



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
Planning and Building



**Date:** September 4, 2012  
**Board Meeting Date:** September 25, 2012  
**Special Notice / Hearing:** 10-Day Notice/300 Feet  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Jim Eggemeyer, Community Development Director

**Subject:** EXECUTIVE SUMMARY: Public hearing to consider an amendment to Williamson Act Contracts for two properties owned by the Midpeninsula Regional Open Space District for the purpose of expressly allowing open space and public recreational land uses at the properties, located in the unincorporated La Honda area of San Mateo County.

**RECOMMENDATION:**

Public hearing to consider an amendment to Williamson Act Contracts for two properties owned by the Midpeninsula Regional Open Space District for the purpose of expressly allowing open space and public recreational land uses at the properties, located in the unincorporated La Honda area of San Mateo County.

1. Make the findings listed in Attachment A.
2. Adopt a Resolution authorizing an amendment of California Land Conservation/ Williamson Act Contract Number AP66-26 to expressly allow open space and public recreational land uses that are compatible with agricultural operations and to continue to require the land to be dedicated to commercial agricultural production.
3. Adopt a Resolution authorizing an amendment of California Land Conservation/ Williamson Act Contract Number AP66-56 to expressly allow open space and public recreational land uses that are compatible with agricultural operations and to continue to require the land to be dedicated to commercial agricultural production.

**BACKGROUND:**

The applicant, Midpeninsula Regional Open Space District (MROSD), proposes to amend two existing Williamson Act contracts to permit open space and public recreational use of the project parcels. Current contracts restrict uses on the properties

to “the production of agricultural commodities for commercial purposes.” Project parcels include 233.5 acres referred to in this report as the “Mindego Gateway” property and approximately 887 acres referred to in this report as the “Mindego Ranch” property, both located in the unincorporated La Honda area of San Mateo County.

Portions of Mindego Gateway property are currently used for agricultural purposes, specifically grazing operations. Portions of the Mindego Ranch property have been grazed in the past. Currently, MROSD is currently seeking permits from the California Department of Fish and Game for grazing-related improvements and anticipates completion of such improvements by the end of 2013, allowing grazing activities to resume at that time.

### **DISCUSSION:**

The project sites are located within the Resource Management (RM) Zoning District. Per Section 6315(p) of the RM Zoning District regulations, public recreation is a permitted use on the properties. While no development is proposed under this application, MROSD proposes development at the properties under other pending planning applications which have been placed on hold while the applicant seeks to amend the Williamson Act contracts for the properties.

Project parcels were placed under Williamson Act contracts in 1966. These contracts were non-renewed by the Board of Supervisors in 2009 and 2011, with contract expiration dates in 2018 to 2020. Current contracts restrict uses on the properties to “the production of agricultural commodities for commercial purposes.”

Prior to amendments made in 1969 to the Williamson Act, compatible uses were only those determined by the city or County according to uniform rules, and by statute to include certain utility facilities. With the 1969 Act, the definition of compatible uses was expanded to include “any use determined by the County or city administering the preserve or by this Act to be compatible with the agricultural, recreational or open space use of land within the preserve. ‘Compatible use’ includes agricultural use, recreational use or open space use unless the board or council finds after notice and hearing that such use is not compatible with the agricultural, recreational or open space use to which the land is restricted by contract” (current Government Code Section 51201(e)). The 1966 contracts, as presently written, do not reflect the current law on compatible uses, as amended in 1969. County Counsel has determined that the contracts are eligible for amendment. Per the proposed amendment language, only open space and recreational uses that are compatible with agricultural use, such as low intensity public trails and their supporting facilities, would be allowed.

MROSD proposes that the County and the District agree to the proposed amendments, as set out in Attachments E and G of the staff report.

County Counsel has reviewed and approved the Resolutions as to form.

The approval of the proposed amendments of the Williamson Act contracts for the subject properties owned by MROSD contributes to the 2025 Shared Vision outcome of a Livable Community by allowing uses compatible with agriculture at the properties, including passive recreational uses and related facilities. Such uses are in conformance with the California Land Conservation (Williamson) Act and provide additional recreational opportunities for the region.

**FISCAL IMPACT:**

No fiscal impact.