BOARD OF SUPERVISORS

Board of Supervisors Chambers
400 County Center, Redwood City

ITEM #15

Owner:	**Peninsula Open Space Trust**
Applicant:	**Peninsula Open Space Trust/Midpeninsula Open Space Trust**
File Number:	**PLN2021-00381**
Location:	**Higgins Canyon Road, Unincorporated Half Moon Bay**
APN:	**064-370-200; 064-370-070; 065-210-240; 065-210-220; and 065-210-090**

Project Description:

Consideration of an appeal of the Planning Commission's approval of a Coastal Development Permit, Planned Agricultural District Permit, Lot Line Adjustments, Certificates of Compliance, and its recommendation to approve modifications to existing Williamson Act Contracts.

PLANNING AND BUILDING DEPARTMENT

PROJECT SCOPE

Consideration of an appeal of the Planning Commission's decision to approve:

- A Coastal Development Permit and Planned Agricultural District Permit;
- Three Certificates of Compliance (Type B); and,
- a Lot Line Adjustment affecting four parcels.

The project also includes a request replace existing Land Conservation and Farmland Security Zone Contracts with new Land Conservation and Farmland Security Zone Contracts, as well as an Open Space Easement.

The purpose of the project is to legalize and adjust the boundaries of the parcels that comprise Johnston Ranch in a manner that supports continued agriculture, resource preservation, and possible future public access and recreation. No construction or structural development is proposed at this time.



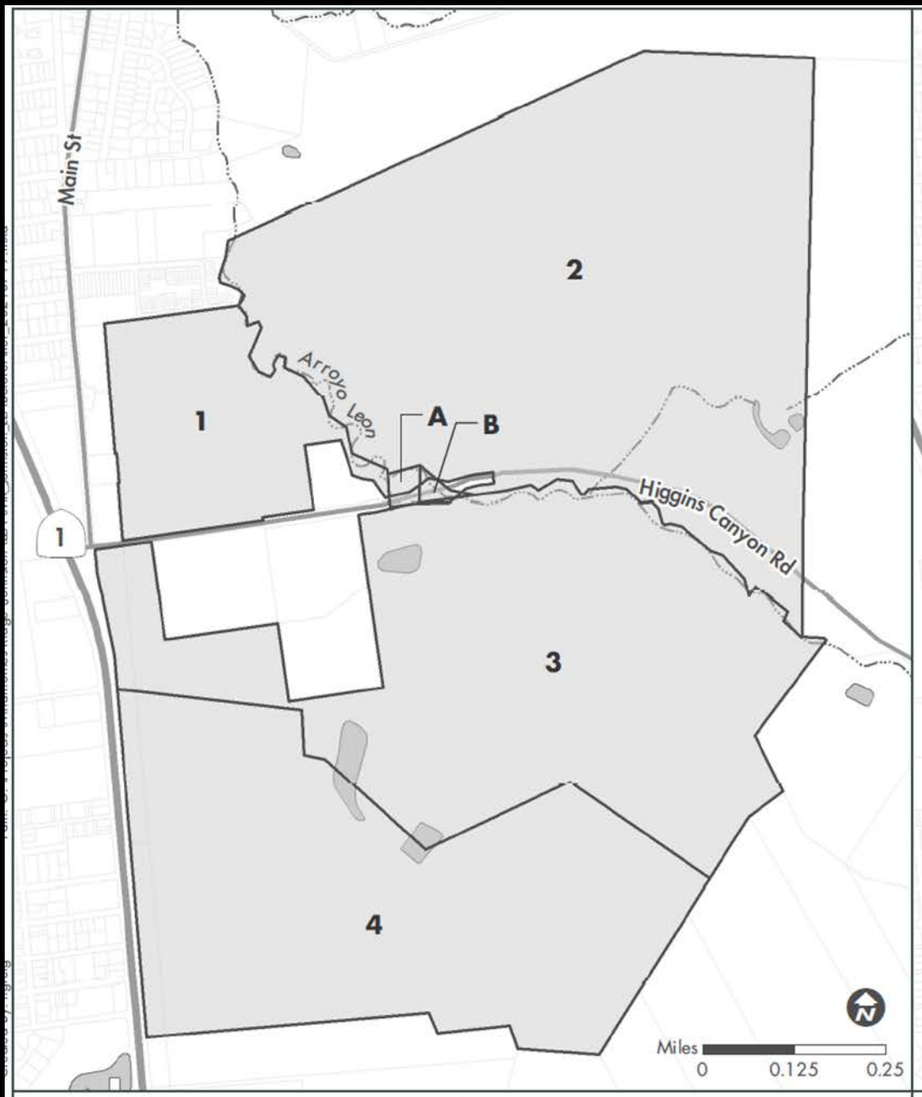
COUNTY OF SAN MATEO

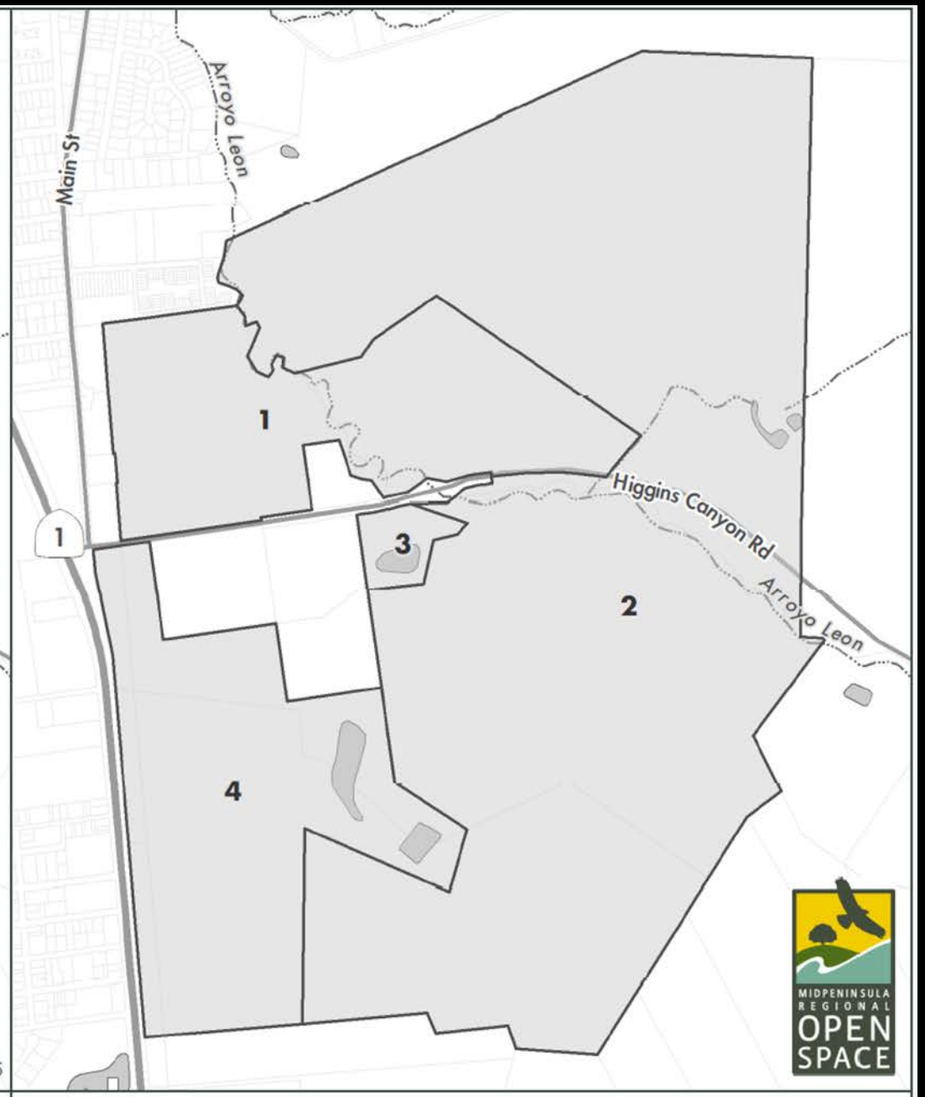
Project Location



COUNTY OF SAN MATEO

Prime Agricultural Soils and Existing Parcel Configurations





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

COUNTY OF SAN MATEO

REGULATIONS CONFORMANCE

General Plan:

- Soil Resources
  - Protect Productive Soil Resources Against Soil Conversion
- Rural Land Use
  - Encourage Existing and Potential Agricultural Activities
  - Protection of Agricultural Lands
  - Criteria for Division

Local Coastal Program:

<u>For the Certificates of Compliance</u>

- Locating and Planning New Development
  - Coastal Development Permit Standards for Legalizing Parcels

REGULATIONS CONFORMANCE

Planned Agricultural Zoning District:

- General Criteria
- Water Supply Criteria
- Criteria for the Division of Prime Agricultural Land
- Criteria for the Division of Lands Suitable for Agriculture
- Master Land Division Plan
- Agricultural Land Management Plan

Review by Agricultural Advisory Committee

Reviewed at its February 14 and March 14, 2022, meetings.

Recommended approval at the March 14, 2022, meeting.

REGULATIONS CONFORMANCE

Subdivision Regulations:

Lot Line Adjustment

- Conformity with the Zoning and Building Regulations.
- Suitability of building sites created by the lot line adjustment.
- Provision for adequate routine and emergency access.
- Provision for adequate water supply and sewage disposal.

Certificates of Compliance

- Section 7134.2.b.(2)- Parcels depicted as a lot on a subdivision map approved and recorded by the County prior to July 20, 1945 shall be issued a Certificate of Compliance (Type B) upon demonstrating that the current parcel boundaries match those depicted on the approved subdivision map and the parcel was first conveyed separately from adjoining lands on or after July 20, 1945.
- Section 7134.4.c requires such Certificate of Compliance (Type B) to be subject to conditions of legalization, if necessary, and a Coastal Development Permit if within the Coastal Zone.

REGULATIONS CONFORMANCE

Williamson Act Program:

- The new contract(s) would initially restrict land within adjusted boundaries of legal lots for at least ten (10) years for LCA Contracts and at least twenty (20) years for FSZA/LCA Contracts.

- 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 contract(s).

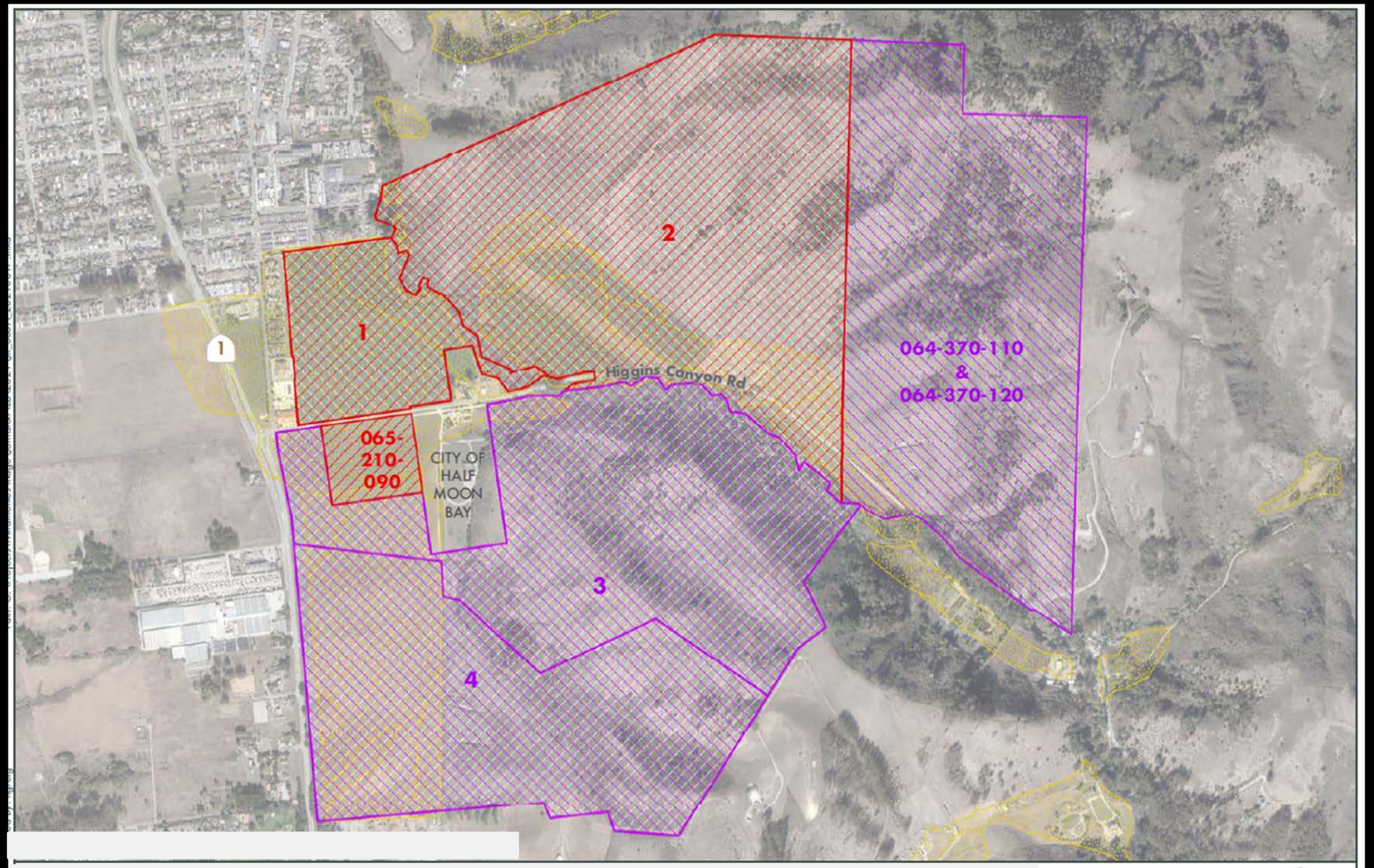
- At least ninety percent (90%) of the originally contracted land would be included within a new contract(s).

- The resulting legal lot area subject to contract would be large enough to sustain qualifying agricultural uses as defined by Section 51222.

REGULATIONS CONFORMANCE

Williamson Act Program (continued):

- 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 contract(s).
- The lot line adjustment would not likely result in the removal of adjacent land from agricultural uses.
- The lot line adjustment would not result in a greater number of developable legal lots than existed prior to the adjustment or an adjusted lot that is inconsistent with the County General Plan.



Existing Williamson Act Contract Configurations

Existing parcel to be reconfigured

Prime agricultural lands

20-year Farmland Security Zone parcel

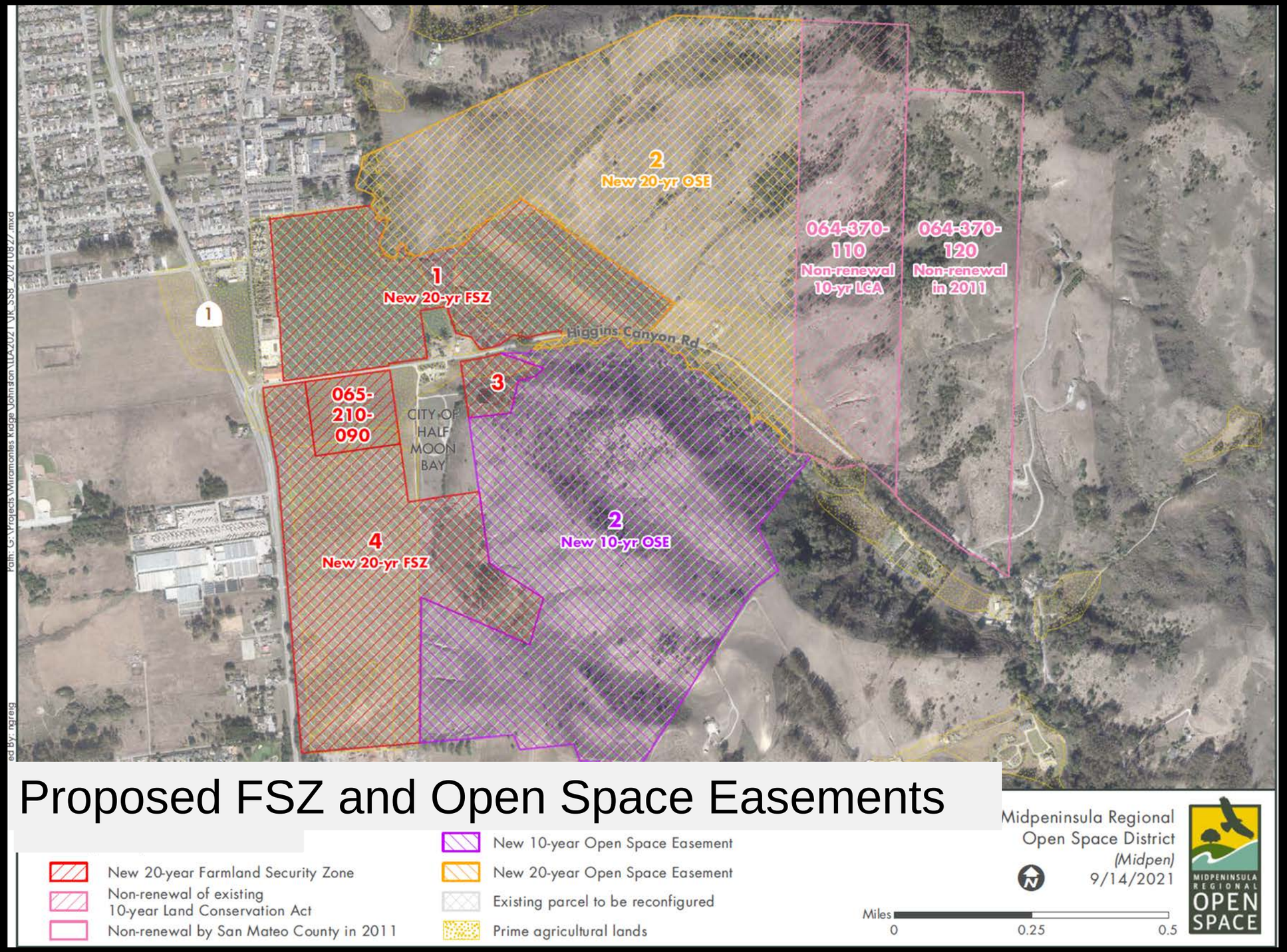
10-year Land Conservation Act parcel

Midpeninsula Regional Open Space District (Midpen)

8/26/2021

Miles 0 0.25 0.5

COUNTY OF SAN MATEO



Proposed FSZ 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

COUNTY OF SAN MATEO

ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act, pursuant to the provisions of Class 52, Section 15305 (Minor Alterations in Land Use Limitations) and Class 17, Section 15317 (Open Space Contracts or Easements), which exempts minor lot line adjustments and the establishment/changes to agricultural preserves.

PLANNING COMMISSION PUBLIC HEARING

The Planning Commission reviewed this project at its May 25, 2022 meeting and approved the Coastal Development Permit, Planned Agricultural District Permit, Certificates of Compliance, and Lot Line Adjustment. The Planning Commission recommended approval of a request to rescind Land Conservation (Williamson Act) and Farmland Security Zone Contracts and replace with same or with an Open Space Easement reconciling with the newly adjusted parcels.

APPEAL POINTS

1. The Project Is Not Subject to a California Environmental Quality Act, Class 5, Categorical Exemption.

2. The Project Is Not Subject to a California Environmental Quality Act, Class 25, Categorical Exemption.

3. Potential for Significant Impacts Precludes Reliance on CEQA Exemptions. That the project could have Agricultural Impacts, Land Use Impacts, Cumulative Impacts.

4. The LLA Conflicts with Planned Agricultural District Zoning Criteria.

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

RECOMMENDATION AND FINDINGS

A) Deny the appeal and uphold the Planning Commission's decision to approve the Coastal Development Permit, Planned Agricultural District Permit, Certificates of Compliance (Type B), and Lot Line Adjustment, County File PLN 2021-00381, by making he required findings and adopting the conditions of approval listed in Attachment A.

B) Find that the rescission and replacement of Land Conservation (Williamson Act) and Farmland Security Zone contracts on the subject four parcels to facilitate a Lot Line Adjustment between those parcels is consistent with the County General Plan, the Local Coastal Program (LCP), and Planned Agricultural District/Coastal District Zoning District Regulations, the Land Conservation Act, and Board of Supervisors Resolution No. 72854, relating to the implementation of the California Land Conservation (Williamson) Act program in San Mateo County.

C) Adopt a resolution rescinding the California Land Conservation Act (Williamson Act) Contract and Farmland Security Zone Contract for APNS 065-210-090, 065-210-220, 065-210-240, 065-370-200, AND 064-370-070, and replacing said contracts with a Farmland Security Zone Contract and Open Space Easement agreements.

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