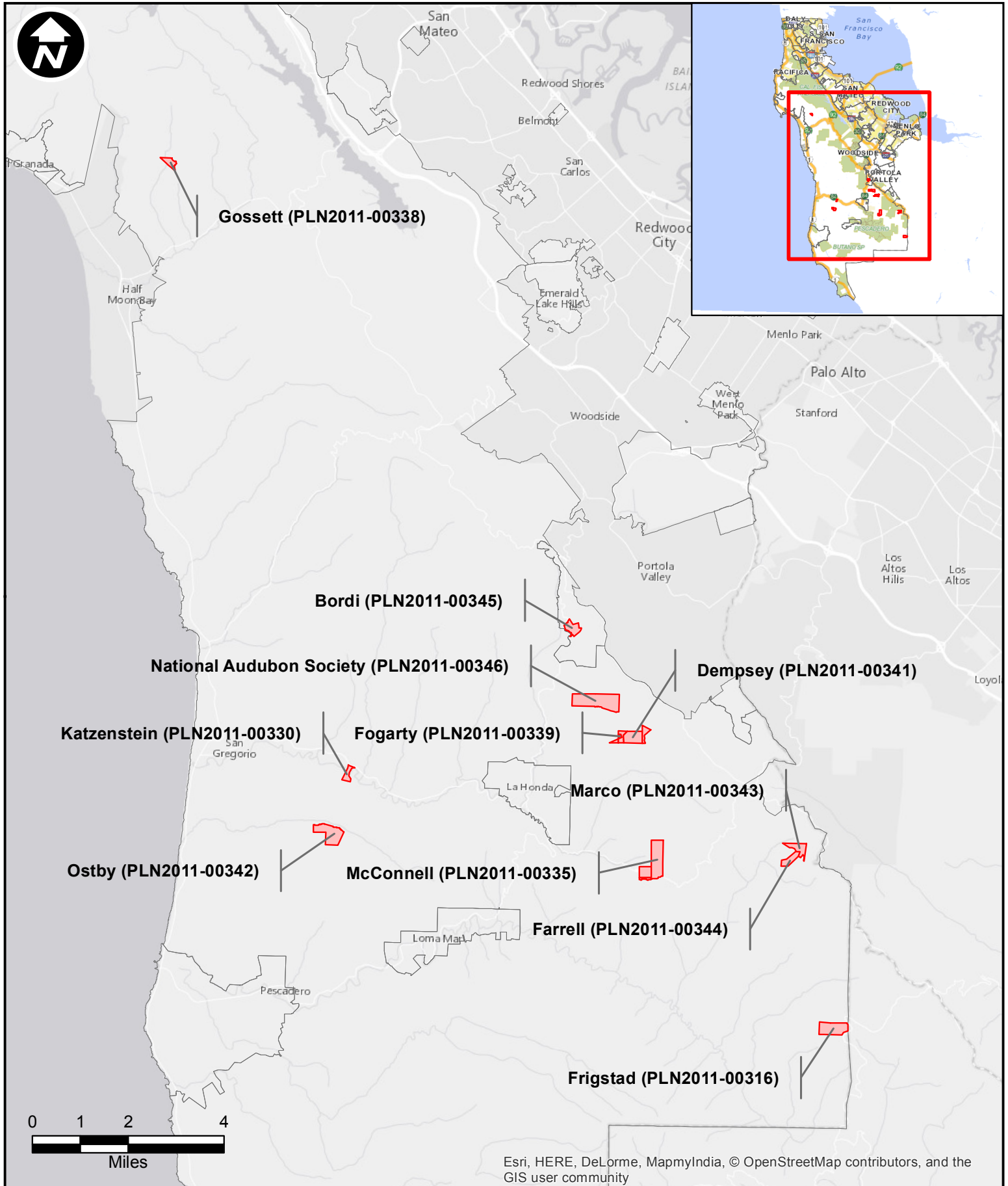




County of San Mateo - Planning and Building Department

ATTACHMENT A





County of San Mateo - Planning and Building Department

ATTACHMENT B

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: September 8, 2014

TO: Agricultural Advisory Committee

FROM: Melissa Ross, Planning Staff, 650/599-1559

SUBJECT: Consideration of Williamson Act Non-renewal Appeals

County File Numbers:

ITEM 1	PLN 2011-00316	Frigstad
ITEM 2	PLN 2011-00330	Katzenstein
ITEM 3	PLN 2011-00335	McConnell
ITEM 4	PLN 2011-00338	Gossett
ITEM 5	PLN 2011-00339	Fogarty
ITEM 6	PLN 2011-00341	Dempsey
ITEM 7	PLN 2011-00342	Peninsula Open Space Trust
ITEM 8	PLN 2011-00343	Marco
ITEM 9	PLN 2011-00344	Farrell
ITEM 10	PLN 2011-00345	Bordi
ITEM 11	PLN 2011-00346	National Audubon Society

PROPOSAL

History

In 2011, the Board of Supervisors authorized the Planning and Building Department to record a Notice of Non-renewal for certain Williamson Act contracts. These contracts were identified as non-compliant based on zoning criteria and landowners' responses to Planning and Building Department and Assessor's Office Agricultural Questionnaires. The Notice of Non-renewal was recorded on September 23, 2011 (effective January 1, 2012).

Pursuant to the California Land Conservation Act of 1965, a property owner may file a written protest (appeal) of a County initiated non-renewal. The eleven property owners identified above have filed such a protest. In filing a written protest, a landowner has up to 3 years to substantiate compliance with the Williamson Act in order to remain under

contract. If evidence of compliance is submitted, the County may rescind the Notice of Non-renewal for the appealed parcel(s).

The three year appeal period will end December 31, 2014 by which time the Board of Supervisors must make a determination to rescind the Notice of Non-renewal or allow the contract to expire.

In 2013, the Board of Supervisors adopted the Williamson Act Uniform Rules and Procedures. As adopted, the Williamson Act Program (Program) identifies minimum eligibility criteria (e.g., land use designation, income requirements, etc.) for contracts, exceptions for certain criteria and limitations of compatible uses as they relate to agricultural uses on the property. Through this Program, the Agricultural Advisory Committee is charged with reviewing contract Program compliance for recommendation to the Board of Supervisors.

Recent Activity

The Planning Department has reviewed the Assessor's Office Agricultural Questionnaires for the 2013 and 2014 mailing years and General Plan and Zoning designations for Program compliance relating to the eleven appeals. A letter was prepared and mailed on August 4, 2014 to each of the eleven landowners evaluating Program compliance and requesting supplemental information for review by planning staff, the Agricultural Advisory Committee, and the Agricultural Commissioner (when minimum eligibility requirement exceptions are requested or for grazing operations).

Agricultural Questionnaires and Federal Tax Income Schedule F Form are held confidential by the Planning and Building Department. Upon request by planning staff, a landowner may choose to waive confidentiality of the Agricultural Questionnaires such that the information may be reviewed and considered at a public hearing. Staff, however, has made no such request at this time. Supplemental documentation submitted by the landowner, exclusive of the Agricultural Questionnaires and Schedule F information, may be treated in whole or in part as a public document.

Supplemental documentation requested included the following as outlined in the Program:

1. A site plan, drawn to scale and legible to include the following:
 - a. Parcel boundaries and dimensions, Assessor's Parcel Number, and total gross acreage.
 - b. Agricultural use areas, shown outlined and acreage noted (e.g., 10 acres of Brussels sprouts, 5 acres of cattle grazing).
 - c. Location, size, and use of all existing and proposed buildings and structures (e.g., residence, fences, and roads).

- d. Existing and proposed utilities (e.g., wells).
- e. All watercourses and water impoundments.

For instances where facilities on a contracted parcel support agricultural operations on another contiguous contracted parcel of common ownership, submit a narrative on a separate sheet to support this (e.g., preparation and packing building for flowers grown on contiguous parcel or rotating grazing area).

- 2. Calculations and supporting compliance with the Maximum Allowance of Compatible Uses (Uniform Rule 2):

The percentage of a parcel's total area used for compatible uses on contracted lands cannot exceed the percentage used for agricultural uses (e.g., crop production, grazing operation, and horse breeding) and the portion of the parcel used for compatible uses cannot exceed 25 percent of the parcel size.

When calculating the agricultural area for commercial horse breeding operations, the number of broodmares dictates the area as opposed to the area utilized for the commercial horse breeding operations; one broodmare is equal to 1-acre.

In calculating the maximum allowance of compatible uses, exclude the following: unpaved roads, farm labor housing, buildings/structures used to support the agricultural use (e.g., barns), and underground utilities.

- 3. Gross Agricultural Income documentation (e.g., Federal Tax Return Schedule F) substantiating compliance with Income Requirements for Crops (Uniform Rule 2). This requirement is for commercial crops and is not applicable to grazing or horse breeding. Provide lease/tenant agreements for grazing operations. Income documentation will be kept confidential.

Agricultural Advisory Committee Required Review and Recommendation

A review of each appeal must be made by the Agricultural Advisory Committee (AAC) and, where the landowner has provided supplemental documentation, the AAC must review each appeal for minimum eligibility requirements, Determination of Compatibility, and exceptions to minimum eligibility requirements, if requested by the landowner. Additionally, the AAC must recommend to the Board of Supervisors that the appealed parcel either be allowed to remain contracted or that the contract expire.

Each agendized item outlines the criteria and recommendations the AAC must address as they relate to the circumstances of each appeal.

DECISION MAKER

Board of Supervisors

BACKGROUND

Report Prepared By: Melissa Ross

Please refer to each Item for location criteria.

Environmental Evaluation for each item: Not subject to the California Environmental Quality Act review pursuant to Section 15060; the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

MR:pac - MARY0741_WPU.DOCX

ITEM 1

File No.: PLN 2011-00316
Owner: David Frigstad
Location: 3540 La Honda Road, La Honda
Appealed APN: 085-170-230

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires and documents submitted by the owner. Crop income is held confidential; review of this criterion is identified only as "Completed."

APN 085-170-230	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	91.21 Acres	Yes
Prime Soils ³	--	5.18 Acres	--
Non-Prime Soils	--	86.03 Acres	--
Crop Income ^{4,6}	\$10,000	Completed	No
Grazing Utilization ^{5,6}	68.40 Acres	76 Acres	Yes
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The parcel meets the minimum eligibility requirements for grazing operations.

Agricultural Uses

Commercial agriculture includes 76 acres of grazing. The landowner has an annual lease agreement with a tenant to graze 90 acres for sheep or goats. Two water troughs are located in the fenced grazing area in addition to a pond located at the northern property line.

Existing Development

No other development is present on this parcel.

2. Determination of Compatibility

No compatible uses are present on the contracted parcel; therefore, a Determination of Compatibility is not required.

3. Staff Evaluation

Based on the information submitted by the landowner, the grazing operation meets the minimum 75 percent land utilization requirement, and fencing and water are provided within the grazing area. Staff defers to the AAC's and the Agricultural Commissioner's expertise for a determination that this grazing operation is a viable commercial operation.

CRITERIA DETERMINATION

1. Seventy-five percent of the parcel acreage must be used for a viable commercial grazing operation.
2. Areas dedicated to grazing must be fenced and adequate water must be available within the fenced area. Fencing must be maintained.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

- A. Vicinity Map
- B. Landowner Documents

ITEM 2

File No.: PLN 2011-00330
Owner: David Katzenstein
Location: 3540 La Honda Road, La Honda
Appealed APN: 081-320-060

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included the Assessor's Office Agricultural Preserve Questionnaires. Crop income is held confidential; review of this criterion is identified only as "Completed."

APN 081-320-060	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Agriculture	Yes
Zoning ¹	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size ²	40 Acres	23.08 Acres	No
Prime Soils ³	--	0	--
Non-Prime Soils	--	23.08 Acres	--
Crop Income ^{4,6}	\$10,000	Completed	No
Grazing Utilization ^{5,6}	17.31 Acres	1 Acre	No
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The parcel currently does not meet the minimum parcel size, generate enough commercial agricultural income, or meet the minimum grazing land utilization to qualify for a contract.

2. Staff Evaluation

The landowner has not submitted the requested supplemental documentation in order to evaluate compatible and agricultural uses to satisfy the Determination of Compatibility requirement or calculate the maximum allowance of compatible uses required by the Williamson Act Program (Program), nor has any request been made for an exception to the minimum eligibility requirements. As such, staff is unable to evaluate compliance with the Program and recommends that the contract expire.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the Agricultural Advisory Committee (AAC) recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

- A. Vicinity Map

ITEM 3

File No.: PLN 2011-00335
 Owner: McConnell Family, LLC
 Location: 8901 Alpine Road, La Honda
 Appealed APNs: 080-350-060, -470, and -480

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires and documents submitted by the owner. Crop income is held confidential; review of this criterion is identified only as "Completed."

APNs 080-350-460, -470, and -480 are contiguous parcels under common ownership and qualify for a single contract; therefore, minimum parcel size, crop income and grazing area are applied to the contracted area.

APN 080-350-460 (25.15 Acres) APN 080-350-470 (30 Acres) APN 080-350-480 (146.34 Acres)	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	201.49 Acres	Yes
Prime Soils ³	--	0	--
Non-Prime Soils	--	201.49 Acres	--
Crop Income ^{4,6}	\$30,000	Completed	No
Grazing Utilization ^{5,6}	151.11 Acres	--	--
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The contracted area currently does not generate enough commercial agricultural income to qualify for a contract.

Agricultural Uses

Commercial agriculture is not present on any of the three parcels. Future commercial agriculture for the 30-acre and 146.34-acre parcels include 1.3 acres of pinot noir vines that are currently planted on each of the two parcels; however, the first harvest is not anticipated until 2015.

Existing Development

Both 30-acre and 146.34-acre parcels have agricultural wells. Development on the 25.15-acre parcel includes a 2,419 sq. ft. single-family residence, 757 sq. ft. guest house, 1,000 sq. ft. garage and domestic well.

2. Determination of Compatibility

The landowner has submitted the requested supplemental documentation in order to calculate the compatible and agricultural uses, as follows.

The percentage of a parcel's total area used for compatible uses on contracted lands cannot exceed the percentage used for agricultural uses and the portion of the parcel used for compatible uses cannot exceed 25 percent of the parcel size.

Building and structures used to support the agricultural use, unpaved roads, farm labor housing, and underground utilities are excluded from this calculation.

Maximum Allowance of Compatible Uses

25.15-acre parcel:

Agriculture: 0 acres (0% of parcel)

Compatible uses: 0.09 acres totaling 0.35% parcel:

- 2,419 sq. ft. single-family residence
- 757 sq. ft. second dwelling unit
- 1,000 sq. ft. garage

The maximum amount of compatible uses on this parcel exceeds the calculated agricultural uses for the parcel.

Compatible uses are not present on the 30-acre or 146.34-acre parcels; therefore, a Determination of Compatibility is not required.

3. Staff Evaluation

Based on the information submitted by the landowner, staff recommends that the contract be allowed to expire for all three appealed parcels since current agricultural operations do not meet the minimum income requirements. Provided the land is productive in the coming year(s) and is capable of meeting the Williamson

Act Program (Program) requirements, the landowner may choose to establish a new contract subject to Agricultural Advisory Committee (AAC) review and Board of Supervisors approval.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

- A. Vicinity Map
- B. Landowner Documents

ITEM 4

File No.: PLN 2011-00338
Owner: Gilbert Gossett
Location: Digges Canyon Road, Rural Midcoast
Appealed APN: 048-350-010

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires and documents submitted by the owner. Crop income is held confidential; review of this criterion is identified only as "Completed."

APNs 048-350-010 and 056-530-040 are contiguous parcels under common ownership and qualify for a single contract; therefore, minimum parcel size, crop income and grazing area are applied to the contracted area.

APN 048-350-010 (26.18 Acres) APN 056-530-040 (15.53 Acres)	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Agriculture	Yes
Zoning ¹	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size ²	40	41.71	Yes
Prime Soils ³	--	11.17	--
Non-Prime Soils	--	26.98	--
Crop Income ^{4,6}	\$20,000	Completed	No
Grazing Utilization ^{5,6}	19.61 Acres	--	--
Horse Breeding	15 Broodmares	--	--
<i>1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).</i>			
<i>2. Parcel size taken from the San Mateo County Assessor's Office records.</i>			
<i>3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.</i>			
<i>4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).</i>			
<i>5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).</i>			
<i>6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review.</i>			

The contracted area currently does not generate enough commercial agricultural income to qualify for a contract.

Agricultural Uses

Commercial agriculture for the 26.18-acre parcel includes English holly. The owner has indicated that fir and redwood trees have been planted for harvesting;

however, timber harvesting would not occur in the near future and is not a qualifying commercial agricultural use for a contract. If timber harvesting is proposed in the future, this use would be considered as a compatible use subject to a Determination of Compatibility at that time, provided the parcel remains contracted.

Commercial agriculture for the 15.53-acre parcel includes: apple orchard (4.55 acres), and row crops (5 acres) including zucchini, acorn squash, string beans, peas, tomatoes, bell peppers, carrots and tomatillos.

Existing Development

Development on the 26.18-acre parcel includes a 1,150 sq. ft. barn for the storage of farm equipment. Development on the 15.53-acre parcel includes a 1,800 sq. ft. single-family residence, 1,000 sq. ft. cabin, and 500 sq. ft. shop for servicing of farm equipment.

2. Determination of Compatibility

The landowner has submitted the requested supplemental documentation in order to calculate the compatible and agricultural uses, as follows.

The percentage of a parcel's total area used for compatible uses on contracted lands cannot exceed the percentage used for agricultural uses and the portion of the parcel used for compatible uses cannot exceed 25 percent of the parcel size.

Building and structures used to support the agricultural use, unpaved roads, farm labor housing, and underground utilities are excluded from this calculation.

Maximum Allowance of Compatible Uses Calculation

No compatible uses are present on the 26.18-acre parcel; therefore, a Determination of Compatibility is not required for this parcel.

15.53-acre parcel:

Agriculture uses: 9.56 acres (61% of parcel)

- 4.55 acres of apples
- 5 acres of mixed vegetables (zucchini, acorn squash, string beans, peas, tomatoes, bell peppers, carrots, tomatillos)
- 500 sq. ft. shop for farm equipment

Compatible uses: 0.06 acres (0.38% of parcel)

- 1,800 sq. ft. single-family residence
- 1,000 sq. ft. cabin

The 15.53-acre parcel is in compliance.

3. Determination of Compatibility Issuance Criteria

In addition to the Determination of Compatibility calculation, the Agricultural Advisory Committee (AAC) must issue or not issue a Determination of Compatibility based on the following five criteria. All criteria must be met for the 15.53-acre parcel:

- a. That the primary use of the parcel would continue to be existing commercial agriculture.
- b. That the proposed compatible use would not substantially interfere with the existing agricultural use on the subject parcel or any other property within the Agricultural Preserve.
- c. That the proposed compatible use would not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population of the area.
- d. That the proposed compatible use would not significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel, or any other property within the Agricultural Preserve.
- e. That the remaining portion of the parcel not subject to the proposed compatible use would be able to sustain the agricultural use.

4. Minimum Eligibility Requirement Exception

The applicant has requested an exception to the minimum income requirement. The owner states that the tillable land available on the 26.18-acre parcel is only 8 to 10 acres of which 0.25 acres are planted with English holly. On the 15.53-acre parcel, the owner has increased the acreage of row crops and anticipates minimum income compliance in the coming year.

The AAC may grant the exception to the minimum income requirement if the AAC determines the following:

That the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.

5. Staff Evaluation

Based on the information submitted by the landowner, staff recommends that the appealed parcel (26.18 acres) be removed from the contract, and the minimum eligibility requirement exception not be granted because that parcel is not highly productive. The remaining 15.53-acre parcel (currently contracted; not appealed) will continue to be contracted and will be reviewed for Williamson Act Program

(Program) compliance as a single parcel contract next year. Staff does recommend that a Determination of Compatibility be issued for the 15.53-acre parcel.

CRITERIA DETERMINATION

Determination of Compatibility

1. Based on the Determination of Compatibility calculation and criteria, the Agricultural Advisory Committee issues/does not issue a Determination of Compatibility for the 15.53-acre parcel.

Minimum Eligibility Requirement Exception

2. The Agricultural Advisory Committee approves/does not approve the requested minimum eligibility requirement exception based on the criterion that the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

- A. Vicinity Map

ITEM 5

File No.: PLN 2011-00339
 Owners: Patrick and Yee Yie Fogarty
 Location: Langley Hill Road, Rural Midcoast
 Appealed APNs: 078-190-100, 078-200-080 and 078-200-030

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires. Crop income is held confidential; review of this criterion is identified only as "Completed."

APNs 078-190-100, 078-200-030, 078-200-040, and 078-200-080 are contiguous parcels under common ownership and qualify for a single contract; therefore, minimum parcel size, crop income and grazing area are applied to the contracted area.

APN 078-190-100 (2.85 Acres) APN 078-200-030 (3.11 Acres) APN 078-200-040 (37 Acres) APN 078-200-080 (17.6 Acres)	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	60.56 Acres	Yes
Prime Soils ³	--	0	--
Non-Prime Soils	--	60.56 Acres	--
Crop Income ^{4,6}	\$40,000	Completed	No
Grazing Utilization ^{5,6}	45.42 Acres	--	--
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The parcels currently do not generate enough commercial agricultural income to qualify for a contract.

2. Staff Evaluation

The landowner has not submitted the requested supplemental documentation in order to evaluate compatible and agricultural uses to satisfy the Determination of Compatibility requirement or calculate the maximum allowance of compatible uses required by the Williamson Act Program (Program), nor has any request been made for an exception to the minimum eligibility requirements. As such, staff is unable to evaluate compliance with the Program and recommends that the contract expire for the three appealed parcels.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the Agricultural Advisory Committee (AAC) recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

- A. Vicinity Map

ITEM 6

File No.: PLN 2011-00341
 Owner: Patrick and Kathleen Dempsey
 Applicant: Mignone Wood
 Location: 10 Langley Hill Road, Woodside
 Appealed APNs: 078-210-030 and 078-200-100

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires and documents submitted by the owner. Crop income is held confidential; review of this criterion is identified only as "Completed."

APNs 078-210-030 and 078-200-100 are contiguous parcels under common ownership and qualify for a single contract; therefore, minimum parcel size, crop income and grazing area are applied to the contracted area.

APN 078-210-030 (20 Acres) APN 078-200-100 (59.29 Acres)	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	79.29 Acres	Yes
Prime Soils ³	--	0	--
Non-Prime Soils	--	79.29 Acres	--
Crop Income ^{4,6}	\$20,000	Completed	No
Grazing Utilization ^{5,6}	59.46 Acres	--	--
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The parcel currently does not generate enough commercial agricultural income to qualify for a contract.

Agricultural Uses

Commercial agriculture for the 59.29-acre parcel includes 20 acres of oat hay. No agriculture is present on the 20-acre parcel; however, agricultural support buildings/structures exist.

Existing Development

Development on the 20-acre parcel includes the following: 1,200 sq. ft. single-family residence, 480 sq. ft. office, 1,240 sq. ft. shop for servicing farm equipment, 1,020 sq. ft. storage building, 0.73-acre equipment parking area (31,798 sq. ft.), 0.29-acre pond (12,632 sq. ft.), 1-acre access road (43,560 sq. ft.), and 0.8 acres of mining.

No development is present on the 59.29-acre parcel other than 3.22 acres of mining.

2. Determination of Compatibility Calculation

The landowner has submitted the requested supplemental documentation in order to calculate the compatible and agricultural uses required by the Williamson Act Program (Program).

The percentage of a parcel's total area used for compatible uses on contracted lands cannot exceed the percentage used for agricultural uses and the portion of the parcel used for compatible uses cannot exceed 25 percent of the parcel size.

Building and structures used to support the agricultural use, unpaved roads, farm labor housing, and underground utilities are excluded from this calculation.

Maximum Allowance of Compatible Uses Calculation

Parcel A (59.77-acre parcel):

Agricultural uses: 20 acres of oat hay (33.5% of parcel)

Compatible uses: 3.22 acres of mining (5.4% of parcel)

Parcel B (20-acre parcel):

Agriculture use: 0 acres

Agriculture support structures: 2.09 acres (10.45% of parcel):

- 1,020 sq. ft. shop building
- 1,020 sq. ft. storage building
- 0.29-acre pond
- 0.73-acre equipment parking
- 1.00-acre access road

Compatible uses: 0.8 acres for mining (4% of parcel)

Parcels A and B are in compliance.

3. Determination of Compatibility Issuance Criteria

The parcels each meet the calculated maximum allowance of compatible uses; however, the Agricultural Advisory Committee (AAC) must issue or not issue a Determination of Compatibility for each parcel based on the following five criteria:

- a. That the primary use of the parcel would continue to be existing commercial agriculture.
- b. That the proposed compatible use would not substantially interfere with the existing agricultural use on the subject parcel or any other property within the Agricultural Preserve.
- c. That the proposed compatible use would not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population of the area.
- d. That the proposed compatible use would not significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel, or any other property within the Agricultural Preserve.
- e. That the remaining portion of the parcel not subject to the proposed compatible use would be able to sustain the agricultural use.

4. Minimum Eligibility Requirement Exception

The applicant has requested an exception to the minimum income requirement and has stated that the area available to grow crops on the 59.77-acre parcel is limited by the steep terrain and forests, that crops cannot be grown on slopes greater than 10 percent, and that the oat hay produced at the site provides a valuable source of feed to the local community of cattlemen and equestrian facilities, where otherwise the local community would have to travel to Half Moon Bay or the Central Valley to get their feed. The applicant has provided invoices for the sale of 268 oat hay bales from August of 2013 through November 2013.

The AAC may grant the exception to the minimum income requirement if the AAC determines the following:

That the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.

5. Staff Evaluation

Though staff does not find a yield of 268 hay bales over the course of 4 months as highly productive, staff defers to the AAC's expertise on this matter. Should the AAC approve the minimum income exception, a Determination of Compatibility may be issued for each parcel if the AAC desires to maintain the contracts. Should the AAC recommend the contract expire, issuance of a Determination of Compatibility is moot.

CRITERIA DETERMINATION

Determination of Compatibility

Based on the Determination of Compatibility calculation and criteria, the Agricultural Advisory Committee issues/does not issue a Determination of Compatibility for each of the following parcels:

078-210-030 (20 acres)
078-200-100 (59.29 acres)

Minimum Eligibility Requirement Exception

The Agricultural Advisory Committee approves/not approves the requested minimum eligibility requirement exception based on the criterion that the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

- A. Vicinity Map
- B. Landowner Documents

ITEM 7

File No.: PLN 2011-00342
 Owner: Peninsula Open Space Trust
 Location: Pomponio Creek Road, Rural Midcoast
 Appealed APN: 087-180-150

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires. Crop income is held confidential; review of this criterion is identified only as "Completed."

The following parcels are contiguous parcels under common ownership and qualify for a single contract; therefore, minimum parcel size, crop income and grazing area are applied to the contracted area.

Parcel	Acres
087-180-150	105.16
087-180-160	100.02
087-180-170	100.77
087-180-180	103.59
Total Acreage = 409.54	

	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Agriculture	Yes
Zoning ¹	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size ²	40 Acres	409.54 Acres	Yes
Prime Soils ³	--	35.15 Acres	--
Non-Prime Soils	--	374.39 Acres	--
Crop Income ^{4,6}	\$40,000	Completed	No
Grazing Utilization ^{5,6}	307.15 Acres	394 Acres	Yes
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The contracted area is in compliance with the minimum eligibility requirements.

2. Staff Evaluation

Although the contracted area is compliant, the landowner has not submitted the requested supplemental documentation in order to evaluate compatible and agricultural uses to satisfy the Determination of Compatibility requirement or calculate the maximum allowance of compatible uses required by the Williamson Act Program (Program), nor has any request been made for an exception to the minimum eligibility requirements. As such, staff is unable to evaluate compliance with the Program and recommends that the contract expire for the appealed parcel. The remaining parcels will remain contracted and will be subject to compliance review next year.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the Agricultural Advisory Committee (AAC) recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

A. Vicinity Map

ITEM 8

File No.: PLN 2011-00343
Owner: Keith Marco
Location: 61 Castanea Ridge Road, La Honda
Appealed APN: 080-390-090

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires. Crop income is held confidential; review of this criterion is identified only as "Completed."

APN 080-390-090	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Public Recreation	No
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	44.57 Acres	Yes
Prime Soils ³	--	0	--
Non-Prime Soils	--	44.57 Acres	--
Crop Income ^{4,6}	\$10,000	Completed	No
Grazing Utilization ^{5,6}	33.42 Acres	--	--
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

2. Staff Evaluation

The parcel currently does not meet the required land use designations to be eligible for a contract under the adopted Williamson Act Program (Program). As such, staff recommends the contract be allowed to expire.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

A. Vicinity Map

ITEM 9

File No.: PLN 2011-00344
Owner: Melissa Farrell, LLC
Location: 71 Castanea Ridge Road, La Honda
Appealed APN: 080-390-070

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires. Crop income is held confidential; review of this criterion is identified only as "Completed."

APN 080-390-070	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Public Recreation	No
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	36.45 Acres	No
Prime Soils ³	--	0	--
Non-Prime Soils	--	36.45 Acres	--
Crop Income ^{4,6}	\$10,000	Completed	No
Grazing Utilization ^{5,6}	27.33 Acres	--	No
Horse Breeding	15 Broodmares	--	No
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

2. Staff Evaluation

The parcel currently does not meet the required land use designations to be eligible for a contract under the adopted Williamson Act Program (Program). As such, staff recommends the contract be allowed to expire.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the Agricultural Advisory Committee (AAC) recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

A. Vicinity Map

ITEM 10

File No.: PLN2011-00345
 Owner: Louis Bordi
 Location: 140 Old La Honda Road, La Honda
 Appealed APN: 078-130-200

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires. Crop income is held confidential; review of this criterion is identified only as "Completed."

APNs 078-210-030 and 078-200-100 are contiguous parcels under common ownership and qualify for a single contract; therefore, minimum parcel size, crop income and grazing area are applied to the contracted area.

APN 078-130-200 (44.726 Acres) APN 078-110-040 (0.78 Acres)	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	45.50 Acres	Yes
Prime Soils ³	--	0	--
Non-Prime Soils	--	45.50 Acres	--
Crop Income ^{4,6}	\$20,000	Completed	No
Grazing Utilization ^{5,6}	33.37 Acres	--	--
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The parcel currently does not generate enough commercial agricultural income to qualify for a contract.

2. Staff Evaluation

The landowner has not submitted the requested supplemental documentation in order to evaluate compatible and agricultural uses to satisfy the Determination of Compatibility requirement or calculate the maximum allowance of compatible uses required by the Williamson Act Program (Program), nor has any request been made for an exception to the minimum eligibility requirements. As such, staff is unable to evaluate compliance with the Program and recommends that the contract expire for the appealed parcel.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

A. Vicinity Map

ITEM 11

File No.: PLN 2011-00346
 Owner: National Audubon Society, Inc.
 Location: South Skyline
 Appealed APN: 078-190-020

DISCUSSION

A. KEY ISSUES

1. Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires. Crop income is held confidential; review of this criterion is identified only as "Completed."

Parcel	Acres	Parcel	Acres
078-130-090	18.48	078-170-030	16.52
078-130-100	158.32	078-170-040	113.48
078-150-010	69.12	078-170-050	6.90
078-160-020	2.31	078-170-060	91.29
078-160-030	242.61	078-190-020	180.66
078-160-040	10.61	078-200-010	127.94
Total Acreage = 1,038.24			

	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	1,038.24 Acres	Yes
Prime Soils ³	--	0	--
Non-Prime Soils	--	1,038.24 Acres	--
Crop Income ^{4,6}	\$120,000	Completed	No
Grazing Utilization ^{5,6}	778 Acres	494.86	No
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data.			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The parcel currently does not meet the minimum commercial agricultural income or commercial grazing utilization to qualify for a contract.

2. Staff Evaluation

The landowner has not submitted the requested supplemental documentation in order to evaluate compatible and agricultural uses to satisfy the Determination of Compatibility requirement or calculate the maximum allowance of compatible uses required by the Williamson Act Program (Program), nor has any request been made for an exception to the minimum eligibility requirements. As such, staff is unable to evaluate compliance with the Program and recommends that the contract expire for the appealed parcel.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the Agricultural Advisory Committee (AAC) recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

A. Vicinity Map

MR:pac - MARY0741_WPU.DOCX



County of San Mateo - Planning and Building Department

ATTACHMENT C

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: October 14, 2014

TO: Agricultural Advisory Committee

FROM: Melissa Ross, Planning Staff, 650/599-1559

SUBJECT: Consideration of Williamson Act Non-Renewal Appeals

County File Numbers:

ITEM 1	PLN 2011-00338	Gossett
ITEM 2	PLN 2011-00341	Dempsey
ITEM 3	PLN 2011-00342	Peninsula Open Space Trust
ITEM 4	PLN 2011-00346	National Audubon Society

PROPOSAL

Recent Activity

At its September 8, 2014 public meeting, the Agricultural Advisory Committee (AAC) considered 11 appeals to the County's Notice of Non-Renewal recorded on September 23, 2011 (effective January 1, 2012) for a recommendation to the Board of Supervisors. Based on the evidence presented by staff and evidence presented at the public meeting, the AAC made a recommendation to deny 7 appeals and continue 4 appeals to allow for additional information/clarification to be submitted.

Subsequently, Planning staff sent letters to the 7 landowners notifying each of the AAC's recommendation and providing an opportunity to submit information for consideration before the Board of Supervisors at a future date. Letters were also sent to the 4 continued appeals requesting additional information/clarification for consideration at the next AAC public meeting.

Of the 4 appeals, staff received additional information for Item 2 (Dempsey) and Item 3 Peninsula Open Space Trust (POST). Staff was contacted by the National Audubon Society (Item 4) with a request for an extension to submit additional information. Staff granted additional time, however no documentation was submitted. Item 1 (Gossett) was continued to provide the Agricultural Commissioner an opportunity to discuss agricultural operations with the landowner.

Agricultural Advisory Committee Required Review and Recommendation

A review of each appeal must be made by the AAC for minimum eligibility requirements, Determination of Compatibility, and exceptions to minimum eligibility requirements if requested by the landowner. Additionally, the AAC must recommend to the Board of

Supervisors that the appealed parcel either be allowed to remain contracted or that the contract expire.

Each agenda item outlines the criteria and recommendations that the AAC must address as they relate to the circumstances of each appeal.

DECISION MAKER

Board of Supervisors

BACKGROUND

Report Prepared By: Melissa Ross

Please refer to each Item for location criteria.

Environmental Evaluation for Each Item: Not subject to the California Environmental Quality Act review pursuant to Section 15060; the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

ITEM 1

File No.: PLN 2011-00338
Owner: Gilbert Gossett
Location: Digges Canyon Road, Rural Midcoast
Appealed APN: 048-350-010

DISCUSSION

A. KEY ISSUES

The AAC continued this item to provide an opportunity for the Agricultural Commissioner to discuss the ongoing agricultural operations with the landowner and will submit his findings for consideration at the public meeting.

The following information is unchanged from the September 8, 2014 evaluation:

Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires and documents submitted by the owner. Crop income is held confidential; review of this criterion is identified only as "Completed."

APNs 048-350-010 and 056-530-040 are contiguous parcels under common ownership and qualify for a single contract; therefore, minimum parcel size, crop income and grazing area are applied to the contracted area.

APN 048-350-010 (26.18 Acres) APN 056-530-040 (15.53 Acres)	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Agriculture	Yes
Zoning ¹	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size ²	40	41.71	Yes
Prime Soils ³	--	11.17	--
Non-Prime Soils	--	26.98	--
Crop Income ^{4,6}	\$20,000	Completed	No
Grazing Utilization ^{5,6}	19.61 Acres	--	--
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III (lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data).			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review.			

The contracted area currently does not generate enough commercial agricultural income to qualify for a contract.

Agricultural Uses

Commercial agriculture for the 26.18-acre parcel includes English holly. The owner has indicated that fir and redwood trees have been planted for harvesting; however, timber harvesting would not occur in the near future and is not a

qualifying commercial agricultural use for a contract. If timber harvesting is proposed in the future, this use would be considered as a compatible use subject to a Determination of Compatibility at that time, provided the parcel remains contracted.

Commercial agriculture for the 15.53-acre parcel includes: apple orchard (4.55 acres), and row crops (5 acres) including zucchini, acorn squash, string beans, peas, tomatoes, bell peppers, carrots and tomatillos.

Existing Development

Development on the 26.18-acre parcel includes a 1,150 sq. ft. barn for the storage of farm equipment. Development on the 15.53-acre parcel includes a 1,800 sq. ft. single-family residence, 1,000 sq. ft. cabin, and 500 sq. ft. shop for the servicing of farm equipment.

Determination of Compatibility

The landowner has submitted the requested supplemental documentation in order to calculate the compatible and agricultural uses, as follows:

The percentage of a parcel's total area used for compatible uses on contracted lands cannot exceed the percentage used for agricultural uses and the portion of the parcel used for compatible uses cannot exceed 25 percent of the parcel size.

Building and structures used to support the agricultural use, unpaved roads, farm labor housing, and underground utilities are excluded from this calculation.

Maximum Allowance of Compatible Uses Calculation

No compatible uses are present on the 26.18-acre parcel; therefore, a Determination of Compatibility is not required for this parcel.

15.53-Acre Parcel:

Agriculture Uses: 9.56 Acres (61% of Parcel)

- 4.55 acres of apples
- 5 acres of mixed vegetables (zucchini, acorn squash, string beans, peas, tomatoes, bell peppers, carrots, tomatillos)
- 500 sq. ft. shop for farm equipment

Compatible Uses: 0.06 Acres (0.38% of Parcel)

- 1,800 sq. ft. single-family residence
- 1,000 sq. ft. cabin

The 15.53-acre parcel is in compliance.

Determination of Compatibility Issuance Criteria

In addition to the Determination of Compatibility calculation, the Agricultural Advisory Committee (AAC) must issue or not issue a Determination of Compatibility based on the following five criteria. All criteria must be met for the 15.53-acre parcel:

- a. That the primary use of the parcel would continue to be existing commercial agriculture.
- b. That the proposed compatible use would not substantially interfere with the existing agricultural use on the subject parcel or any other property within the Agricultural Preserve.
- c. That the proposed compatible use would not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population of the area.
- d. That the proposed compatible use would not significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel, or any other property within the Agricultural Preserve.
- e. That the remaining portion of the parcel not subject to the proposed compatible use would be able to sustain the agricultural use.

Minimum Eligibility Requirement Exception

The applicant has requested an exception to the minimum income requirement. The owner states that the tillable land available on the 26.18-acre parcel is only 8 to 10 acres of which 0.25 acres are planted with English holly. On the 15.53-acre parcel, the owner has increased the acreage of row crops and anticipates minimum income compliance in the coming year.

The AAC may grant the exception to the minimum income requirement if the AAC determines the following:

That the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.

B. STAFF EVALUATION

Based on the information submitted by the landowner, staff recommends that the appealed parcel (26.18 acres) be removed from the contract, and the minimum eligibility requirement exception not be granted because the parcel is not highly productive nor does it support the agricultural operations on the contiguous contracted parcel.

The 15.53-acre parcel (currently contracted; not appealed) will continue to be contracted and will be reviewed for Williamson Act Program (Program) compliance as a single parcel contract next year. However, in anticipation of this review, the AAC may issue a Determination of Compatibility and grant the

minimum income requirement and minimum parcel size requirement exceptions for the 15.53-acre parcel.

CRITERIA DETERMINATION

Determination of Compatibility

1. Based on the Determination of Compatibility calculation and criteria, the Agricultural Advisory Committee issues/does not issue a Determination of Compatibility for the 15.53-acre parcel.

Minimum Eligibility Requirement Exception

2. The Agricultural Advisory Committee approves/does not approve the requested minimum eligibility requirement exception based on the criterion that the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

- A. Vicinity Map

ITEM 2

File No.: PLN 2011-00341
Owner: Patrick and Kathleen Dempsey
Location: 10 Langley Hill Road, Woodside
Appealed APNs: 078-210-030 and 078-200-100

DISCUSSION

A. KEY ISSUES

1. The AAC continued the item to provide the applicant an opportunity to clarify/supplement the oat hay operations on the property. The applicant has submitted additional documents indicating additional oat hay production on the 59.77-acre parcel. In 2013, the landowners produced 300 bales and sold 268 bales. This year, 682 bales were produced and are currently for sale through local market channels. The applicant anticipates the oat hay income to triple in 2015.

The following was provided to the AAC on September 8, 2014:

APN 078-210-030 (20 Acres) APN 078-200-100 (59.77 Acres)	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	79.29 Acres	Yes
Prime Soils ³	--	0	--
Non-Prime Soils	--	79.29 Acres	--
Crop Income ^{4,6}	\$20,000	Completed	No
Grazing Utilization ^{5,6}	59.46 Acres	--	--
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III (lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data).			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

Minimum Eligibility Requirement Exception

The applicant has requested an exception to the minimum income requirement and has stated that the area available to grow crops on the 59.77-acre parcel is limited by the steep terrain and forests, that crops cannot be grown on slopes greater than 10 percent, and that the oat hay produced at the site provides a valuable source of feed to the local community of cattlemen and equestrian facilities, where otherwise the local community would have to travel to Half Moon Bay or the Central Valley to get their feed.

The AAC and Agricultural Commissioner may grant the exception to the minimum income requirement if the AAC determines the following:

That the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.

Determination of Compatibility Calculation

The landowner has submitted the requested supplemental documentation in order to calculate the compatible and agricultural uses required by the Williamson Act Program (Program).

The percentage of a parcel's total area used for compatible uses on contracted lands cannot exceed the percentage used for agricultural uses and the portion of the parcel used for compatible uses cannot exceed 25 percent of the parcel size.

Building and structures used to support the agricultural use, unpaved roads, farm labor housing, and underground utilities are excluded from this calculation.

Maximum Allowance of Compatible Uses Calculation

Parcel A (59.77-Acre Parcel):

Agricultural Uses: 20 acres of oat hay (33.5% of Parcel)

Compatible Uses: 3.22 acres of mining (5.4% of Parcel)

Parcel B (20-Acre Parcel):

Agricultural Use: 0 acres

Agricultural Support Structures: 2.09 acres (10.45% Acres of Parcel):

- 1,020 sq. ft. shop building
- 1,020 sq. ft. storage building
- 0.29-acre pond
- 0.73-acre equipment parking
- 1.00-acre access road

Compatible Uses: 0.8 acres for mining (4% of Parcel)

Parcels A and B are in compliance.

Determination of Compatibility Issuance Criteria

The parcels each meet the calculated maximum allowance of compatible uses; however, the AAC must issue or not issue a Determination of Compatibility for each parcel based on the following five criteria:

- a. That the primary use of the parcel would continue to be existing commercial agriculture.

- b. That the proposed compatible use would not substantially interfere with the existing agricultural use on the subject parcel or any other property within the Agricultural Preserve.
- c. That the proposed compatible use would not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population of the area.
- d. That the proposed compatible use would not significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel, or any other property within the Agricultural Preserve.
- e. That the remaining portion of the parcel not subject to the proposed compatible use would be able to sustain the agricultural use.

B. STAFF EVALUATION

Staff defers to the AAC's expertise on this matter for a determination that the additional documents are evidence of a viable commercial agricultural operation. Should the AAC approve the minimum income exception, a Determination of Compatibility must be issued for each parcel if the AAC desires to maintain the contract. Should the AAC recommend that the contract expire, issuance of a Determination of Compatibility is moot.

CRITERIA DETERMINATION

Minimum Eligibility Requirement Exception

The Agricultural Advisory Committee approves/not approves the requested minimum eligibility requirement exception based on the criterion that the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.

Determination of Compatibility

Based on the Determination of Compatibility calculation and criteria, the Agricultural Advisory Committee issues/does not issue a Determination of Compatibility for each of the following parcels:

078-210-030 (20 acres)
078-200-100 (59.77 acres)

RECOMMENDATION

Regarding the Non-renewal Appeal, does the AAC recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

- A. Vicinity Map
- B. Supplemental Documents

ITEM 3

File No.: PLN 2011-00342
 Owner: Peninsula Open Space Trust
 Applicant: Kerry Burke
 Location: Pomponio Creek Road, Rural Midcoast
 Appealed APN: 087-180-150

DISCUSSION

A. KEY ISSUES

The AAC continued the item to provide an opportunity for the landowner to submit supporting documents relating to ongoing grazing operations. The applicant, present at the September 8, 2014 public meeting along with the grazing operations tenant, has submitted additional documents that indicate the appealed parcel, along with the contiguous parcels under contract (not appealed), is currently grazed as part of a rotating grazing operation.

The applicant has indicated no development exists on the parcels with exception of a small stock pond, water troughs and fencing. Sixty-five acres of the appealed parcel are currently grazed and will be expanded to 100% of the acreage in the future; the remaining three parcels are grazed at 100% of their acreage. Staff has revised its initial analysis given the new information.

Parcel	Acres
087-180-150 (Appealed)	105.16
087-180-160	100.02
087-180-170	100.77
087-180-180	103.59
Total Acreage = 409.54	

	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Agriculture	Yes
Zoning ¹	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size ²	40 Acres	409.54 Acres	Yes
Prime Soils ³	--	35.15 Acres	--
Non-Prime Soils	--	374.39 Acres	--
Crop Income ^{4,6}	\$40,000	Completed	No
Grazing Utilization ^{5,6}	307.15 Acres	369.38 Acres	Yes
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III (lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data).			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

B STAFF EVALUATION

Land utilization for the appealed parcel as well as the contract as a whole is in compliance with the minimum Williamson Act Program requirements. Existing development on the parcel (e.g., fencing) is exempt from a Determination of Compatibility. Staff defers to the AAC's and the Agricultural Commissioner's expertise for a determination that this grazing operation is a viable commercial operation, however, staff recommends the land continues to be under contract.

CRITERIA DETERMINATION

1. Seventy-five percent of the parcel acreage must be used for a viable commercial grazing operation.
2. Areas dedicated to grazing must be fenced and adequate water must be available within the fenced area. Fencing must be maintained.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the Agricultural Advisory Committee (AAC) recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

- A. Vicinity Map
- B. Supplemental Documents

ITEM 4

File No.: PLN 2011-00346
 Owner: National Audubon Society, Inc.
 Location: South Skyline
 Appealed APN: 078-190-020

DISCUSSION

A. KEY ISSUES

Staff was contacted by the National Audubon Society with a request to extend the submission deadline; an extension was granted. Staff attempted to contact the landowner via email and phone to confirm if documents were to be submitted, however, no response was received. The Agricultural Commissioner has received a response to staff's letter and will submit his review for consideration at the public meeting.

The table below is unchanged from the September 8, 2014 evaluation:

Williamson Act Program Minimum Eligibility Review

Review of minimum eligibility requirements included Assessor's Office Agricultural Preserve Questionnaires. Crop income is held confidential; review of this criterion is identified only as "Completed."

Parcel	Acres	Parcel	Acres
078-130-090	18.48	078-170-030	16.52
078-130-100	158.32	078-170-040	113.48
078-150-010	69.12	078-170-050	6.90
078-160-020	2.31	078-170-060	91.29
078-160-030	242.61	078-190-020 (Appealed)	180.66
078-160-040	10.61	078-200-010	127.94
Total Acreage = 1,038.24			

	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning ¹	PAD, RM, or RM-CZ	RM	Yes
Parcel Size ²	40 Acres	1,038.24 Acres	Yes
Prime Soils ³	--	0	--
Non-Prime Soils	--	1,038.24 Acres	--
Crop Income ^{4,6}	\$120,000	Completed	No
Grazing Utilization ^{5,6}	778 Acres	494.86	No
Horse Breeding	15 Broodmares	--	--
1. Zoning designations: "PAD" (Planned Agricultural District), "RM" (Resource Management), and "RM-CZ" (Resource Management-Coastal Zone).			
2. Parcel size taken from the San Mateo County Assessor's Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III (lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data).			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor's Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The parcel currently does not meet the minimum commercial agricultural income or commercial grazing utilization to qualify for a contract.

B. STAFF EVALUATION

In order for staff to complete its compliance review, information will be required to satisfy the Determination of Compatibility requirement and calculate the maximum allowance of compatible uses for the appealed parcel as required by the Williamson Act Program. If such evidence is submitted, staff may recommend maintaining the land under contract. However, if evidence is not submitted or the property is not in compliance, staff may recommend the contract expire.

RECOMMENDATION

Regarding the Non-renewal Appeal, does the Agricultural Advisory Committee (AAC) recommend to the Board of Supervisors that the Notice of Non-renewal be rescinded for the appealed parcel(s) or that the contract be allowed to expire for the appealed parcel(s)?

ATTACHMENTS

A. Vicinity Map

MAR:jlh – MARY0879_WJU.DOCX



County of San Mateo - Planning and Building Department

ATTACHMENT D

To: San Mateo County Board of Supervisors
From: Keith and Melissa Marco
Owners, Hilltop Organic

Subject: Williamson Act Appeal
File NO. PLN 2011-0343 (AP76-28)

In 2010, we were notified by San Mateo County Planning and Building Department that the Williamson Act contract that pertains to our parcel was being considered for non-renewal. I initially inquired with the building department in 2010 and was told that to remain in my contract I had to have viable agriculture and meet a certain income requirement. I was told by Melissa Ross that I had two years to reach an income level of \$2000.

We started our business, Hilltop Organic in 2010, specializing in organic produce, chestnuts and lavender. In 2013 we planted phase 1 of our Pinot Noir Vineyard. We expect to be producing wine in ever increasing quantities starting in 2015. A description of our farm and agricultural products is shown in **attachment 1**. Since 2010 we have met the \$2000 minimum that we were told for each of the years 2011, 2012, 2013 as shown on our federal income tax schedule F. (**see attachment 2**)

A plot plan of our farm describing the location of our crops and support structure are shown in **attachment 3**. If this plan does not meet certain standards, I can easily have it re-drawn if provided what is required.

In 2013, our attorney met with the Planning Department and County Council regarding our appeal. Notes from that meeting describe the minimum requirements to remain in the Williamson Act. (see meeting notes – **Attachment 4**). At that meeting, the minimum income requirement was stated as \$37.50/acre, requiring an income of \$1,671.38 annually for our 44.5 acre parcel. There was no mention of a minimum of \$10,000. I was notified recently of the minimum requirement of \$10,000 income. Although I expect to reach that level within 2 years, I have not yet achieved that because I was led to believe the income requirement was much lower and our expansion plans took this into consideration. Had we been aware of the increased minimum requirement in time, we would have accelerated our expansion and would have met the \$10K minimum. With our current expansion plans, including phase 2 and phase 3 of our vineyard, I expect to achieve the \$10,000 minimum in 2015. (it takes a little time for grape vines to mature)

Agricultural income:

2011	\$2388
2012	\$2677
2013	\$3025
2014	\$5800 (est)
2015	>\$10,000 (est)
2016	More

I recently spoke with Ms. Ross who informed me that our property was designated as “recreational” in a land use plan adopted many years ago. She told me that this designation might prevent me from remaining in the Williamson Act. This is the first I have heard of this. Agriculture on my parcel pre-dates this land use plan. Local historians estimate the chestnut orchard to have been planted in the 1880s. I request the Board not use the designation of recreational use considering viable agriculture had existed on this parcel for decades prior to the designation as ‘recreational’.

Hilltop Organic provides many of the benefits intended by the Williamson act. We generate agricultural economic activity. We maintain and improve an historic orchard, we purchase supplies locally, hire local contractors and employ local seasonal workers for picking, packaging and processing our products. We employ several members of two Hispanic families that we consider part of our family and who are grateful for the work we provide.

Remaining in the Williamson act is an important part of our business plan. With it, we expect to continue to expand and provide local jobs and economic activity.

We request that the board support our small agricultural business and sustain our appeal of our non-renewal, allowing us to remain under our current contract.

Thank-you for your consideration.
Sincerely,

Keith and Melissa Marco
Owners, Hilltop Organic

REDWOOD CITY | 1001 Marshall Street
Los Angeles | Suite 500
New York | Redwood City, CA 94063-2052
San Francisco | Telephone (650) 364-8200
San Jose | Facsimile (650) 780-1701
Boston | www.rmkb.com



Jesshill E. Love Brock Lyle
(650) 780-1611 (650) 780-1647

jlove@rmkb.com blyle@rmkb.com

October 16, 2013

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

Via U.S. Mail and E-mail: keithmarco@gmail.com

Keith Marco
61 Castanea Ridge Road
La Honda, CA 94020

Re: 61 Castanea Ridge Road

Dear Mr. Marco:

We are pleased to inform you that San Mateo County has confirmed the reinstatement of your appeal to the Williamson Act ("WA") Non-Renewal. A copy of the confirmation is enclosed herein for your files. This is a huge step towards the resolution of your case.

If it is your intention to move forward with the appeal, it will be necessary for you to demonstrate compliance with WA by December 31, 2014. On October 3, 2013 we met with Melissa Ross at the county office. Ms. Ross has been assigned to your case with regard to WA compliance. According to Ms. Ross, you will need to provide the following in order to successfully appeal the WA Non-Renewal:

(1) Updated Site Plan

The site plan must indicate the location of viable agriculture, parcel boundaries, and the location of development (including structures, water tanks, septic systems, wells, etc.). The map does not have to be professionally drafted; it simply must reflect the above referenced requirements.

(2) Proof of Income from Agriculture

Proof of income from agriculture must be proven for the last three years. This can be done by way of tax returns, receipts, or any other way which verifies the required income. The county has your parcel on record as having 44.57 acres of non-prime soils. As such, you must prove that you have made \$37.50/acre (totaling: \$1,671.38) annually.

It is our understanding that your property's viable agriculture includes chestnuts, lavender, tomatoes, and fruit trees. Please let us know if you will be able to evidence your viable agriculture with proof of income and the corresponding site plan.



Hilltop Organic

61 Castanea Ridge Road, La Honda, CA 94020

650-947-0998 ; email: hilltoporganic@gmail.com

Hilltop Organic Farm is a family run small farm located in Southern San Mateo County atop a ridgetop in the Santa Cruz Mountains. We specialize in agricultural products as well as wine grapes. Our goal is to provide the healthiest, freshest fruit, nuts and vegetables to be sold at local farmer's market, art fairs and gift shops either directly or through trusted distributors.

We also produce several lavender products including bouquets, sachets and lavender oil. All produce is certified organic. We do not use chemical fertilizers or pest control. Our location on a ridgetop in the Santa Cruz mountains at an elevation of 2550 feet provides an ideal climate for the specialized varieties of fruits, nuts and vegetables we produce.

Vegetables: *We specialize in heirloom tomatoes. Through several years of assessing different varieties of heirloom tomatoes, we have found several strains that do very well in our climate. Although some may look strangely colored and shaped, all are delightfully delicious, sweet and with a very robust flavor.*



Fruit: Our fruit orchard is maturing and we are expecting Apples, Peaches and Apricots to be available at the same locations as our other products starting in Summer 2015.

Chestnuts: Hilltop Organic produces fabulous chestnuts from heritage 100+ year old trees. Based on legend, the Chestnut Orchard was originally planted shortly after the civil war by an unknown Spanish settler who moved up into the mountains. We package our chestnuts in 1 and 2lb gift bags which are sold at local farmers markets, holiday fairs and gift shops. Contact us for bulk purchases or if you are interested in 'picking your own'.



Chestnuts make a Popular Holiday Gift!



Healthy 150 year-old Chestnut Trees

Lavender Products: Hilltop Organic produces lavender products in gift style packaging. Our lavender products come from two varieties of lavender: French Lavender (*Lavandula intermedia* 'Provence') and English Lavender (*Lavandula angustifolia*). Standard products are lavender bouquets, sachets and lavender oil. We can also provide lavender products in specialized packaging upon request. We can create specialized labelling and packaging for any event; parties, weddings, corporate events, etc. All products make great gifts and will remain fragrant for extended periods.



Lavender Sachets – Very Fragrant



Lavender Bouquets – Available in many sizes

Vineyard: Hilltop Organic is now producing wine grapes for estate bottled Pinot Noir. In spring of 2014 we started phase 1 of our vineyard with the planting of 225 Pinot Noir grape vines (*Vitis vinifera*). The Santa Cruz mountain appellation, created in 1981 is well known for many wineries that produce high quality wines, especially known for quality Pinot Noir. The climate, especially on Southwest facing slopes, like ours, is ideal for producing exceptional Pinot Noir grapes.



Pinot Noir Vineyard is doing great!



Expecting Great Wines from these!

If you are interested in selling or distributing our products, please contact us!

Contact Information:

To contact us, you can contact Keith and Melissa Marco directly at 650-947-0998 or email Keith or Melissa at: hilltoporganic@gmail.com



County of San Mateo - Planning and Building Department

ATTACHMENT E



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

November 14, 2014

San Mateo County Board of Supervisors
Hall of Justice, Floor 1
400 County Center
Redwood City, CA 94063

SUBJECT: WILLIAMS SISTERS RANCH SANCTUARY WILLIAMSON ACT CONTRACTS, LANDOWNER:
NATIONAL AUDUBON SOCIETY, WILLIAMSON ACT APPEAL – APN 078-190-020

Dear Mr. Chairman and Other Members of the Board:

The Audubon Society contacted the Department of Conservation's Williamson Act Program on November 5, 2014 and requested a letter of support in their appeal of the County's decision to nonrenew a portion of a Williamson Act contract on their land. The Department monitors farmland conversion on a statewide basis and may administer and advise any interested person or entity regarding the California Land Conservation Act (Williamson Act)¹. After a review of the information submitted by the Audubon Society on the Williams Sisters Ranch Sanctuary Williamson Act contracts (the Ranch), the Department of Conservation offers the following comments.

CONTRACT AREA DESCRIPTION

The Ranch covers a total of 1,038.24 acres in San Mateo County and is under four separate Williamson Act contracts, which are all under one common ownership (the Audubon Society). The Ranch is located along the west side of Skyline Boulevard (Highway 35) between the Russian Ridge Open Space Preserve and La Honda Creek Open Space Preserve². Per the California Important Farmland Finder³ land under the four contracts is classified as Grazing Land and Other Land. The land under the four contracts is all zoned Resource Management per the County of San Mateo.

The Ranch has historically been used as a cattle ranching operation and continues to this day. The land that comprises the four contracts is partly forested, but all of the acreage within the Ranch that can be grazed (fifty-one percent) is being utilized for such purposes under one operation. In addition, the gross acreage of other compatible uses on the Ranch (4.74 acres)

¹ Gov Code §51206 (Role of the Department in Interpretation of the Chapter)

² Google Maps, Latitude 37.368395, Longitude -122.267281

³ California Important Farmland Finder. California Department of Conservation.
<http://maps.conservation.ca.gov/ciff/ciff.html>. Accessed 11/12/2014.

meets the County's Williamson Act Rules and Procedures, with regard to compatible use structures.

DEPARTMENT COMMENTS

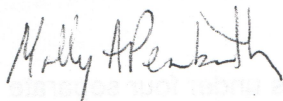
The County took action to nonrenew one parcel (APN 078-190-020), located in the southwestern most contract, due to the lack of grazing area. Although the 180.66 acre parcel is mostly forested, it is used in conjunction with the other parcels in the southwestern most contract and with the other three contracts as part of one agricultural operation. As a result, the Audubon Society stated, and the County's Agricultural Advisory Committee determined, that the parcel qualified for an exception to the County's requirement that grazing occur on at least seventy-five percent of each parcel.

The parcel that has been placed into nonrenewal status contains one shed used for storing equipment used by the agricultural operation, which doesn't compromise the County's rules on compatible use. In addition, the forested areas were already in place and the agricultural use has not changed since it was first enrolled under a contract in 1966.

After a review of the information supplied by the Audubon Society and the Department's independent review of the contracted area, the Department supports Audubon's appeal to keep the parcel under the existing Williamson Act contract. If possible, the Department suggests that the County and applicant consider rescinding the four contracts and entering them under a single contract to reduce any discrepancies in the future.

If you have any questions concerning our comments, please contact Meri Meraz, Associate Environmental Planner at (916) 445-9411 or at mmeraz@conservation.ca.gov.

Sincerely,



Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

cc: San Mateo County Assessment Appeals Board
400 County Center, BOS 104
Redwood City, CA 94063

Melissa Ross, Senior Planner
Planning and Building Department
445 County Center, 2nd Floor
Redwood City, CA 94063

Tamara S. Galanter
Shute, Mihaly, & Weinberger, LLP
396 Hayes Street
San Francisco, CA 94102

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SAN MATEO COUNTY
PLANNING AND BUILDING
DEPARTMENT