



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** PLANNING AND BUILDING

**File #:** 22-643

Board Meeting Date: 9/13/2022

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Steve Monowitz, Community Development Director

**Subject:** Consideration of an appeal of the Planning Commission's decision to approve a Coastal Development Permit and Planned Agricultural District; Certificates of Compliance (Type B) to confirm the separate legality of three parcels and a subsequent Lot Line Adjustment affecting those three and a fourth legal parcel, and a request to rescind Land Conservation (Williamson Act) and Farmland Security Zone Contracts and replace with same or with an Open Space Easement reconciling with the newly adjusted parcels, pursuant to Government Code Section 51257 of the California Land Conservation Act of 1965 and County Williamson Act Program.

**RECOMMENDATION:**

Recommendation to:

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

-370-200, AND 064-370-070, and replacing said contracts with a Farmland Security Zone Contract and Open Space Easement agreements.

**BACKGROUND:**

Report Prepared By: Angela Chavez, Senior Planner (achavez@smcgov.org)

Applicant: Ben Wright for Peninsula Open Space Trust and Mike Williams for Midpeninsula Regional Open Space District

Owner: Peninsula Open Space Trust

Location: Higgins Canyon Road, Unincorporated Half Moon Bay

APN(s): 064-370-200, 064-370-070, 065-210-240, 065-210-220, and 065-210-090

Size:

Existing

- 064-370-200 (Parcel 1) - 48.80-acres
- 064-370-070 (Parcel 2) - 250.55-acres
- 065-210-240 (Parcel 3) - 183.39-acres
- 065-210-220 (Parcel 4) - 161.26-acres
- 065-210-090 - 48.78-acres (Not included as part of the lot line adjustment)

Proposed

- 064-370-200 (Parcel 1) - 93-acres
- 064-370-070 (Parcel 2) - 434-acres
- 065-210-240 (Parcel 3) - 7-acres
- 065-210-220 (Parcel 4) - 110-acres

Existing Zoning: PAD/CD (Planned Agricultural District/ Coastal Development District)

General Plan Designation: Agriculture

Local Coastal Plan Designation: Agriculture

Sphere-of-Influence: Half Moon Bay

Williamson Act: There is a Land Conservation contract and a Farmland Security Zone contract which cover the project site. Parcels 065-210-220 (Parcel 4), and 065-210-240 (Parcel 3) are covered by a 10-year Agricultural Land Conservation Act (WA) Williamson Act contract (Contract No: 2005-222499). Parcels 065-210-090 (Not part of the lot line adjustment), 065-370-200 (Parcel 1), 064-370-070 (Parcel 2) are covered by a Farmland Security Zone (FSZ) Williamson Act contract (Contract No: 2005-222500).

Existing Land Use: Agriculture/Open Space

Water Supply: There is no municipal water service available to this area. There are existing

agricultural water reservoirs which serve the agricultural parcels.

Sewage Disposal: There is no municipal sewer service available to serve this property. The existing agriculture development on the site does not require sewage disposal. Any future development would be subject to the necessary permits from both the County Planning and Building Department and Environmental Health Services.

Flood Zone: Portions of parcels 1, 2, and 3 which border Arroyo Leon are located in Zone A which is a Special Flood Hazard Area without an established Base Flood Elevation. There is also a small portion of Parcel 2 which has a Zone X designation but with a 0.2% of Annual Chance Flood Hazard. The remaining portions of parcels 1, 2, 3, and 4 are located in Zone X with areas of Minimal Flood Hazard. FEMA Community Panel Map Number 06081C0260E, Dated October 16, 2012.

Environmental Evaluation: Categorically exempt under provisions of Class 5, Section 15305 (Minor Alterations in Land Use Limitations) and Class 17, Section 15317 (Open Space Contracts or Easements) of the California Environmental Quality Act Guidelines.

Setting: The historical Johnston Ranch is an 868-acre property that has been owned by Peninsula Open Space Trust since 2001. The property supports ongoing agricultural operations along its western boundary. The remainder of the property is largely undisturbed open space. The properties are located on the east side of Cabrillo Highway, each having frontage along Higgins Canyon Road. Arroyo Leon runs along the current eastern boundary of Parcel 1 and northern boundary of Parcel 3. The properties to the west of Parcels 1, 3, and 4 are located within the Incorporated area of the City of Half Moon Bay.

## **DISCUSSION:**

### **A. KEY ISSUES OF THE APPEAL**

The Appellant, San Mateo County Farm Bureau, appealed the Planning Commission's May 25, 2022, approval of the Coastal Development Permit, Planned Agricultural District Permit, Certificates of Compliance (Type B), and Lot Line Adjustment and its recommendation to the Board of Supervisors to approve the Williamson Act contract amendments. The appeal is largely focused on the Categorical Exemptions utilized for the environmental review of the project. Key issues are highlighted in bold, followed by staff's response. The complete appeal letter is included as Attachment F.

#### **1. The Project Is Not Subject to a Class 5 Categorical Exemption.**

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

**Additionally, CEQA Guidelines section 15305 applies only to parcels with an average slope of less than 20 percent. Here, about two-thirds of the**

acreage included in the LLA has an average slope of 24.5 percent. Proposed parcel 2 would have a slope of 24.5%, therefore, making the exemption inapplicable to parcel 2.

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

The project proposes to adjust the boundaries of four parcels. The land area that is the subject of these boundary changes will continue to be comprised of four parcels after the lot line adjustments take place. The alignment of the reconfigured parcel boundaries will largely match the layout of the existing farmed areas, thereby preserving the existing agricultural operations. While the resulting parcel 3 will result in a reduced parcel size, this parcel will be tied in perpetuity to the agricultural parcels by a deed restriction. The areas in which the parcel line adjustments are made are less than 20% and the overall average of slope of the four impacted parcels is approximately 18%. The CEQA Guidelines provide no definition for what qualifies as a Minor Lot Line Adjustment nor is there a categorization for what may or may not qualify as a Major Lot Line Adjustment. Accordingly, it seems likely that the term “minor lot line adjustment” is intended to reference lot line adjustments between four or fewer parcels as defined by California Government Code section 66412(d). Given that the project does not include physical development of the site and that the reconfigured parcel lines are consistent with the current agricultural development present on the subject sites, the use of this exemption is appropriate.

## **2. The Project Is Not Subject to a Class 25 Categorical Exemption.**

**The Supplemental Statement states that the LLA is categorically exempt under Class 25 categorical exemption under CEQA Guidelines section 15325. This section provides an exemption for transfers of ownership in land to preserve open space, habitat, or historical resources.**

This exemption was not cited as part of Staff’s analysis in the Staff Report or Executive Summary presented to the Planning Commission. The applicant may have included it as a potential option for a CEQA exemption that might be applied in their supporting statement, but it was not utilized by Staff.

## **3. Potential for Significant Impacts Precludes Reliance on CEQA Exemptions.**

**That the project could have Agricultural Impacts, Land Use Impacts, Cumulative Impacts.**

As discussed previously, the project includes legalization of the parcels, lot line adjustments, and reconfiguration of the existing Williamson Act contracts to match the newly reconfigured lines. The reconfigured parcels will consolidate the existing lands which are being actively farmed onto parcels 1, 3, and 4 along the active farming boundaries. These parcels will in the future be made available for a farmer for purchase and will be protected in perpetuity by an agricultural conservation easement retained by the Peninsula Open Space Trust. Parcel 2 will in the future be transferred to Midpeninsula Open Space Trust (MidPen) to be included as part of their Open Space

lands. The existing grazing and dry farming operations present on parcel 2 will continue under a long-term grazing lease and rangeland management plan with MidPen. The project does not include the introduction of new uses nor does it include any element that would preclude existing or future agricultural activities to continue. The Williamson Act contracts are proposed for reconfiguration to comply with the requirements of the program. The option to revise the contracts to Open Space easements is allowed. The revised contracts would continue to cover the parcels for the same duration as the existing contracts. It should also be noted that the Williamson Act program is voluntary and can be non-renewed by the property owner at any time.

The project, as proposed, does not introduce any new uses to the project site. Any future development on any of the impacted parcels would require separate permit entitlements.

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

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

As discussed, the LLA does not propose a conversion of land from agricultural uses. Agricultural uses are present (at various levels) on each of the existing and resulting parcels. No changes to the existing uses are proposed as part of this project. The issuance of the PAD permit does not permit any uses or development beyond what is included in this permit.

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

San Mateo County is not a party to the MOU and has no reasonable authority to enforce its provisions.

B. KEY ISSUES

1. Conformance with the County General Plan

Staff has reviewed the project and found it to be compliant with the policies of the General Plan. The relevant policies are discussed below:

Soil Resources

Policy 2.21 (*Protect Productive Soil Resources Against Soil Conversion*) seeks to regulate land use and subdivision of productive soils resources and encourage appropriate management practices to protect against soil conversion. The Productive

Soils Resource Map of the General Plan identifies the subject parcels as having soils with agricultural capability; specifically suited for irrigated row crops, dryland farming, and non-soil dependent floriculture. The Certificates of Compliance (Type B) to legalize parcels along with the subsequent Lot Line Adjustment (LLA) are considered "land divisions". The project will consolidate the lands which are currently farmed. The existing parcels each have portions of land defined as Prime Agricultural Lands as well as portions defined as Lands Suitable for Agriculture, and Other Lands.

The reconfigured parcels will consolidate the majority of the lands identified as prime agricultural lands on reconfigured parcels 1, 3, and 4. To ensure that the lands which are currently farmed remain under productive agricultural use, the existing FSZ contract will be modified to cover these areas. The areas which are not currently farmed will be covered by an open space easement in accordance with the requirements of the Williamson Act Program. More specifically, the Williamson Act Program requires that the reconfigured parcels go through a rescind and replace process to address new parcel boundaries and continued resource protection of these lands. The project does not include physical development or ground disturbance and existing uses will continue.

### Rural Land Use

Policy 9.28 (*Encourage Existing and Potential Agricultural Activities*) seeks to encourage the continuance of existing agricultural and agriculturally related activities and Policy 9.31 (Protection of Agricultural Lands) seeks to apply methods which assist in the retention and expansion of lands with agricultural activities such as density bonuses and enforceable restrictions (e.g., easements, contracts or deed restrictions, or other appropriate methods).

The parcels are currently designated as Agricultural Preserves and have executed FSZ contracts in place. As noted previously, the reconfigured parcels will consolidate the existing agricultural production areas over three parcels that will be protected by new a FSZ contract in conformance with the California Land Conservation Act and San Mateo County Williamson Act Program, which is consistent with these policies. The FSZ contract will restrict the use of the land to ongoing commercial agriculture, agriculturally related uses, and compatible uses in exchange for a property tax benefit that encourages retaining the property in agricultural production. Parcel 2 will be covered by an open space easement to allow for continued resource protection of this area.

Policy 9.29 (*Criteria for Division*) requires a master land division plan for land division of parcels designated as Agriculture. This policy requires that the master land division plan shall include designating agricultural and non-agricultural parcels, retaining areas containing soils with agricultural capability in appropriately sized parcels, creating or maintaining the size of agricultural parcels to ensure that the existing or potential agricultural productivity is not diminished, and clearly defining buffer areas between agricultural and non-agricultural uses. The project parcels are designated Agriculture according to the General Plan Land Use Map and a master land use plan was submitted as part of this project. The reconfigured parcels will be of sizes and in configurations which will allow for continued support of agricultural capability. Reconfigured parcels 1, 3, and 4 are currently being farmed and will continue to be farmed and the new parcel configuration will provide a clear distinction between the areas utilized for agriculture and those that are not. Parcel 2 will continue to support grazing on the reconfigured northern

portion of the parcel under the existing long-term grazing lease and has the potential for reintroduction of grazing to the reconfigured southern portion.

## 2. Conformance with the Local Coastal Program

### For the Certificates of Compliance

The project was found to conform with the following applicable Local Coastal Program (LCP) Policies:

Policy 1.29 (*Legalizing Parcels*) requires a Coastal Development Permit when issuing a Certificate of Compliance (Type B) to legalize parcels under Section 66499.35 (b) of the California Government Code (i.e., parcels that were illegally created without benefit of government review and approval).

The County's first subdivision ordinance requiring a subdivision permit for parcel creation went into effect on July 20, 1945. Staff's review of a chain of title found that there were several deed transfers post 1945 that were not processed for compliance with the County's subdivision regulations. The Type B is required because the subject parcels were not yet conveyed separately and in their current configurations until the late 1960s and 1990s with the benefit of a subdivision permit. More specifically, Parcel 2 was conveyed in 1969, Parcel 3 was conveyed in 1998, and Parcel 4 was conveyed in 1992. Therefore, pursuant to California Government Code 66499.35(b) and LCP Policy 1.29, a Certificate of Compliance (Type B) and Coastal Development Permit, respectively, are being sought under the subject application for Parcels 2, 3, and 4. Parcel 1 is a legal parcel as it was part of a recorded subdivision application processed by the City of Half Moon Bay in August 1989.

Policy 1.30.d. (*Coastal Development Permit Standards of Review for Legalizing Parcels*) provides that for undeveloped parcels created before Proposition 20 (effective date January 1, 1973) or the Coastal Act of 1976, that a coastal permit shall be issued to legalize the parcel if the parcel configuration will not have any substantial adverse impacts on coastal resources, in conformance with the standards of review of the Coastal Development District regulations. Permits to legalize this type of parcel shall be conditioned to maximize consistency with LCP resource protection policies and a separate Coastal Development Permit, subject to all applicable LCP requirements, shall be required for any development of the parcel. The legalization of the subject parcels only memorializes boundaries that have historically been in this general configuration. This legalization does not impact the existing agricultural activities or prime agricultural lands and will continue to protect these lands via the FSZ Contract. The legalization does not impact sensitive habitats or riparian habitats (Arroyo de Leon) which runs through several areas of the project site.

### For the Lot Line Adjustment:

A Coastal Development Permit is not required for the lot line adjustment as the proposed lot line adjustment does not meet the definition of development under the California Coastal Act and the County's Local Coastal Plan. Specifically, Policy 1.2 (*Definition of Development*) of the LCP states:

“define development to mean:

Subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, **except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use,”**

However, Staff has reviewed the proposed lot line adjustments and found them to be in full conformance with Section 6328.15 of the San Mateo County Zoning Regulations and with the applicable policies of the Local Coastal Program (LCP). An LCP checklist was completed, and staff determined that no policies are applicable to this development, as the proposed lot line adjustment does not result in any new physical development (at this time) nor does it affect coastal or agricultural resources. If new development is proposed in the future, any and all proposals will be evaluated for conformance with the Local Coastal Program at that time.

3. Conformance with the Planned Agricultural District (PAD) Regulations

Section 6354 requires the issuance of a PAD permit for all land divisions (including lot line adjustments) within PAD zoned districts. Section 6355 contains the substantive criteria for the issuance of a PAD permit. A project must be found to comply with these criteria before a permit can be issued.

1. General Criteria

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

The current project is not proposing any new physical development. The Certificates of Compliance (Type B) are necessary to establish the legality of the parcels in question. The proposed lot line adjustment will consolidate existing agricultural operations on to three parcels. There is no development proposed which would encroach upon land suitable for agriculture. The reconfigured parcels that currently do not support agricultural activities will be dedicated as open space. However, this consolidation does not preclude the possibility of future agricultural operations.

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

As stated previously, the project does not include any physical development. The proposed lot line adjustments are being proposed to consolidate the existing agricultural activities onto solely agricultural parcels. The new configuration of Parcel 3 will reduce it in size with the intent of serving as a farm center to support reconfigured Parcels 1 and 4.

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

The processing of this application is in full accordance with The Development Review Criteria cited within Chapter 20A.2 of the County Zoning Regulations. Planning staff has completed a review of the project for compliance with these criteria and determined that no policies are applicable to this particular project, as these lot reconfigurations and Williamson Act contracts do not result in any physical development at this time.

2. Water Supply Criteria

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

The agricultural parcels currently have water entitlements in place. The lot line adjustments have no impact on the ongoing agricultural activities, nor do they diminish the water supply to these activities or to sensitive habitats, as the water reservoirs will remain on the agricultural parcels. If water dependent development is proposed in the future those projects will be required to demonstrate the provision of adequate water.

b. **All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights.**

As mentioned previously Arroyo Leon runs along the boundary between existing parcels 1 and 2. The reconfigured parcels will relocate the boundary so that this portion of the creek is located on parcel 1. Portions of the creek also run through parcel 3 along Higgins Canyon Road and will become part of reconfigured parcel 2. While the areas of reconfigured parcel 2 are currently not farmed, they contain lands identified as lands suitable for agriculture and could be farmed in the future. In addition, Parcel 2 supports a grazing operation on its northern portion under an existing long-term grazing lease. Therefore, parcel 2 is not considered a "non-agricultural" parcel. The applicants have also indicated that they are open to expanded opportunities for grazing on the southern portion of reconfigured parcel 2. The open space easements (proposed for reconfigured parcel 2) as part of this project are allowed by the Williamson Act and are consistent with agricultural uses.

3. Criteria for the Division of Prime Agricultural Land

a. **Prime Agricultural Land which covers an entire parcel shall not be divided.**

While prime soils are present, only parcel 1 is entirely covered. All the other parcels only contain portions of prime soils, and those areas will largely be captured within the reconfigured parcel boundaries.

b. **Prime Agricultural Land within a parcel shall not be divided unless it can be demonstrated that existing or potential**

**agricultural productivity of all resulting parcels would not be diminished.**

The overall goal of the project is to protect the existing agricultural areas. By consolidating these areas and covering them with the associated Open Space and FSZ contracts the potential for existing and future agricultural productivity is protected.

**c. Prime Agricultural Land within a parcel will not be divided when the only building site would be on such Prime Agricultural Land.**

As discussed previously the purpose of the project is to consolidate the lands currently being utilized for agricultural purposes. The proposed reconfigured boundaries largely follow the lands identified as supporting prime soils. There are portions of existing and reconfigured parcel 2 that run parallel to Higgins Canyon Road that do support prime soils. However, these areas have been previously converted to support barn structures and other buildings utilized to support the agricultural activities. No other buildings are contemplated at this time.

**4. Criteria for the Division of Lands Suitable for Agriculture and Other Lands**

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

As mentioned previously each of the parcels contain portions of prime soils. However, large portions of parcels 2, 3, and 4 are classified as land suitable for agriculture. The proposed lot line adjustment consolidates the areas that currently support agriculture but also consolidates the lands suitable for agriculture. The proposed open space easements protect lands suitable and do not preclude future use for agriculture.

**5. Conformance with the Planned Agricultural District Requirements**

**a. Master Land Division Plan**

Section 6364.A of the PAD regulations requires that a Master Land Division Plan (MLDP) be filed demonstrating how the parcel will be ultimately divided according to maximum density of development permitted and which parcels will be used for agricultural and non-agricultural uses if conversions are permitted.

The applicant has provided the MLDP, and it has been included as an attachment in this report. The LLA includes four of the eight parcels that make up the historical Johnston Ranch. These four parcels constituting 644 acres of the total 868 acres, will be reconfigured as

described in the MLDP to preserve cultivated farmland and open space to continue in grazing, and to allow for future public trails.

b. Agricultural Land Management Plan

Section 6364.C. of the PAD regulations requires submittal of an Agricultural Land Management Plan for parcels 20 acres or larger in size where lands are converted to a non-agricultural use. The plan shall demonstrate how the agricultural productivity of the land is fostered and preserved in accordance with the requirements of Sections 6350 and 6355.

An agricultural land management plan has been provided by the applicant and has been included in the project summary attachment to this report. The project preserves the agricultural uses on parcels 1, 3, and 4 via the reconfigured parcel boundaries and the new FSZ contract. Parcel 2 supports a grazing operation and could support expanded activities in the future. The Open Space Easements will not preclude agriculture activities and will provide continued protection of the parcel leaving it available for the limited uses provided by the easement provisions.

4. Conformance with the Subdivision Regulations

For the Lot Line Adjustment:

Section 7126 of the Subdivision Regulations stipulates the following criteria that must be met for approval of lot line adjustments:

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

The project complies with the applicable General Plan, LCP, and Zoning Regulations, as discussed above. The reconfigured parcels 1, 3, and 4 will continue to support agricultural activities and parcel 2 consolidates the open space land. No development for any of the affected parcels is proposed at this time. Should future development be proposed, any and all proposals will be required to comply with all General Plan, Local Coastal Program, and Zoning Regulations at that time.

b. **Suitability of building sites created by the lot line adjustment.**

The parcels as proposed are of adequate size and configuration to accommodate development. However, any future development will be required to comply with all applicable regulations. A separate entitlement process would be required for future development and would be subject to securing a domestic water well and septic system.

c. **Provision for adequate routine and emergency access.**

All affected parcels have adequate existing access for routine and emergency

purposes.

**d. Provision for adequate water supply and sewage disposal.**

The subject parcels currently have water entitlements for existing operations. No public sewage facilities are available for this location. However, the parcels are of adequate size to support septic systems (should any future development be proposed) pending review and approval by County Environmental Health Services.

**e. Avoiding or minimizing impacts upon scenic corridors, wetlands, coastal resources, or authorized coastal development.**

The proposed project location is within both the Highway 92/Cabrillo and Higgins Purisima County Scenic Corridors. The proposed lot line adjustment and associated contracts do not propose any physical development at this time that would result in visual impacts. The proposed parcel configurations protect existing agricultural development, provide a buffer to riparian/sensitive habitat (Arroyo Leon), and provide the opportunity to offer low impact public recreation in the future.

For the Certificates of Compliance:

Pursuant to Section 7134.2.b.(2) of the County's Subdivision Regulations, a parcel depicted as a lot on a subdivision map approved and recorded by the County prior to July 20, 1945, shall be issued a Certificate of Compliance (Type B) upon demonstrating that the current parcel boundaries match those depicted on the approved subdivision map and the parcel was first conveyed separately from adjoining lands on or after July 20, 1945. Furthermore, Section 7134.4.c requires such Certificate of Compliance (Type B) to be subject to conditions of legalization, if necessary, and a Coastal Development Permit if within the Coastal Zone. Pursuant to Section 7134.6.b, conditions of approval may include any conditions which would have been applicable to the division of the property at the time the applicant acquired his or her interest in the property except that compliance with the conditions is not required until the time at which a building permit or other grant of approval for development of the property is issued by the County, and the Community Development Director may defer placing conditions which relate to future development of the property, such as access and utility improvements, to such time that specific development is proposed on the property.

The County's first subdivision ordinance requiring a subdivision permit for parcel creation went into effect on July 20, 1945. Staff's review of a chain of title found that there were several deed transfers post 1945 that were not processed for compliance with the County's subdivision regulations. The Type B is required because the subject parcels were not yet conveyed separately and in their current configurations until the late 1960s and 1990s with the benefit of a subdivision permit. More specifically Parcel 2 in 1969, Parcel 3 in 1998, and Parcel 4 in 1992 were conveyed by deed. Therefore, pursuant to California Government Code 66499.35(b) and LCP Policy 1.29, a Certificate of Compliance (Type B) and Coastal Development Permit, respectively, are being sought under the subject application for the Parcels 2, 3, and 4. Parcel 1 is a legal parcel as it was part of a recorded subdivision application processed by the City of Half Moon Bay in August 1989.

The legalization of the subject parcels only memorializes boundaries that have historically been in this general configuration. This legalization does not impact the existing agricultural activities or prime agricultural lands and will continue to protect these lands via the FSZ contract. The legalization does not impact sensitive habitats or riparian habitats (Arroyo de Leon) which runs through several areas of the project site. The proposed Open Space Easement also ensures continued resource protection of those lands not covered by the FSZ contract.

5. Conformance with the Williamson Act

Landowners who wish to add non-contracted land to an existing contract(s), convert contracted land from one type of contract to another, or subdivide property that is under an existing contract(s) may apply to modify them. This is accomplished by rescinding the existing contract(s) and simultaneously reentering into a new contract(s) pursuant to Government Code Section 51255, referred to as “rescission/reentry.” New contract boundaries must be in compliance with the current Government Code provisions and the Williamson Act guidelines and shall not be for less aggregate acreage than originally contracted. All rescission/reentries must be consistent with applicable Government Code provisions, County General Plan and Zoning Ordinances, Subdivision Ordinance, and the Uniform Rules. Rescission/Reentry associated with Lot Line Adjustment requires the following findings:

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

Regarding existing contract number 2005-222499, the western portions of existing parcels 3 and 4 would be rescinded from the 10-year Land Conservation Act (LCA) Contract and the contract would be replaced by a new 20-year FSZ contract. The eastern portions of parcels 3 and 4 which will be reconfigured to parcel 2 will enter a 10-year Open Space Easement (OSE).

Regarding existing contract number 2005-222500, the applicant seeks to rescind and reenter the 20-year FSZ contract on reconfigured parcels 1 and 4. In addition, it will include parcel 065-210-090 (parcel 065-210-090 is not part of the lot line adjustment, but is covered under the existing contract). The northern portion of reconfigured parcel 2 will be replaced by a 20-year OSE.

All parcels will be restricted for at least as long as the term of their current restrictions.

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

The total acreage in the four reconfigured parcels would remain the same. Only the type of contract/easement would differ.

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

All of the originally contracted land will be included in new contracts.

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

Based on the revised parcel sizes, all four of the reconfigured parcels are large enough to sustain qualifying agricultural uses. While parcel 3 is smallest of the parcels it will be tied in perpetuity to reconfigured parcel 4 via a conservation easement.

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

The parcel reconfiguration will help to sustain long-term agricultural uses under consolidated parcels. Separating the prime agricultural lands from lands suitable for agriculture and covering the reconfigured parcels with the 20-year FSZ contract reduces the potential for conversion, while land better suited for open space and public recreation uses due to the slope and soil type will be aggregated under two OSEs on reconfigured parcel 2.

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

There is no reason to expect the removal of adjacent lands from agricultural uses. The parcels to the west of the project site are not agriculturally zoned. While all other adjacent parcels are agriculturally zoned, the lot line adjustment does not involve aspects which would impede or impact adjacent lands.

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

No additional lots will be created by the LLA, only their configurations will change.

**C. REVIEW BY AGRICULTURAL ADVISORY COMMITTEE**

On February 14, 2022, the Agricultural Advisory Committee (AAC) considered the subject project and continued consideration of the item so that committee members interested in doing so could visit the project site. On March 14, 2022, the AAC reviewed and recommended approval of the proposed project with no recommended conditions of approval.

**D. ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines, under as follows:

Section 15305 (Minor Alterations to Land Use Limitations): This exemption includes minor lot line adjustments in areas with a slope of less than 20% that do not result in any changes in land

use or density. The areas in which the lot lines are to be adjusted have no more than 10% slope and the Certificates of Compliance only confirm legality of the parcels. Based on the resulting sizes the post adjusted parcels comply with the minimum parcel sizes; no changes in land use or density will result.

Section 15317 (Open Space Contracts or Easements): This exemption includes the establishment of agricultural preserves, and the creation and renewal of open space contracts under the Williamson Act. This project rescinds and replaces both the WA and FSZ contracts on four parcels to correlate to the newly configured parcels and one additional parcel which is not part of the lot line adjustment but was party to the original contract. In addition, the exemption allows for the creation of open space easements, as is proposed for one of the reconfigured parcels.

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

**FISCAL IMPACT:**

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

**ATTACHMENTS:**

- A. Recommended Findings and Conditions of Approval
  - B. Proposed Resolution Rescinding and Replacing of Williamson Act and Farmland Security Zone Contracts with new Farmland Security Zone Contracts and Open Space Easements
  - C. Location/Vicinity Map
  - D. Proposed LLA Map
  - E. Applicant's Supporting Statements
  - F. Appellant's Appeal Form and Supporting Letter
  - G. Applicant's Response to Appellant's letter to the Planning Commission
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- Exhibit A to the Resolution (Johnston Ranch Proposed Farmland Security Zone Contract
  - Exhibit B, C, and D to the Resolution (California Land Conservation Contract, Open Space Easement Agreements)
  - Exhibit E (Quitclaim Deed)