shown on Attachment D.

Existing Density Credits:

There are twelve (12) density credits on Johnston Ranch although only 9 of those 12 are involved in the LLA and parcel merger application as shown in Table 1 below. A density analysis was completed by San Mateo County Planning and Building Department in July 2020 and, in accordance with Section 6356 of the Planned Agriculture District (PAD) zoning regulations, every legal parcel was allocated a minimum of one density credit resulting in APNs 064-370-200, 064-370-110, 065-210-090 and each small parcel with an approved Certificate of Compliance, all receiving one credit each. Other parcels had multiple density credits allocated based on site characteristics.

Table 1 (Approximate Acreages)

Parcel ID Shown on Attachment A	Assessor's Parcel No.	Acreage	Density Credits
1	064-370-200	50	1
2 (1A)*	064-370-070	249	3
3	065-210-230 065-210-240	183	2
4	065-210-220	161	1
A (1C)*****	Recorded Doc. 2017-106396	0.5	1
B (1B)*****	Recorded Doc. 2017-106397	0.5	1
090**	065-210-090**	14**	1**
110/120**	064-370-110**	100**	1**
	064-370-120**	110**	1**
TOTALS		**868**	**12**

*Parcels A and B were determined to be legally existing, and separate from parcel 2, through the Certificate of Compliance, Type A, application approved by the San Mateo County Planning and Building Department on 11/9/2017 and recorded with the County Recorder on 11/29/2017. The two parcels had been historically associated with APN 064-370-070 but are separate parcels equaling approximately 2 acres total. Parcels 2, A, and B are also sometimes referred to as parcels 1A, 1C, and 1B, respectively, in official County documents.

**These parcels, acreages and density credits are not included in the lot line adjustment or parcel merger application.

The reallocation of the 9 density credits involved in the lot line adjustment and parcel merger application is addressed in detail in the accompanying Master Land Division Plan (MLDP) for Johnston Ranch.

Application Discussion

Parcel Legalization:

The documentation tracing the parcel history and confirming the legal status of existing Parcels 2, 3 and 4 (APNs 064-370-070, 065-210-240 and 065-210-220, respectively) has been submitted for review and confirmation by the County.

Parcel Merger**:**

The two small one-acre parcels (A and B) would be merged with existing Parcel 1 as shown in Attachment A, page 2 resulting in Parcel 1 increasing in size from 49 acres to 50 acres. A small amount of acreage will be eliminated in the merger because it overlaps with a portion of Higgins Canyon roadway. This voluntary merger will comply with the criteria found in Section 7123 of the San Mateo County Subdivision Regulations in that it will not result in greater density than currently allowed by the County Zoning Regulations and will in fact reduce the number of density credits on the site as explained in the accompanying Master Land Division Plan (MLDP).

Land Division (Lot Line Adjustment/LLA):

After the lot merger described above, the four existing parcels would be reconfigured into four proposed lots that would optimize agricultural use and public benefit by maintaining and protecting cultivated farm land on parcels that can sustain agricultural use, while encouraging grazing, open space, and low-intensity recreational use on parcels that are suitable for those uses. Throughout the discussion below, existing parcels are referred to as such and the proposed lots are referred to as “reconfigured parcels” to distinguish them from the existing parcels. The accompanying LLA map, prepared by a licensed surveyor, uses the nomenclature of “Existing Parcels” and “Proposed Lots”, with the proposed lots being the reconfigured parcels referred to in the discussion below.

The LLA would include adjusting the existing lot line between existing Parcels 1 and 2 eastward as shown on Attachment B so that reconfigured Parcel 1 would be increased from 50 acres (after merger) to approximately 93 acres total and would include the row crops that are now part of adjacent existing Parcel 2. The reconfigured Parcel 1 would also encompass a small portion of the riparian corridor located in the southeastern portion of the existing Parcel 1, which would be protected by an agricultural conservation easement to be retained by POST on the cultivated parcels upon future transfer of ownership to a farmer.

The existing lot line between existing Parcels 3 and 4 would be adjusted northward to reconfigure Parcel 3 into a parcel of about seven (7) acres, which would continue to have acreage for cultivating crops, a small irrigation reservoir, and would provide the potential for a

small farm center in the future to support the adjoining cultivated parcels. When ownership is transferred to a local farmer in the future, POST will retain an agricultural conservation easement over these parcels, which will prohibit separate sale or subdivision of Parcels 3, 4, and APN 065-210-090 (which is not part of this LLA application).

Lastly, the existing lot line between existing Parcels 2 and 3 would be adjusted southwestward to reconfigure Parcel 4 into a 110-acre agricultural parcel, which would remain in cultivated agricultural use, and would reconfigure Parcel 2 into a 434-acre parcel with upland hills and a riparian corridor on the north and south sides of Higgins Canyon Road that would be suitable for open space, low-intensity public recreation, and grazing.

Table 2 below summarizes the reconfigured parcels:

Table 2

Parcels Associated with Lot Line Adjustment					
Parcels After Merger and Before Lot Line Adjustment			**Reconfigured Parcels After Lot Line Adjustment**		
Parcels	**Acres**	**APNs**	**Parcels**	**Acres**	**APNs**
1	50	064-370-200	**1**	93	064-370-200 & portion of 064-370-070
2	249	064-370-070	**2**	434	Portions of 064-370-070, 065-210-240 & 065-210-220
3	183	065-210-240 & 230	**3**	7	Portion of 065-210-240
4	161	064-370-200	**4**	110	Portions of 065-210-220 & 240, 065-210-190, 210 & 230

Parcel Access: All reconfigured parcels would be accessed directly from Higgins Canyon Road. The City of Half Moon Bay has granted POST and MROSD an access easement across the western side of the City's Johnston House property from Higgins Canyon Road for additional access to the agricultural fields of reconfigured Parcel 4 and the upland areas of reconfigured Parcel 2 south of Higgins Canyon Road. In addition, an easement over an existing farm road from Highway 1 across reconfigured Parcel 4 will be granted to MROSD to serve as an appurtenant seasonal access easement to the southern portion of reconfigured Parcel 2. Both of these access easements are shown on Attachment E.

Trail Easement: POST has granted the City of Half Moon Bay a public trail easement along the south side of Higgins Canyon Road across the northern boundary of reconfigured Parcel 4 and the northerly boundary of APN 065-210-090 (which is not part of this land division application). There is an existing agricultural fence along the southerly boundary of the trail easement. The need and purpose of this easement to further the goals of the County's LCP and connect regional trails is detailed in this Supplemental Statement and in the Master Land Division Plan

(Attachment F). The location of the trail easement is shown on an attached map in the Master Land Division Plan (Attachment F).

Water Supply: Portions of all four of the existing parcels are currently served by three irrigation reservoirs, the smallest of which stores 9.2-acre feet of water and is located just south of Higgins Canyon Road on existing Parcel 3, and two of which are located further south and straddle the existing boundary between Parcels 3 and 4. The larger of these two reservoirs stores approximately 49-acre feet of water while the smaller of these two reservoirs stores approximately 13-acre feet. All three reservoirs are filled by water from Arroyo Leon. The water serves the agricultural uses on existing Parcel 1, portions of existing Parcels 2, 3, and 4, and all of existing Parcel 065-210-090 (which is not part of the LLA application). The water is pumped through existing irrigation lines from the reservoirs to the agricultural fields as shown on Attachment G, page 1 of 2.

The eastern portion of existing Parcel 2, which does not have cultivated agriculture on it, is served by a spring that fills a small stock pond about 1.1-acre feet, and five water tanks totaling 8,500 gallons. A water trough on this portion of Parcel 2 also supports grazing livestock. Reconfigured parcel 2 will also merge ownership and protect a half mile of the Arroyo Leon riparian corridor.

The total 72.3-acre feet of water that has been consistently available on the site to support the existing agricultural uses has successfully met the needs of those uses. The low-intensity public recreation use that is planned in the future such as hiking trails will not increase the need for water on the site and is not listed in Table 1.5 of the County's Local Coastal Program as the type of land use that has water using features associated with it. Any specific uses proposed in the future that would require an increase in water use would be evaluated in accordance with applicable water supply requirements in place at the time of such an application.

The proposed LLA will better define the parcel boundaries so that the irrigation reservoirs will no longer straddle parcel lines and will be located entirely on specific parcels. This will facilitate more efficient management of the reservoirs. Although there is no plan or expectation that the existing water provision system will change, a condition of project approval could be included to ensure that the water infrastructure and system that is currently in place remains in place.

Waterline Easements: POST granted formal waterline easements serving the City of Half Moon Bay's Johnston House property and will grant the Giusti LLC property (north of the project site) for the existing domestic water lines that travel along the northwest corner of reconfigured Parcel 4 and the northerly property line of APN 065-210-090. The location of the waterline easement is shown on the tentative map submitted with the land division application.

The reconfiguration of the four existing parcels, along with the merger of two small existing parcels, access and trail easements, will comply with applicable policies and regulations as explained below.

Compliance with General Plan Policies:

Divisions of land designated as Rural are required to comply with policies in Chapter 9, Rural Land Uses, of the County's General Plan. Specifically, policies relating to the encouragement of existing and potential agricultural activities, criteria for division of agricultural land, and protection of agricultural land apply to this land division as do policies related to encouraging existing and potential public recreation uses.

Policy 9.28 calls for the encouragement of existing and potential agricultural activities. Reconfiguring four existing parcels on Johnston Ranch, and merging two small parcels, to better define viable agricultural parcels accomplishes this policy objective by making it feasible for a farmer to purchase productive farmland and build equity and security for the benefits that this farm provides to the community. Parcel reconfiguration will ensure that the parcel boundaries are coincident with the productivity of the existing or potential agricultural use.

Policy 9.29 specifically calls for establishing and/or maintaining agricultural activities by maintaining and/or creating appropriately sized agricultural parcels. The proposed parcel reconfiguration will meet this policy objective by better defining productive agricultural land and separating it from grazed upland that is better suited to accommodate compatible public recreational uses. A Master Land Division Plan (MLDP) has been prepared that addresses the elements noted in Policy 9.29.b. (See Attachment F).

Policy 9.35 calls for encouraging existing and potential public recreation land uses on non-agricultural land, including but not limited to, recreation areas, wild areas, and trails. The proposed parcel reconfiguration will separate productive agricultural land from land that is suited for compatible public recreational uses such as the trails that are planned and will be operated by the MROSD and coordinated with trails plans of partner agencies in the vicinity such as San Mateo County, the City of Half Moon Bay, the Golden Gate National Recreation Area (GGNRA), California State Parks, San Francisco Public Utilities Commission (SFPUC), and the Coastside Land Trust, as outlined later in this Supplemental Statement.

The Rural land use policies that address development standards are not discussed in this Supplemental Statement because no development is being proposed. Any future development on any of the parcels, agricultural or open space, will be evaluated in accordance with all requirements in place at the time of any application for development.

Compliance with Local Coastal Program (LCP) Policies:

The LCP exempts land divisions that are brought about in connection with the purchase of land by a public agency for public recreational use from the definition of development (LCP Policy 1.2) therefore a Coastal Development Permit (CDP) is not required. However, the applicable policies within the LCP are addressed below because compliance with them will be needed to make the required land division findings for project approval (including LLA finding 1.a). Because there are no buildings of any type proposed as part of this land division application and lot merger, the LCP policies that address the potential impacts of physical structures are not applicable to this application. Should future development be proposed on any of the reconfigured parcels, the proposal(s) would be evaluated in accordance with all applicable LCP policies at that time.

Agricultural Component: Policies 5.5 and 5.6 of the Agricultural Component of the LCP define permitted uses and conditionally permitted uses on prime agricultural lands and on lands suitable for agriculture. Agricultural uses and non-residential development considered accessory to agricultural uses are permitted on both prime agricultural lands and lands suitable for agriculture. Single-family residences and public recreation and shoreline access trails are conditionally permitted uses on prime agricultural lands and on lands suitable for agriculture. The LLA will not affect the allowed or conditionally allowed uses on the four reconfigured parcels and will facilitate the preservation and success of agriculture, open space, and compatible public recreational uses on the appropriate parcels. The new WA contract and OSEs discussed in subsections will likewise support these permitted and conditionally permitted uses.

Policy 5.10 of the Agricultural Component of the LCP addresses conversion of land suitable for agriculture and prohibits this conversion unless five criteria can be successfully addressed. The LLA would not result in the conversion of land suitable for agricultural use because no development is being proposed as part of the land division. On the portion of reconfigured Parcel 2 south of Higgins Canyon Road, which is proposed for an exchange from a Williamson Act (WA) Contract to an Open Space Easement (OSE), the land is fallow due to scarcity of productive agricultural soil and supporting infrastructure. On the northern portion of reconfigured Parcel 2, north of Higgins Canyon Road, the land would continue to be grazed under a long-term lease and a rangeland management plan. In both cases, the exchange of the existing WA contract with an OSE will result in the protection of open space and planned recreational uses on all of reconfigured Parcel 2 which is compatible with and allowed by the WA. Therefore, conformance with Policy 5.10 is also included below in the Williamson Act contract discussion.

Policy 5.12 of the LCP calls for determining minimum parcel size for agricultural parcels on a case-by-case basis to ensure maximum existing or potential agricultural productivity. The land division is proposed for exactly this reason. Each reconfigured parcel will maximize either existing cultivated agricultural uses (reconfigured parcels 1, 3, and 4), or existing open space

and future planned recreational uses while supporting existing grazing (reconfigured Parcel 2). These considerations have been a motivating factor in this application.

Visual Resources Component: All four existing and reconfigured parcels are located within a County Scenic Corridor as defined in Policy 8.30 in the Scenic Roads and Corridors section of the Visual Resources Component of the LCP. No buildings of any type or other uses that could result in impacts to the Scenic Corridor are proposed as part of this application. The WA contract exchange for an OSE on one parcel will, in fact, help preserve the open space nature of the Scenic Corridor and reduce the possibility of future impact as discussed below in the WA section of this Supplemental Statement. Should development be proposed on any of the parcels in the future, it would be evaluated in accordance with applicable Visual Resources policies, including but not limited to, Policy 8.31 which addresses physical development in rural scenic corridors.

Sensitive Habitats Component: The applicable policies in the Sensitive Habitats component (Policies 7.1 - 7.54), including those that require the identification and protection of rare and endangered species, all perennial and intermittent streams and tributaries, riparian corridors, wetlands, marine habitats, and other applicable features, have been addressed in the Biological Impact Report prepared by LSA, dated February 2021. The report concludes that no adverse impacts on sensitive habitats will occur as a result of the land division. The report is attached to this Supplemental Statement for reference (See Attachment H).

Recreation/Visitor Serving Facilities Component: The reconfiguration of four parcels on Johnston Ranch meets applicable policies in the Recreation/Visitor Serving Facilities Component because one of the resulting parcels (reconfigured Parcel 2) will be better suited to enhance open space and future low-intensity public recreational uses, including future internal public trails and a segment of the Half Moon Bay State Beach to Huddart County Park Trail connecting Half Moon Bay near Higgins Canyon Road to Huddart County Park that is specifically called for in LCP Policy 11.13.b., without reducing or negatively impacting agricultural uses. In addition, sufficient room has been provided to locate any buffer areas that may be needed to separate future trail or recreationally related development from agricultural uses or sensitive habitat. All future recreational development will be reviewed for compliance with applicable Recreation/Visitor Serving Facilities policies in place at that time. Additional information on the purpose and potential alignment of future trails on the reconfigured parcels is provided in the Master Land Division Plan (Attachment F).

Compliance with PAD Zoning Criteria:

Chapter 21.A, Planned Agricultural District (PAD), Section 6355, states that all land divisions in the PAD shall result in uses that are consistent with the purpose of the PAD found in Section 6350 of the Zoning Regulations. Section 6350 lists five techniques that should be employed to

minimize conflicts between agricultural and non-agricultural land. Those five techniques are discussed below.

Section 6350(a) calls for establishing stable boundaries between urban and rural uses and when necessary, clearly defined buffer areas.

Existing and reconfigured Parcel 1 is adjacent to residential use within the City of Half Moon Bay on its northern and western boundaries. The existing stable boundaries between the housing and agricultural uses will be maintained because agricultural use will be continued on reconfigured Parcel 1 and will be protected by a Farmland Security Zone Contract and an agricultural conservation easement. The other three parcels are not adjacent to urban uses but Parcel 2 is adjacent to Arroyo Leon and as such, has been designed to provide room for buffer areas between the permitted land uses on that parcel and the riparian corridor so that the riparian corridor will be protected.

Section 6350(b) calls for limiting conversions of agricultural lands around the periphery of urban areas to lands where the viability of existing agricultural use has already been severely limited by conflicts with urban uses, and where the conversion of such land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

Conversion of agricultural land is not proposed as part of this lot line adjustment.

Section 6350(c) calls for developing available lands not suitable for agriculture before converting agricultural lands.

Development is not proposed on the four parcels to be reconfigured in this LLA application nor is the conversion of agricultural lands. The proposed LLA will retain cultivated agriculture on three of the four reconfigured parcels and will retain grazing, open space and future low-intensity public recreation uses which are compatible with agriculture on the fourth reconfigured parcel.

Section 6350(d) calls for assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

Public service and facility expansion is not proposed as part of this LLA application nor is non-agricultural development. The proposed LLA will preserve agriculture by realigning parcel boundaries to support the continuation of agricultural operation. The agriculture conservation easements to be placed by POST on reconfigured parcels 1, 3, and 4 upon transfer to a farmer will include mandatory agricultural use provisions. The reconfigured parcel size, the planned agricultural easements and the new Williamson Act contract will facilitate the sale of this

cultivated farmland to a private owner/operator. The LLA will also facilitate the continuation of existing farming and livestock grazing uses, permanently protect open space and enhance future public recreational uses on reconfigured parcel 2 through the use of Open Space Easements and a Rangeland Management Plan which are compatible with agricultural uses. No change of use is proposed as part of this LLA application that would result in assessment costs or the degradation of air or water quality.

Section 6350(e) calls for assuring that all divisions of prime agricultural land (except those stated in (b)) and all adjacent development does not diminish the productivity of prime agricultural lands and other land suitable for agriculture.

The purpose of the proposed LLA is to preserve and enhance cultivated agriculture through the reconfigured parcel sizes, the planned agricultural easement and the new Williamson Act contract on parcels 1, 3, and 4 and to continue existing farming and livestock grazing uses, permanently protect open space and enhance future public recreational uses on reconfigured parcel 2 through Open Space Easements and a Rangeland Management Plan. There is no development proposed on the reconfigured parcels or on land adjacent to them that would diminish the productivity of prime agricultural lands or other land suitable for agriculture.

Section 6354, Land Divisions, of the San Mateo County Zoning regulations requires a PAD permit to be approved for all land divisions in the PAD zone, even when no additional parcels will result from the land division. The PAD criteria found in Section 6355 are discussed below, although many of the general criteria are not applicable to this land division because buildings are not proposed at this time. Should development be proposed in the future, it will be evaluated in accordance with all applicable PAD criteria.

A. General Criteria

a. *The encroachment of all development upon land which is suitable for agricultural use shall be minimized.*

No structures of any type or additional parcels are proposed as part of this application. Should buildings or other development be proposed on any of the parcels in the future, the proposal will be evaluated in accordance with this criterion as applicable.

b. *All development permitted on a site shall be clustered.*

No structures, roads, infrastructure, or additional parcels are proposed on the site as part of this application. Should development be proposed in the future, it will be evaluated in accordance with the language included in the new FSZ contract or OSE and this PAD criterion as applicable.

c. *Every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.*

The applicable criteria found in Chapter 20A. 2 are discussed below:

Section 6324.1. - Environmental Quality Criteria

(a) *All developments should be designed and located to conserve energy resources, and thereby reduce the impacts of energy consumption on air, land, water, and living resources.*

Although buildings are not proposed as part of this LLA application, all four reconfigured parcels are designed to be large enough to accommodate agricultural and compatible development in the future which could reduce paving, grading and potential runoff from the site and could accommodate structural designs which maximize use of solar energy and reduce the use of electricity.

Section 6324.2 - Site Design Criteria

(a) *Development shall 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 surround is maintained to the maximum extent practicable.*

The reconfigured parcels have been designed to reflect the pre-existing character of the site by realigning parcel boundaries to be subordinate to the pre-existing agricultural uses on reconfigured parcels 1, 3, and 4 and the pre-existing grazing and open space on reconfigured parcel 2.

(b) *All roads, buildings and other structural improvements or land coverage shall be located, sited and designed to fit the natural topography and shall minimize grading and modification of existing land forms and natural characteristics.*
Primary Designated Landscape Features …. shall not be damaged.

Although no roads, buildings or other structural improvements are proposed as part of this LLA application, the four reconfigured parcels have been designed to fit the natural topography and preexisting uses including cultivated agriculture on reconfigured parcels 1, 3 and 4 and grazing and open space on reconfigured parcel 2. There are no Primary Designated Landscape Features on any of the four reconfigured parcels.

Section 6325.3 - Primary Agricultural Resources Area Criteria

(a) *Only agricultural and compatible uses shall be permitted.*

Agricultural and compatible uses will continue on reconfigured parcels 1, 3, and 4 as allowed by PAD zoning and this will be reinforced by the agricultural conservation easement placed on the parcels by POST upon transfer to a farmer. The open space, grazing, and low-intensity public

recreational uses which are allowed by PAD zoning and are compatible with agricultural uses will be located on reconfigured parcel 2.

(b) *Clustering of uses shall not be permitted unless and until a finding is made by the Planning Commission that such clustering would promote the use or potential use of the land for agricultural purposes.*

Cultivated agricultural uses would continue on reconfigured parcels 1, 3, and 4 and would be consolidated under one 20-year Farmland Security Zone contract which, along with the agricultural conservation easement to be placed on the parcels by POST upon transfer of the parcels to a farmer, will promote the use of the land for agriculture.

(c) *Where possible, structural uses shall be located away from prime agricultural soils.*

Although no structures of any kind are proposed on any of the reconfigured parcels as part of this LLA application, the reconfigured parcels have been designed so that any proposed structures in the future could, where possible, be located away from prime agricultural soils or on soils that have been previously disturbed.

B. Water Supply Criteria

a. *The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses and new parcels in accordance with criteria included in Section 6355.B.1 of the San Mateo County zoning regulations.*

No residential or other non-agricultural uses or new parcels are being proposed as part of this application. The OSEs that are proposed as part of the application are consistent with and allowed by the WA and are not considered non-agricultural use. The low-intensity public recreation use that is planned in the future, such as hiking trails, will not increase the need for water on the site and is not listed in Table 1.5 of the County's Local Coastal Program as the type of land use that has water using features associated with it. Should residential or other non-agricultural uses or new parcels be proposed in the future, the application will be evaluated in accordance with the water supply criteria as applicable.

b. *Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.*

The reconfiguration of four existing parcels will not diminish water supplies for agricultural use or sensitive habitat protection and will, in fact, improve the management of existing water sources by locating entire reservoirs, ponds and riparian corridors on individual parcels rather than bifurcating them with parcel boundaries. The existing agricultural water infrastructure and supply to existing subject parcels is shown on attached Map #6A (Page 2 of 2 in Attachment G). The total 72.3-acre feet of water that has been consistently available on the site to support the existing agricultural uses has successfully met the needs of those uses.

c. *All new non-agriculture parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.*

All reconfigured parcels will be agricultural or open space with grazing which includes uses that are either permitted outright or allowed with issuance of a PAD permit and all proposed uses are consistent with the Williamson Act. No development is proposed and no transfer of riparian rights is needed or proposed.

C. Criteria for the Division of Prime Agricultural Land

a. *Prime agricultural land which covers an entire parcel shall not be divided.*

Prime agricultural land which covers an entire parcel is not proposed for division. In fact, the proposed land division is designed so that more prime agricultural land that is now on multiple adjacent parcels will be combined within the same parcel.

b. *Prime agricultural land within a parcel shall not be divided unless it can be demonstrated that existing or potential agricultural productivity of all resulting parcels would not be diminished.*

Prime agricultural land of about 44 acres is proposed to be divided on existing Parcel 2 so that it can be combined with reconfigured Parcel 1 and remain in cultivated agricultural use. The remaining 27 acres of prime agricultural land on reconfigured Parcel 2 will continue in livestock grazing or hay production through a long-term lease. Productivity of the agricultural uses on the prime agricultural land shall therefore not be diminished and will in fact be enhanced by combining prime agricultural land entirely on reconfigured Parcel 1 rather than continuing to have it bifurcated by a property line.

c. *Prime agricultural land within a parcel will not be divided when the only building site would be on such prime agricultural land.*

Existing parcel 1 and reconfigured Parcel 1 both consist of almost all prime agricultural land as does all of reconfigured Parcel 4. Building sites are not proposed as part of this land division application. If development is proposed in the future, it must be found to be compatible with the zoning regulations and use restrictions of the Planned Agricultural District.

D. Criteria for the Conversion of Prime Agricultural Lands

a. *Prime Agricultural Land within a parcel shall not be converted to uses permitted by a PAD permit unless specific criteria can be met*

No conversion of prime agricultural lands is being proposed as part of this application, so subsections 6355.D 1 – 3 do not apply. The prime agricultural lands will remain in agricultural use.

E. Criteria for the Division of Lands Suitable for Agriculture and Other Lands

a. *Lands suitable for agriculture and other lands shall not be divided unless it can be demonstrated that existing or potential agricultural productivity of any resulting agricultural parcel would not be reduced.*

Reconfigured parcel 2 is not capable of sustaining cultivated agriculture but is suited for grazing, open space and low-intensity public recreational use. Dividing it from parcels which are capable of sustaining cultivated row crops (reconfigured parcels 1, 3, and 4) will help protect and enhance the appropriate uses on all of the parcels by enabling farmers to purchase and maintain land that is suitable for cultivation without incurring the costs of purchasing and maintaining land that is not suitable for cultivated agriculture. Parcels 1, 3, and 4 will remain in cultivated agricultural use and POST will place a permanent agricultural conservation easement on those parcels when transferred to a private farmer.

F. Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands
    a. *All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a PAD permit unless specific criteria can be met.*

No conversion of lands suitable for agriculture and other lands is proposed as part of this application. The parcel proposed for exchange from a WA contract to an OSE is not capable of meeting agricultural use thresholds because of steep slopes as shown on Map #7 (Attachment I), and a lack of fencing and other agricultural infrastructure. The exchange of a WA contract for an OSE is allowed by and compatible with the Williamson Act and will facilitate the preservation of existing farmland, open space, and planned recreational uses.

Section 6363, Parcel Size, of the PAD requirements as updated and approved by the San Mateo County Board of Supervisors on July 7, 2020 and certified by the California Coastal Commission on January 13, 2021, exempts land divisions brought about in connection with the purchase of land by a public agency for public recreational use from the maximum 5-acre residential parcel size.

The Johnston Ranch LLA is exempt from the maximum 5-acre residential parcel size because it has been brought about in connection with the purchase of land by a public agency, MROSD, for public recreational use. All of the reconfigured parcels are designed to accommodate the existing and anticipated uses on them.

Compliance with Lot Line Adjustment Findings:

The County must be able to make the following findings to approve the lot line adjustment in accordance with Chapter 10, Article 2, Section 7126 of the San Mateo Subdivision Ordinance:

1.a. *Conformity with applicable General Plan, specific plan, LCP, and Zoning and Building Regulations, although existing legal non-conforming situations may continue provided they are not aggravated by the lot line adjustment.*

The lot line adjustment would be in conformance with the applicable General Plan, LCP, and Zoning regulations as discussed above and shall not result in any non-conforming situations;

1.b. *Suitability of building sites created by the lot line adjustment.*
Although no buildings of any type are proposed as part of the lot line adjustment, all four reconfigured parcels would have adequate space to accommodate allowed uses within the PAD along with support structures and facilities and sensitive habitat protection measures. The permanent agricultural conservation easement that POST will put in place when reconfigured sites 1, 3 and 4 are transferred to a private farmer will remove the ability to develop single family residential uses on the parcels but will retain the ability to develop farm labor housing and other compatible agricultural uses in accordance with all regulations in place at that time. Reconfigured Parcel 2 will be 434 acres and will contain adequate area to provide a suitable building site although one is not proposed as part of this application.

1.c. *Provision for adequate routine and emergency access.*
Each reconfigured parcel would be accessed directly from Higgins Canyon Road as discussed above with an additional access easement granted to POST and MROSD from the City of Half Moon Bay across the western boundary of the City's Johnston House property from Higgins Canyon Road for a 30' wide access road to the agricultural fields of reconfigured Parcel 4 and the upland areas of reconfigured Parcel 2 south of Higgins Canyon Road. In addition, an existing farm road from Highway 1 across reconfigured Parcel 4 will serve as an appurtenant seasonal access easement to the southern portion of reconfigured Parcel 2;

1.d *Provision for adequate water supply and sewage disposal.*
The total 73.2-acre feet of water that has been consistently available on the site to support the existing agricultural uses has successfully met the needs of those uses. The low-intensity public recreation use that is planned in the future such as hiking trails will not increase the need for water on the site and is not listed in Table 1.5 of the County's Local Coastal Program as the type of land use that has water using features associated with it. Should residential uses or other types of allowed commercial uses be proposed in the future, the applications would be evaluated in accordance with regulations for water use at that time. While no uses requiring sewage disposal are proposed or anticipated at this time, each of the four reconfigured parcels are large enough to accommodate required septic systems on them and should uses that require septic systems be proposed in the future, they would be evaluated in accordance with regulations in place at that time;

1.e. *Avoiding or minimizing impacts upon scenic corridors, wetlands, coastal resources, or authorized coastal development.*
No physical development is proposed as part of the LLA and therefore no impacts will result from the lot line adjustment on scenic corridors, wetlands, coastal resources or authorized coastal development as discussed above and in the accompanying biological report prepared by LSA and Associates, dated February 2021.

Williamson Act Discussion

All 868 acres of Johnston Ranch have been part of either a 10-year Land Conservation Act (LCA) or 20-year Farmland Security Zone (FSZ) Williamson Act contract since 2005 as shown on Attachment C.

The 10-year LCA Contract Number 2005-222499 covers approximately 555 acres and includes Assessor's Parcel Numbers (APNs): 064-370-110; 064-370-120; 065-210-220; and 065-210-240 (existing parcels 064-370-110 and 120, 3, and 4 as shown on Attachment C). Of the 555 acres, approximately 110 are in cultivated agricultural use. This cultivated farmland is located on the western portions of existing parcels 3 and 4. The remaining 445 acres covered by the LCA contract are located on the eastern portions of existing parcels 3 and 4 and existing parcel no. 064-370-110 and 120 and are suitable for grazing and public recreational uses, but are not suitable for cultivated agricultural use due to steep slopes, as shown on Map #7 (Attachment I), and the lack of access and fencing. In addition, the LCA Contract on APN 064-370-120 was non-renewed by San Mateo County on September 23, 2011, document #2011-110518.

The 20-year FSZ contract, Number 2005-222500, covers approximately 313 acres and includes APNs: 065-210-090; 064-370-200; 064-370-070; and small Parcels A (1c) and B (1b) which are noted as existing parcels 1, 2, A, B, and APN 065-210-090 on Attachment C. Existing parcels 1, and APN 065-210-090, and portions of existing parcel 2, are in cultivated agricultural use while parcels A and B are located primarily within the existing stream bed of Arroyo Leon.

The following proposed changes to these two existing WA contracts will increase the protection of cultivated farmland and enhance opportunities for low-intensity recreational uses and the continuation of existing grazing. The proposed changes are as follows:

Regarding the existing 10-yr. LCA contract, No. 2005-222499:

A) Rescind it on the western portions of existing parcels 3 and 4 and re-enter a new 20-yr. FSZ contract on those western portions which will be reconfigured into Parcel 4, as shown on Map # 8 (Attachment J). This new FSZ contract will also include reconfigured parcels 1, 3, and existing parcel 065-210-090;

B) Exchange it for a 10-yr. Open Space Easement (OSE) on the eastern portions of existing parcels 3 and 4 which will be reconfigured into the southern portion of reconfigured Parcel 2, as shown on Map #8 (Attachment J);

C) Non-renew it on existing parcel 064-370-110, in accordance with Sections 4 and 8 of the existing contract, as shown on Map #8 (Attachment J).

Regarding the existing 20-yr. FSZ contract, No. 2005-222500:

A) Rescind it and re-enter a new 20-yr. FSZ contract on reconfigured parcels 1 and 4, existing parcel 065-210-090 and merged Parcels A and B, as shown on Attachment J; and

B) Exchange it for a new 20-year Open Space Easement (OSE) on the northern portion of reconfigured Parcel 2 as shown on Map #8 (Attachment J).

The execution of the new FSZ and OSE contracts and the non-renewal of the LCA contract on existing parcel 064-370-110 will be in accordance with Sections 4 and 8 of the existing contracts and will be a condition of the land division approval. The new FSZ contract will be in the form, or similar form, as that found in Attachment K.

The benefits of the above actions include the fact that all 224 acres of existing cultivated agricultural acreage will now be covered by one new 20-year FSZ contract which will be easier to manage. In addition, of those 224 acres, 110 acres that were previously only protected for a rolling 10-year timeframe will now be protected for a rolling 20-year timeframe.

The 207 acres that constitute the reconfigured northern portion of Parcel 2, which will be covered under a new 20-year Open Space Easement, and the 227 acres that constitute the southern portion of reconfigured Parcel 2, which will be covered under a new 10-year Open Space Easement, are best suited for open space and low-intensity public recreational uses and will include the continuation of grazing on the northern portion of the parcel and the potential reintroduction of grazing on the southern portion of the parcel.

The 100 acres that constitute existing APN 064-370-110, which will be nonrenewed from the existing 10-year LCA contract, will remain in grazing use for the remaining nine years of the contract, and will then also enhance open space and low-intensity public recreation opportunities. In addition, this acreage will be further protected by MROSD's approval of a Rangeland Management Plan and a long-term lease with the existing grazing tenant.

These actions and benefits are in compliance with the San Mateo Williamson Act Guidelines as discussed below.

Compliance with the San Mateo County Land Conservation (Williamson) Act

The San Mateo County WA Uniform Rules and Regulations allow parcels that are under WA contracts to be subdivided into new or reconfigured parcels provided the existing WA contracts are rescinded and replaced with new WA contracts or OSEs on reconfigured parcels or non-renewed on existing parcels. The new contracts are required to meet all applicable WA Rules and Regulations and cannot be for less aggregate acreage than originally contracted. The WA Rules and Regulations also require the land division to comply with the Subdivision Map Act

and the San Mateo County Subdivision Regulations (WA Uniform Rule 4: Rescission/Reentry, Non-Renewal and Cancellation Requests).

The new 20-year FSZ contract and the new OSEs that are part of the Williamson Act contract changes would comply with the following applicable WA Rules and Regulations. Uniform Rule 1 in the WA Guidelines requires that all replaced contracts or OSEs be located within an Agricultural Preserve (AGP). All eight existing parcels, including the four to be reconfigured and the two to be merged, are located within an existing AGP which was approved in 2005 when the original contracts were approved.

Uniform Rule 2.A.1 requires that all replaced or exchanged contracts be on property designated as Agriculture or Open Space and Uniform Rule 2.A.2 requires that the property be zoned PAD or Resource Management or Resource Management Coastal Zone. All eight of the existing parcels, including the four to be reconfigured and the two to be merged, are designated as Agriculture and are zoned PAD. All parcels proposed for the new FSZ contract also meet the parcel size requirements required in Uniform Rule 2.A.3.

Uniform Rule 2, Section A.5.b.2 allows "per se" compatible uses on parcels under FSZ contracts, which means that the use is automatically found to be compatible with agriculture and is not required to receive a "Determination of Compatibility" (DOC) from the Agricultural Advisory Committee. There is an existing barn on Parcel 2 (APN 064-370-070) which falls under the definition of "per se" compatible uses in Section A.5.b.2(a): "Facilities and structures utilized in conjunction with the production, preparation, and storage of an agricultural commodity, commercial grazing, or commercial horse breeding." The barn on Parcel 2 is used in conjunction with the grazing operation which will be under a Rangeland Management Plan and long-term grazing lease with the existing rancher. It is 3,600 square feet in size with a driveway leading to it which is 5,700 square feet for a total of 9,300 square feet of compatible use on the reconfigured 204-acre parcel. There is also existing deer fencing around some of the agricultural parcels along Highway 1 (parcels 1, 4, and APN 065-210-090) which was put in place in 2017 and 2018 and finished in 2020. There are no other existing compatible uses on the subject parcels.

Uniform Rule 2.6 requires minimum income levels to be met for prime and non-prime soils and Uniform Rule 2.7 requires minimum thresholds for land utilization for grazing. The Statement of agricultural uses required by Uniform Rule 3 summarizes the acreage of each existing APN, the acreage in crop production and grazing along with the proposed replacement with either a new FSZ contract or an OSE. The Statement of agricultural uses is Attachment L of this Supplemental Statement.

Uniform Rule 2.B requires that parcels entering into a new, or replacing an existing, FSZ contract must be within an approved AGP, and within an approved Farmland Security Zone Area (FSZA) and designated on the Important Farmland Series Map. The reconfigured parcels

that are covered by the new FSZ contract all meet these criteria (reconfigured Parcels 1, 3, and 4).

Uniform Rule 4 requires that seven criteria be met before an LLA can be approved for parcels under an existing WA contract. Those criteria are addressed below:

a) *The new contracts will restrict land within adjusted boundaries of legal lots for at least as long as the term of their current restrictions.*

Parcels currently enrolled in a 10-year LCA contract would be reconfigured and enrolled in a 20-year FSZ contract or a 10-year Open Space Easement (with a non-renewal on one existing parcel that is not part of the LLA/parcel merger application) and parcels currently enrolled in a 20-year FSZ contract would be enrolled in a new 20-year contract or a 20-year Open Space Easement, so all parcels will be restricted for at least as long as the term of their current restrictions with the exception of the non-renewal which is a separate action, and while a part of this application package, is not a part of the LLA.

b) *There would be no net decrease in the amount of the aggregate acreage (total contract acreage combined between the parcels involved in the lot line adjustment) subject to the existing and proposed contracts.*

The total acreage in the four reconfigured parcels (and on the Ranch overall) would remain the same but would be configured differently and would either be enrolled in a FSZ contract or an Open Space Easement. There would be no decrease in the aggregate acreage subject to proposed contracts/easements.

c) *At least 90% of the originally contracted land would be included within new contracts.*

All of the originally contracted land (100%) would be enrolled in new contracts/easements.

d) *The resulting legal lot area subject to contracts would be large enough to sustain qualifying agricultural uses as defined in Section 51222.*

All four of the reconfigured parcels would be large enough to sustain agricultural uses including reconfigured Parcel 3 which would be tied in perpetuity to reconfigured Parcel 4 through a conservation easement, as discussed above, so that accessory agricultural uses along with row crops could be located on reconfigured Parcel 3.

e) *The lot line adjustment would not compromise the long-term agricultural production of land within the proposed legal lots or other agricultural lands subject to contracts(s).*

Reconfigured Parcels 1, 3, and 4 (along with existing Parcel 065-210-090 which is not part of this LLA application) will be better configured to sustain long-term agricultural use and productive farmland with substantial prime agricultural soil enrolled under one 20-year FSZ contract, while land better suited for open space and public recreation uses will be aggregated under two OSEs on reconfigured Parcel 2.

f) The lot line adjustment will not likely result in the removal of adjacent land from agricultural uses.

Adjacent land would not be removed from agricultural use as a result of the LLA. Reconfigured Parcel 2 is better suited for grazing, open space, and public recreation uses rather than cultivated row crops. Replacing the existing 10 and 20-year WA contracts on the parcel with 10 and 20-year Open Space Easements that are allowed by and consistent with the Williamson Act will ensure that parcels failing to meet productive agricultural use thresholds are retained for open space, continued grazing on the north side of Higgins Canyon Road under a conservation grazing lease and Rangeland Management Plan and future recreational uses. The WA contract that will be non-renewed on APN 064-370-110 (which is not part of this application) will continue for the remaining nine years and grazing will also be continued under a conservation grazing lease and Rangeland Management Plan for that period of time;

g) The lot line adjustment would not result in a greater number of developable legal lots than existing prior to the adjustment or an adjusted lot that is inconsistent with the County General Plan.

No additional parcels would be created by the LLA. First, the lot merger would reduce the number of parcels on the Ranch overall from eight to six. Then four of these parcels would be reconfigured into four differently shaped parcels to better preserve existing productive agricultural uses including continued livestock grazing and to enhance open space and future public recreational uses. All four of the reconfigured parcels would be consistent with relevant County General Plan, LCP, Zoning, and Subdivision policies and regulations as discussed earlier in this Supplemental Statement.

Uniform Rule 5 addresses exchanging an existing WA contract for an OSE and requires that the OSE adhere to the California Land Conservation Act of 1965, and subsequent revisions, which in turn requires that the OSE be consistent with the WA and that it enforceably restricts the property for an initial term of not less than ten (10) years.

The proposed OSEs for reconfigured Parcel 2, would restrict the use of the land for open space, future recreational uses, continued grazing of the northern portion of the parcel and potential reintroduction of grazing on the southern portion of the parcel for a rolling period of twenty years on the northern portion and a rolling period of ten years on the southern portion. The proposed open space, recreational use and grazing are consistent with the WA and the County Guidelines, which supports protecting open space when the affected property qualifies as a scenic highway corridor (page 1 of the San Mateo County WA Guidelines). Parcel 2 is in a County Scenic Corridor as are all of the Johnston Ranch parcels.

In addition, proposed OSEs for reconfigured parcel 2 provide better consistency with regional trail planning efforts in the vicinity of Johnston Ranch. MROSD has identified future conceptual plans for the development of low intensity recreational trails and public access facilities on

reconfigured parcel 2, and existing APNs 064-370-110 & 120, which will be designed to be compatible with existing or potentially reintroduced grazing uses of these parcels and in compliance with MROSD's 2004 Service Plan for the Coastal Annexation Area. Low intensity recreation compatible with agriculture is also identified in MROSD's adopted 2014 Vision Plan as Portfolio #28 Miramontes Ridge/Purisima Creek Redwoods: Mills Creek/Arroyo Leon Watershed protection, Stream Restoration, and Regional Trail Connections, and Portfolio #1 Miramontes Ridge: Gateway to the San Mateo Coast Public Access, Stream Restoration, and Agricultural enhancement Projects. The Vision Plan also calls for restoration, natural resource management, and enhancement of conservation grazing on lands acquired and managed by MROSD.

The San Mateo County 2001 Trails Master Plan references the proposed county trail route P14 Burleigh Murray Ranch State Park to the Coast. The Burleigh Murray Ranch State Park to the Coast Trail would extend from Burleigh Murray Ranch State Park to the California Coast Trail between Poplar County Beach and Cowell Ranch State Beach in the vicinity of Higgins Canyon Road adjacent to Johnston Ranch. The proposed OSEs would facilitate implementation of the County's Trail Master Plan. Other regional trail planning efforts that would be furthered by the conversion of Parcel 2 to OSEs include: 1) The San Mateo County's 2011 Comprehensive Bike and Pedestrian Master Plan that notes road improvements and proposed trails and bike/pedestrian improvements through Johnston Ranch and Higgins Canyon Road which all are in and around reconfigured Parcel 2; 2) The City of Half Moon Bay Parks Master Plan that includes recommendations for Johnston House Recreation Improvements with the possibility of a regional trailhead that could access trails proposed in the uplands area on reconfigured Parcel 2. (In addition, the City of Half Moon Bay is completing intersection improvements to improve pedestrian and bicycle safety where Higgins Canyon Road, Main Street, and Highway 1 meet with the expectation that people will be and already are using the route to access recreation destinations along Higgins Canyon Road directly adjacent to reconfigured Parcel 2 and existing parcel 064-370-110 and 120, and are pursuing recreational routes between the California Coastal Trail and inland public lands); and 3) the Bay to Sea planning effort currently in progress to connect the California Coastal Trail to the San Francisco Bay Trail, which identifies Johnston Ranch as a potential corridor for the Bay to Sea trail. This is a regional trails project that POST is spearheading in collaboration with MROSD, San Mateo County, Golden Gate National Recreation Area (GGNRA), the San Francisco Public Utilities Commission (SFPUC), City of Half Moon Bay, and the Coastside Land Trust. Reconfiguration of parcels under this application would facilitate all these potential improvements. A citation sheet referencing these plans is included in Attachment M.

A draft OSE Term Sheet is attached to this Supplemental Statement (Attachment N) which outlines draft language to be included in the open space easements for reconfigured Parcel 2. As noted in the LCP discussion above, the proposed new FSZ contract and the proposed OSEs will be consistent with LCP policies 5.5, 5.6, and 5.10 in that the contract and easements will

help to ensure that productive agricultural uses are preserved and are financially successful and that open space will be preserved and planned recreational uses can be pursued.

California Environmental Quality Act (CEQA)

The average slope on the four reconfigured parcels is 18.5%, therefore the LLA qualifies for categorical exemption under CEQA Guidelines. Section 15305(a), Class 5, states that minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation any new parcel, are categorically exempt. Attachment I illustrates the average slope on the four reconfigured parcels.

Agricultural Land Management Plan

In accordance with Section 6364.C of the PAD zoning regulations, the following agricultural land management plan describes how the agricultural productivity of the land will be fostered and preserved in accordance with the requirements of Sections 6350 and 6355 of the PAD regulations.

As demonstrated throughout this Supplemental Statement, the proposed LLA, parcel merger, new FSZ contract and OSEs will ensure that the agricultural uses on parcels 1, 3, and 4 are preserved by realigning parcel boundaries with pre-existing agricultural uses and entering into a new FSZ contract on highly productive agricultural land on those reconfigured parcels and that grazing, open space, and low-intensity public recreational uses are protected and enhanced on reconfigured parcel 2 by realigning that parcel boundary with pre-existing grazing and open space uses and replacing the existing LCA and FSZ contracts with Open Space Easements on land that is well suited for continued grazing, open space, and public recreational uses on the northern portion of the parcel and open space, low-intensity public recreation and the possible reintroduction of grazing on the southern portion of the parcel.

Table 3 summarizes how the reconfigured parcels will be managed to demonstrate the productivity of the land.

Table 3 (Approximate Acreages)

Parcel ID #	Approximate Acreage in Crop Production*	Type of Crop* or Number of Grazing Head*	FSZ Contract or OSE
1	84	Irrigated Brussels Sprouts, English Peas or similar	FSZ
2	311	20 – 40 head (north of Higgins Canyon Rd.)	OSE – 20-years north of Higgins Canyon Rd. OSE – 10-years south of Higgins Canyon Rd.
3	2	Miscellaneous vegetable crops or hay	FSZ
4	110	Irrigated Brussels Sprouts, English Peas or similar	FSZ

*Acreages in crop production and the type of crop or number of head in a cow/calf grazing operation are estimates only and will vary from year-to-year given changing product demand, or climate and soil conditions.

Attachments:

- Attachment A - Map #1 SS - Johnston Ranch Existing Parcel Configuration before Merger of Parcel A and B with Parcel 1 and after Merger of Parcel A and B with Parcel 1 (2 pages)
- Attachment B - Map #2 SS - Johnston Ranch Proposed Reconfiguration of Four Parcels
- Attachment C -Map #3 SS - Existing Land Conservation Act and Farmland Security Zone Contracts and Prime Agricultural
- Attachment D - Map #4 SS - Johnston Ranch San Mateo County Scenic Corridor
- Attachment E - Map #5 SS - Johnston Ranch Parcel 2 Additional Access Detail
- Attachment F - Master Land Division Plan (with seven maps)
- Attachment G - Map #6 SS - Page 1 of 2 - Johnston Ranch Existing Parcel Configuration, Water Infrastructure, and Existing Fencing
    - Map #6A SS - Page 2 of 2 - Johnston Ranch Agricultural Water Infrastructure on Four Reconfigured Parcels
- Attachment H - Biological Impact Report (separate PDF due to size)
- Attachment I - Map #7 SS - Johnston Ranch Average Slopes
- Attachment J - Map #8 SS - Johnston Ranch Proposed Farmland Security Zone Contract and Open Space Easements and Prime Agricultural Lands
- Attachment K - Draft Farmland Security Zone Contract
- Attachment L - Statement of Agricultural Uses
- Attachment M - Citation Sheet for Planned Recreational Uses
- Attachment N - Draft OSE Term Sheet



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Created By: ngreig

Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment A – Page 1 of 2 – Map #1 SS: Johnston Ranch Existing Parcel Configuration before Merger

Existing parcel

Existing parcel to be reconfigured

Midpeninsula Regional
Open Space District
(Midpen)
8/27/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment A – Page 2 of 2 – Map #1 SS – Johnston Ranch Parcel Configuration - After Merger

Existing parcel

Existing parcel to be reconfigured

Midpeninsula Regional
Open Space District
(Midpen)
8/27/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Supplement Statement

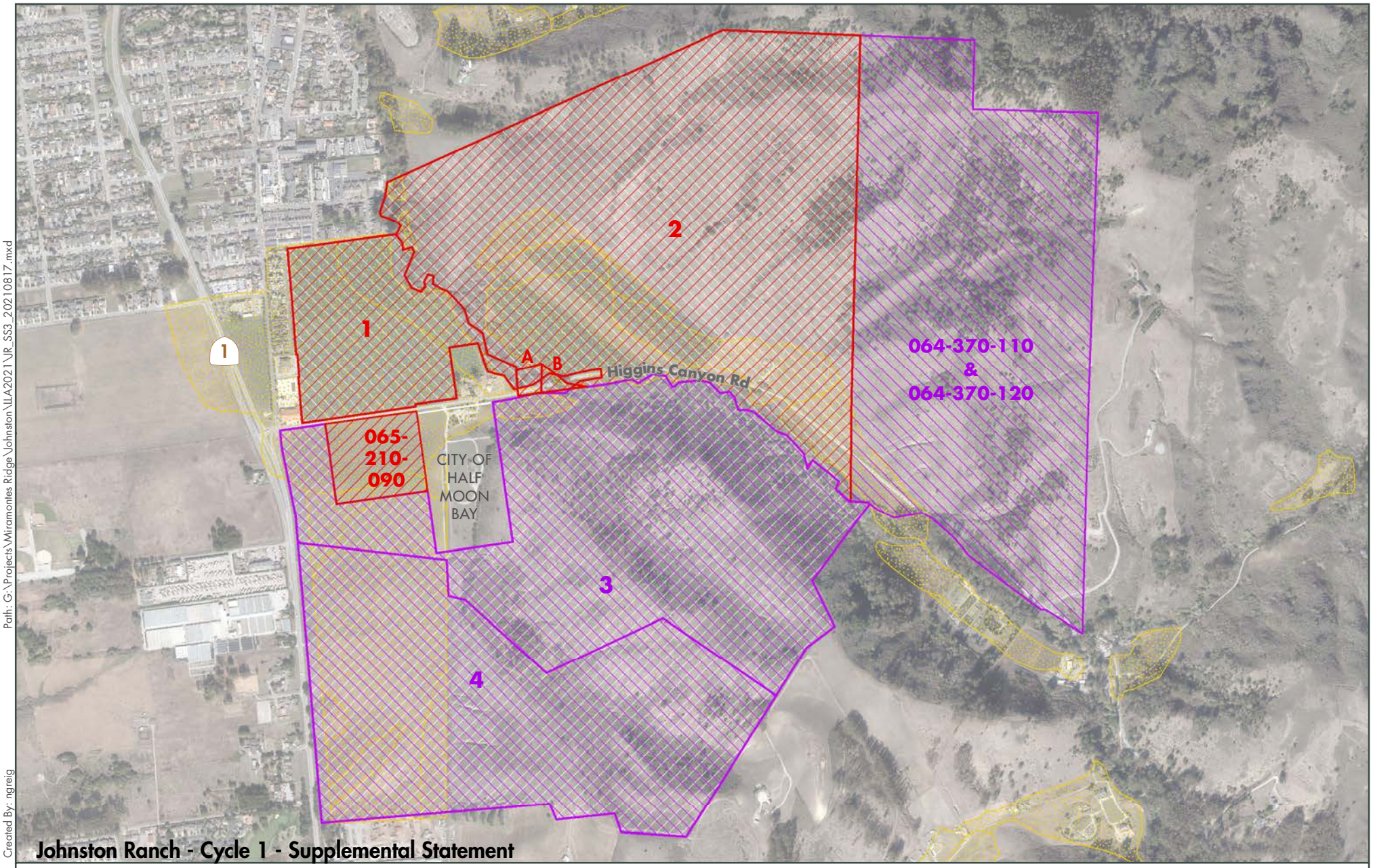
Attachment B – Map #2 SS – Johnston Ranch Proposed Reconfiguration of Four Parcels

Reconfigured parcel

Midpeninsula Regional Open Space District
(Midpen)
9/7/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment C – Page 1 of 2 – Map #3 SS – Johnston Ranch Existing Land Conservation Act and Farmland Security Zone Contracts and Prime Agricultural Land – Before Merger

Existing parcel to be reconfigured

Prime agricultural lands

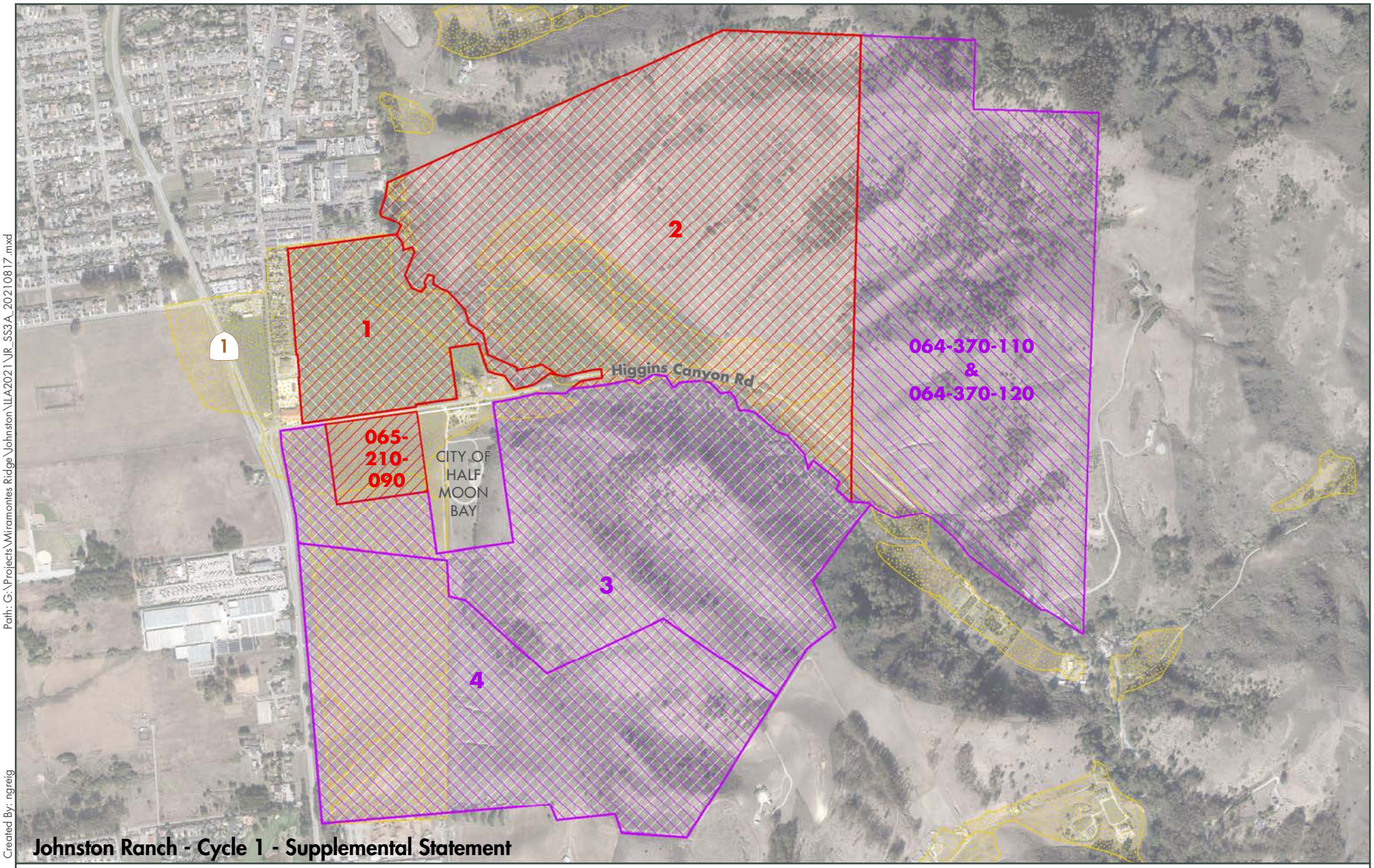
20-year Farmland Security Zone parcel

10-year Land Conservation Act parcel

Midpeninsula Regional Open Space District
(Midpen)
8/26/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment C – Page 2 of 2 – Map #3 SS – Johnston Ranch Existing Land Conservation Act and Farmland Security Zone Contracts – After Merger

Existing parcel to be reconfigured

Prime agricultural lands

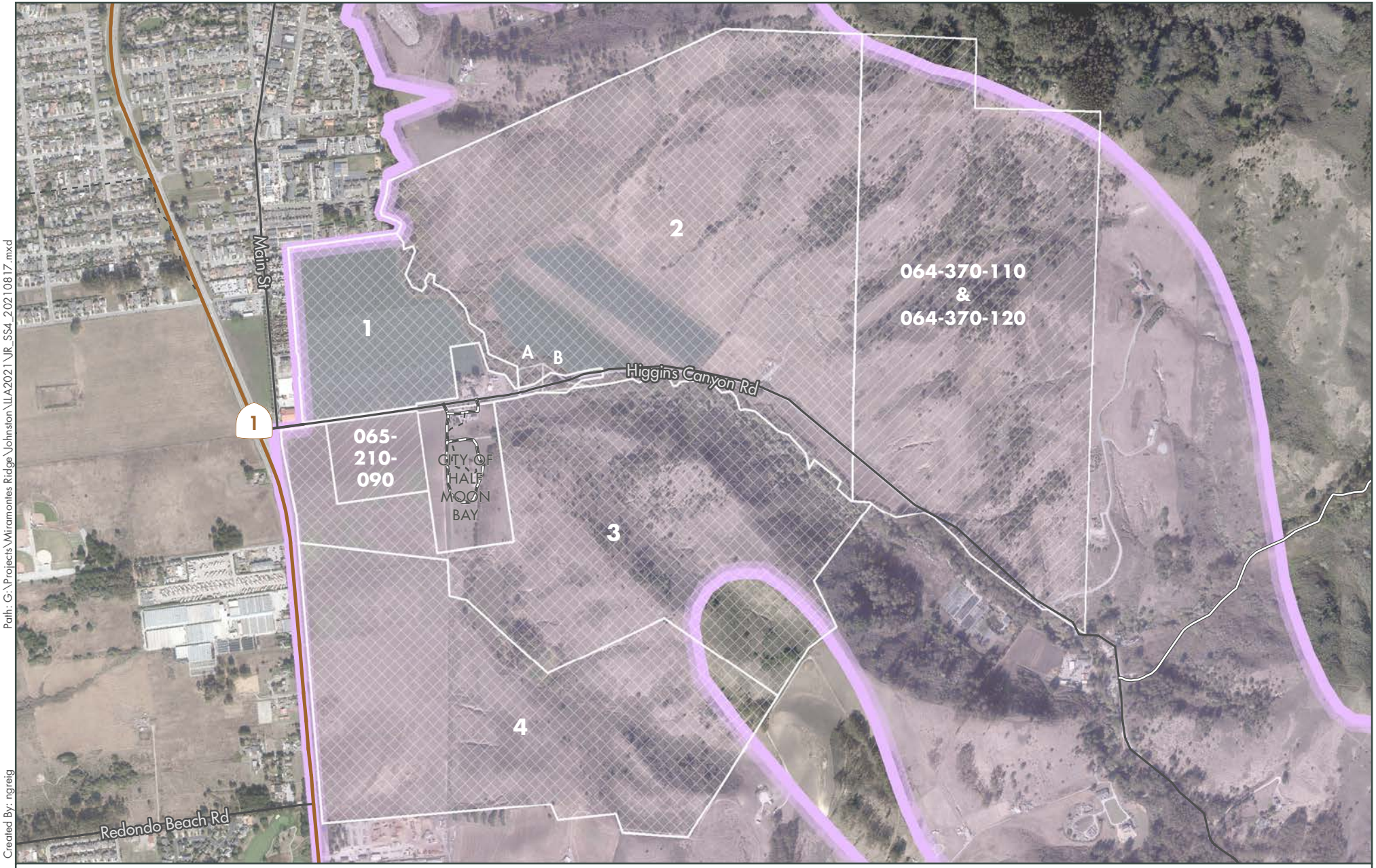
20-year Farmland Security Zone parcel

10-year Land Conservation Act parcel

Midpeninsula Regional Open Space District
(Midpen)
8/26/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment D – Map #4 SS – Johnston Ranch San Mateo County Scenic Corridor

Existing parcel

Existing parcel to be reconfigured

San Mateo County scenic corridor

Midpeninsula Regional
Open Space District
(Midpen)
8/26/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment E – Map #5 SS – Johnston Ranch Parcel 2 Access Detail – After Parcel Reconfiguration

Reconfigured parcel

Existing Access easement (30-foot width)

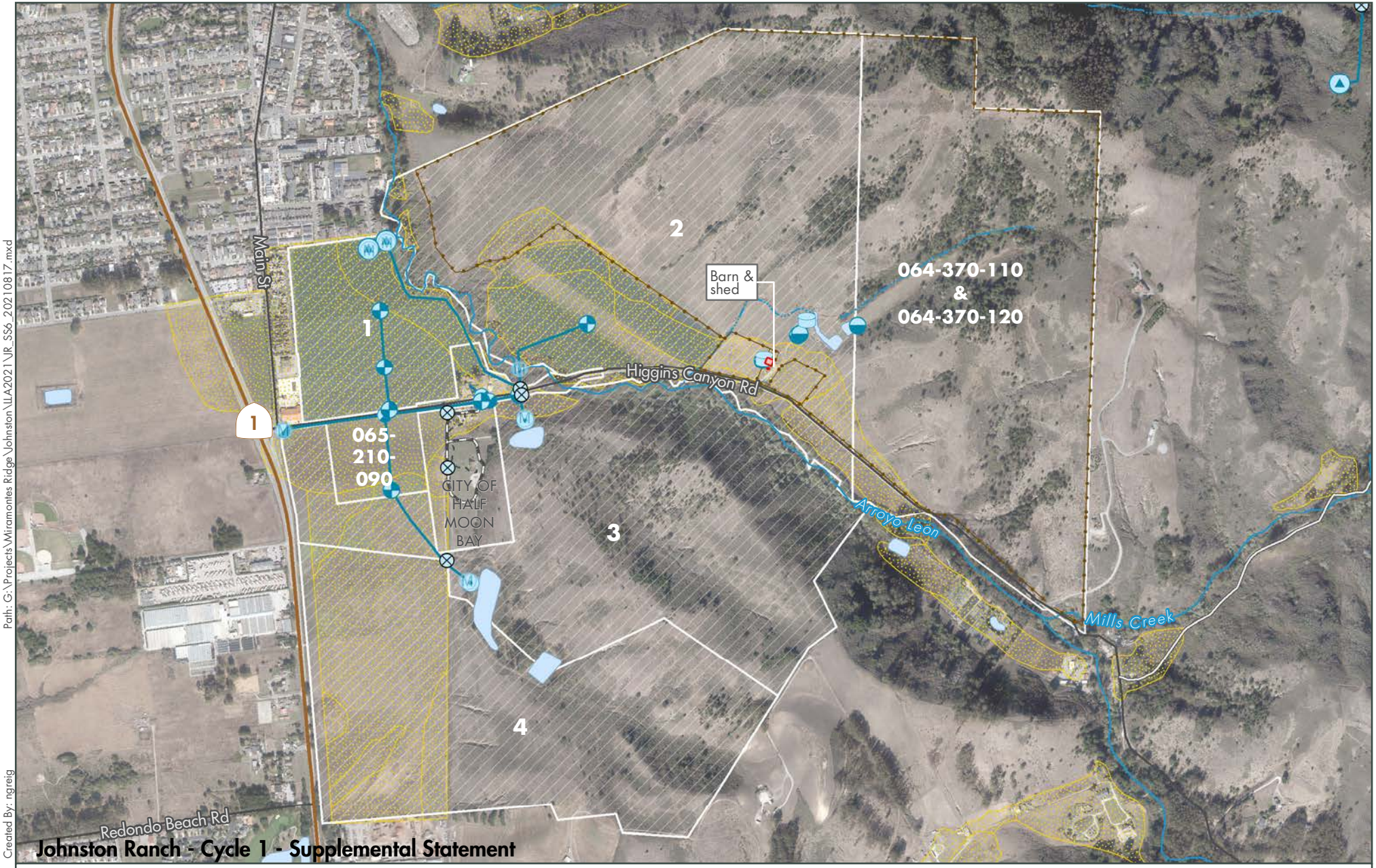
Existing Access easement (30-foot width)

Proposed patrol & maintenance access easement (20-foot width)

Midpeninsula Regional
Open Space District
(Midpen)
9/7/2021

Miles
0 0.1 0.2

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Johnston Ranch - Cycle 1 - Supplemental Statement

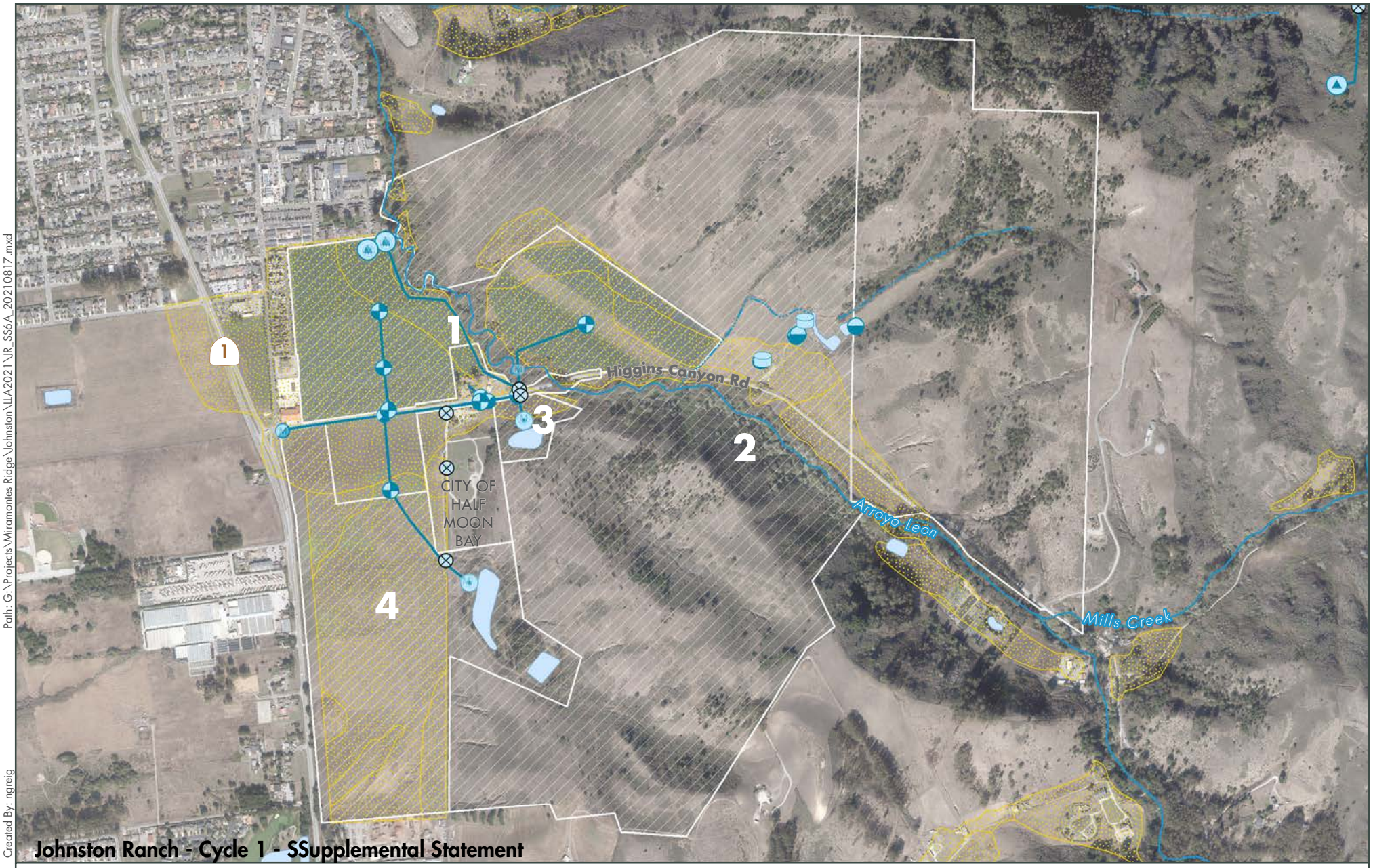
Attachment G – Page 1 of 2 – Map #6 SS – Johnston Ranch Existing Parcel Configuration and Agricultural Water Infrastructure and Existing Fencing – Before Parcel Reconfiguration

- Existing parcel
- Prime agricultural lands
- Fence
- Barn and shed
- Water tank
- Water trough
- Culvert
- Water meter
- Outlet
- Water riser
- Water valve
- Well

Midpeninsula Regional Open Space District
(Midpen)
9/7/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - SSupplemental Statement

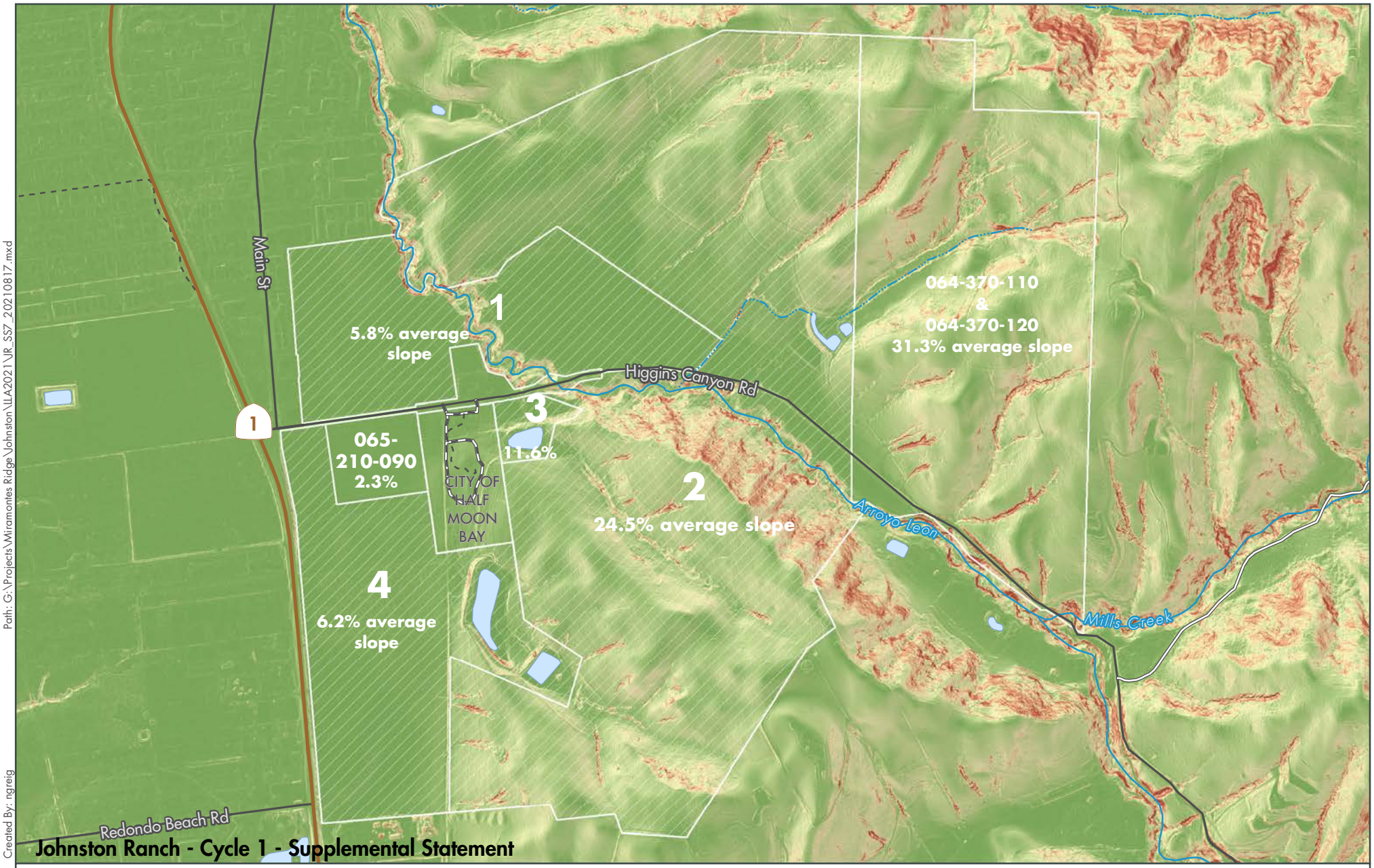
Attachment G – Page 2 of 2 – Map #6A SS – Johnston Ranch Agricultural Water Infrastructure on Four Reconfigured Parcels – After Parcel Reconfiguration

Reconfigured parcel
Water tank
Outlet
Water trough
Culvert
Water meter
Water riser
Water valve
Well
Prime agricultural lands

Midpeninsula Regional Open Space District
(Midpen)
8/27/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment I – Map #7 SS – Johnston Ranch Average Slopes

Reconfigured parcel (average percent slope)
Average slope across parcels 1, 2, 3, & 4: **18.5%**

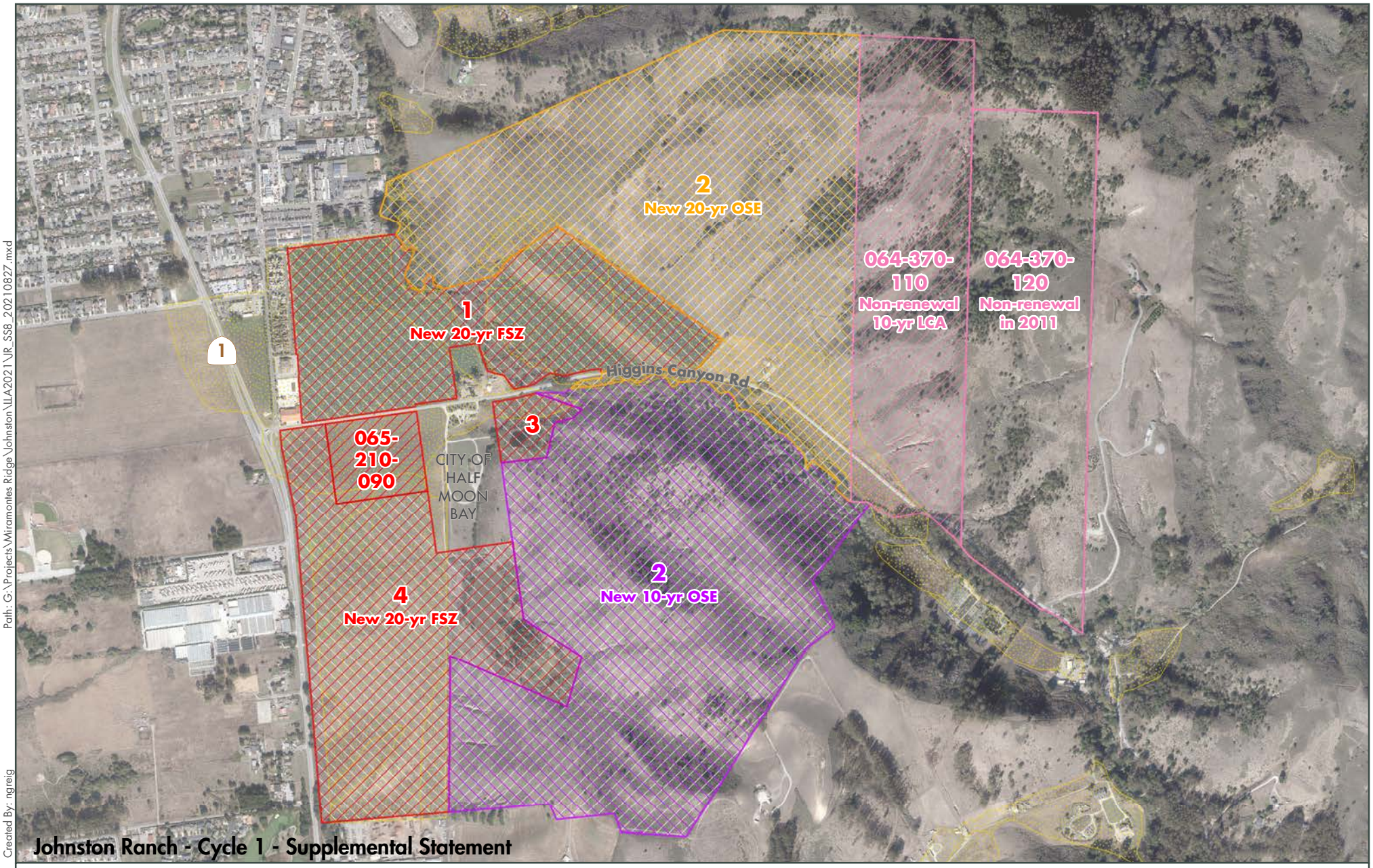
Flat — Steep

Parcel 1	5.8%
Parcel 2	24.5%
Parcel 3	11.6%
Parcel 4	6.2%
Average	**18.5%**

Midpeninsula Regional Open Space District
(Midpen)
8/27/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



Path: G:\Projects\Miramontes Ridge\Johnston\LLA2021\JR_SS8_20210827.mxd

Created By: ngreig

Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment J – Map #8 SS – Johnston Ranch Proposed Farmland Security Zone Contract and Open Space Easements

- New 20-year Farmland Security Zone
- Non-renewal of existing 10-year Land Conservation Act
- Non-renewal by San Mateo County in 2011
- New 10-year Open Space Easement
- New 20-year Open Space Easement
- Existing parcel to be reconfigured
- Prime agricultural lands

Midpeninsula Regional Open Space District
(Midpen)
9/14/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

Attachment F
Johnston Ranch
Master Land Division Plan (MLDP)

This document and the attached maps constitute the Master Land Division Plan (MLDP) for the approximately 868-acre Johnston Ranch, located in the vicinity of the City of Half Moon Bay (the City) (Attachment 1 - Map #1). The intent of this MLDP is to optimize the subject parcels for agricultural use and public benefit. Johnston Ranch consists of eight existing legal parcels owned by Peninsula Open Space Trust (POST). The project involves merger of two parcels and the subsequent reconfiguration of four of the resulting parcels through a land division (lot line adjustment) application brought about in connection with purchase of such land by a public agency [Midpeninsula Regional Open Space District (MROSD)] for public recreation use, as allowed under the State's Coastal Act of 1976 and the San Mateo County Local Coastal Program. The merger of two parcels and the reconfiguration of four of the remaining six parcels will maintain cultivated farm property of approximately 224 acres to be retained by POST and approximately 644-acres of the upland areas to be purchased by MROSD, with the roughly 311 acres of livestock grazing continued on the open space north of Higgins Canyon Road.

The eight existing parcels that constitute Johnston Ranch are shown on Map #2 attached to this MLDP (Attachment 2). Following merger of two parcels, four of the remaining six parcels, constituting 644 acres of the total 868 acres, will be reconfigured as described in this MLDP to preserve cultivated farm land and open space to continue in grazing, and to allow for future public trails.

<u>Preserving Agriculture</u>

POST purchased Johnston Ranch through two transactions in 1998 and 2001 to prevent development and preserve the historic ranch and farm following an effort by previous owners to build out the property as a golf resort. The parcel reconfigurations described below will further preserve and enhance agriculture by realigning parcel boundaries to support the continuation of agricultural operation. POST will preserve the parcels it retains by encumbering them with a permanent agricultural conservation easement at the time of future transfer to a farmer. The conservation easement will include mandatory agricultural use provisions and restrict development. Any proposed development on the agricultural parcels in the future will, of course, be subject to the permitting and public review process required by local regulations.

The reconfigured cultivated parcels will be easier to manage, will retain existing agricultural production, and will enhance a farmer's ability to control production and monitor food safety. In addition, the reconfigured boundaries and size will facilitate the future sale of cultivated farmland to a private owner/operator by allowing the farmer to purchase the cultivated land and associated water resources without incurring the expense of purchasing and maintaining another 644 acres of adjoining uplands and riparian corridor. The private farm owner/operator

will be able to build equity in the land while the conservation easement provides long-term security for the benefits that this farm provides for local agriculture and the community.

The parcel reconfiguration described below will also preserve existing agricultural uses on the parcels to be obtained by MROSD. Existing grazing operations on the north side of Higgins Canyon Road and dry farming/hay production on seven acres on the south side of Higgins Canyon Road will continue under a long-term grazing lease in MROSD ownership, in compliance with mitigation measures adopted as part of the MROSD Service Plan for the Coastal Annexation Area, certified by the San Mateo County Local Area Formation Commission (LAFCo) in 2004.

In addition, the Johnston Ranch parcels are enrolled in two Williamson Act contracts: one Land Conservation Act contract and one Farmland Security Zone contract. The existing contracts will need to be modified to conform with the parcel reconfigurations, which is addressed in separate documents prepared in conjunction with the land division application. These modifications are intended to increase the length of time that the cultivated agricultural acreage to be retained by POST will be protected as part of a rolling 20-year Farmland Security Zone (FSZ) contract and will protect the grazed uplands to be acquired by MROSD through Open Space Easements, a long-term grazing lease agreement and a Rangeland Management Plan.

All of these benefits comply with the Agricultural Component of the San Mateo County General Plan (specifically Policies 9.28 and 9.29), the County Local Coastal Program (LCP) (specifically Policies 5.5, 5.6, 5.10, and 5.12), and the zoning requirements in the Planned Agricultural District (PAD), as explained in the accompanying Supplemental Statement.

<u>Enhancing Open Space/Public Recreation</u>

This MLDP is brought about in connection with the purchase of land by a public agency for public recreational uses and complies with County General Plan Policy 9.35, and the applicable LCP policies in the Recreation/Visitor Serving Facilities Component, specifically Policies 11.8, 11.10, 11.11, 11.12, 11.13 and 11.14.

The proposed land division enhances open space and public recreation uses by optimizing parcel configurations for grazing, open space, and future public recreation on the upland areas and provides areas for buffers between these uses and the cultivated parcels. Potential future trails for public use on the existing and reconfigured parcels are shown on attached Maps #3 and #3A, respectively, (Attachment 3 - pages 1 of 3 and 2 of 3, respectively) and are consistent with the Recreation/Visitor Serving Facilities Component of the LCP Policy 11.13 which "*establishes a trails program for the Coastal Zone with the objective of: "1) connecting major shoreline areas and trails to inland park and recreational facilities and trails, and 2) linking existing and proposed recreational facilities along the coast*."

The conceptual future trail depicted along Higgins Canyon Road between Highway 1 and the City of Half Moon Bay's Johnston House property meets the goals of the LCP Policy 11.13 stated above and is consistent with LCP Chapter 11.13b (2)c which specifically identifies a regional trail in the vicinity of the proposed MLDP as the "Half Moon Bay State Beach to Huddart Park Trail." Future implementation along this regional trail route is also consistent with the San Mateo County Trails Master Plan for "Proposed Route P14: Burleigh Murray Ranch State Park to the Coast" and with the San Mateo County Comprehensive Bicycle and Pedestrian Plan. Further, the trail is identified in the City's Bike and Pedestrian Master Plan to connect the Naomi Patridge Trail along Highway 1 to the Johnston House Park. POST has granted the City a 30-foot-wide trail easement along the south side of Higgins Canyon Road between the intersection of Highway 1 and the City's Johnston House Park property (approximately 1,225 feet long) to facilitate future implementation of this segment of the regional trail. At a future date, the City will conduct public outreach, plan, design, permit, and implement the final trail alignment of this segment which connects to a new safety highway crossing and the redesigned southern entrance to downtown Half Moon Bay.

The conceptual future trails identified within and adjacent to the property to be acquired by MROSD facilitate future public access to connect to MROSD's Miramontes Ridge Open Space Preserve located northeast of Johnston Ranch, as identified in MROSD's Vision Plan Portfolio Project 1: Miramontes Ridge Gateway to the San Mateo Coast Public Access, Stream Restoration and Agricultural Enhancements. At a future date, MROSD will conduct more thorough field scouting to determine a feasible alignment before proceeding to coordination with other public agency partners, public outreach, design, permitting, and implementation.

Future trails on this property will also further the new regional planning effort to implement a "Bay to Sea Trail'' envisioned to connect the California Coastal Trail to the San Francisco Bay Trail, involving the efforts of the public agencies listed above plus the Golden Gate National Recreation Area (GGNRA), California State Parks, City of Half Moon Bay, San Mateo County Parks, the San Francisco Public Utilities Commission (SFPUC), Redwood City, and the Coastside Land Trust. West of Highway 35 (Skyline Boulevard), the Bay to Sea Trail is envisioned to coincide with the alignment of the Half Moon Bay State Beach to Huddart Park Trail. The alignments of regional trails depicted in the attached maps within the vicinity of Johnston Ranch are conceptual and provided for illustrative purposes only (Attachment 3 - Page 3 of 3 - Map #3B).

<u>Buffer Areas Between Uses</u>

The proposed changes to parcel boundaries will enable appropriate buffer zones between agricultural and sensitive habitats and future public recreational uses. Riparian buffers have been identified in the accompanying Biological Impact Report, prepared by LSA, dated February 2021. The report concludes that there are no adverse environmental impacts from the land

division. Should the need for buffer zones between uses be identified in the future, adequate space has been provided to accommodate those buffers.

Four Existing Parcels

While Johnston Ranch is comprised of eight legal parcels, only four parcels will be reconfigured as proposed in this MLDP. The two small parcels to be merged (Parcels A and B) and the four resulting parcels to be reconfigured (Parcels 1, 2, 3, and 4) that are covered by this MLDP are shown on attached Map #4 (Attachment 4) and equal about 644 acres. Each of the parcels have verified Assessor Parcel Numbers (APNs) or approved Certificates of Compliance (CoCs) as shown in Table 1 below. The four parcels in their existing configuration (after the merger) are referred to as "Existing Parcels" in this MLDP and the four parcels in their proposed configuration are referred to as "Reconfigured Parcels". The accompanying LLA map, prepared by a licensed surveyor, uses the nomenclature "Existing Parcels" and "Proposed Lots", with "Proposed Lots" being the same as the "Reconfigured Parcels" discussed in this MLDP.

One of the existing four parcels to be reconfigured (No. 1) is comprised exclusively of prime agricultural soil and is used solely for cultivated agriculture. Three of the existing parcels (Nos. 2, 3, and 4) are comprised of some prime agricultural land, which is used for agriculture, and some upland areas that are not suitable for cultivated agriculture. Existing Parcel 2 contains a ranch center with a barn and other infrastructure accessory to and supportive of the grazing operation on this parcel and the adjoining parcel to the east (comprised of two APNs: 064-370-110 & 064-370-120), which is part of Johnston Ranch but not part of the land division or this MLDP. Two of the existing parcels (A and B) are very small and while mapped as containing prime agricultural soil, are located primarily within the stream channel or riparian corridor of Arroyo Leon and are overlapped by Higgins Canyon Road.

All the upland portions of existing parcel nos. 2, 3, and 4 lack suitability for cultivated agricultural use due to steeper slopes, poor soil quality, and/or lack of infrastructure such as fencing, and have limited access. Two of the three onsite irrigation reservoirs are bisected by the property line between existing parcels 3 and 4. All three of the irrigation ponds are used to support the irrigated row crops grown on existing parcel 1, the south western portion of parcel 2, and the western portions of existing parcels 3 and 4. The upland portion of parcel 2 and the parcel to the east (APNs 064-370-110 & 120) are grazed with cattle and supported by a stock-watering pond and water tanks located on parcel 2. The upland portion of parcels 3 and 4 have not been commercially grazed for more than twenty years, do not contain infrastructure (fencing, or corral area) necessary to support grazing, and have limited access.

Table 1 below shows the acreage of the existing four parcels to be reconfigured and the two parcels to be merged as well as the existing uses of each parcel.

Table 1 - Approximate Acreages and Use of Existing Parcels in the MLDP

Parcel ID on Map #4	APN	CoC #	Parcel Acreage	Prime Agricultural Land (acres)	Existing Use
1	064-370-200	N/A	50	45	Agriculture and riparian corridor
2 (1.A)*	064-370-070	N/A	249	66	Grazing, Farm Center and hilly terrain
3	065-210-230 065-210-240	N/A	183 (total for both APNs)	21	Agriculture, riparian corridor, and hilly terrain
4	065-210-220	N/A	161	61	Agriculture and hilly terrain
A (1.C) and B (1.B)*	N/A	2017-106396 2017-106397	1 (total for both parcels)	0	Within Stream Channel
TOTALS			**644**	**193**	

*Parcels A and B were approved for Certificates of Compliance by the San Mateo County Planning and Building Department on 11/9/2017 and recorded with the County Recorder on 11/29/2017. The two parcels had been historically associated with APN 064-370-070 but are separate parcels equaling approximately 1 acre in total. Parcels 2, A, and B are also sometimes referred to as parcels 1A, 1C, and 1B, respectively, in official County documents.

Parcel Merger

Parcels A and B would be merged with existing Parcel 1 which would increase the acreage in Parcel 1 by approximately one acre (at least until the LLA is complete). Some of the acreage in the two small parcels would be eliminated when merged with existing parcel 1 because it overlaps with the Higgins Canyon roadway.

Reconfiguration and Land Division

Reconfiguring parcel boundaries through a lot line adjustment to align boundaries with the uses on the parcels, as further described below, will help preserve existing agricultural uses and provide open space, continued grazing and future low intensity public recreation on those parcels that will be acquired by MROSD.

Parcels 1 and 2:

The existing lot line between existing Parcels 1 and 2 would be moved eastward so that proposed Parcel 1 is reconfigured to be better suited for continued cultivation and becomes about 44 acres larger than existing Parcel 1 (including the approximately 1 acre from merged Parcels A and B) as shown on Attachment 5. A significant portion of the prime agricultural soil currently planted with row crops and located on existing Parcel 2 would become part of reconfigured Parcel 1. Parcel 1 remains primarily composed of prime soils and will be encumbered by POST with a permanent agricultural conservation easement when it is transferred to a farmer. The primary intended use of this reconfigured parcel is row crop production as indicated on Attachment 5.

Reconfigured Parcel 2 will be better suited for grazing, open space, and future public recreational use and would become about 434 acres when the final LLA is complete as explained below. It is composed primarily of upland areas that are not suitable for cultivated agriculture because of steep slopes and lack of infrastructure. Parcel 2 would retain approximately 27 acres of prime agricultural soil, although only a small portion adjacent to Higgins Canyon Road has been used for hay production in recent years/decades. Grazing would continue on the upland portion of this parcel north of Higgins Canyon Road. Although potential for some cultivated agricultural activity will remain on Parcel 2, this parcel is also well suited for open space and future public recreational use as identified on Attachment 5.

Parcel 3:

The existing lot line between existing Parcels 3 and 4 would be moved northward to reconfigure Parcel 3 into a seven-acre parcel, which would continue to have acreage for cultivation, a small irrigation reservoir, and provides the potential for a small farm center in the future to support reconfigured Parcel 4. Reconfigured Parcel 3 would remain in private farm ownership and be encumbered with a conservation easement when transferred by POST in the future. A requirement of that easement will be that reconfigured Parcels 3 and 4 and existing parcel 065-210-090 (which is not part of this MLDP as shown on Attachment 5) remain in the same ownership in perpetuity. This provision will ensure Parcel 3 remains available for irrigation, cultivation, and accessory agricultural uses to support the adjoining cultivated area.

Parcel 4:

The existing lot line between existing Parcels 2 and 3 would be moved southwestward to reconfigure Parcel 4 into a 110-acre agricultural parcel which would remain in cultivated agricultural use and would result in a reconfigured Parcel 2 consisting of 434 acres which are suitable for open space, future low-intensity public recreation and grazing as stated above and shown on Attachment 5.

Table 2 below lists the acreages and uses of the reconfigured parcels.

Table 2 - Approximate Acreages and Use of Reconfigured Parcels

Parcel No. on Map #5	Reconfigured Parcel Acreage	Prime Agricultural Land (Acres)	Uses
1	93	84	Agriculture, riparian corridor
2	434	27	Open Space with grazing, riparian corridor, and low-intensity public recreation
3	7	2	Agriculture
4	110	79	Agriculture
TOTALS	**644**	**193**	

Attachment 5 shows the reconfigured parcels, prime agricultural land, and water infrastructure serving the parcels.

Parcel Access

All four reconfigured parcels would be accessed directly from Higgins Canyon Road. The City of Half Moon Bay has granted POST and MROSD an access easement across the western side of the City's Johnston House property from Higgins Canyon Road for additional access to the agricultural fields of reconfigured Parcel 4 and the upland areas of reconfigured Parcel 2. In addition, an easement over an existing farm road from Highway 1 across reconfigured Parcel 4 will be granted to MROSD to serve as an appurtenant seasonal access easement to the southern portion of reconfigured Parcel 2. These access easements are shown on Attachment 6.

Density Credit Reallocation

The San Mateo County Planning and Building Department completed a Density Analysis for Johnston Ranch in July 2020 and determined that 12 density credits exist on the Ranch's eight existing parcels. Only 9 of those 12 credits are involved in the LLA and parcel merger.

Although not explicitly stated in the County's LCP, Zoning Regulations, or Subdivision Regulations, the County has assumed that existing density credits are extinguished when parcels are merged. Remaining density credits may be reallocated to reconfigured parcels as long as the total number of credits do not exceed the number allocated to the parcels as originally configured. This MLDP allocates the remaining density credits to the reconfigured parcels, as shown in Table 3.

Table 3 – Existing and Reallocated Density Credits

Parcel ID #/Letter	Existing Acreage	Existing Density Credits	Reconfigured Acreage	Reallocated Density Credits
1	49	1	93	2***
2*	250	3****	434	3****
3	183	2***	7	1
4	161	1	110	1
A*	0.5	1	0 (merged w/ 1)	0
B*	0.5	1	0 (merged w/ 1)	0
090**	14**	1**	14**	1**
110/120**	210**	2**	210**	2**
TOTALS	**868**	**12**	**868**	**10**

*Parcels A and B were determined to be legally existing, and separate from Parcel 2, through the Certificate of Compliance, Type A, application approved by the San Mateo County Planning and Building Department on 11/9/2017 and recorded with the County Recorder on 11/29/2017. The two parcels had been historically associated with Parcel 2 but are separate parcels equaling approximately 1 acre in total. Parcels 2, A, and B are also sometimes referred to as parcels 1A, 1C, and 1 B, respectively in official County documents.

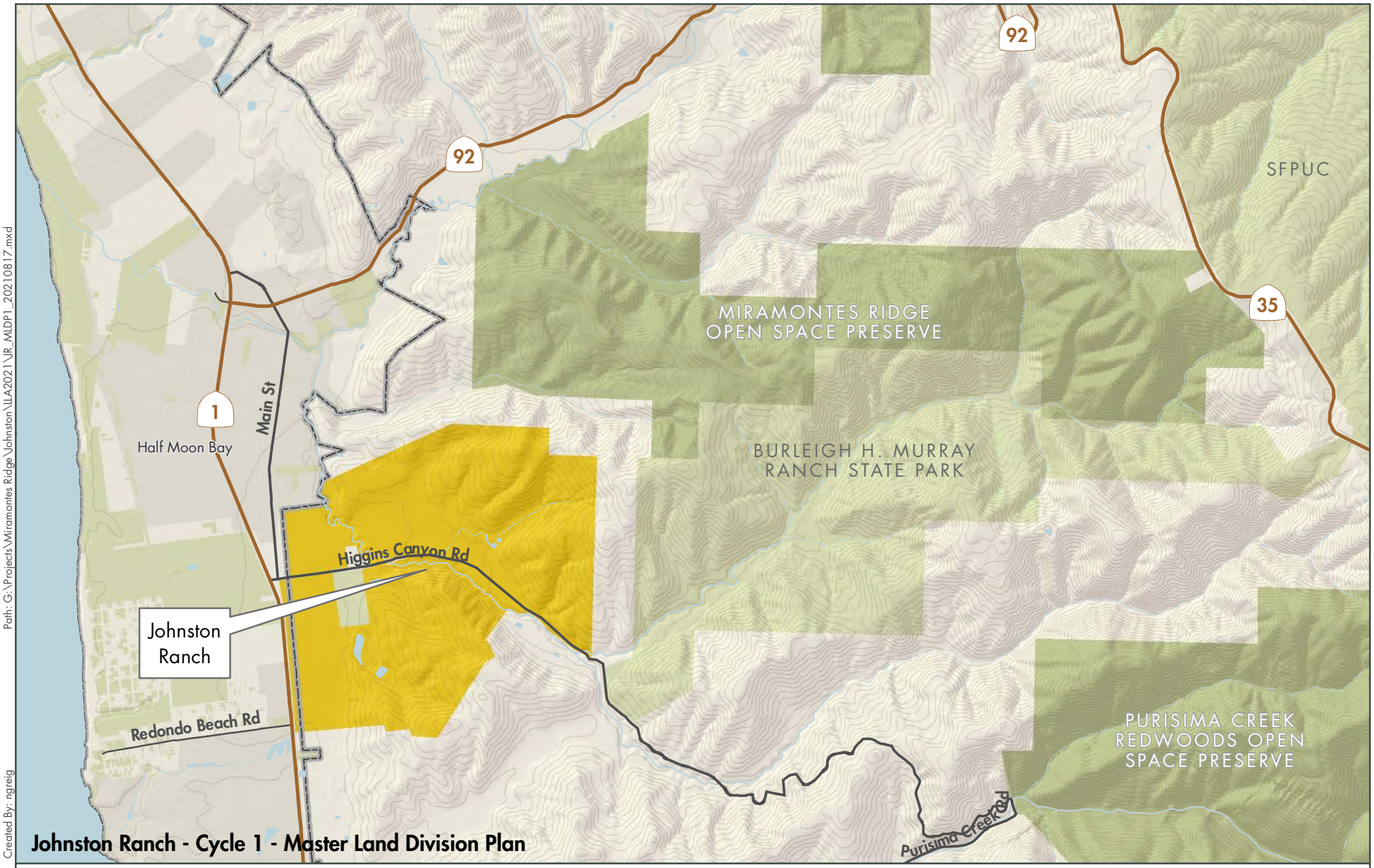
**These parcels, acreages and density credits are not included in the lot line adjustment or parcel merger.

***Reconfigured Parcel 1 would retain its existing 1 density credit plus 1 density credit reallocated from reconfigured Parcel 3 for a total of 2 density credits.

****Reconfigured Parcel 2 would retain all 3 of its original density credits.

Attachments

1) Attachment 1 - Map #1 MLDP - Johnston Ranch Regional Location
2) Attachment 2 - Map #2 MLDP – Johnston Ranch Existing Eight Parcel Configuration, and Prime Agricultural Land
3) Attachment 3 - Map #3 MLDP – Page 1 of 3 - Johnston Ranch Conceptual Future Trails on Eight Existing Parcels
   Map #3A MLDP - Page 2 of 3 - Johnston Ranch Conceptual Future Trails on Four Reconfigured Parcels
   Map #3B MLDP - Page 3 of 3 - Johnston Ranch Regional Trail Connections
4) Attachment 4 - Map #4 MLDP - Johnston Ranch Existing Four Parcel Configuration and Prime Agricultural Lands
5) Attachment 5 - Map #5 MLDP - Johnston Ranch Reconfigured Four Parcels, Prime Agricultural Land, and Water Infrastructure
6) Attachment 6 - Parcel Access Easements



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Created By: ngreig

Johnston Ranch - Cycle 1 - Master Land Division Plan

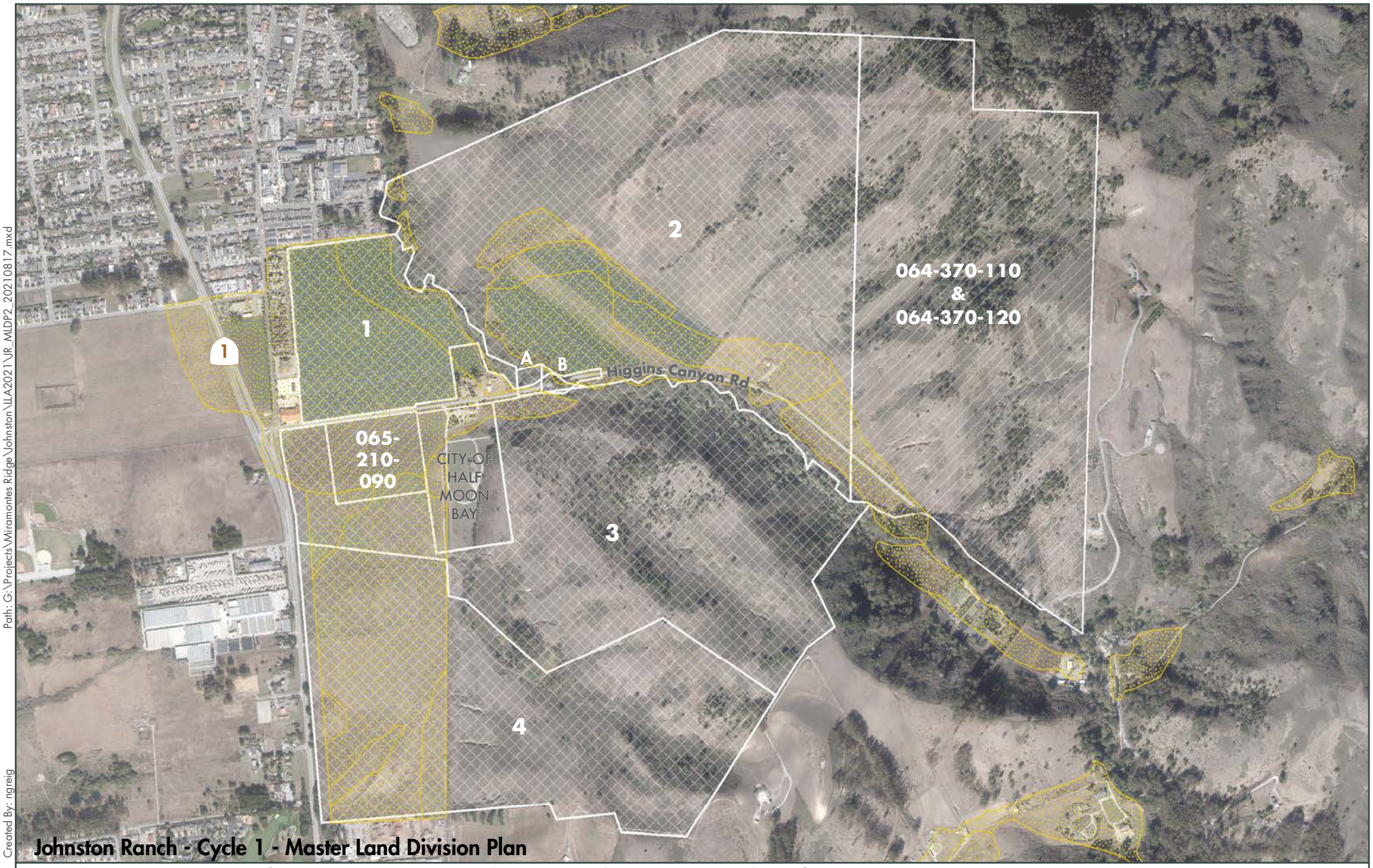
Attachment 1 – Map #1 MLDP – Johnston Ranch Regional Location

- Johnston Ranch
- City of Half Moon Bay limits
- Midpen preserve
- Other protected land

Midpeninsula Regional
Open Space District
(Midpen)
8/17/2021

Miles
0 0.5 1

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 2 – Page 1 of 2 – Map #2 MLDP – Johnston Ranch Existing Parcel Configuration and Prime Agricultural Lands – Before Merger

Existing parcel

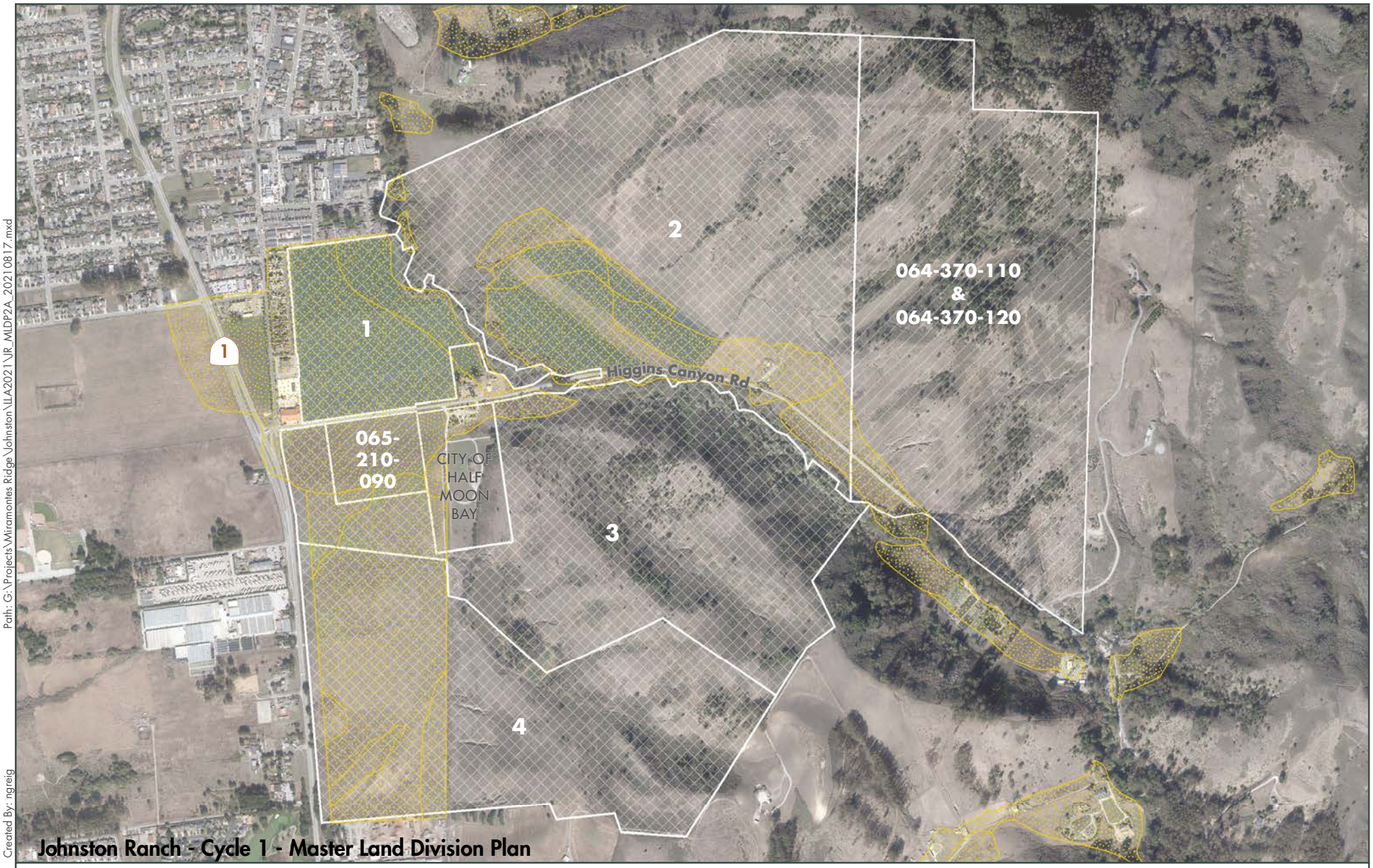
Existing parcel to be reconfigured

Prime agricultural lands

Midpeninsula Regional
Open Space District
(Midpen)
8/27/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 2 – Page 2 of 2 – Map #2 MLDP – Johnston Ranch Existing Parcel Configuration and Prime Agricultural Lands – After Merger

Existing parcel

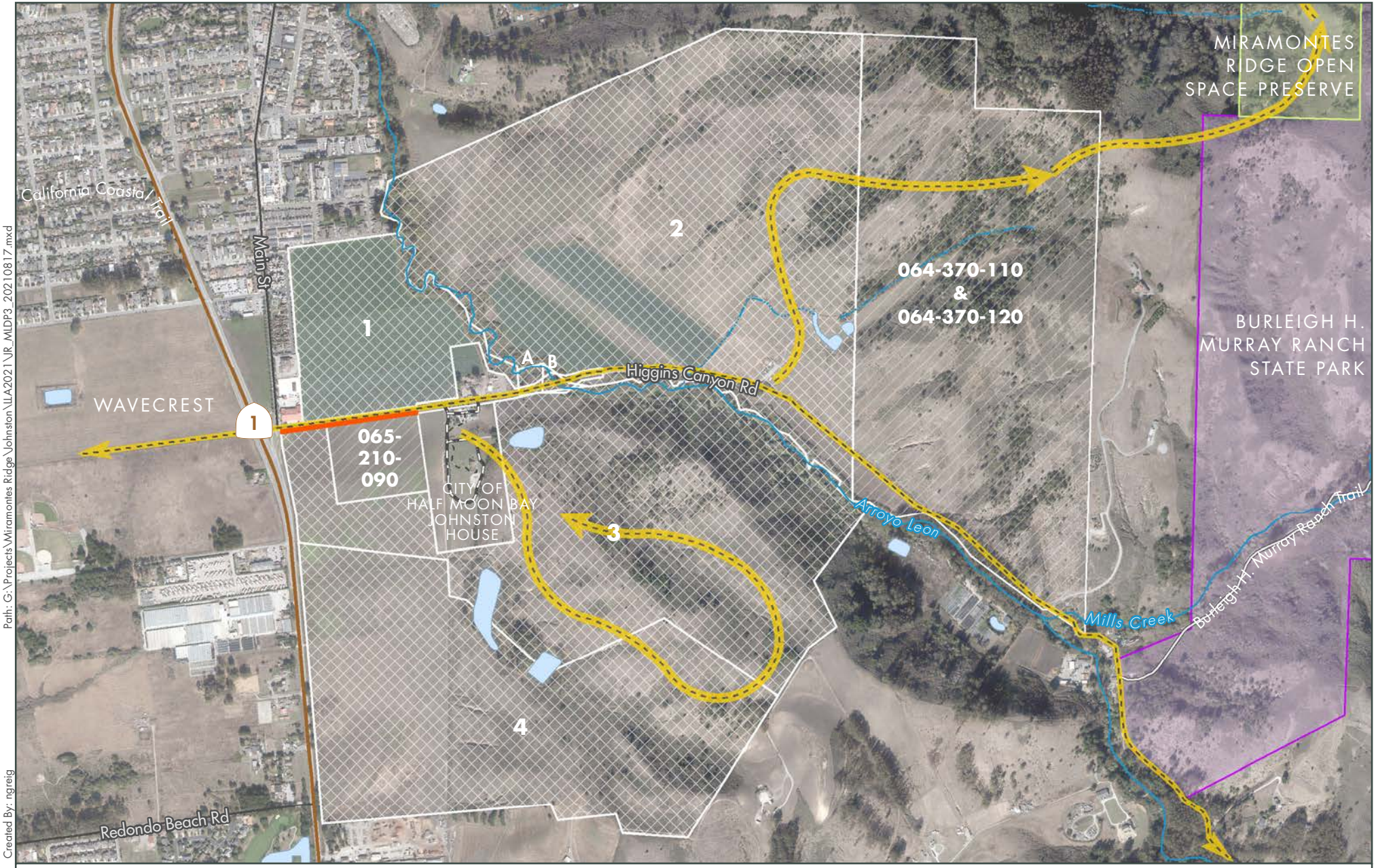
Existing parcel to be reconfigured

Prime agricultural lands

Midpeninsula Regional
Open Space District
(Midpen)
8/27/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 3 – Page 1 of 3 – Map #3 MLDP – Johnston Ranch Conceptual Future Trails on Existing Parcels

Existing parcel

Existing parcel to be reconfigured

Miramontes Ridge OSP

Conceptual future trail

Trail easement with City of Half Moon Bay

Burleigh H. Murray Ranch State Park

Miles 0 0.25 0.5

Midpeninsula Regional Open Space District *(Midpen)*

8/27/2021

MIDPENINSULA REGIONAL OPEN SPACE

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Attachment 3 – Page 2 of 3 – Map #3A MLDP – Johnston Ranch Conceptual Future Trails after Parcel Reconfiguration

Reconfigured parcel

Trail easement with City of Half Moon Bay

Miramontes Ridge OSP

Conceptual future trail

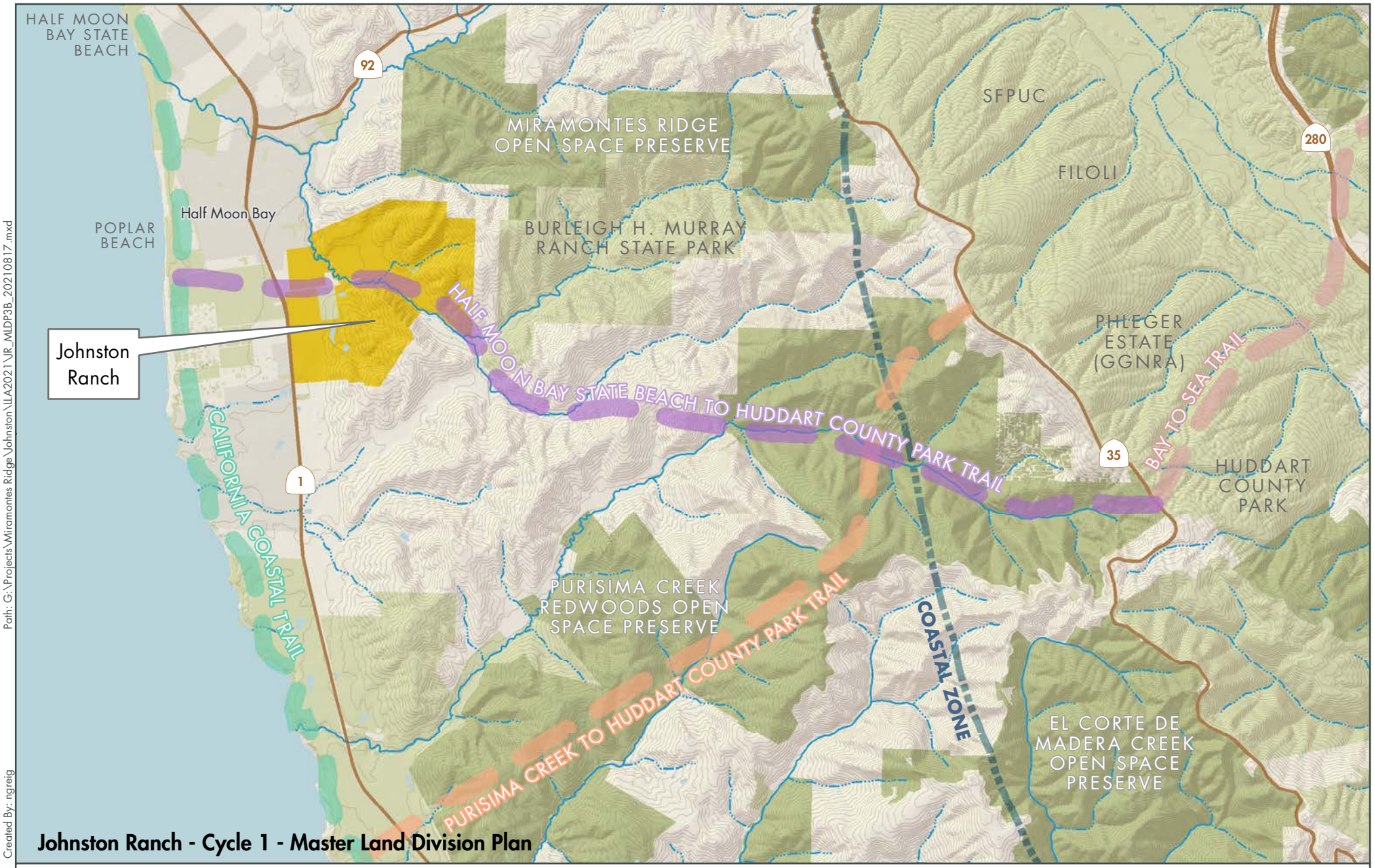
Burleigh H. Murray Ranch State Park

Midpeninsula Regional Open Space District *(Midpen)*

8/27/2021

Miles 0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Master Land Division Plan

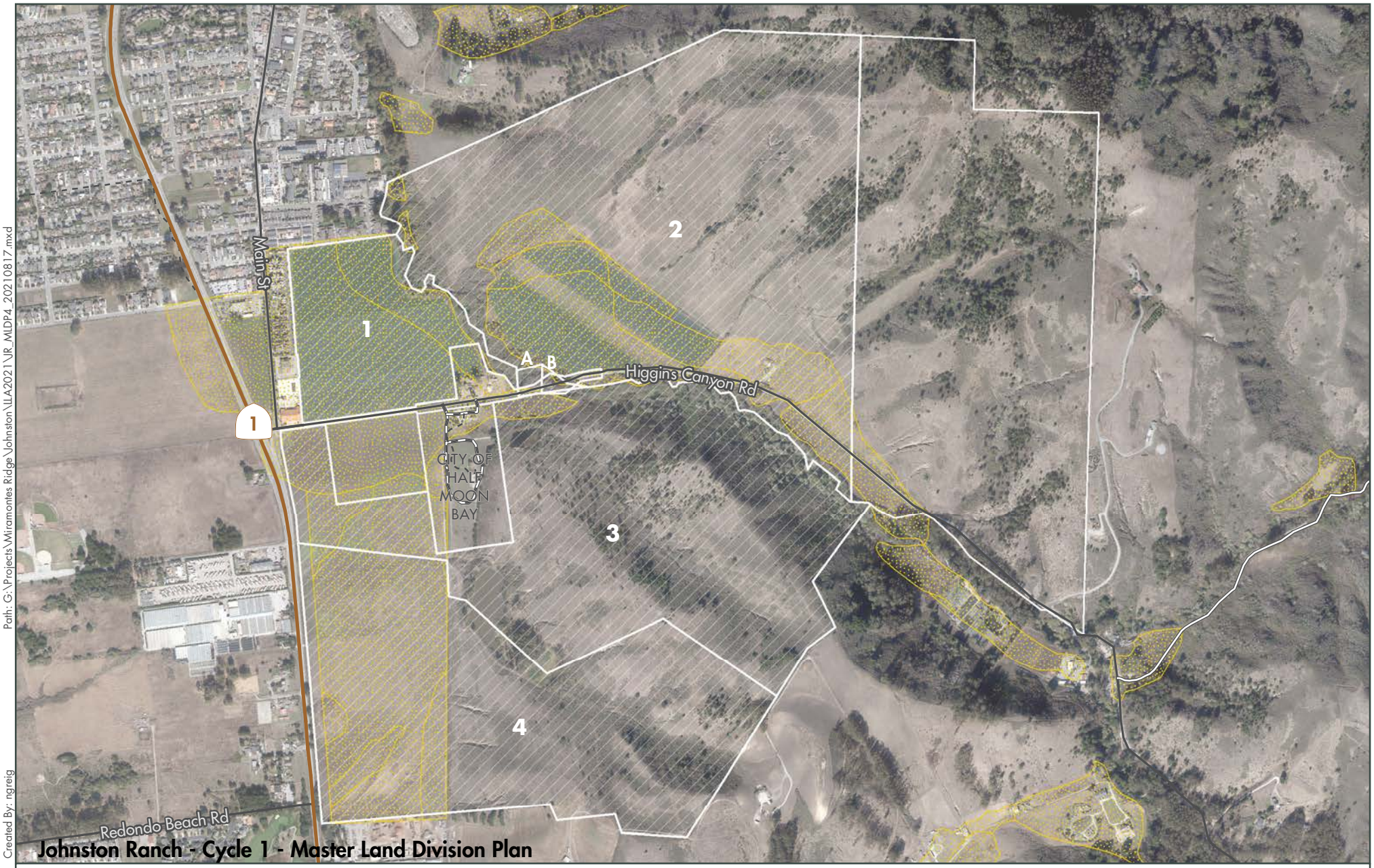
Attachment 3 – Page 3 of 3 – Map #3B MLDP – Johnston Ranch Regional Trail Connections

- Johnston Ranch
- Midpen preserve
- Other protected land
- Half Moon State Beach to Huddart County Park Trail (LCP 11.13b(2)(c))
- California Coastal Trail (LCP 11.13b(1))
- Purisima Creek to Huddart County Park Trail (LCP 11.13b(2)(d))

Midpeninsula Regional Open Space District
(Midpen)
8/17/2021

Miles
0 1 2

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 4 - Page 1 of 2 - Map #4 MLDP - Johnston Ranch Existing Parcel Configuration and Prime Agricultural Lands – Before Merger

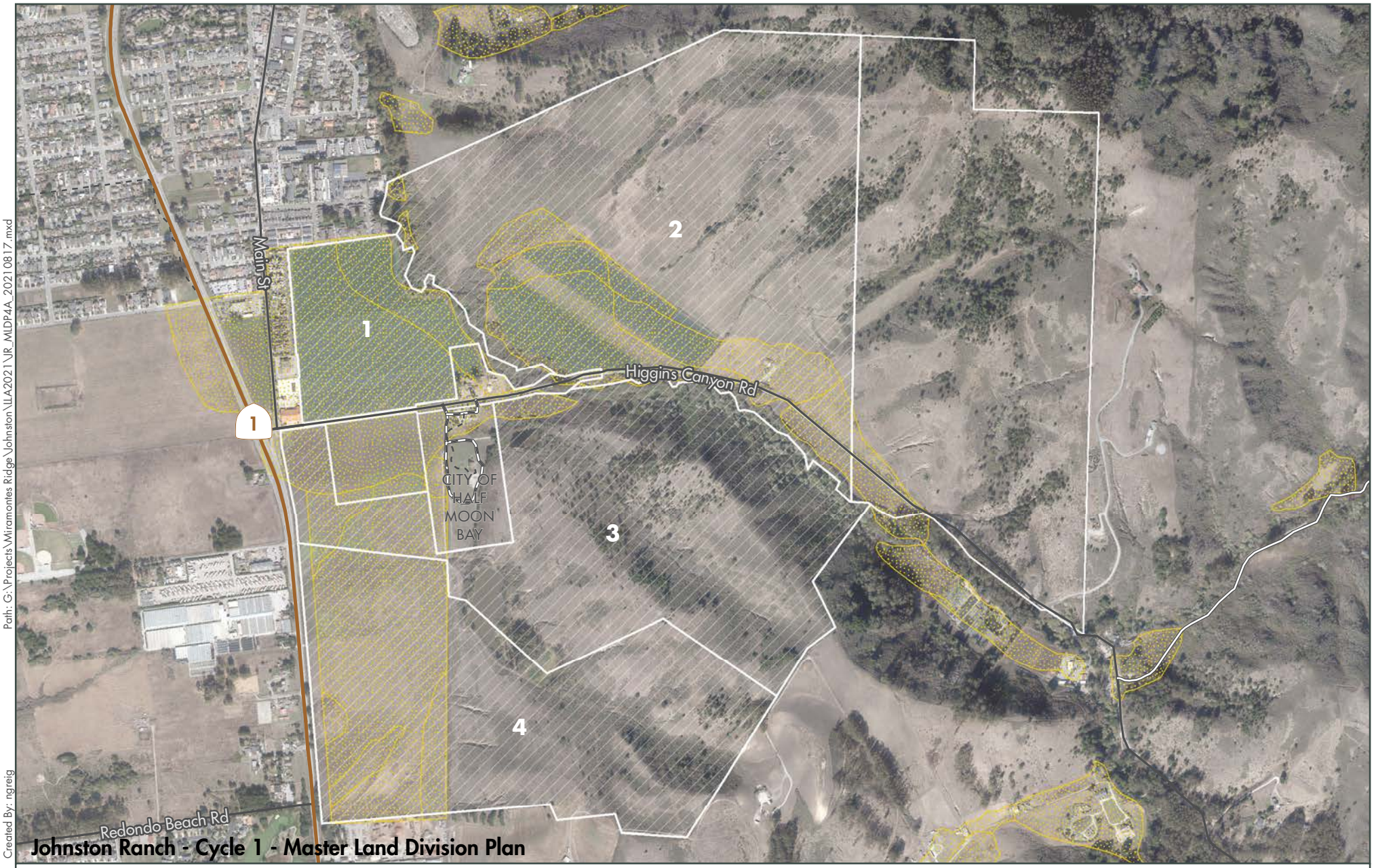
Existing parcel

Prime agricultural lands

Midpeninsula Regional Open Space District
(Midpen)
8/27/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 4 – Page 2 of 2 – Map #4 MLDP – Johnston Ranch Existing Parcel Configuration and Prime Agricultural Lands – After Merger

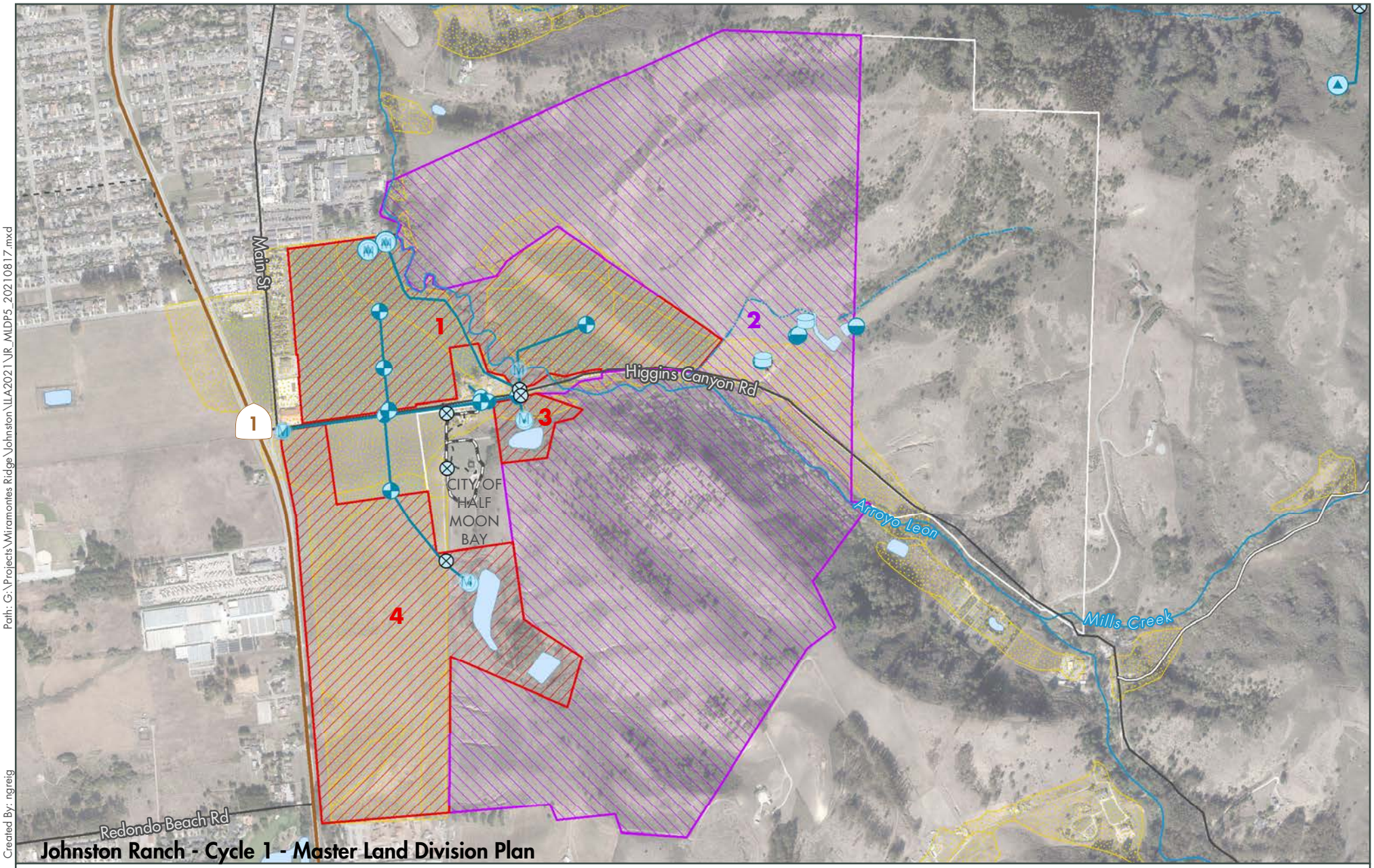
Existing parcel

Prime agricultural lands

Midpeninsula Regional Open Space District
(Midpen)
8/27/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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Created By: ngreig

Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 5 – Map #5 MLDP – Johnston Ranch After Parcel Reconfiguration Prime Agricultural Land, and Agricultural Water Infrastructure

- Parcel
- Prime agricultural lands
- Agricultural parcel
- Upland parcel
- Water tank
- Water trough
- Culvert
- Water meter
- Outlet
- Water riser
- Water valve
- Well

Midpeninsula Regional Open Space District
(Midpen)
8/27/2021

Miles
0 0.25 0.5

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



Path: G:\Projects\Miramontes Ridge\Johnston\LLA2021\JR_MLDP6_20210827.mxd

Created By: ngreig

Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 6 – Map #6 MLDP – Johnston Ranch Access Detail

Reconfigured parcel

Existing Access easement (30-foot width)

Existing Access easement (30-foot width)

Proposed patrol & maintenance access easement (20-foot width)

Miles
0 0.1 0.2

Midpeninsula Regional
Open Space District
(Midpen)
9/7/2021

MIDPENINSULA REGIONAL OPEN SPACE

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

Attachment K
DRAFT
CALIFORNIA LAND CONSERVATION CONTRACT
No. _____

****

FARMLAND SECURITY ZONE CONTRACT AVAILABLE FOR PARCELS OF AT LEAST ONE HUNDRED (100) ACRES WITH CERTAIN EXCEPTIONS PROVIDING FOR A MINIMUM CONTRACT TERM OF TWENTY (20) YEARS AND ALLOWING NON-RENEWAL OF THE CONTRACT BUT NOT ITS IMMEDIATE CANCELLATION

THIS CALIFORNIA LAND CONSERVATION CONTRACT, made and entered into this __ day of ____, 2021, by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and Peninsula Open Space Trust or successors thereof, hereinafter referred to as "OWNER";

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

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

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

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

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

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

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

1. AGREEMENT MADE PURSUANT TO CALIFORNIA LAND CONSERVATION ACT

   This Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200), hereinafter referred to as the Act, and is subject to all provisions thereof.

2. CONSIDERATION

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

3. SUCCESSORS IN INTEREST

   This Contract shall run with the land described herein and shall be binding upon and insure to the benefit of all successors in the interest of the OWNER. This Contract shall also be binding upon and insure to the benefit of any succeeding city or county acquiring jurisdiction over all or any portion of the subject property, except as provided in Section 51234(b) of the Act in the case of certain annexations to cities.

4. DIVISION OF SUBJECT PROPERTY

   In the event the subject property is divided, the OWNER or successors thereof, as the case may be, agree as a condition of such division to execute such contract or contracts as will restrict any parcels created by said division to the same extent as the subject property is restricted by the Contract at the time of division. The COUNTY shall, as a condition of approving the division of the subject property, require the execution of the contracts provided for in this paragraph.

   The OWNER of any parcel created by division of the subject property may exercise, independently of any other OWNER of a portion of the divided property, any of the rights of the OWNER executing this Contract, including the right to give notice of non-renewal as provided in Paragraph 8. The effect of any such action by an OWNER of a parcel created by

a division the subject property shall not be imputed to the owners of the remaining parcels and shall have no effect on the Contracts which apply to the remaining parcels of the divided land.

5. USE OF SUBJECT PROPERTY

During the term of the Contract, or any extensions thereof, the subject property shall not be used for any purpose other than the "Permitted Agricultural Uses" or "Compatible Uses" set forth in the Resolution establishing the boundaries and rules governing administration of the Agricultural Preserve in which the subject property is located. The OWNER shall be limited to the uses specified in the aforementioned Resolution, except that if the ordinance, codes, or regulations of the COUNTY are more restrictive as to the use of said property than is the Resolution, the ordinances, codes or regulations shall prevail.

6. ADDITIONAL USES

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

7. TERM

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

8. NOTICE OF NON-RENEWAL

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

time prior to the anniversary date. Upon request by the OWNER, the Board of Supervisors of the COUNTY may authorize the OWNER to serve a notice of non-renewal on a portion of the subject property, provided that such notice is in accordance with the forgoing provisions of this paragraph.

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

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

10. ABANDONMENT OF ACTION IN EMIMENT DOMAIN

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

11. REMOVAL OF SUBJECT PROPERTY FROM AGRICULTURAL PRESERVE

In the event any proposal to disestablish or to alter the boundary of an Agricultural Preserve will remove the subject property from such a Preserve, the Board of Supervisors of the COUNTY shall furnish such notice of the proposed alteration or disestablishment to the OWNER as required by Section 51232 of the Act. Removal of any of the property from the Agricultural Preserve in which the subject property is located shall be the equivalent of notice of non-renewal, as provided in Paragraph 8, at least sixty (60) days prior to the anniversary date following the removal. The COUNTY shall record the notice of non-renewal in the office of the Recorder of the COUNTY, as required by Paragraph 13 herein; however, the OWNER agrees that failure of the COUNTY to record said notice of non-renewal shall not invalidate or in any manner affect said notice.

12. INFORMATION TO COUNTY

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

13. RECORDING OF DOCUMENTS

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

14. ENFORCEMENT OF CONTRACT

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

15. CANCELLATION

This Contract may not be cancelled before completion of its term. The Board of Supervisors has found in its Resolution No. 65067 that cancellation of Farmland Security Zone Contracts is not in the best public interest of the County's citizens. However, the COUNTY or the OWNER has the right to file a notice of non-renewal under Government Code Section 51245 and as provided in Paragraph 8 of the Contract.

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

_____
Peninsula Open Space Trust
"Owner"
Walter T. Moore

COUNTY OF SAN MATEO

By _____
President, Board of Supervisors
"County"

ATTEST:

_____
Clerk of Said Board of Supervisors

(NOTARIAL ACKNOWLEDGMENT)

****

Attachment L
Johnston Ranch
Statement of Agricultural Uses

Uniform Rule 3 of the San Mateo County Williamson Act (WA) Guidelines requires a Statement of Agricultural Uses (Statement) to be submitted when entering into a new WA contract or rescinding and replacing/exchanging existing contracts. The Statement must include: the total gross acreage of each parcel and aggregate acreage for multiple parcels, if applicable; the total acreage currently in agricultural production by each crop type; and grazing operation by heads of livestock and area grazed. The water source and irrigation method should also be noted, and compatible uses should be addressed. In addition, gross agricultural income documentation should be submitted documenting compliance with income requirements stated in Uniform Rule 2 of the WA Guidelines.

Tables 1.a and 1.b below show the acreage requirements for the existing Land Conservation Act (LCA) and Farmland Security Zone (FSZ) contracts and whether the income thresholds have been met in the last five years. Table 2.a and 2.b below show the anticipated acreage information for the proposed replacement FSZ contract and two Open Space Easements (OSEs) and whether the income levels for the new FSZ contract are expected to be met.

The required water sources, storage and conveyance structures, and conveyance method for the existing contracts and proposed contract and OSEs are shown in Attachment G, Maps 6 and 6A, of the Land Division Supplemental Statement. Two dams in Arroyo Leon were historically closed to form seasonal in-stream reservoirs for agricultural use. The California Department of Fish and Wildlife eventually decommissioned the dams and required that they remain open for steelhead trout passage, following its listing as a threatened species in 1997. As a result, the irrigation capacity of the farm was substantially reduced. In addition, that state-mandated project required movement of the primary point of diversion, added new conditions related to water use, reduced the amount of water available for agricultural operation, and resulted in a proportional reduction in the amount of cultivated acreage. The water source to support the existing grazing operation relies upon containment of output from an upland spring and adjacent hillside runoff to two small stock ponds north of Higgins Canyon Road.

There is an existing barn yard with a corral and barn on existing parcel 2, Assessor's Parcel Number (APN) 064-370-070. This barn yard and associated structures qualifies as a "per se" compatible use because it is "a facility or structure used in conjunction with the production, preparation, and storage of an agricultural commodity, commercial grazing, or commercial horse breeding." The barn is 3,600 square feet in size and is used in conjunction with the grazing operation on the existing parcel and the adjacent parcel to the east and will continue to be used in this manner as part of reconfigured parcel 2. The barn and its associated 5,700 square foot driveway total approximately 9,300 square feet of compatible use on what will become a 434-acre parcel. There is also existing deer fencing around some of the agricultural

parcels along Highway 1 and Higgins Canyon Road, and perimeter fencing on the grazed parcels. There are no other structures on the existing eight parcels of Johnston Ranch and no structures of any type are proposed as part of the application to rescind and replace/exchange the existing WA contracts.

Existing and proposed income information is shown in a separate confidential document for San Mateo County staff review.

TABLE 1.a – Existing Land Conservation Act (LCA) Contract

Parcel ID # APN Total Acres	Acreage in Crop Production	Minimum Income Levels Met 2016 – 2020 (Yes/No)	Acreage and Percent of Parcel in Grazing	Proposed for Replacement with FSZ Contract or OSE*
Parcel #4 065-210-220 (161 acres)	63 Total 18 – irrigated Brussels sprouts 33 - dry farmed hay (continuously over past five years)	Yes	None	FSZ – west side OSE – east side
Parcel #3 065-210-240 (184 acres)	25 Total 12 – Fava beans 11 – Brussels sprouts 2 – English peas	Yes – 2016 & 2020 No – 2017, 2018, 2019	None	FSZ – west side OSE – east side
Parcel #110/120 064-370-110 and 064-370-120 (210)	3 – dry farming (continuously over past five years)	Not as single parcel Yes, b/c part of LCA contract	94 ac – grazing (45%)** Cow/Calf operation: 30-50 head (does not meet acreage threshold)	Existing Contract to be Non-renewed

*OSE = Open Space Easement **WA Guidelines require 75%

Table 1.a above shows that two of the three parcels currently under the existing LCA contract have been able to meet income thresholds required by the WA Guidelines but have only been able to do so because the western portions of both parcels are productive. This productivity varies with each year depending upon how many acres are fallow at any given time. The Table also shows that the WA land utilization requirement for grazing has not been met on the one parcel where grazing occurs (APN 064-370-110/120). Reasons for not meeting the income threshold include: (1) lack of water since in-stream reservoirs were decommissioned by the State of California mandated project, (2) that the split between existing LCA and FSZ contract areas does not align with logical patterns of use by the farm operator who has focused on maximizing productivity in the FSZ contract area, and (3) heavy deer browsing that was addressed through fencing installation in 2017-2019). The lot line adjustment application will help future farm operators meet the income requirements by aligning parcel boundaries with logical patterns of use and securing the water source.

TABLE 1.b – Existing Farmland Security Zone (FSZ) Contract

Parcel ID # APN (Total Acres)	Approximate Acreage in Crop Production	Minimum Income Levels Met 2016 - 2020 (Yes/No)	Approximate Acreage and Percent of parcel in grazing	Proposed for replacement with FSZ Contract or OSE*
Parcel # 1 064-370-200 (49 acres)	42 – Brussels sprouts (continuously over past five years)	Yes	None	FSZ
Parcel #090 065-210-090 (14 acres)	14 Total 14 – Brussels sprouts (2016) 0 – 2017, 18, 19 10 – Brussels sprouts (2020) 4 – English peas (2020)	Yes – 2016 & 2020 No – 2017, 2018, 2019	None	FSZ
Parcel #s 2, A, B 064-370-070 CoC #s 106396 and 106397 (250 acres)	66 – Total 40 – Brussel sprouts (varies from year to year) 4 – dry farmed hay (continuously over past five years)	Yes	160 acres – grazing (64%)** Cow/Calf operation: 30-50 head (does not meet minimum threshold)	FSZ – southwestern portion OSE – northern and eastern portions

*OSE = Open Space Easement **WA Guidelines require 75%

Table 1.b above shows that when combined, all five parcels currently under the existing FSZ contract are meeting the income thresholds for the contract, but this is primarily due to the productivity on parcel #s 1 and 090, and the southwestern portion of parcel #2. The northern and eastern portions of parcel #2 are used for grazing but don't meet the acreage threshold for grazing operations and do not contribute to helping meet the required income thresholds.

Proposed Adjustments

Given the fact that some of the parcels included in current LCA and FSZ contracts are not meeting minimum thresholds for income or land utilization as required by the WA Guidelines, and as shown in the Tables above, POST and MROSD propose to rescind the two existing contracts and replace them with one FSZ contract and two OSEs as shown in Tables 2.a and 2.b below. The FSZ replacement contract, and two OSEs are proposed to better plan for and

preserve productive farm land, grazing operations, open space, and planned public recreational uses as explained in detail in the Supplemental Statement.

Parcel 3 (comprised of APNs 064-370-110 &120), the only parcel currently covered by a LSA contract that is not meeting income thresholds or acreage requirements for grazing, will have its contract non-renewed but will remain in grazing use for the remaining nine years of the existing contract and will be further protected by a long-term lease and Rangeland Management Plan.

Table 2.a – Proposed Farmland Security Zone (FSZ) Contract

Parcel ID #	Approximate Acreage in Crop Production (will vary from year to year)	Minimum Income Levels Expected to be Met (Yes/No)	Approximate Acreage and Percent of Parcel in Grazing	Proposed FSZ Contract
1	84	Yes	None	Yes
090	14	Yes	None	Yes
4	110	Yes	None	Yes
3	2	Yes	None	Yes

Table 2.b – Proposed Open Space Easements

Parcel ID #	Approx. Acreage in Crop Production	Minimum Income Levels Met (Yes/No/NA)	Approx. Acreage and Percent of Parcel in Grazing	Open Space Easement - Duration
2 North of Higgins Canyon Road	Not Applicable	Not Applicable	Not Applicable (160 acres/78% Cow/Calf operation: 20 to 40 head to be maintained)	OSE – 20 yrs.
2 South of Higgins Canyon Road	Not Applicable	Not Applicable	Not Applicable (Potential retained for reintroduction of grazing)	OSE – 10 yrs.

Modifications to the Williamson Act contracts and partial replacement with two OSEs are consistent with the Williamson Act and would ensure protection of existing agriculture, grazing operations, open space and planned public recreational use as explained in detail in the Supplemental Statement.

Attachment M
Johnston Ranch
Citation Sheet for Planned Public Recreational Uses

A) Midpeninsula Regional Open Space District – 2014 Vision Plan (https://www.openspace.org/our-work/projects/vision-plan)

B) San Mateo County – 2001 Trails Master Plan (https://parks.smcgov.org/documents/trails-master-plan)

C) San Mateo County – 2011 Comprehensive Bicycle and Pedestrian Plan (https://ccag.ca.gov/wp-content/uploads/2014/07/CBPP_Main-Report__Sept2011_FINAL.pdf)

D) City of Half Moon Bay – 2019 Parks Master Plan (https://www.half-moon-bay.ca.us/620/Parks-Master-Plan-609#:~:text=Project%20Description%3A%20The%20Parks%20Master,over%20the%20next%2015%20years)

E) City of Half Moon Bay – Intersection Improvements at Intersection of Highway 1/Main Street/Higgins Canyon Road (https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/464186/STAFF_REPORT.pdf)

F) Bay to Sea Trail – Planning effort led by POST (No published plan currently available) in which all eleven of the participating partners have signed a letter of intent expressing mutual commitment to collaborating on this long-term project (https://openspacetrust.org/blog/bay-to-sea-trail/)

Attachment N
Johnston Ranch
Draft OSE Terms Sheet

The following list characterizes terms proposed for Open Space Easements (OSEs) on reconfigured parcel 2 for the purposes of informing the Johnston Ranch land division application. This list is not comprehensive, final, or binding. Midpeninsula Regional Open Space District (MROSD) will provide complete draft open space easements for the parcel to County Counsel.

1. The OSEs will be entered into pursuant to the Open-Space Easement Act of 1974, California Government Code § 51070 et seq. (the "Act").
2. Purposes of the OSEs will be to preserve the natural and scenic open space value and character for public benefit, including the continued grazing operation on the northern portion of parcel 2 and the potential reintroduction of grazing on the southern portion of the parcel, and the enhancement of future public recreational uses on the entire parcel, and to prevent any use of the subject property that will significantly impair or interfere with its open space value.
3. The subject area for the 20-year OSE will be the portion of the subject parcel located north of Higgins Canyon Road and the subject area for the 10-year OSE will be the portion of the subject parcel located south of Higgins Canyon Road. Duration of the OSEs will be twenty (20) years for the northern portion of parcel 2 and ten (10) years for the southern portion of the parcel. Effective date and annual renewal to follow standards set forth in the Act.
4. “Development Areas” will be defined within each OSE as the principal locations for residential development and use, which will be located within each subject property at the time of proposed development subject to County review and approval in accordance with applicable zoning, planning and building ordinances and regulations. Exceptions to be allowed with an approved Coastal Development Permit.
5. "Development," as defined within each OSE, will include erecting or placing structures or objects on the land, grading, or otherwise altering the land for non-agricultural purposes, but will not include agricultural uses or use of the land in its natural state for activities such as hiking, bicycling, riding horses, nature observation, and public enjoyment of scenic open space.
6. Reserved rights will include the following, subject to applicable zoning, planning, and building ordinances, regulations, and approvals:
    a. Agricultural uses, related improvements, and compatible commercial uses as defined and permitted by the Williamson Act.

b. Use of water rights and to obtain water supplies from any source permitted by law, and to construct, use, maintain, repair, and replace water infrastructure such as reservoirs/ponds, drainage ways, culverts, pipes, and pumps.

c. To construct, repair, and maintain utility systems, including water, sewer, power, fuel, communication lines, and related facilities for the permitted uses.

d. To construct, repair, and maintain new roads and parking areas for the permitted uses.

e. To place or construct facilities for the development and utilization of energy resources, including, without limitation, solar and wind, for use principally on the subject property.

f. Use and operation for public open space and recreational purposes, including, but not limited to, natural resource management activities, environmental education, occasional special events, low-intensity public trail uses, and property management and enforcement activities.

g. To plan, design, and construct recreational trails, trail staging areas, and parking areas to create opportunities for low-intensity public use of the Property.

h. To install gates and appropriate signage and fencing.

i. To take reasonable measures necessary and appropriate for fire safety and erosion control as approved by the County of San Mateo Fire Marshal.

j. To manage exotic non-native invasive vegetation and restore managed areas with native vegetation.

k. To improve riparian habitat and in-stream hydrological function, including but not limited to installation of logs, boulders, and other materials to improve fish habitat complexity and quality, installation of stream gauges, as well as removal of decommissioned or abandoned impoundment structures.

l. Residential and accessory use of and access to the Development Areas.

7. Other terms to follow standard County OSE provisions for land division restriction, property maintenance, County's right to audit and inspect with entry upon advanced written notice, notice of nonrenewal, abandonment, binding nature of the agreement, condemnation, enforcement references to tax statutes, notices, indemnity, voluntary execution, and warranty of owner's authority to sign in agreement.

COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT F

Application for Appeal

Planning and Building Department
County Government Center ▪ 455 County Center, 2nd Floor
Redwood City ▪ CA ▪ 94063 ▪ Mail Drop PLN 122
Phone: 650 ▪ 363 ▪ 4161 Fax: 650 ▪ 363 ▪ 4849

☐ **To the Planning Commission**

☑ **To the Board of Supervisors**

1. Appellant Information

Name: San Mateo Co. Farm Bureau
Rep. by: Soluri Meserve

Phone, W: 9164557300 H: james@semlawyers.com

Address: Osha Meserve/James Crowder
510 8th St., Sacramento, CA

Zip: 95814

2. Appeal Information

Permit Numbers involved:
PLN2021-00381

I hereby appeal the decision of the:

- ☐ Staff or Planning Director
- ☐ Zoning Hearing Officer
- ☐ Design Review Committee
- ☑ Planning Commission

made on May 25th 20 22, to approve/deny the above-listed permit applications.

I have read and understood the attached information regarding appeal process and alternatives.

☑ yes ☐ no

Appellant's Signature:

Date: June 8, 2022

3. Basis for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

The San Mateo County Farm Bureau requests the Board of Supervisors reverse the Planning Commissions' May 25th approval of the Coastal Development Permit, Planned Agricultural District Permits, Certificates of Compliance (Type B), and Lot Line adjustment associated with PLN 2021-00381. This project relies on inapplicable CEQA exemptions to forgo proper environmental analysis. Additionally, the project cannot rely on any CEQA exemptions because it would result in significant environmental impacts. The project is also inconsistent with the Planned Agricult. District Zoning Criteria because it fails to preserve prime agricultural lands within San Mateo County. Furthermore, the project conflicts with the Memorandum of Understanding entered into by Midpennisula Regional Open Space District and the San Mateo County Farm Bureau in 2004, which memorialized the understanding that agricultural lands would be permanently protected, and the addition of trails and space would not hinder the continued use of agricultural land.

For further information regarding the bases of this appeal, please see SMCFB's May 23, 2022 comments submitted to the Planning Commission, attached hereto.

SOLURI MESERVE
a law corporation

tel: 916.455.7300 · fax: 916.244.7300
510 8th Street · Sacramento, CA 95814

May 23, 2022

SENT VIA EMAIL
(jlujan@smcgov.org; planning-commission@smcgov.org)

Janneth Lujan, Planning Commission Secretary
San Mateo County Planning Commission
455 County Center
Redwood City, California 94063

RE: Comments on Proposed Johnston Ranch Land Use Changes
May 25, 2022, Planning Commission Meeting, Agenda Item No. 4

Dear Ms. Lujan:

These comments on the proposed land use changes on Johnston Ranch ("Ranch") are submitted on behalf of the San Mateo County Farm Bureau ("Farm Bureau"), which consists of the majority of farmers and ranchers in San Mateo County ("County"). The Farm Bureau is an independent, non-governmental, voluntary organization governed by and representing farm and ranch families united for the purpose of analyzing their problems and formulating action to achieve educational improvement, economic opportunity, and social advancement with an overall goal to enhance the agricultural industry in the County by educating consumers and protecting farmers' interests.

The Farm Bureau is concerned that the land use changes proposed for the Ranch fail to include adequate protections for agriculture. As explained herein, the minimum protections required by the 2004 Memorandum of Understanding ("MOU") between the Farm Bureau and the Midpeninsula Regional Open Space District ("MidPen") are not being followed. In addition, due to unusual circumstances, the proposed land use changes are not exempt from review under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. ["CEQA"]).

Notably, the lands within the Ranch are not presently, and are not proposed to be, subject to conservation easements to protect agriculture in the long term. On the contrary, the changes sought, characterized as "Lot Line Adjustments," fail to include anything other than a future intent to include such protections if and when the 224-acre Farm portion of the property is sold to a farmer. Furthermore, the lack of permanent protections on lands managed and owned by MidPen and the Peninsula Open Space Trust ("POST") is facilitated by the County's 2020 decision (concurred in by the California

Coastal Commission in 2021) to remove the requirement for easements where there is a land division brought about in connection with the purchase of land by a public agency for public recreational use.[1]

I. Project Background

The Ranch is an 868-acre property located east of the town of Half Moon Bay in San Mateo County, within the Coastside Protection Area. Through two separate purchases in 1999 and 2001, POST purchased the Ranch. In November 2021, approximately 644 acres were sold to MidPen. Currently, there are eight parcels within the 868-acre area.[2] The project would merge two of these parcels resulting in a total of six parcels spanning the 868 acres. Additionally, POST and MidPen have requested to reconfigure, via a Lot Line Adjustment ("LLA"), four of the parcels, which would result in POST owning approximately 224 acres of "agricultural property" and MidPen owning 644 acres of "upland property".

Additionally, all the parcels are covered by Williamson Act contracts, and the project would change or modify those contracts. Currently, parcels 1 and 2 contain 20-year Farmland Security Zone ("FSZ") contracts, and parcels 3 and 4 contain 10-year Land Conservation Act contracts. Ultimately, 434 acres of land currently under some type of Williamson Act contract would be replaced with either a 10- or 20-year Open Space Easement ("OSE"). The other 210 acres would be placed into two separate FSZ contracts.

The MOU between MidPen and the Farm Bureau provides that MidPen will "preserve and encourage viable agricultural operations and avoid adverse effects on agriculture." (Exhibit 1, MOU, p. 2.) Additionally, the MOU provided mitigation measures to help preserve agricultural lands. In exchange for these important commitments, Farm Bureau supported MidPen's annexation of the Coastside Protection Area.

II. This Project Cannot Be Exempt from CEQA Review

The staff report for the proposed land use changes indicates these changes will be determined exempt from CEQA under Class 5 and 17 categorical exemptions. (Staff

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[1] The Farm Bureau's legal challenge to these amendments to the Local Coastal Plan is currently pending in San Mateo County Superior Court.

Report, pp. 3, 15.)[3] Additionally, the September 30, 2021 Supplemental Statement (Staff Report, pdf p. 35) indicated a possible use of the Class 25 categorical exemption. As explained below, these exemptions from CEQA do not apply to the project. Alternatively, the project would create significant impacts due to unusual circumstances.

A. Standards Applicable to Categorical Exemptions

There are several categories of projects that are exempt from CEQA, and therefore do not require a lead agency to conduct environmental review when a decision to approve a project is made. Exemptions from CEQA are founded on the basis that specific types of projects will not have significant environmental impacts. However, an agency's categorical exemption determination must be supported by substantial evidence that the project falls within the exempt category of projects. (See *Save the Plastic Bag Coalition v. County of Marin* (2013) 218 Cal.App.4th 209, 219-220.)

A lead agency's Notice of Exemption must contain a brief statement supporting the finding for exemption and the appropriate CEQA Guidelines. (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 380.) "If a public agency properly finds that a project is exempt from CEQA, no further environmental review is necessary." (*Ibid*.)

Categorical exemptions are subject to exceptions under which reliance on an exemption is improper. (Cal. Code Regs., tit. 14, §§ 15000 et seq. ["CEQA Guidelines"], 15300.2.) For example, an exemption may not be relied on when there is a "reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (CEQA Guidelines, § 15300.2, subd. (c); see, e.g., *City of Santa Clara v. LAFCO* (1983) 139 Cal.App.3d 923, 932 [inconsistency between the prezoned agricultural land and the annexing city's general plan created unusual circumstances justifying LAFCO's denial of the exemption]; *Voices for Rural Living v. El Dorado Irrigation District* (2012) 209 Cal.App.4th 1096, 1109 [due to "unusual circumstances" delivery of water to a casino through an existing pipeline had a potentially significant effect, thereby precluding reliance on an exemption].)

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[3] Citations to the Staff Report include the Executive Summary, Staff Report and Recommended Findings and Conditions of Approval. Attachments will be cited separately.

B. The Project Is Not Subject to a Class 5 Categorical Exemption

The staff report relies on the Class 5 categorical exemption under CEQA Guidelines section 15305, subdivision (a). (Staff Report, p. 3.) This section of the CEQA Guidelines provides an exemption for projects that are minor alterations in land use limitations on parcels with an average slope of less than 20 percent. (CEQA Guidelines, § 15305.) Though the staff report does not provide further details, it does suggest that the project is exempt because it involves a minor lot line adjustment and does not result in changes to land use or density. (Staff Report, p. 15.) However, this LLA is not "minor," and though no parcels are being created, the reconfiguration results in a completely different configuration of land uses.

The Class 5 Categorical Exemption is reserved for minor alterations to land. The example provided within the exemption is: "Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel." (CEQA Guidelines, § 15305, subd. (a).) Here, the applicants are requesting to turn eight parcels into six and subsequently reconfigure four of those parcels. The reconfiguration involves more than "minor" lot line adjustments. For example, once the parcels are merged, Parcel 3 would contain 183 acres, after the LLA Parcel 3 would be dwindled down to 7 acres. (Supp. Statement, p. 6.) The removal of over 175 acres from one parcel cannot be considered a "minor" adjustment.

Additionally, CEQA Guidelines section 15305 applies only to parcels with an average slope of less than 20 percent. Here, about two-thirds of the acreage included in the LLA has an average slope of 24.5 percent. Proposed parcel 2 would have a slope of 24.5%, therefore, making the exemption inapplicable to parcel 2.

Thus, the Class 5 categorical exemption under CEQA Guidelines section 15305, subdivision (a) does not apply to the project.

C. The Project Is Not Subject to a Class 25 Categorical Exemption

The Supplemental Statement states that the LLA is categorically exempt under Class 25 categorical exemption under CEQA Guidelines section 15325. This section provides an exemption for transfers of ownership in land to preserve open space, habitat, or historical resources. (CEQA Guidelines, § 15325.) The Guidelines provide several examples including: to allow continued agricultural use of the areas and preservation of open space or lands for park purposes. (*Id*. at subds. (b) & (f).)

There are two problems with the reliance of this exemption. First, roughly a quarter of the land being reconfigured under the LLA was not recently acquired or transferred. Second, the proposed land use will be changing, therefore, it will not be preserved for continued agricultural use. Further, the lands that were acquired were not acquired for park purposes.

1. *Multiple Parcels Were Not Recently Transferred*

Class 25 categorical exemption may only be utilized if there is an acquisition, sale, or other transfer of land. (CEQA Guidelines, § 15325.) After the LLA, parcels 2 and 3, which make up roughly 432 acres of the current area, would be transferred to MidPen. (Supp. Statement, p. 6.) POST would maintain ownership of the reconfigured parcels 1, 3 and 4. (Supp. Statement, p. 11.) At a minimum, the land being retained by POST would not fall under the Class 25 CEQA exemption. Further, due to the reliance on POST's parcels for reconfiguration, the entire area cannot not rely on this CEQA exemption. In order to rely on this exemption, POST and MidPen would need to confine the LLA to the land currently being transferred.

2. *The LLA Would Not Preserve Established Agricultural Use*

The Staff Report fails to provide any additional information supporting possible reliance on how the project would preserve an established agricultural use under CEQA Guidelines section 15325. (Staff Report, p. 3.) Given the examples provided in the CEQA Guidelines, it may be assumed that the County may be considering relying on CEQA Guidelines section 15325, subdivisions (b) or (f).

CEQA Guidelines section 15325, subdivision (b) specifies a project maybe exempt if the acquisition or transfer was for the purpose of allowing continued agricultural use of the area. The County cannot rely on this subdivision for an exemption because the number of acres being protected by an agricultural specific contract is actually decreasing. Currently, "all parcels are covered by a form of a Williamson Act contract;" some are 10-year Land Conservation Act contracts, and others are 20-year Farmland Security Zone contracts. (Staff Report, p. 2.) The LLA would reconfigure these parcels, rescind the Williamson Act contracts, and replace them with varying designations. In fact, the LLA would push all "existing agricultural activities onto solely agricultural parcels." (Staff Report, p. 4.) This would exclude all the prime agricultural lands at the southeastern corner of reconfigured parcel 2, north of Higgins Canyon Road. (Supp. Statement, Attachment J.)

CEQA Guidelines section 15325, subdivision (f) allows a project to utilize the exemption if the acquisition or transfer preserves open space or land for park purposes. Although MidPen intends to maintain much of the area as open space, it would not be for park purposes. Therefore, CEQA Guidelines section 15325, subdivision (f) cannot be relied upon to exempt the project from CEQA analysis.

D. Potential for Significant Impacts Precludes Reliance on CEQA Exemptions

"A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (CEQA Guidelines, 15300.2, subd. (c).) "When it is shown that a project otherwise covered by a categorical exemption will have a significant environmental effect, it necessarily follows that the project presents unusual circumstances." (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105–1106.) This project would result in several potentially significant impacts and therefore, unusual circumstances preclude reliance on an exemption from CEQA.

1. *Agricultural Impacts*

There is a possibility of significant impacts to agricultural land, which would preclude reliance on a CEQA exemption. With respect to the project's impacts on agricultural resources, CEQA requires an evaluation of whether the project will convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, conflict with existing zoning for agricultural use or a Williamson Act contract, or involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural use. (CEQA Guidelines, App. G, § II.) As discussed herein, the change in designation from Williamson Act contracts to 10- or 20-year OSEs indicates that the agricultural uses of the land may be phased out in favor of open space use and/or low-intensity recreation. This conversion may result in significant impacts to agricultural resources.

2. *Land Use Impacts*

The County must also assess whether the proposed project is consistent with applicable land use designations in the General Plan and the Zoning Code. (CEQA Guidelines, App. G, § IX, subd. (b).) Projects that are inconsistent with the County's planning documents would have a significant effect on the environment. As explained in Section III *post*, the project conflicts with San Mateo County's Zoning regulations. Thus, reliance on an exemption would not be appropriate.

3. *Cumulative Impacts*

Categorical CEQA exemptions "are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." (CEQA Guidelines, § 15300.2, subd. (b).) Agricultural land in San Mateo County is increasingly rare. This project would incrementally add to that cumulative impact and continue to leave open the possibility of future development of the subject parcels. While Williamson Act and FSZ contracts would be placed on some of the parcels, these protections are for a maximum of twenty years. Therefore, the project contributes to the cumulative impact of continued removal of agricultural specific protections, ultimately resulting in the loss of prime agricultural land.

III. The LLA Conflicts with Planned Agricultural District Zoning Criteria

The requests made in the application trigger requirements under San Mateo County Zoning Regulations Chapter 21A. Pursuant to these regulations, the applicants must obtain a Planned Agricultural District ("PAD") permit because all parcels in the proposal are located within a PAD. (Staff Report, p. 7; Supp. Statement, p. 2.) By obtaining a PAD permit the applicants would be allowed to pursue uses other than agriculture. (San Mateo County Zoning Code, § 6353.) In order to obtain a permit an applicant must "provide factual evidence which demonstrates that any proposed land division or conversion of land from an agricultural use will result in uses which are consistent with the purpose of the [PAD], as set forth in Section 6350." (*Id*. at § 6355.) Section 6350 states that the purpose of the PAD is to:

1) preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production, and
2) minimize conflicts between agricultural and non-agricultural land uses by employing all of the following techniques:

(a) establishing stable boundaries separating urban and rural areas and, when necessary, clearly defined buffer areas,
(b) limiting conversions of agricultural lands around the periphery of urban areas to lands where the viability of existing agricultural use has already been severely limited by conflicts with urban uses, and where the conversion of such land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development,
(c) developing available lands not suitable for agriculture before converting agricultural lands,
(d) assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and
(e) assuring that all divisions of prime agricultural land (except those stated in (b)) and all adjacent development does not diminish the productivity of prime agricultural lands and other land suitable for agriculture.

(San Mateo County Zoning Regulations, § 6350.)

Throughout the staff report materials, the applicants and staff assure the County that the LLA complies with the PAD criteria. However, the reconfiguration and changes from Williamson Act contracts to 10- or 20-year OSEs conflict with the purpose of the PAD. Rather than maintain the agricultural uses that are currently occurring on each parcel, the applicants propose to reconfigure the parcels in a manner that decreases the amount of prime agricultural lands covered by Williamson Act contracts. (Compare Supp. Statement, Attachment C with Attachment J.)

Though the Williamson Act may allow OSEs to be exchanged for Williamson Act contracts, the PAD does not provide a similar loophole. Instead, the PAD focuses on the protection of prime agricultural lands. The staff report asserts that "There are portions of prime agricultural lands which are unlikely to be farmed due to their location within or immediately adjacent to Higgins Canyon Road." (Staff Report, p. 2.) The staff report later states:

> Separating the prime agricultural lands from lands suitable for agriculture and covering the reconfigured parcels with the 20-year FSZ contract reduces the potential for conversion, while land better suited for open space

> and public recreation uses due to the slope and soil type will be aggregated under two OSEs on reconfigured parcel 2.

(Staff Report, p. 14.) Additionally, throughout the Supplemental Statement, the applicants describe the reconfigured parcel 2 as protecting open space and enhancing public recreational uses. (Supp. Statement, pp. 12, 14, 16, 21, 22.) However, these assertions do not equate to protection of prime agricultural lands, as required by the PAD.

Nearly the entire southern boundary of the current parcel 2 is prime agricultural land that would be severed from other agricultural acreage. (Supp. Statement, Attachment C.) The reconfiguration would put the western half of this acreage into parcel 1, and the eastern acreage in reconfigured parcel 2, which would only be covered by an OSE. (Supp. Statement, Attachment J.) Severing prime agricultural land from other agricultural acreage would conflict with the purpose of San Mateo County's PAD regulations.

IV. The MOU Requirements are Not Met by the Johnston Ranch Project

As part of MidPen's annexation of the Coastside Protection Area, MidPen "adopted a set of Mitigation Measures to preserve agriculture and to avoid adverse impacts on agriculture." (Exhibit 1, MOU, p. 2.) Through the 2004 MOU, MidPen agreed to implement these mitigation measures. (*Ibid*.) The Johnston Ranch project, however, fails to follow these measures, as described below.

A. Trails and Habitat Preservation Areas are Not Located Away from Agricultural Lands

Mitigation AGR-1b states, "Trails and habitat preservation areas shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance . . . or traverse such lands in a manner that does not result in interference with agricultural activities . . . ." (Exhibit 1, MOU, p. 6.) Mitigation AGR-3a states, "Improvements or public uses located upon open space lands other than agriculture . . . shall be located away from existing prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance . . . . All trails and other public facilities should be located so as not to fragment agricultural operations unless no feasible alternative is available." (*Id*. at p. 7.)

Here, the proposed trail and future low-intensity public recreational uses may interfere with agricultural activities. Further, due to the lack of information regarding future low-intensity public recreation, impacts to agricultural lands from the proposed

property boundary changes are not precluded. These shortcomings conflict with the commitments made in the 2004 MOU.

B. The Land Use Changes Fail to Incorporate Permanent Protections for Agriculture

In addition to failing to describe how the recreational uses would be separated from agriculture, MidPen has also overlooked Mitigation AGR-3g. Mitigation AGR-3g states:

> When acquiring lands in agricultural use, the acquisition shall be subject to continued use by the owner or operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. **All agricultural land which is not needed for recreation or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and, whenever legally feasible, the District will offer for sale or lease the maximum amount of agricultural land to active farm operators on terms compatible with the recreational and habitat use.** Lands that do not have significant recreation or sensitive habitat values and which can clearly support productive agricultural operations will generally be offered for sale while other agricultural lands will generally be offered for lease.

(Exhibit 1, MOU, p. 8, bold added.) The application does not contain information indicating that agricultural lands would be permanently protected with a conservation easement.

Instead, MidPen proposes to rearrange the Williamson Act contracts and replace some with OSEs with a term of 10 or 20 years. The only mention of permanently protecting agriculture at the site is the *future promise* of POST to provide a permanent agricultural conservation easement if a farmer purchased the land at a later date. (Supp. Statement, p. 2.) This future promise is not echoed in the staff report, making its assertion dubious at best. Therefore, MidPen has purchased land that is currently being used for agriculture and intends to transform it into open space for recreational purposes, without providing any permanent protection for agricultural uses. This goes against the 2004 MOU and allows non-agricultural uses to continue to usurp and encroach on the limited agricultural land remaining in San Mateo County.

V. Conclusion

The Farm Bureau requests that the application be revised and/or conditions be added to permanently protect agricultural lands prior to the approval of this LLA and revisions to the Williamson Act contracts. The Planning Commission should continue this item to allow the proposal to be amended to include enforceable promises to permanently protect agricultural land within Johnston Ranch and set a proper example for other similar projects within the County.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Osha R. Meserve

cc: San Mateo County Farm Bureau (smcfbhmb@aol.com)
Ben Wright (bwright@openspacetrust.org)
Mike Williams (mwilliams@openspace.org)

Attachment:

Exhibit 1 - 2004 Proposed Memorandum of Understanding Between the San Mateo County Farm Bureau and Midpeninsula Regional Open Space District

EXHIBIT 1

PROPOSED
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE SAN MATEO COUNTY FARM BUREAU
AND
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

WHEREAS, the mission of the San Mateo County Farm Bureau ("Farm Bureau") includes the preservation of existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of agricultural land in production and to provide support and expertise to its members and to private and public entities for those purposes; and

WHEREAS, the Midpeninsula Regional Open Space District ("District") has filed an application with San Mateo County Local Agency Formation Commission ("LAFCo") to extend its boundaries to the San Mateo County Coast and has adopted a related Service Plan for the purposes of preserving open space and agricultural land, encouraging viable agricultural use of land, and preserving agricultural operations in conformance with the San Mateo County General Plan; and

WHEREAS, the Farm Bureau and the District desire to work together cooperatively to support and preserve agricultural operations and to protect the economic and physical integrity of agricultural lands on the San Mateo Coast; and

WHEREAS, the Farm Bureau and the District believe that by such cooperative efforts the Farm Bureau will help enable the District to better accomplish its mission for the Coastside Protection Area for the benefit of its members and all residents of San Mateo County; and

WHEREAS, the Service Plan establishes the policy of the District to insure that where open space recreation or public access occurs, it is planned and managed in a manner that avoids adverse impacts to adjacent agricultural operations; and

WHEREAS, the District desires to consult with the Farm Bureau in planning for open space recreation and public access to ensure that such uses avoid adverse impacts to adjacent agricultural operations; and

WHEREAS, the Service Plan prohibits the District's use of the power of eminent domain in the area proposed for annexation ("Coastside Protection Area"), and the Farm Bureau has requested that this prohibition be established through state legislation so as to further insure the permanence of this District policy; and

WHEREAS, the Board of Directors of the District desires to sponsor such legislation to further insure to the satisfaction of the Farm Bureau and all San Mateo County coastside residents that its policy prohibiting the use of eminent domain in the proposed Coastside Protection Area will be secure and permanent; and

WHEREAS, it is the joint desire of the Farm Bureau and the District to enter into this Memorandum of Understanding in order to formalize the goals and understandings of both parties in their efforts to preserve agriculture in San Mateo County.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The San Mateo County Farm Bureau desires to insure that eminent domain not be used to acquire land in the District's proposed Coastside Protection Area. The Farm Bureau has requested that the District sponsor state legislation permanently removing the District's power of eminent domain in the proposed Coastside Protection Area. The District has agreed to sponsor such legislation. A copy of the proposed legislation is attached hereto, marked "Exhibit A" and incorporated by this reference. The Farm Bureau has agreed to support this legislation without amendment. The enactment of this legislation, in the form set out in Exhibit A, is a condition precedent of the parties' obligations in this MOU. The parties recognize that minor changes to this legislation may be made by the State Legislative Counsel in the normal course of its review and approval of legislative language and the parties shall continue to support and propose such legislation as approved by Legislative Counsel, provided that only minor and technical changes are made by Legislative Counsel. Any other changes shall require the prior written agreement of both the Farm Bureau and the District.

2. The San Mateo County Farm Bureau and the District desire to insure that the District's implementation of the Service Plan and its Coastside Protection Program preserve and encourage viable agricultural operations, and avoid adverse effects on agriculture. To accomplish this goal, the Farm Bureau and the District agree that:

a. As part of its Coastside Protection Program, the District has adopted a set of Mitigation Measures to preserve agriculture and to avoid adverse impacts on agriculture. A copy of these Mitigation Measures is attached hereto, marked "Exhibit B" and incorporated by this reference. The Farm Bureau has requested and the District has agreed that these Mitigation Measures shall be incorporated into this MOU. The District agrees that it will implement these Measures, and that implementation of these Measures is a commitment from the District to the Farm Bureau. These Mitigation Measures may not be amended by the District unless required by law.

b. The District will consult with the Farm Bureau in the development of site-specific use and management plans and site-specific agricultural production plans in the Coastside Protection Area as set out in Mitigation Measure AGR-3h.

c. When practicable and consistent with the Mitigation Measures, when planning for the preservation of land in agricultural production, the District will consider first

whether acquisition of a conservation easement is the best method to enable the land to remain in private ownership and in agricultural production.

d. When considering the proposed use and management of any agricultural land acquired by the District in the Coastside Protection Area, the District will provide the Farm Bureau prior written notice of any hearings at which site use and management plans, agricultural production plans, reviews or amendments will be considered. Further, the District will provide a prior opportunity for the Farm Bureau to review and comment on any such plans. This will insure that the Farm Bureau has the opportunity to share its expertise, resources and viewpoints with the District prior to any decision concerning future use or management of such lands. In addition, District staff will meet with representatives of the Farm Bureau from time to time on an informal basis upon request of either party to consult regarding development of such plans.

3. The San Mateo County Farm Bureau determines that, based upon the specific terms and conditions of this MOU, the District's Coastside Protection Program will benefit and help preserve agriculture in San Mateo County, and will help to protect agriculture's physical and economic integrity in the County. The elimination of the District's power of eminent domain by legislation is a key component that will further protect agricultural lands from being removed from production. On that basis the San Mateo County Farm Bureau expresses its support for and endorsement of the District's Coastal Protection Program.

4. The San Mateo County Farm Bureau requests that LAFCo approve the District's application for annexation of the San Mateo County Coastside Protection Area as filed on October 28, 2003, in its entirety.

5. This MOU may not be amended without the written consent of both the Farm Bureau and the District.

6. Any written notice sent pursuant to this MOU shall be addressed as follows:

Farm Bureau: Executive Administrator
San Mateo County Farm Bureau
765 Main Street
Half Moon Bay, CA 94019

District: General Manager
Midpeninsula Regional Open Space District
330 Distel Circle
Los Altos, CA 94022

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly authorized officers to be effective as of the date of final execution by the District.

FARM BUREAU:

By: _____

Date 1/28/04

DISTRICT:

By: _____

Date: 1/28/04

EXHIBIT A

SECTION 1. Section 5572.2 is added to the Public Resources Code to read:

5572.2. The Midpeninsula Regional Open Space District shall not exercise the power of eminent domain to acquire any real property or any interest in real property in the San Mateo County Coastal Annexation Area as defined in the Resolution of Application for Annexation Proceedings No. 03-20 adopted by the Board of Directors of the Midpeninsula Regional Open Space District on June 6, 2003.

SECTION 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances applicable only to this proposed project of the Midpeninsula Regional Open Space District. The District has adopted an ordinance and policy prohibiting the use of the power of eminent domain in an area of San Mateo County currently proposed for annexation to the District. This policy was adopted due to the special and unique circumstances of the particular annexation project and the particular nature of the territory proposed for annexation and in response to input from a Citizens' Advisory Committee formed to recommend policies particular to this proposed project. This legislation will further that policy and ordinance. The Legislature further finds and declares that this need is not common to all districts formed under the Regional Park District law nor to other projects of the District.

SECTION 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:
Enactment of this legislation will enable the District to implement the particular policies regarding eminent domain it has adopted for this specific project at the earliest possible time. In order for the prohibitions created by this act to become incorporated into this project, it is necessary for the act to take effect immediately.

EXHIBIT B
Midpeninsula Regional Open Space District Coastside Protection Program
Mitigation Measures

AGRICULTURE
Mitigation AGR-1a: No new buildings or staging areas shall be located on prime agricultural lands or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency ~~that are being used for agricultural purposes~~. To implement this Mitigation Measure, ~~In order to avoid conversion of Farmland to non-agricultural use,~~ the *Draft Service Plan* should be revised to provide that the ranger office/maintenance facility and the staging areas may not be located on prime agricultural lands or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency ~~Farmland in agricultural use~~.
Mitigation AGR-1b: Trails and habitat preservation areas shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Owners and operators of ~~active~~ agricultural ~~activities~~ lands shall be consulted to identify appropriate routes on those lands ~~they cultivate~~. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.
Mitigation AGR-1c: The District shall adopt Draft Service Plan Policy P.1 by ordinance. This policy reads as follows: "Within the Coastal Annexation Area, the District shall only acquire lands or interests in lands from willing sellers. The power of eminent domain will not be exercised by the District within the Coastal Annexation Area. This policy is a Basic Policy for the Coastal Annexation Area."
Mitigation AGR-1d: Amend the Draft Service Plan to include the following: The term "prime agricultural land" as used in this Plan means: a) All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts. b) All land which qualifies for rating 80-100 in the Storie Index Rating. c) Land which supports livestock for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture. d) Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than $200 per acre. e) Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than $200 per acre within three of the five previous years. The $200 per acre amount in subsections d) and e) shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.

The term "prime agricultural land" as used in this Plan shall also include Unique Farmland and Farmland of Statewide Importance as shown on the Farmland Mapping and Monitoring Program of the California Resources Agency.

Mitigation AGR-2: See Mitigation LU-2

Mitigation AGR-3a:

Guideline 3.2 in the *Draft Service Plan* should be modified to state: "Improvements or public uses located upon open space lands other than agriculture...shall be located away from existing prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency ~~toward areas containing non-prime agricultural lands, unless such location would not promote the planned, orderly, efficient use of an area~~. ~~To the extent feasible, all~~ All trails and other public facilities should be located so as not to fragment agricultural operations unless no feasible alternative is available. While trails that bisect grazing lands would not be likely to fragment grazing operations, trails that bisect cultivated crops could adversely affect the vitality of agricultural operations and should be avoided ~~where feasible~~. If trails must traverse cultivated lands ~~then~~ they shall be permitted only if adequate buffers, signs, and other measures necessary to ensure that trail use does not interfere with the agricultural operations ~~shall be~~ are implemented."

Mitigation AGR-3b: The District shall provide private property signs where appropriate and provide trail users information regarding private property rights to minimize public/private use conflicts and trespassing. The District shall clearly sign trails adjacent to active agriculture and provide trail users with information regarding property rights to minimize trespassing and conflicts with agricultural users.

Mitigation AGL-3c: Trails shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Operators of active agricultural activities on lands owned by or under easement to the District shall be consulted to identify appropriate routes on lands they cultivate. Owners and operators of ~~active~~ agricultural ~~activities on~~ lands adjacent to District lands used for non-agricultural purposes shall be consulted to identify routes that will avoid adverse effects on agricultural operations. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.

Mitigation AGL-3d: The District lands or easements ~~that comprise the trail setting~~ upon which trails are sited shall provide width sufficient for management and/or buffer space from adjacent uses so as not to preclude the viability of those uses. Buffers established to separate recreation and other open space uses from agricultural operations shall be designed and managed in accordance with the following standards:

a) Buffers shall be designed in relation to the nature of the adjoining land use, potential land uses and proposed public access;
b) Buffers shall be designed in relation to the topography and other physical characteristics of the buffer area;
c) Buffers shall be designed with consideration of biological, soil, and other site conditions in order to limit the potential spread of non-native invasive species or pathogens onto agricultural lands;
d) Buffers shall be of sufficient width to allow agricultural use of adjoining

agricultural lands including application of pesticides and other agricultural chemicals on all lands needing treatment taking into account the likelihood and extent of potential pesticide drift;. e) All lands used for buffers should be on land or interests in land owned by the District; adjoining landowners shall not be required to provide land for buffers. f) The District shall be responsible for the management and maintenance of all lands used as buffers. g) If a specific buffer fails to resolve conflicts between a recreational use and adjacent agricultural uses the recreational use shall be moved to a different location. All buffers shall be developed in consultation with the owners and operators of adjoining agricultural lands.
Mitigation AGR-3e: Where pesticides are used, including pesticides for control of noxious weeds, they must be handled, applied, and disposed of in such a manner that they do not adversely affect adjacent agriculture, including organic agriculture. Pesticide use shall be guided by label restrictions and any advisories published by the California Department of Pesticide Regulation (CDPR) or the County Agricultural Commission. These chemicals shall only be applied by a person who is properly trained in their application.
Mitigation AGR-3f: The District shall conduct its land management practices such that they do not have an adverse significant impact on the physical and economic integrity of timberland preserves on or contiguous to properties owned or managed by the District and so that the safety of visitors to District preserves is not compromised by timber harvesting (e.g., establishing appropriate buffers on District lands).
Mitigation AGR-3g: When acquiring lands in agricultural use, the acquisition shall be subject to continued use by the owner or operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. All agricultural land which is not needed for recreation or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and, whenever legally feasible, the District will offer for sale or lease the maximum amount of agricultural land to active farm operators on terms compatible with the recreational and habitat use. Lands that do not have significant recreation or sensitive habitat values and which can clearly support productive agricultural operations will generally be offered for sale while other agricultural lands will generally be offered for lease.

Mitigation Measure AGR-3h: Revise *Draft Service Plan* Guideline G.6.3 as follows:

GUIDELINE G.6.3
Inherent in the preservation of open space resources in the Coastal Annexation Area is the protection of: rare, threatened and endangered plant and animal species; ecological systems; agricultural resources, water quality; visual resources; unique biological resources, including heritage and significant trees; and the unique cultural resources in the Coastal Annexation Area, including historic, archaeological and paleontological resources. Therefore, prior to making any lands available to low-intensity public recreational access, the District shall prepare and adopt a use and management plan, which, includes site-specific resource management and public access components ~~plan~~ for any lands acquired by the District or managed through contract for other public or private non-profit property owners. All lands acquired by the District within the Coastal Annexation Area will be inventoried to identify and prioritize resource management issues. Where there are critical issues, such as the presence of non-native invasive species which threaten the habitat of endangered species or the economic viability of an adjacent agricultural operation, resource management plans will be prepared for these areas even if they remain closed to the public.

The use and management plan shall include an agricultural production plan for District-owned agricultural lands or District lands adjacent to agricultural lands. For district-owned lands, the plan shall describe the crop and/or livestock potential for the property together with the management actions required to protect existing agricultural production (e.g., growing seasons, water requirements, pesticide, manure, and waste management) and the agricultural potential of the land. The plan shall consider the following factors:

a) Availability of labor, including farm labor housing;
b) Availability of farm support services and goods;
c) Necessary capital improvements (e.g. water storage, fencing, land leveling)
d) Farm operations, including erosion control, the season(s) and times of pesticide or herbicide usage, manure and waste management;
e) Water use and availability;
f) Access to transportation and markets; and
g) Promoting agricultural production on District-owned land.

In the case of District lands adjacent to agricultural production, the agricultural production plan shall develop site-specific measures to prevent activities on District lands from interfering with adjacent agricultural production.

The development of use and management plans will include consultation with the current owner or operator of any agricultural operations on the land, adjoining landowners, the San Mateo County Environmental Services Agency in addition to other ~~include~~ opportunities for public involvement.

Mitigation Measure AGR-3i: Amend *Draft Service Plan* Guideline G.2 as follows:

Prior to making any lands available to public access for low-intensity recreation in the Coastal Annexation Area, the District shall have personnel and equipment available to manage public access such that: there would be no

significant negative impact on existing services; and adequate stewardship to protect natural and agricultural resources will be provided.
Mitigation Measure AGR-3j: Amend the *Draft Service Plan* to include the following policy: The District shall actively work with lessees of District lands and with the owners of land in which the District has an agricultural easement interest to: a. Facilitate the provision of farm worker housing on District-owned lands by providing technical assistance in obtaining permits for such housing from the County of San Mateo. b. Seek grant funding for the continuation or establishment of viable agriculture through the California Farmland Conservancy Program and other agriculture grant programs. c. Provide technical assistance to secure water rights for the continuation or establishment of viable agriculture consistent with protection of sensitive habitats.
Mitigation Measure AGR-3k: Amend the *Draft Service Plan* to include the following policy: The District shall actively pursue opportunities to enter agricultural easements and leases with interested farmers and ranchers. All agricultural easements and agricultural leases in the Coastal Annexation Area shall: a. Be tailored to meet individual farmers and ranchers needs while respecting the unique characteristics of the property; b. Specify uses that are unconditionally permitted pursuant to the easement or lease to provide certainty to the farmer or rancher entering the lease or easement with the District; c. Include terms that allow farmers and ranchers to adapt and expand their operations and farming practices to adjust to changing economic conditions; d. Include terms that ensure farmers or ranchers may provide farm labor housing as defined and approved by San Mateo County; e. Ensure compatibility of resource protection and management, low-intensity public recreation and viable agricultural operations; and f. In the case of leases, be for a sufficient period of time to gain a return on the investment in the agricultural operation.

CERTIFICATION

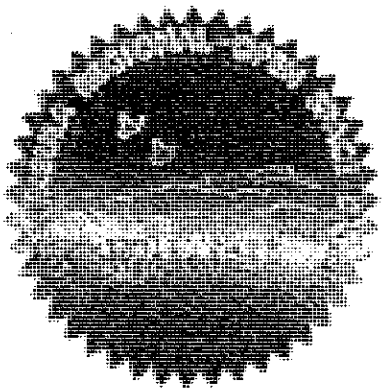
I, Sally Thielfoldt, declare:

I am the duly appointed and acting Clerk of the Midpeninsula Regional Open Space District.

The original of the attached Memorandum of Understanding Between The San Mateo County Farm Bureau and Midpeninsula Regional Open Space District dated January 28, 2004 has been and is under my custody and control.

I certify that the attached is a true and correct copy of said document. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Altos, California on February 6, 2004.



Sally Thielfoldt, District Clerk
Midpeninsula Regional Open Space District

COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT G

Midpeninsula Regional OpenSpace | Midpeninsula Regional Open Space District

GENERAL MANAGER
Ana M. Ruiz

BOARD OF DIRECTORS
Pete Siemens
Yoriko Kishimoto
Jed Cyr
Curt Riffle
Karen Holman
Larry Hassett
Zoe Kersteen-Tucker

May 24, 2022

VIA EMAIL

Janneth Lujan, Planning Commission Secretary
San Mateo County Planning Commission
455 County Center
Redwood City, California 94063
Email: jlujan@smcgov.org; planning-commission@smcgov.org

RE: Comments on Johnston Ranch Lot Line Adjustment; Agenda Item No. 4 (May 25, 2022 Meeting)

Dear Members of the Planning Commission:

Thank you for your consideration of a lot line adjustment and related approvals for Johnston Ranch, scheduled for hearing on May 25, 2022 as Agenda Item No. 4. This letter is intended to respond to certain items mentioned in the letter from the San Mateo County Farm Bureau dated May 23, 2022 that specifically relate to the project that is before the Planning Commission. The purpose of the proposed project is to facilitate the purchase of productive agricultural land to a farmer and the transfer of upland property for both continued livestock grazing and future opportunities for low-intensity public recreation. I write on behalf of project partners Midpeninsula Regional Open Space District and Peninsula Open Space Trust to clarify and highlight certain aspects of the project in response to recent correspondence.

Johnston Ranch is currently used for two different types of agriculture. The flat areas on the western side of the property are in cultivated agriculture, including Brussels sprouts, fava beans, English peas, and hay. The majority of the prime soils are located in this area. In contrast, a portion of the upland, eastern side of the property is used for grazing, with hay production in the small section of prime soils along Higgins Canyon Road.

The lot line adjustment and related approvals are intended to facilitate and support these uses into the future. Specifically, modified parcels 1, 3, and 4 (as shown on the map on page 31 of the Staff Report .pdf), were designed to include *all* of the areas of Johnston Ranch that are currently used for and reasonably capable of supporting cultivated agriculture. This reconfiguration will allow a farmer to own and operate the amount of land necessary to support agricultural operations. If the lot line adjustment is approved, these areas will be protected by 20-year Farmland Security Zone contracts. After the

parcels are sold to a farmer, they will also be protected in perpetuity by an agricultural conservation easement retained by the Peninsula Open Space Trust. To the extent that the Planning Commission finds that the POST conservation easement is an integral part of the project, POST would be willing to accept a condition of approval requiring that the conservation easement be recorded upon sale of the reconfigured parcels to a farmer.

The proposed project was also designed to protect agriculture on the upland, eastern side of Johnston Ranch. Approximately 160 acres of the modified parcel 2 (as shown on the map on page 31 of the Staff Report .pdf) is currently used for a 20 to 40 head cow-calf operation, through a grazing lease with a rancher. In addition, the small area (approximately 7 acres) of prime soils located adjacent to Higgins Canyon Road is used for dry farming/hay production. If the lot line adjustment is approved, these areas would be transferred to the Midpeninsula Regional Open Space District. The existing cow-calf operation and hay farming would continue as currently operated under a long-term grazing lease and rangeland management plan. The District would also consider viable opportunities to reintroduce grazing on the portion of modified parcel 2 south of Higgins Canyon Road. Any future recreational improvements would be required to meet the standards found in Chapter 21A of the County Zoning Code, which include specific protections for prime agricultural soils and agricultural operations.

In sum, the purpose of the project is to align the parcel confirmation with the current use and agricultural heritage of Johnston Ranch. If approved, a farmer will have the opportunity to own the land they have managed for decades, and grazing tenants will continue to have access to the same or additional lands. This project meets both the letter and intent of the County's commitment to protecting agricultural lands and received a strong supporting vote from the Agricultural Advisory Committee which includes four famers, two of whom are among the Farm Bureau's directors and officers.

We will be available to answer any questions you might have at Wednesday's meeting. Thank you again for the opportunity.

Sincerely,

Michael C. Williams

Michael Williams
Real Property Manager
Midpeninsula Regional Open Space District

Ben Wright
Director of Land Transactions
Peninsula Open Space Trust

cc: Ana Ruiz, General Manager MROSD
Walter Moore, President POST