



County of San Mateo Planning & Building Department  
**Agricultural Advisory Committee**

455 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063  
650/363-4161  
Fax: 650/363-4849

Brenda Bonner      BJ Burns      Robert Cevasco  
Louie Figone      Marilyn Johnson      Teresa Kurtak  
Peter Marchi      Doniga Markegard      Robert Marsh  
April Vargas

---

## MEETING PACKET

**Date:** Monday, September 8, 2014  
**Time:** 7:30 p.m.  
**Place:** San Mateo County Farm Bureau Office  
765 Main Street, Half Moon Bay, California

---

## AGENDA

1. **Call to Order**
2. **Member Roll Call**
3. **Guest Roll Call**
4. **Action Item:** Update to the permit review and renewal procedures for Farm Labor Housing in order to streamline the process and reduce application costs, while maintaining compliance with relevant policies and regulations.
5. **Action Item:** Consideration of an Agritourism Event for the upcoming 2014 October pumpkin selling season (Cozzolino)
6. **Action Item:** Consideration of an Agritourism Event for the upcoming 2014 October pumpkin selling season (Repetto)
7. **Action Item:** Consideration of an Agritourism Event for the upcoming 2014 Christmas tree sales season (Sare/Santa's Tree Farm)
8. **Action Item:** Consideration of an "After-the-fact" Coastal Development Permit and a Planned Agricultural District Permit, pursuant to Sections 6328.4 and 6353 of the County Zoning Regulations, to allow for the remodel and addition to an existing 2,081 sq. ft. single-family dwelling, and an above-ground pool with deck and temporary tent structure located in the unincorporated La Honda area of San Mateo County. This project is appealable to the California Coastal Commission.
9. Review of Williamson Act Contract Non-Renewal Appeals
  - 9.1. **Action Item:** PLN 2011-00316 Frigstad Contract
  - 9.2. **Action Item:** PLN 2011-00330 Katzenstein Contract
  - 9.3. **Action Item:** PLN 2011-00335 McConnell Contract
  - 9.4. **Action Item:** PLN 2011-00338 Gossett Contract
  - 9.5. **Action Item:** PLN 2011-00339 Fogarty Contract
  - 9.6. **Action Item:** PLN 2011-00341 Dempsey Contract

- 9.7. **Action Item:** PLN 2011-00342 Peninsula Open Space Trust Contract
- 9.8. **Action Item:** PLN 2011-00343 Marco Contract
- 9.9. **Action Item:** PLN 2011-00344 Farrell Contract
- 9.10. **Action Item:** PLN 2011-00345 Bordi Contract
- 9.11. **Action Item:** PLN 2011-00346 National Audubon Society Contract
- 10. Consideration of the Action Minutes for the August 11, 2014, regular meeting
- 11. Public Announcements/Comments
- 12. **Adjournment**

---

Agricultural Advisory Committee meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact the County Representative at least five (5) working days before the meeting at (650) 363-1814, or by fax at (650) 363-4849, or e-mail [srosen@co.sanmateo.ca.us](mailto:srosen@co.sanmateo.ca.us). Notification in advance of the meeting will enable the Committee to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

# ROLL SHEET – September 8, 2014

Agricultural Advisory Committee Attendance 2013-2014

	2013				2014									Sep
	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug		
<b>VOTING MEMBERS</b>														
Brenda Bonner	M	X	X	M	M	M	M	X	E	E	X	E		
BJ Burns	E	X	X	E	E	E	E	X	X	X	X	X		
Robert Cevasco	E		X	E	E	E	E	E	X	X				
Louie Figone	T	X	X	T	T	T	T	X	X	X	X	X		
Marilyn Johnson	I	X		I	I	I	I	X	X			X		
Teresa Kurtak	N			N	N	N	N	X	X	E	X	E		
Peter Marchi	G	X	X	G	G	G	G	X	X	X	X	X		
Doniga Markegard		X						E	X		X	X		
Robert Marsh	C	X	X	C	C	C	C	X	X	X	X	X		
April Vargas	A	X		A	A	A	A		X	X		X		
Vacant	N			N	N	N	N							
<b>NON-VOTING MEMBERS</b>														
Natural Resource Conservation Staff	C			C	C	C	C							
San Mateo County Agricultural Commissioner	E	X	X	E	E	E	E	X	E	X	E	X		
Farm Bureau Executive Director	L	X	X	L	L	L	L	X	E	E	X	X		
San Mateo County Planning Staff	E	X	X	E	E	E	E	X	X	X	X	X		
UC Co-Op Extension Representative	D		X	D	D	D	D	X				X		

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

**DATE:** September 8, 2014

**TO:** Agricultural Advisory Committee (AAC)

**FROM:** Planning Staff

**SUBJECT:** Proposed Improvements to the Farm Labor Housing Permit Review and Renewal Process

**PROPOSAL**

The Planning and Building Department is proposing to update the permit review and renewal procedures for farm labor housing (FLH) in order to streamline the process and reduce application costs, while maintaining compliance with relevant policies and regulations.

**RECCOMENDATION**

That staff submit the FLH Policy revisions, with edits or additional information where appropriate and applicable, to the Planning Commission for their consideration and adoption.

**BACKGROUND**

At the ACC's last meeting of August 11, 2014, staff submitted permit review and renewal procedures for farm labor housing (FLH). After the Committee's discussion around several issues, a final staff response to those issues raised is summarized in this report.

**SUMMARY OF COMMENTS AND STAFF RESPONSE**

The following issues occupied the greater part of the meeting's discussion, with the attached Table summarizing staff's latest proposal based on those comments.

- FLH Income Qualifications. No comments were received on this issue. Thus, it stands that the requirement will be that existing or proposed farm laborers work a minimum (on average) of 20 hours a week and that at least half their income be derived from agriculturally-related work, be it on the parcel that they reside on or on a farm elsewhere in the County. Should the AAC have any reservations or issues about the documentation submitted by the FLH applicant substantiating either or both of these requirements, the AAC may: 1) ask the applicant for additional documentation or information as they deem necessary, and/or 2)

recommend that, if approved, the FLH permit be brought back for an administrative review (including consideration by the AAC) in one (1) year (from the date that the FLH units have been installed and occupied). As to what type of documentation should be submitted (for new versus renewed/amended FLH applications), staff seeks direction from the AAC.

- FLH Approval Terms. Where FLH operations are (or will be) also reviewed annually by the County Environmental Health Division under Employee Housing Permits (5 or more workers), staff recommends that FLH approval terms be for a period of 10 years. For all other FLH applications (4 or fewer workers), the term would be 3 to 5 years, upon recommendation of the AAC.
- Enforcement of Minimum Income Requirements with Injured, Ill or Pregnant Farm Workers. Staff would not consider a FLH permit approval in jeopardy due to a worker's illness, injury or pregnancy and how that may affect a worker's income qualifications. Nor would staff require that a FLH applicant inform us of such a situation (unless if the illness/injury would – in the long term – not allow the person to work). As long as no complaints are raised, it would be left to the FLH applicant to best assess such situations as how they could affect that worker's long term income qualifications and ability to provide the labor activity he/she provides. In any event, such scenarios are too situation-specific to include in the amended FLH Process Policy.
- Proven Income and Privacy. The application will be asking that the FLH applicant provide the necessary documentation that the existing or proposed farm workers do or will meet the minimum income qualifications; the application process would not be requesting such documentation from the workers themselves. The FLH application will ask the applicant to attest to the fact that the subject farm workers who are or will be living in the FLH units meet the minimum income requirements. That said, such documentation would likely be different with an existing FLH operation versus a proposed operation (where there's no track record of such documentation for workers who are neither yet on the property or working). Since the amended FLH process does need to cite what such documentation would consist of, staff seeks direction from the AAC (taking into consideration both privacy) as to what such documentation would include and consist of in such different applications.
- Identification of Farm Laborer and Updating the County Upon Turnover. Staff has previously indicated (and the AAC has supported) the proposal to not require that specific farm laborers' names be provided on the FLH application, for several reasons: 1) in the case of proposed FLH, such persons' names would not necessarily be known, and 2) where FLH is approved, the County is not concerned about turn-over per se; only that the laborers housed would continue to qualify by the criteria and documentation initially provided by the FLH applicant.

- Preserve the Certificate of Need Committee (CNC). As stated previously to the AAC, County Counsel has stated that the CNC is not an allowable or legal step in the FLH approval process. That said, be assured that the revised FLH application will collect enough information (i.e. description of existing or proposed farming operation, justification for the need to provide FLH on the subject parcel, income qualification documentation) to adequately inform the AAC, upon their review, of the FLH proposal's "need" for FLH units.
- Allowance of Retired Farm Workers to Remain in FLH Units. While FLH is considered a "temporary use", it's understood that such housing (including its tenants) may be on the subject property for many years. However, neither the PAD nor RM-CZ District zoning regulations would allow for retired workers to continue living in units initially approved as FLH, since it would no longer qualify as FLH. If such housing is not occupied by qualified farm workers (as conditioned by the initial permit approval), it would need to be removed from the site or otherwise converted to an allowable use in the respective zoning district. The provisions for allowing an additional housing unit other than FLH or the principal residence on the parcel (i.e. "affordable housing" options) are so constrained and qualified, such options are not relevant (as well as too speculative) to include in the amended FLH process policy.
- Allowance of Vault Toilets. The provision of adequate toilet and related sanitary septic facilities is mandated by the County Environmental Health (EH) Dept. They, in turn, are enforcing State law regarding minimum housing standards. Greg Smith of EH will be asked to attend this meeting to discuss that department's constraints and requirements around such issues. Beyond that, such provisions are too speculative to include in the amended FLH process policy.
- The Term "Agency Referrals". The use of the word "Agency Referral", as it's listed in our computer case-tracking system, does not need to be changed. It is merely a prompt that allows us to site any agency or person we have sent referrals to. In the computer case, the applicable agencies and persons are listed.

## **NEXT STEPS**

With the AAC's final comments in hand, staff will submit the amended FLH Process Policy to the Planning Commission for their consideration and adoption, tentatively scheduled for either September 24 or October 8, 2014. All ACC members will receive a copy of the PC agenda and staff report.

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

**DATE:** September 8, 2014

**TO:** Agricultural Advisory Committee

**FROM:** Tiare Peña  
(650) 363-1850

**SUBJECT:** Agritourism Event  
**12009 San Mateo Road (Cozzolino)**

County File Number: PLN2014-00286

**PROPOSAL**

The applicant (Cozzolino, John) has submitted an application for an Agritourism Event for the upcoming 2014 October pumpkin selling season. The proposed days and hours of operation are as follows: October 1, 2014 - November 15, 2014; Monday - Friday from 9:00 a.m. to 5:00 p.m., and Saturday - Sunday from 9:00 a.m. to 6:00 p.m. The proposed elements are; 1) a pumpkin patch, pony ride, petting zoo, two inflatable and and, 2) one food vendor (weekends only).

**DECISION MAKER**

Community Development Director

**BACKGROUND**

Report Prepared By: Tiare Peña

Location: 4C's Pumpkin Farm, 12009 San Mateo Road, Half Moon Bay

APN: 056-331-120

Existing Zoning: Planned Agricultural District/Coastal Development

General Plan Designation: Agriculture

Existing Land Use: Agricultural uses

Setting: The 18.89 acre parcel is located on San Mateo Road in the unincorporated area of Half Moon Bay. The property is utilized as an established pumpkin, and oat hay agricultural growing operation.

Williamson Act: The project site under a Williamson Act contract (AP 72-18).

Chronology:

<u>Date</u>	<u>Action</u>
August 2014	- Application for Agritourism Event received by San Mateo County Planning Department
September 9, 2014	San Mateo County Agricultural Advisory Committee public meeting

## **DISCUSSION**

*Will the project be visible from a public road?*

Yes, the project site is visible from San Mateo Road/Highway 92.

*Will any habitat or vegetation need to be removed for the project?*

No.

*Are there prime soils on the project site?*

There are prime soils interspersed throughout the site.

### A. KEY ISSUES

#### 1. Agritourism Event Certificate of Exemption

Planning staff has reviewed this application for conformance with the Agritourism Guidelines. The proposed agritourism activities are secondary and supplemental to established agricultural uses on the property. All activities are temporary, supports the economic viability of the farm and does not prevent future agricultural uses on the land. Staff has determined that this application is in compliance with the Agritourism Guidelines.

#### 2. Compliance with the Williamson Act:

The subject property is under a Williamson Act contract (AP 72-18).

## **FINDINGS**

1. That the agritourism use is compatible with the long-term agricultural uses of the land because the proceeds from the pumpkin sales support the economic viability

of the farm. This is an established agricultural farm, therefore this finding can be made.

2. That the agritourism operation will not adversely affect the health or safety of persons in the area and will not be materially detrimental to the public welfare or injurious to agricultural property. The applicant will hire one employee for the season to assist with parking and pumpkin sales. This finding can be made.
3. That the agritourism operation is in substantial conformance with the goals set forth in the San Mateo County Agritourism Guidelines. Specifically, that the operation is secondary and supplemental to existing agricultural operation on the land. Due to the ongoing agricultural uses on the property, this finding can be made.
4. That the proposed use and activities comply with all relevant provisions of the General Plan, Local Coastal Program and San Mateo Zoning Regulations.

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

**DATE:** September 8, 2014

**TO:** Agricultural Advisory Committee

**FROM:** Tiare Peña  
(650) 363-1850

**SUBJECT:** Agritourism Event  
**12331 Half Moon Bay Road (Repetto)**

County File Number: PLN2014-00287

**PROPOSAL**

The applicant (Repetto) has submitted an application for an Agritourism Event for the upcoming 2014 October pumpkin selling season. The proposed days and hours of operation are as follows: October 1, 2013 - November 15, 2013; Daily from 9:00 a.m. to sunset. The proposed elements are; 1) a pumpkin patch, hayride and corn maze and, 2) one food vendor.

**DECISION MAKER**

Community Development Director

**BACKGROUND**

Report Prepared By: Tiare Peña

Location: Repettos, 12331 San Mateo Road, Half Moon Bay

APN: 056-321-020

Existing Zoning: Planned Agricultural District/Coastal Development

General Plan Designation: Agriculture

Existing Land Use: Agricultural uses

Setting: The 15-acre parcel is located on San Mateo Road in the unincorporated area of Half Moon Bay. The property is currently an established ornamental flower agricultural business.

Williamson Act: The project site is not encumbered by a Williamson Act contract.

Chronology:

<u>Date</u>	<u>Action</u>
August 2014	- Application for Agritourism Event submitted to San Mateo County Planning Department
September 2014	- Agricultural Advisory Committee public meeting

## **DISCUSSION**

*Will the project be visible from a public road?*

Yes, the project site is visible from San Mateo Road/Highway 92.

*Will any habitat or vegetation need to be removed for the project?*

No.

*Is there prime soil on the project site?*

There are prime soils interspersed throughout the site.

### A. KEY ISSUES

#### 1. Agritourism Event Certificate of Exemption

Planning staff has reviewed this application for conformance with the Agritourism Guidelines. The proposed agritourism activities are secondary and supplemental to established agricultural uses on the property. All activities are temporary, supports the economic viability of the farm and does not prevent future agricultural uses on the land. Staff has determined that this application is in compliance with the Agritourism Guidelines.

#### 2. Compliance with the Williamson Act:

The subject property is not under a Williamson Act contract.

## **FINDINGS**

1. That the agritourism use is compatible with the long-term agricultural uses of the land because the proceeds from the pumpkin sales support the economic viability of the farm. This is an established agricultural farm, therefore this finding can be made.

2. That the agritourism operation will not adversely affect the health or safety of persons in the area and will not be materially detrimental to the public welfare or injurious to agricultural property. The applicant will hire between four to six employees for the season to assist with parking and pumpkin sales. This finding can be made.
3. That the agritourism operation is in substantial conformance with the goals set forth in the San Mateo County Agritourism Guidelines. Specifically, that the operation is secondary and supplemental to existing agricultural operation on the land. Due to the ongoing agricultural uses on the property, this finding can be made.
4. That the proposed use and activities comply with all relevant provisions of the General Plan, Local Coastal Program and San Mateo Zoning Regulations.

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

**DATE:** September 8, 2014

**TO:** Agricultural Advisory Committee

**FROM:** Tiare Peña  
(650) 363-1850

**SUBJECT:** Consideration of Agritourism Event  
**78 Pilarcitos Creek Road (Sare)**

County File Number: PLN2012-00249

**PROPOSAL**

The applicant (Sare) is requesting consideration of an application for an Agritourism Event for the upcoming 2014 Christmas tree sales season. The proposed days and hours of operation are as follows: November 15 through December 24, 2013 from 9:00 a.m. til 5:00 p.m. The proposed elements are; 1) a train on rubber tires that transport guests along an existing graveled road and 2) one food/snack bar for sales of prepackaged foods and associated Christmas tree related items.

**DECISION MAKER**

Community Development Director

**BACKGROUND**

Report Prepared By: Tiare Peña

Location: Santa's Tree Farm, 78 Pilarcitos Creek Road, Half Moon Bay

APN: 056-380-020

Existing Zoning: Planned Agricultural District/Coastal Development

General Plan Designation: Agriculture

Existing Land Use: Agricultural uses, residence and barn

Setting: The 127 acre parcel is located on Pilarcitos Creek Road in the unincorporated area of Half Moon Bay. The property is bisected by San Mateo Road.

Williamson Act: The project site is not under a Williamson Act contract.

Chronology:

<u>Date</u>	<u>Action</u>
August 18, 2014	- Application for Agritourism Event submitted
September 8, 2014	- Agricultural Advisory Committee meeting

## **DISCUSSION**

*Will the project be visible from a public road?*

Yes, the project site is visible from San Mateo Road/Highway 92

*Will any habitat or vegetation need to be removed for the project?*

Mature trees will be removed and from the site and new trees will be replanted.

*Is there prime soil on the project site?*

There are some prime soils interspersed throughout the site.

### A. KEY ISSUES

#### 1. Agritourism Event Certificate of Exemption

Planning staff has reviewed this application for conformance with the Agritourism Guidelines. The proposed agritourism activities are secondary and supplemental to established agricultural uses on the property. All activities are temporary, supports the economic viability of the farm and does not prevent future agricultural uses on the land. Staff has determined that this application is in compliance with the Agritourism Guidelines.

#### 2. Compliance with the Williamson Act:

The subject property is not under a Williamson Act contract.

## **FINDINGS**

1. That the agritourism use is compatible with the long-term agricultural uses of the land because the proceeds from the pumpkin sales support the economic viability of the farm. This is an established agricultural farm, therefore this finding can be made.
2. That the agritourism operation will not adversely affect the health or safety of persons in the area and will not be materially detrimental to the public welfare or

injurious to agricultural property. The applicant will hire three employees for the season to assist with parking and tree sales. This finding can be made.

3. That the agritourism operation is in substantial conformance with the goals set forth in the San Mateo County Agritourism Guidelines. Specifically, that the operation is secondary and supplemental to existing agricultural operation on the land. Due to the ongoing agricultural uses on the property, this finding can be made.
4. That the proposed use and activities comply with all relevant provisions of the General Plan, Local Coastal Program, Zoning Regulations, and Williamson Act.

### **ATTACHMENTS**

- A. Application for Agritourism Event
- B. Environmental Information Form

# Application for Agritourism Event

Certificate of exemption

Primary Permit #: PLN 2012-00249

## 1. Instructions

Please fill out the general Planning Permit Application Form, Environmental Information Form, and this form when applying for a Agritourism use.

## 2. Project Information

Parcel/Lot Size: 056.380.020

NO W.A.C., size: 127.31 acres

If less than 40 Acres project not to exceed 1 gross Acre)

If more than 40 Acres project not to exceed 2 gross Acres)

Area less than one acre.

Please describe all elements and activities associated with your agritourism activities:

Temporary seasonal ag. use

A) One train with rubber tires, route consisting of an existing, graveled, field access road.

B) One pre-packaged food/snack bar and seasonal and Christmas tree related items.

Please describe hours, number of employees and statement of conformance with agritourism guidelines:

Nov. 15 to Dec. 24th 9am-5pm

3 employees. Pre packaged food/snack bar is less than 25 Square feet. This does not interfere with agricultural production on or adjacent to the lot. NO W.A.C. There is no land disturbance.

Please describe the agricultural uses on the land:

Christmas tree production  
~~Christmas tree production~~

Applicant's Name: Natalie and Dan Sare

Address: Santas Tree Farm  
78 Pilarcitos Creek road  
Half Moon Bay, CA 94019

**3. Site Description**

Please describe any on-site parking areas:

Parking is available along/next to fields.

Please describe any on-site eating establishments:

None.

**4. Qualification Requirements**

Please initial next to the category which qualifies your project for an agritourism use.

NS Event will not occur for more than 45 days.        Total acreage does not exceed two gross acres.  
NS Total acreage does not exceed one gross acre. NS Does not interfere with agricultural uses of the land.

**5. Williamson Act Contract**

Is the parcel currently under a Williamson Act Contract?  YES  NO

If Yes, please provide contract number: \_\_\_\_\_

**6. Materials Required**

- a. Three (3) sets of plans that include a scaled site plan, elevations, and floor plans
  - b. One (1) set of reduced plans (8 1/2"X11" or 11"X17")
  - c. All applicable applications forms
  - d. Environmental Information Form
  - e. Photographs (if requested)
  - f. Fees as set by Resolution of the Board of Supervisors
- Additional information may be required during review of your application.

**7. Approval**

Planner: \_\_\_\_\_ Date: \_\_\_\_\_

**8. Processing**

- Fee Collected
- Referral to Agricultural Advisory Committee
- Update Permit Plan

**9. Signatures**

We hereby certify that the information stated above and on forms, plans and other materials submitted herewith in support of the application is true and correct to the best of our knowledge. It is our responsibility to inform the County of San Mateo through our assigned project planner of any changes to information represented in these submittals.

Owner's Signature (1): Natalie Sore

Owner's Signature (2): \_\_\_\_\_

Applicant's Signature: Natalie Sore

# Environmental Information Disclosure Form

Planning and Building Department

PLN 2012-00249

BLD \_\_\_\_\_

Project Address: SANTA'S TREE FARM  
78 Pilarcitos Creek rd  
Half Moon Bay CA 94019  
 Assessor's Parcel No.: 056 - 380 - 020

Name of Owner: Dan and Natalie Sore  
 Address: 78 Pilarcitos Creek rd  
Half Moon Bay CA 94019 Phone: 650-726-2246  
 Name of Applicant: Dan and Natalie Sore  
 Address: 78 Pilarcitos Creek rd  
Half Moon Bay CA 94019 Phone: 650-726-2246

Zoning District: PMD

## Existing Site Conditions

Parcel size: 127.31 acres

Describe the extent and type of all existing development and uses on the project parcel, including the existence and purpose of any easements on the parcel, and a description of any natural features on the project parcel (i.e. steep terrain, creeks, vegetation). Christmas tree production, barns, home.

## Environmental Review Checklist

### 1. California Environmental Quality Act (CEQA) Review

Yes	No	Will this project involve:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. Addition to an existing structure > 50% of the existing area OR > 2,500 sq. ft?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	b. Construction of a new multi-family residential structure having 5 or more units?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	c. Construction of a commercial structure > 2,500 sq.ft?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	d. Removal of mature tree(s) ( ≥ 6" d.b.h. in Emerald Lake Hills area or ≥ 12" d.b.h. in any residential zoning district)? If yes, how many trees to be removed? _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	e. Land clearing or grading? If yes, please state amount in cubic yards (c.y.): Excavation : _____ c.y. . Fill: _____ c.y.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	f. Subdivision of land into 5 or more parcels?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	g. Construction within a State or County scenic corridor?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	h. Construction within a sensitive habitat?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	i. Construction within a hazard area (i.e. seismic fault, landslide, flood)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	j. Construction on a hazardous waste site (check with Co. Env. Health Division)?

Please explain all "Yes" answers:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Signature required on reverse →

2. National Marine Fisheries Rule 4(d) Review		
Yes	No	Will the project involve:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. Construction outside of the footprint of an existing, legal structure?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	b. Exterior construction within 100-feet of a stream?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	c. Construction, maintenance or use of a road, bridge, or trail on a stream bank or unstable hill slope?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	d. Land-use within a riparian area?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	e. Timber harvesting, mining, grazing or grading?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	f. Any work inside of a stream, riparian corridor, or shoreline?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	g. Release or capture of fish or commerce dealing with fish?
Please explain any "Yes" answers:		

3. National Pollutant Discharge Elimination System (NPDES) Review		
Yes	No	Will the project involve:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. A subdivision or Commercial / Industrial Development that will result in the addition or replacement of <b>10,000 sq. ft. or more of impervious surface?</b> If yes, Property Owner may be required to implement appropriate source control and site design measures and to design and implement stormwater treatment measures, to reduce the discharge of stormwater pollutants. Please consult the Current Planning Section for necessary forms and both construction and post-construction requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	b. Land disturbance of <b>1 acre or more of area?</b> If yes, Property Owner must file a Notice of Intent (NOI) to be covered under the statewide General Construction Activities Storm Water Permit (General Permit) <b>prior</b> to the commencement of construction activity. Proof of coverage under State permit must be demonstrated prior to the issuance of a building permit.

**Certification**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and the facts, statements and information presented are true and correct to the best of my knowledge and belief. **If any of the facts represented here change, it is my responsibility to inform the County.**

Signed: *Natalie Sore*

Date: *8/10/2014*

(Applicant may sign)

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

**DATE:** September 8, 2014

**TO:** Agricultural Advisory Committee

**FROM:** James A. Castañeda, AICP, (650) 363-1853

**SUBJECT:** Consideration of an “After-the-fact” Coastal Development Permit and a Planned Agricultural District Permit, pursuant to Sections 6328.4 and 6353 of the County Zoning Regulations, to allow for the remodel and addition to an existing 2,081 sq. ft. single-family dwelling, and an above-ground pool with deck and temporary tent structure located in the unincorporated La Honda area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN2010-00101

**PROPOSAL**

The applicant is proposing to legalize after-the-fact remodel and addition to an existing 2,081 sq. ft. single-family dwelling, which includes removal of an existing permitted second floor exterior staircase, enlargement of roof above the entrance area, replacement of windows and wood siding, and the addition of 641 sq. ft. of new decking. The applicant is also requesting legalization of the construction of a 1,091 sq. ft. above-ground pool and deck with a 168 sq. ft. temporary tent pool house structure located in the rear yard.

**DECISION MAKER**

Zoning Hearing Officer

**QUESTIONS FOR THE AGRICULTURAL ADVISORY COMMITTEE**

1. Will the approving the “after-the-fact” CDP and PAD have any negative effect on surrounding agricultural uses? If so, can any conditions of approval be recommended to minimize any such impact?
2. What position do you recommend that the Planning Department staff take with respect to the application for this project?

**BACKGROUND**

Report Prepared By: James A. Castañeda, AICP, Telephone 650/363-1853

Location: 4180 La Honda Road, La Honda

APN: 082-120-150

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

General Plan Designation: Agriculture

Existing Land Use: Residential

Setting: The parcel is located on a relatively flat area which slopes down from La Honda Road and is obscured by heavy brush and vegetation on the northern end, with the southern property line following the approximate center line of San Gregorio Creek, which forms an oxbow bend. Another area of heavy brush and vegetation sits between the existing developed area of the property and the creek along the top of the bank. The existing development on the property includes a single-family home, the pool with deck and tent structure, and play area equipment. Surrounding properties along La Honda Road are similar to the subject property and consist of larger agricultural parcels zoned PAD and developed with agricultural and/or residential structures.

Environmental Evaluation: The improvements and pool with associated decking and tent structure are considered Categorically Exempt under the California Environmental Quality Act (CEQA). Section 15301, Existing Facilities, allows for additions to existing structures less than 2,500 sq. ft., and Section 15303, New Construction or Conversion of Small Structures, allows the construction of accessory structures.

Williamson Act: The project site is not under the Williamson Act.

*Will the project be visible from a public road?*

The project is not proposing additional structures. The subject parcel sits below the sight lines of La Honda Road, and a significant amount of vegetation provides a visual buffer from the scenic corridor.

*Will any habitat or vegetation need to be removed for the project?*

The project is not proposing additional structures. The existing structures, at the time of their construction, did not remove any habitat. Vegetation may have been disturbed at the time the permitted dwelling was constructed and surrounding area landscaped.

*Is there prime soil on the project site?*

The site contains approximately 52% prime soils. The existing development, both permitted and unpermitted, is located within the areas indicated as prime soils. Due to the topography, alternatives for development are limited on the parcel and, as such, the existing dwelling was allowed to convert said prime agricultural land in 1982 through an approved Use Permit and Coastal Development Permit (CDP 81-79/UP 81-32). The pool structure is also located within prime soils, but as a residential accessory use, it must be near the existing dwelling, avoid the existing septic field location, and not adjacent to riparian vegetation.

## **DISCUSSION**

### **A. KEY ISSUES**

Planning staff has reviewed this proposal and has concluded the following:

#### **1. Compliance with PAD Regulations:**

While the subject parcel contains both prime soils and lands suitable for agriculture, the existing dwelling, which is located on prime soils, was previously approved through a Use Permit and Coastal Development Permit, and the existing unpermitted pool structure is located on Prime Soils. Section 6355 contains the substantive criteria for the issuance of a PAD permit. A project must be found to be in compliance 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 existing dwelling is already constructed on lands that were deemed convertible from prime agricultural land in 1982 due to a lack of alternatives. While the legalization of the pool structure does convert an area of prime soil, it does allow for clustering while maintaining a reasonable distance from the riparian corridor along San Gregorio Creek. No additional areas of the parcel are proposed for development at this time.

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

The existing permitted dwelling was constructed in its location due to lack of alternatives. The pool structure's current location is considered reasonably clustered given the size and the geography of the subject parcel.

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

This project has been reviewed under and found to comply with the Development Review Criteria cited within Chapter 20A.2 of the County Zoning Regulations. Specifically, the project complies with Section 6324.1, which addresses the potential for environmental impacts, as the project will not introduce noxious odors, chemical agents, or raise long-term noise levels, and will not extensively change existing vegetative cover. The project also complies with Sections 6324.2 and 6325.1, which address site design criteria and primary scenic resources areas, as the project is not proposing additional structures that may impact sensitive habitats, mature trees, or dominant vegetation. While the project is located within the La Honda Road County Scenic Corridor, the subject parcel sits below the sight lines of La Honda Road, and a significant amount of vegetation provides a visual buffer from the scenic corridor.

(2) Water Supply Criteria

- (a) *The existing availability of a potable and adequate on-site well water source for all non-agricultural uses is demonstrated.*

An existing domestic serves the existing development well. No additional development is proposed at this time.

(3) Criteria for the Conversion of Prime Agricultural Lands

- (a) General Criteria. *Prime agricultural land within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless it can be demonstrated that no alternative site exists on the parcel for the use; clearly defined buffer areas are provided between agricultural and non-agricultural uses; the productivity of adjacent agricultural land will not be diminished; and public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.*

As previously mentioned, the existing development, both permitted and unpermitted, is located within the areas indicated as prime agricultural land. Due to the topography, alternatives for development are limited on the parcel and, as such, the existing dwelling was allowed to convert said prime agricultural land in 1982. The pool structure is also located within prime

soils, but as a residential accessory use, it must be near the existing dwelling, and avoid the existing septic field location and riparian vegetation. Due to the parcel's topography, size, and shape, potential for agricultural production on the parcel is limited.

2. Compliance with Local Coastal Program (LCP) Policies:

Staff has reviewed the project and found it to be in compliance with the policies of the Local Coastal Program. The relevant policies are discussed below:

a. Locating and Planning New Development Component

The existing development is consistent with Policy 1.8a (*Land Uses and Development Densities in Rural Areas*) which allows development in rural areas only if it is demonstrated that it will not (1) have significant adverse impacts, either individually or cumulatively, on coastal resources, and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture in agricultural production. While the existing dwelling did require that an area of prime soil be converted (allowed by a Use Permit and Coastal Development Permit in 1982), there are no other developable areas on the site. The existing development does not have any other adverse impacts and is sited in the most reasonable location on the parcel.

b. Agriculture Component

LCP Policy 5.5 (*Permitted Uses on Prime Agricultural Lands*) allows conditionally permitted uses of a single-family residence. The pool is accessory to the existing dwelling, which was conditionally approved in 1982 through a Use Permit and Coastal Development Permit.

LCP Policy 5.8 (*Conversion of Prime Agricultural Land*) allows for the conversion of "Prime Agricultural Lands" when it can be shown that there are no other suitable locations on the site for the use and that there will not be impacts to adjacent agricultural uses. As explained previously, it was determined at the time the dwelling was permitted that no alternative locations for development were identified and approved by the Zoning Hearing Officer. The pool structure, which requires after the fact legalization through this project, is also located in areas of prime soils and also lacks alternative locations that do not involve visual impacts or impacts to natural resources.

c. Sensitive Habitats Component

Policy 7.3 (*Protection of Sensitive Habitats*) prohibit development that would have significant impacts to sensitive habitat areas, and require that development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the sensitive habitats. A biological report was submitted that indicates that native habitat is present as riparian vegetation along the San Gregorio Creek corridor south of the property. The dwelling is located approximately 51-feet from the edge of riparian vegetation, and the pool is approximately 150-feet away from the edge. It was concluded that impacts to habitat within the riparian vegetation was not impacted during construction, and do not as existing.

Policy 7.11 (*Establishment of Buffer Zones*) defines a buffer zone of 50-feet outward from the limit of riparian vegetation for perennial streams, where development or disturbance is discourage. Both the existing dwelling and pool are located beyond the 50-foot buffer zone. Landscaping, including turf, a vegetable garden and children's play area structure are located within this buffer zone, but as they are not permanent structures, it is concluded in the biologist report that it is unlikely any disturbance occurred to sensitive habitats within the riparian corridor was experienced.

c. Visual Resources Component

Policy 8.5 (*Location of Development*). This policy requires that all development be located on a portion of a parcel where the development is least visible from State and County Scenic Roads, and is least likely to significantly impact views from public viewpoints. The subject parcel sits below La Honda Road, where large amounts of vegetation also screen the development. The dwelling and the pool structure are sufficiently screened and not visible from La Honda Road.

3. Compliance with the Williamson Act:

The subject property is not under an existing Williamson Act contract.

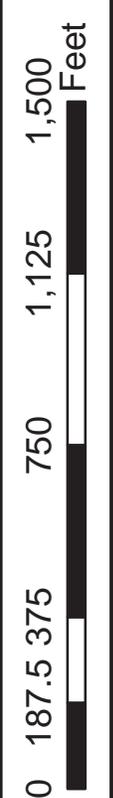
## **ATTACHMENTS**

- A. Vicinity Map
- B. Site Plan
- C. Elevation and Floor Plans
- D. Prime soils Map



# Vicinity Map

**PLN2010-00101**  
Subject Parcels

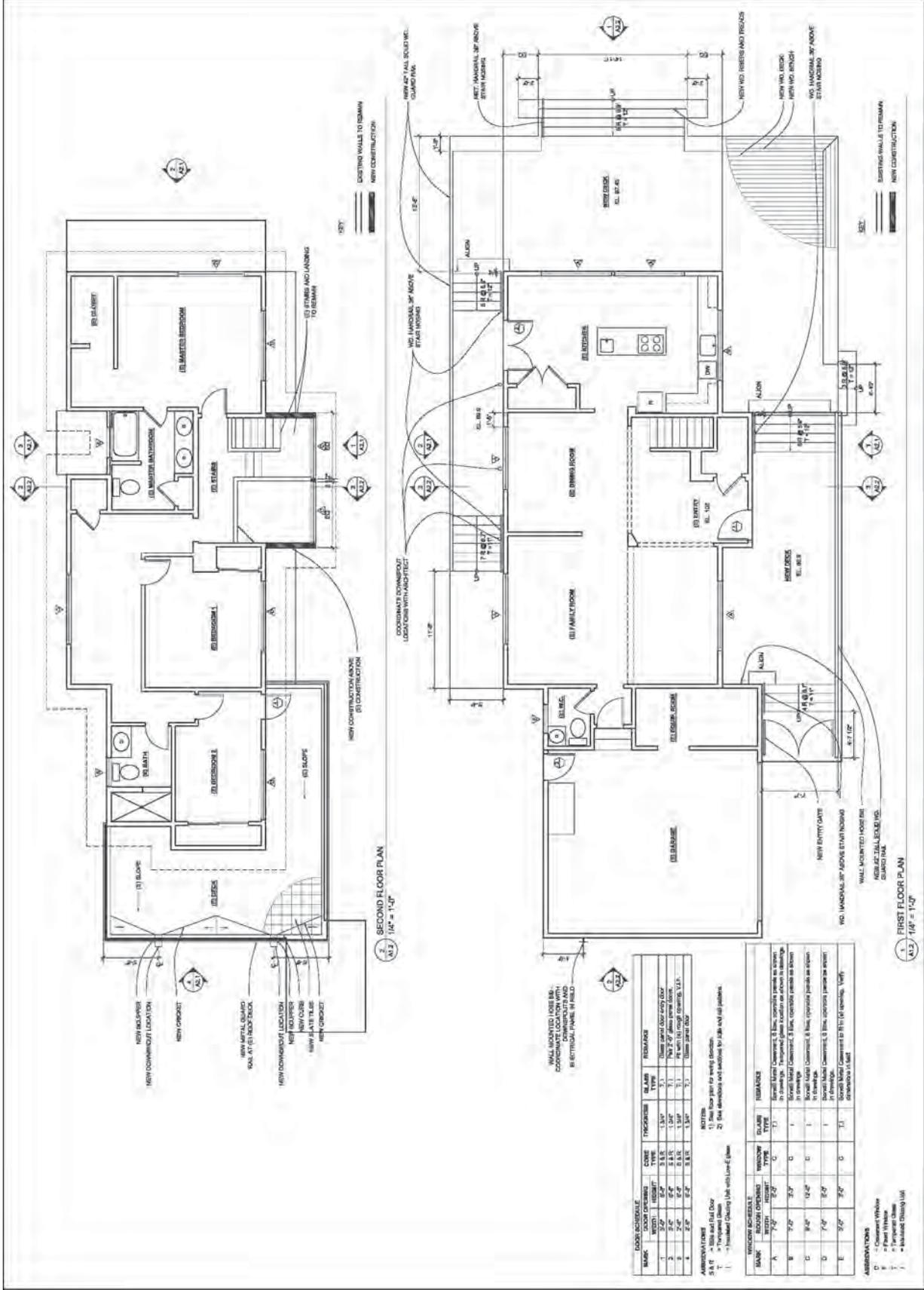


## San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: MORFORD  
Attachment: A  
File Numbers: PLN2010-00101







**DOOR SCHEDULE**

MARK	DOOR TYPE	FINISH	GLASS	REMARKS
1	7'-0" x 2'-0" S.W.	3/4" S.P.	1/2"	Slam shut door every door
2	7'-0" x 2'-0" S.W.	3/4" S.P.	1/2"	Part of glass panel down
3	7'-0" x 2'-0" S.W.	3/4" S.P.	1/2"	Slam shut door

**WINDOW SCHEDULE**

MARK	WINDOW TYPE	FINISH	GLASS	REMARKS
A	7'-0" x 2'-0" S.W.	3/4" S.P.	1/2"	Slam shut window
B	7'-0" x 2'-0" S.W.	3/4" S.P.	1/2"	Slam shut window
C	7'-0" x 2'-0" S.W.	3/4" S.P.	1/2"	Slam shut window
D	7'-0" x 2'-0" S.W.	3/4" S.P.	1/2"	Slam shut window
E	7'-0" x 2'-0" S.W.	3/4" S.P.	1/2"	Slam shut window

**NOTES:**  
 1) See door plan for swing direction.  
 2) See schedule and section for J.A.B. and all panels.

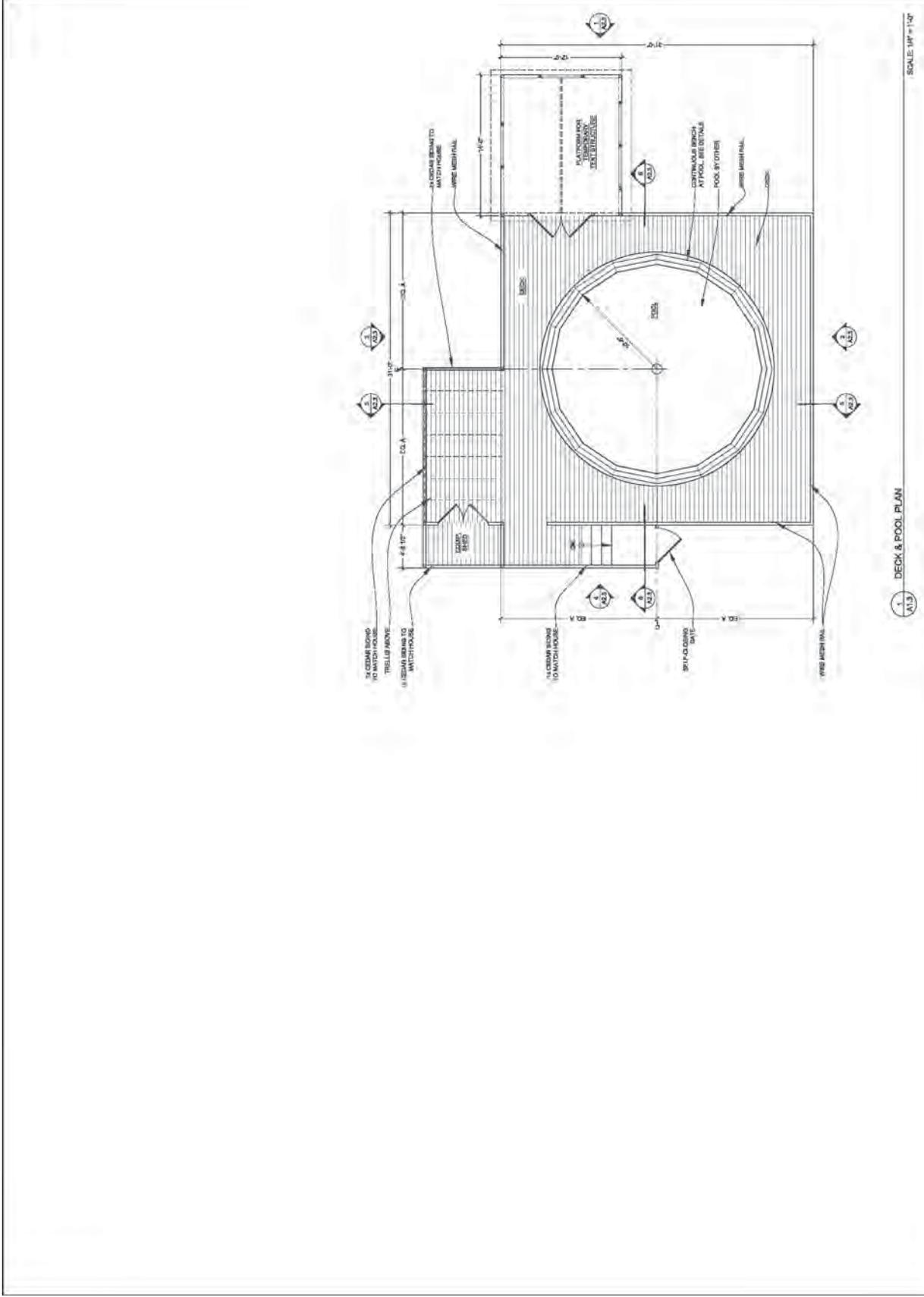
**ABBREVIATIONS:**  
 C = Casement Window  
 F = Fixed Window  
 I = Inset Window  
 S = Sliding Window  
 T = Transom Window  
 W = Wood Window  
 M = Metal Window  
 G = Glass Window  
 L = Laminated Glass Window

# San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: MORFORD

Attachment: C

File Numbers: PLN2010-00101



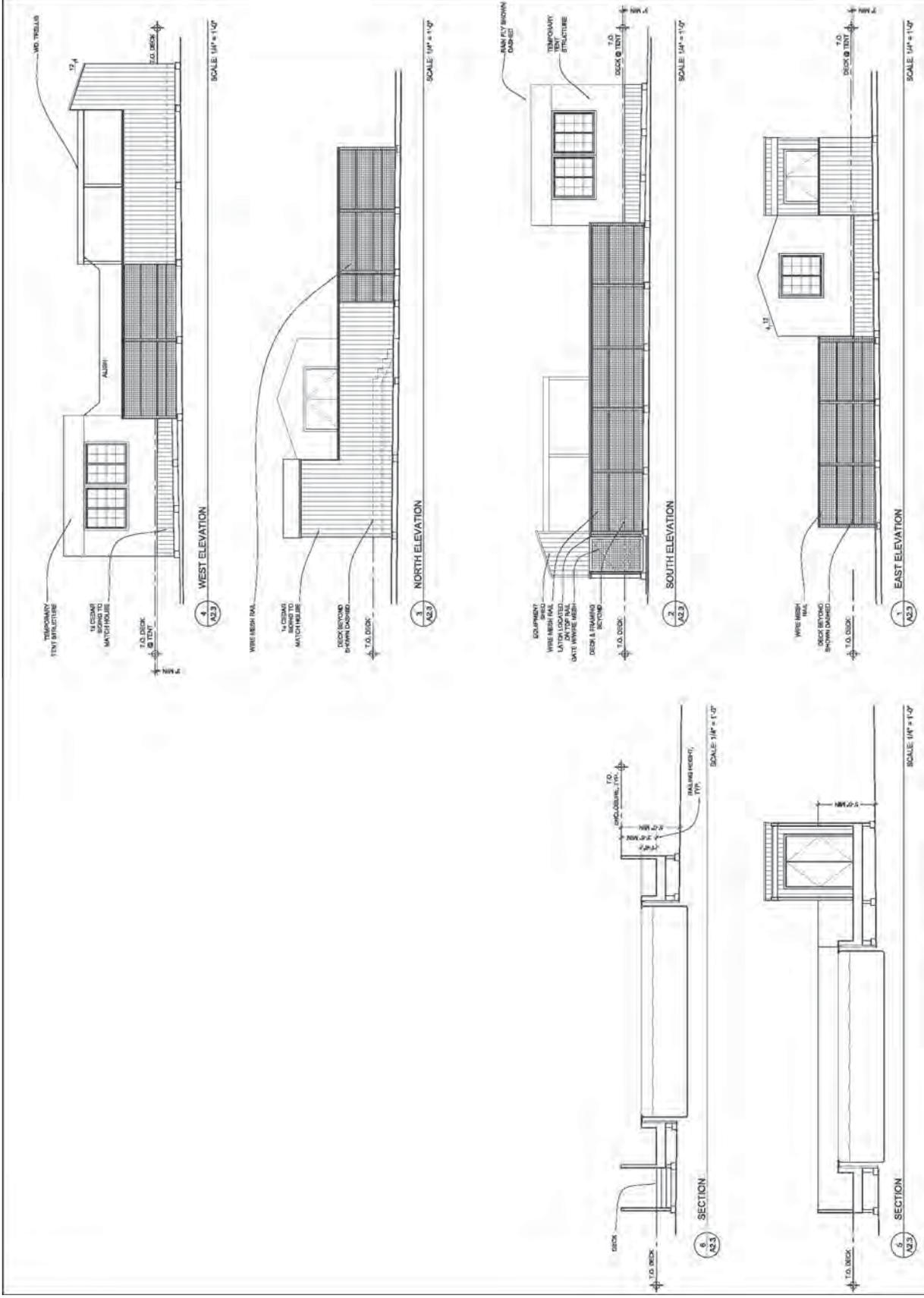
**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: MORFORD

Attachment: C

File Numbers: PLN2010-00101





**San Mateo County Zoning Hearing Officer Meeting**

Owner/Applicant: MORFORD

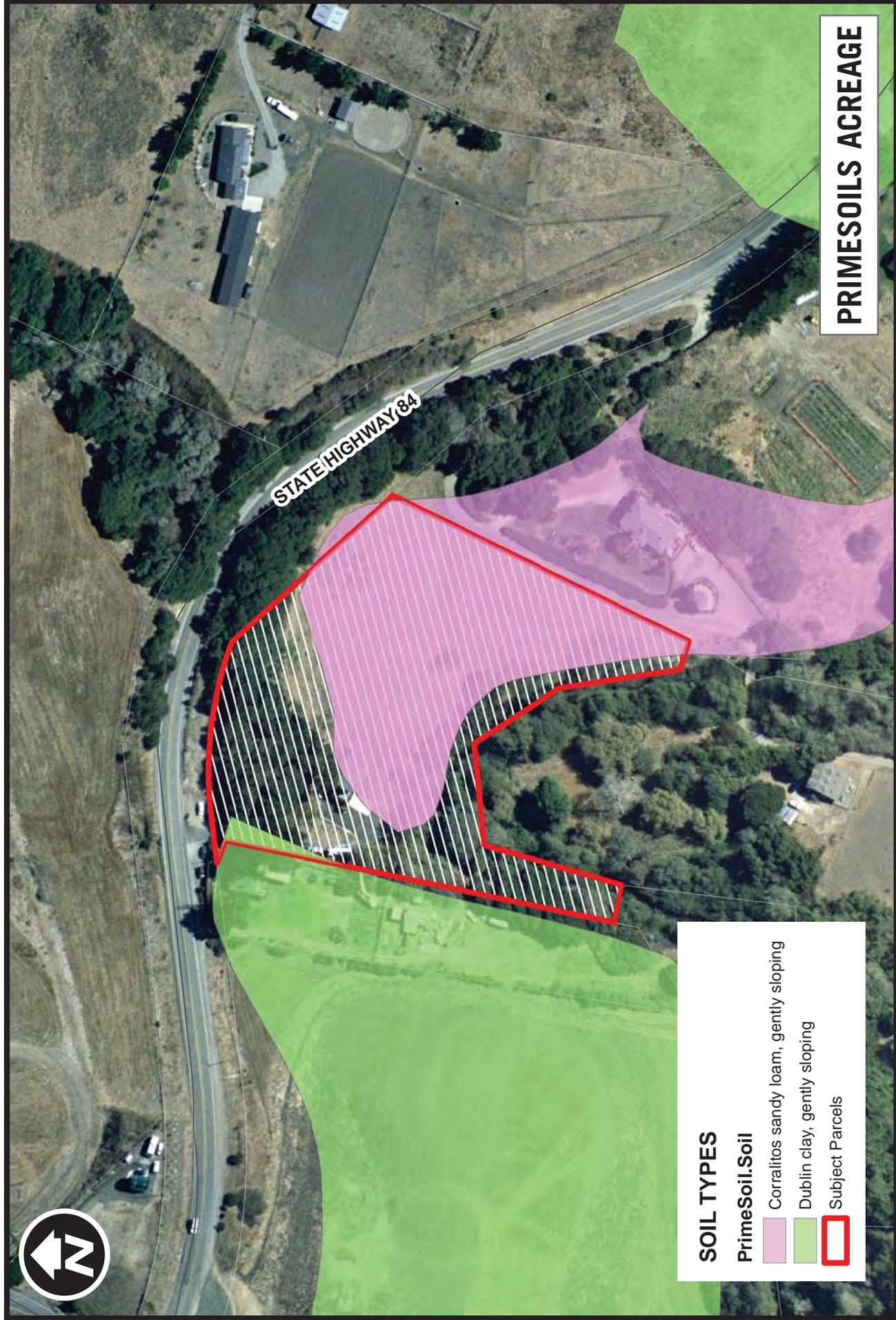
File Numbers: PLN2010-00101

Attachment: C





**PARCEL: 082-120-150 (4.11 ac)**  
**PRIME SOILS: 2.1 ac (Corralitos sandy loam, gently sloping)**  
**.05 ac (Dublin clay, gently sloping)**



**SOIL TYPES**

**PrimeSoil.Soil**

 Corralitos sandy loam, gently sloping

 Dublin clay, gently sloping

 Subject Parcels

**PRIME SOILS ACREAGE**



**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 agenda 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."

<b>APN 085-170-230</b>	<b>Williamson Act Program Requirements</b>	<b>Planning Review</b>	<b>Compliance</b>
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning <sup>1</sup>	PAD, RM, or RM-CZ	RM	Yes
Parcel Size <sup>2</sup>	40 Acres	91.21 Acres	Yes
Prime Soils <sup>3</sup>	--	5.18 Acres	--
Non-Prime Soils	--	86.03 Acres	--
Crop Income <sup>4,6</sup>	\$10,000	Completed	No
Grazing Utilization <sup>5,6</sup>	68.40 Acres	76 Acres	Yes
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. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.</i>			

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."

<b>APN 081-320-060</b>	<b>Williamson Act Program Requirements</b>	<b>Planning Review</b>	<b>Compliance</b>
Land Use Designation	Open Space or Agriculture	Agriculture	Yes
Zoning <sup>1</sup>	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size <sup>2</sup>	40 Acres	23.08 Acres	No
Prime Soils <sup>3</sup>	--	0	--
Non-Prime Soils	--	23.08 Acres	--
Crop Income <sup>4,6</sup>	\$10,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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.

<b>APN 080-350-460 (25.15 Acres) APN 080-350-470 (30 Acres) APN 080-350-480 (146.34 Acres)</b>	<b>Williamson Act Program Requirements</b>	<b>Planning Review</b>	<b>Compliance</b>
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning <sup>1</sup>	PAD, RM, or RM-CZ	RM	Yes
Parcel Size <sup>2</sup>	40 Acres	201.49 Acres	Yes
Prime Soils <sup>3</sup>	--	0	--
Non-Prime Soils	--	201.49 Acres	--
Crop Income <sup>4,6</sup>	\$30,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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.

<b>APN 048-350-010 (26.18 Acres) APN 056-530-040 (15.53 Acres)</b>	<b>Williamson Act Program Requirements</b>	<b>Planning Review</b>	<b>Compliance</b>
Land Use Designation	Open Space or Agriculture	Agriculture	Yes
Zoning <sup>1</sup>	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size <sup>2</sup>	40	41.71	Yes
Prime Soils <sup>3</sup>	--	11.17	--
Non-Prime Soils	--	26.98	--
Crop Income <sup>4,5</sup>	\$20,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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 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
- B. Landowner Documents

## 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 <sup>1</sup>	PAD, RM, or RM-CZ	RM	Yes
Parcel Size <sup>2</sup>	40 Acres	60.56 Acres	Yes
Prime Soils <sup>3</sup>	--	0	--
Non-Prime Soils	--	60.56 Acres	--
Crop Income <sup>4,6</sup>	\$40,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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.

<b>APN 078-210-030 (20 Acres) APN 078-200-100 (59.29 Acres)</b>	<b>Williamson Act Program Requirements</b>	<b>Planning Review</b>	<b>Compliance</b>
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning <sup>1</sup>	PAD, RM, or RM-CZ	RM	Yes
Parcel Size <sup>2</sup>	40 Acres	79.29 Acres	Yes
Prime Soils <sup>3</sup>	--	0	--
Non-Prime Soils	--	79.29 Acres	--
Crop Income <sup>4,6</sup>	\$20,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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 <sup>1</sup>	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size <sup>2</sup>	40 Acres	409.54 Acres	Yes
Prime Soils <sup>3</sup>	--	35.15 Acres	--
Non-Prime Soils	--	374.39 Acres	--
Crop Income <sup>4,6</sup>	\$40,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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.”

<b>APN 080-390-090</b>	<b>Williamson Act Program Requirements</b>	<b>Planning Review</b>	<b>Compliance</b>
Land Use Designation	Open Space or Agriculture	Public Recreation	No
Zoning <sup>1</sup>	PAD, RM, or RM-CZ	RM	Yes
Parcel Size <sup>2</sup>	40 Acres	44.57 Acres	Yes
Prime Soils <sup>3</sup>	--	0	--
Non-Prime Soils	--	44.57 Acres	--
Crop Income <sup>4,6</sup>	\$10,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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.”

<b>APN 080-390-070</b>	<b>Williamson Act Program Requirements</b>	<b>Planning Review</b>	<b>Compliance</b>
Land Use Designation	Open Space or Agriculture	Public Recreation	No
Zoning <sup>1</sup>	PAD, RM, or RM-CZ	RM	Yes
Parcel Size <sup>2</sup>	40 Acres	36.45 Acres	No
Prime Soils <sup>3</sup>	--	0	--
Non-Prime Soils	--	36.45 Acres	--
Crop Income <sup>4,6</sup>	\$10,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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.

<b>APN 078-130-200 (44.726 Acres) APN 078-110-040 (0.78 Acres)</b>	<b>Williamson Act Program Requirements</b>	<b>Planning Review</b>	<b>Compliance</b>
Land Use Designation	Open Space or Agriculture	Open Space	Yes
Zoning <sup>1</sup>	PAD, RM, or RM-CZ	RM	Yes
Parcel Size <sup>2</sup>	40 Acres	45.50 Acres	Yes
Prime Soils <sup>3</sup>	--	0	--
Non-Prime Soils	--	45.50 Acres	--
Crop Income <sup>4,6</sup>	\$20,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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	<b>078-190-020</b>	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 <sup>1</sup>	PAD, RM, or RM-CZ	RM	Yes
Parcel Size <sup>2</sup>	40 Acres	1,038.24 Acres	Yes
Prime Soils <sup>3</sup>	--	0	--
Non-Prime Soils	--	1,038.24 Acres	--
Crop Income <sup>4,6</sup>	\$120,000	Completed	No
Grazing Utilization <sup>5,6</sup>	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 & Building Department  
**Agricultural Advisory Committee**

455 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063  
650/363-4161  
Fax: 650/363-4849

---

**Meeting Minutes**  
**Regular Meeting August 11, 2014**

**1. Call to Order**

Robert Marsh, Committee Chairman, called the Regular Meeting of the Agricultural Advisory Committee (AAC) to order at 7:30 p.m. at the San Mateo County Farm Bureau Conference Room in Half Moon Bay, California.

**2. Member Roll Call**

Robert Marsh, AAC Chairman, called the roll. A quorum (a majority of the voting members) was present, as follows:

Regular Voting Members Present

BJ Burns  
Louie Figone  
Marilyn Johnson  
Peter Marchi  
Doniga Markegard  
Robert Marsh  
April Vargas

Regular Voting Members Absent

Brenda Bonner  
Robert Cevalasco  
Teresa Kurtak

Nonvoting Members Present

Virginia Lj Bolshakova  
Fred Crowder  
Bill Gass  
Steven Rosen

Nonvoting Members Absent

Jim Howard

**3. Guest Roll Call**

Guests Present

Kerry Burke  
Lorraine Burns

Brett Melone  
Leslie Phipps  
Ben Ranz  
Melissa Ross  
Dante Silvestri  
Ron Sturgeon

**4. Williamson Act Update (7:32)**

Melissa Ross explained the effects of the recent Land Conservation (Williamson) Act update and answered the questions of the Agricultural Advisory Committee.

**5. Action Item: Proposed Improvements to the Farm Labor Housing Permit Review and Renewal Process (8:21)**

Steven Rosen presented Dave Holbrook's report to the Agricultural Advisory Committee, explaining changes made to the proposed Farm Labor Housing permit review procedure in response to the comments of the Agricultural Advisory Committee at the July 14 meeting.

8:28 BJ Burns stated that a ten year permit expiration is appropriate for Farm Labor Housing (FLH) reviewed annually by the Environmental Health Department, but not for FLH for four or fewer residents which are not subject to annual inspection. A permit lifespan of three to five years would be more appropriate.

8:30 Peter Marchi raised the issue of whether the minimum work requirement would be enforced if the farm laborer were injured or if there were no agricultural work to be had.

8:33 Ron Sturgeon asked how income could be proven without violating the privacy of farm laborers. He pointed out that the income requirement could prevent a person with substantial other income from working in agriculture full-time. He also stated that the term "farm labor" should be changed to "farm worker."

8:43 Bill Gass asked whether a retired worker would be allowed to stay in FLH, given that the retiree would have no agricultural income or agricultural work. Later in the meeting, the AAC widened the discussion to include injured and pregnant farm workers.

8:45 BJ Burns stated that the County should preserve the Certificate of Need Committee.

8:52 Peter Marchi asked whether vault toilets would be allowed to supplement indoor plumbing.

8:57

April Vargas listed questions raised by the AAC on July 14 and on August 11. Questions requiring additional information are:

A representative of the Environmental Health Department should be present.

The requirements for identifying the farm laborer and updating the County upon turnover should be specified.

The renewal process: The renewal period given by Dave Holbrook in the report (ten years for housing inspected annually by the Department of Environmental Health and three-to-five years for housing not inspected annually, subject to modification by the Agricultural Advisory Committee and Zoning Hearing Officer) was not satisfactory.

The Certificate of Need Committee should be maintained.

The Planning Department should reprogram its computer system so that the phase in its application review process in which it sends copies of the application to others for review and advice be renamed from “Agency Referrals” to something else because the Agricultural Ombudsman might not be considered an agency.

The issue of retirement, injury, and pregnancy and how the income and labor requirements can be circumvented or excused in those situations. (Conditions for “Emeritus Residency” that won’t be taken advantage of by retirees that did not work in agriculture. – Fred Crowder)

9:06

Leslie Phipps asked about “temporary housing.”

9:08

BJ Burns moved to table the discussion and to send the AAC’s questions to the Planning Department. Peter Marchi seconded the motion. It passed unanimously.

**6.**

**Review of the Minutes of the July 14, 2014, Meeting of the Agricultural Advisory Committee (9:09)**

BJ Burns moved to approve the minutes with the correction to the roll call that Fred Crowder was absent and that Bill Gass was present. Louie Figone seconded the motion. The motion was approved with Marilyn Johnson abstaining from the vote.

**7.**

**Public Announcements/Comments**

9:11

The AAC asked for agricultural preserve maps.

9:12

Those present discussed the new permit processing software.

**6.**

**Adjournment (9:15)**