

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

DATE: February 14, 2022

TO: Agricultural Advisory Committee

FROM: Angela Chavez, Planning Staff, 650/599-7217

SUBJECT: Consideration of a Certificate of Compliance (Type B), Lot Line Adjustment, Planned Agricultural District Permit, Rescind and Replace existing California Land Conservation Act and Farmland Security Zone Contracts (Williamson Act), and Land Conservation Act modifications.

County File Number: PLN 2021-00381 (POST/MidPen)

PROPOSAL

The applicants, Peninsula Open Space Trust and Midpeninsula Regional Open Space District, are requesting to legalize three parcels (064-370-070, 065-210-240, and 065-210-220), and adjust the parcel boundaries of four parcels (064-370-200, 064-370-070, 065-210-230, and 064-370-200). The project also includes the rescindment and replacement of a Williamson Act Contract for a Farm Land Security Zone contract for the reconfigured agricultural parcels, rescindment and exchange of an existing Land Conservation Act Williamson Act contract with a 10-year Open Space Easement, rescindment and exchange of an existing Farmland Security Zone Williamson Act contract with a 20-year Open Space Easement, and non-renewal of an existing Land Conservation Act Williamson Act contract on one parcel which was not included as part of the lot line adjustment.

DECISION MAKER

Board of Supervisors

QUESTIONS FOR THE AGRICULTURAL ADVISORY COMMITTEE

1. Will the proposed lot line adjustment and altered Williamson Act Contracts 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 Planning staff take with respect to the application for this project?

BACKGROUND

Report Prepared By: Angela Chavez

Applicants: Mike Williams for Midpeninsula Open Space District and
Ben Wright for Peninsula Open Space District

Owner: Midpeninsula Open Space District and Peninsula Open Space Trust

Location: Higgins Canyon Road, Unincorporated Half Moon Bay

APN(s) and Parcel Sizes:

Existing

064-370-200 (Parcel 1) – 48-acres
064-370-070 (Parcel 2) – 248-acres
065-210-240 (Parcel 3) – 174-acres
065-210-220 (Parcel 4) – 161-acres

Proposed

064-370-200 (Parcel 1) – 93-acres
064-370-070 (Parcel 2) – 434-acres
065-210-240 (Parcel 3) – 174-acres
065-210-220 (Parcel 4) – 110-acres

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

General Plan Designation: Agriculture

Local Coastal Plan Designation: Agriculture

Williamson Act: Yes, all parcels are covered by a form of a Williamson Act contract. Parcels 064-370-120 (not part of the proposed lot line adjustment) ,065-210-220, and 065-210-240 are covered by a 10-year Agricultural Land Conservation Act Williamson Act contract (Contract No: 2005-222499). Parcels 065-210-090, 065-370-200, 064-370-070 are covered by a Farmland Security Zone Williamson Act contract (Contract No: 2005-222500).

Existing Land Use: Agriculture/Open Space

Water Supply: There is no municipal water service available to this area. There are existing agricultural water reservoirs which serve the agricultural parcels.

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

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

Environmental Evaluation: Categorically exempt under provisions of Class 25, Section 15325 of the California Environmental Quality Act Guidelines (Transfers of Ownership of Interest in Land To Preserve Existing Natural Conditions and Historical Resources).

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

Will the project be visible from a public road?

There is no physical development associated with the project at this time. The parcel legalizations and reconfigurations will consolidate the agricultural development onto three parcels. The remaining portions will remain open space.

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

No. There is no physical development included as part of the project.

Is there prime soil on the project site?

Yes, there are portions of prime soils on all four parcels. The areas of prime soils are largely located in the areas which are currently being farmed and along Arroyo Leon.

DISCUSSION

A. KEY ISSUES

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

1. Compliance with Planned Agricultural District (PAD) Regulations:

Section 6354 requires the issuance of a PAD permit for all land divisions (including lot line adjustments) within PAD zoned districts. Section 6355 contains the substantive criteria for the issuance of a PAD permit. A project must be found to 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 current project is not proposing any new physical development. The Certificates of Compliance (Type B) are necessary to establish the legality of the parcels in question. The proposed lot line adjustment will consolidate existing agricultural operations on to three parcels. There is no development proposed which would encroach upon land suitable for agriculture. The reconfigured parcels that currently do not support agricultural activities will be dedicated as open space. However, this consolidation does not preclude the possibility of future agricultural operations on this parcel.

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

As stated previously, the project includes no development. The proposed lot line adjustments are being proposed to consolidate the existing agricultural activities onto solely agricultural parcels. The new configuration of Parcel 3 will reduce it in size with the intent of serving as a farm center to support reconfigured Parcels 1 and 4.

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

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

2. Water Supply Criteria

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

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

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

As mentioned previously Arroyo Leon runs along the boundary between existing parcels 1 and 2. The reconfigured parcels will relocate the boundary so that this portion of the creek is located on parcel 1. Portions of the creek also run through parcel 3 along Higgins Canyon Road and will become part of reconfigured parcel 2. However, the open space easements (proposed for reconfigured parcel 2) as part of this project are allowed by the Williamson Act and are not considered a non-agricultural use.

3. Criteria for the Division of Prime Agricultural Land

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

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

- b. **Prime Agricultural Land within a parcel shall not be divided unless it can be demonstrated that existing or potential agricultural productivity of all resulting parcels would not be diminished.**

The overall goal of the project is to protect the existing agricultural areas. By consolidating these areas and covering them with the associated Open Space and Farmland Security Zone contracts

the potential for existing and future agricultural activities ensures that the agricultural productivity is protected.

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

As discussed previously the purpose of the project is to consolidate the lands currently being utilized for agricultural purposes. The proposed reconfigured boundaries largely follow the lands identified as supporting prime soils. There are portions of existing and reconfigured parcel 2 that run parallel to Higgins Canyon Road that do support prime soils. However, these areas have been previously converted to support barn structures and other buildings utilized to support the agricultural activities.

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

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

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

5. Procedural Criteria for Issuance of a Planned Agricultural Permit

a. Master Land Division Plan

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

The applicant has provided the MLDP and it has been included as an attachment in this report. The LLA includes four of the eight parcels that make up the historical Johnston Ranch. These four parcels constituting 644 acres of the total 868 acres, will be reconfigured as described in the MLDP to preserve cultivated farmland and open space to continue in grazing, and to allow for future public trails.

b. Agricultural Land Management Plan

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

An agricultural land management plan has been provided by the applicant and has been included in the project summary attachment to this report. The project preserves the agricultural uses on parcels 1, 3, and 4 via the reconfigured parcel boundaries and the new Farmland Security Zone Contract and Open Space Easements.

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

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

“define development to mean:

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

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

3. Compliance with Subdivision Regulations for Lot Line Adjustments

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

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

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

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

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

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

All affected parcels have adequate existing access for routine and emergency purposes.

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

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

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

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

3. Compliance with the Williamson Act:

Landowners who wish to add non-contracted land to an existing contract(s), convert contracted land from one type of contract to another, or subdivide property that is under an existing contract(s) may apply to modify them. This is accomplished by rescinding the existing contract(s) and simultaneously reentering into a new contract(s) pursuant to Government Code Section 51255, referred to as "rescission/reentry." New contract boundaries must be in compliance with the current Government Code provisions and the

Williamson Act guidelines and shall not be for less aggregate acreage than originally contracted. All rescission/reentries must be consistent with applicable Government Code provisions, County General Plan and Zoning Ordinances, Subdivision Ordinance, and the Uniform Rules.

Rescission/Reentry associated with Lot Line Adjustment requires the following findings:

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

Regarding existing contract number 2005-222499, the western portions of existing parcels 3 and 4 would be rescinded from the 10-year Land Conservation Act (LCA) Contract and the contract would be replaced by a new 20-year Farmland Security Zone (FSZ) contract. The eastern portions of parcels 3 and 4 which will be reconfigured to parcel 2 will enter a 10-year Open Space Easement (OSE). The applicant has also requested that parcel 064-370-110, which is also part of this contract (but not included in the LLA) be non-renewed, in accordance with the existing contract Sections 4 and 8.

Regarding existing contract number 2005-222500, the applicant seeks to rescind and reenter the 20-year FSZ contract on reconfigured parcels 1 and 4. In addition, it will include parcel 065-210-090 and to be merged parcels identified as A and B on Attachment J of the project summary (the last three described parcels are not part of the lot line adjustment but are covered under the existing contract). The northern portion of reconfigured parcel 2 will be replaced by a 20-year OSE.

All parcels will be restricted for at least as long as the term of their current restrictions with the exception of the non-renewal which is a separate action, and while a part of this application package, is not a part of the LLA.

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENTS

- A. Vicinity Map
- B. Proposed Lot Line Adjustment Map
- C. Applicant Project Summary
- D. Williamson Act Ordinance

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A



0.57 0 0.28 0.57 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1: 18,056



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

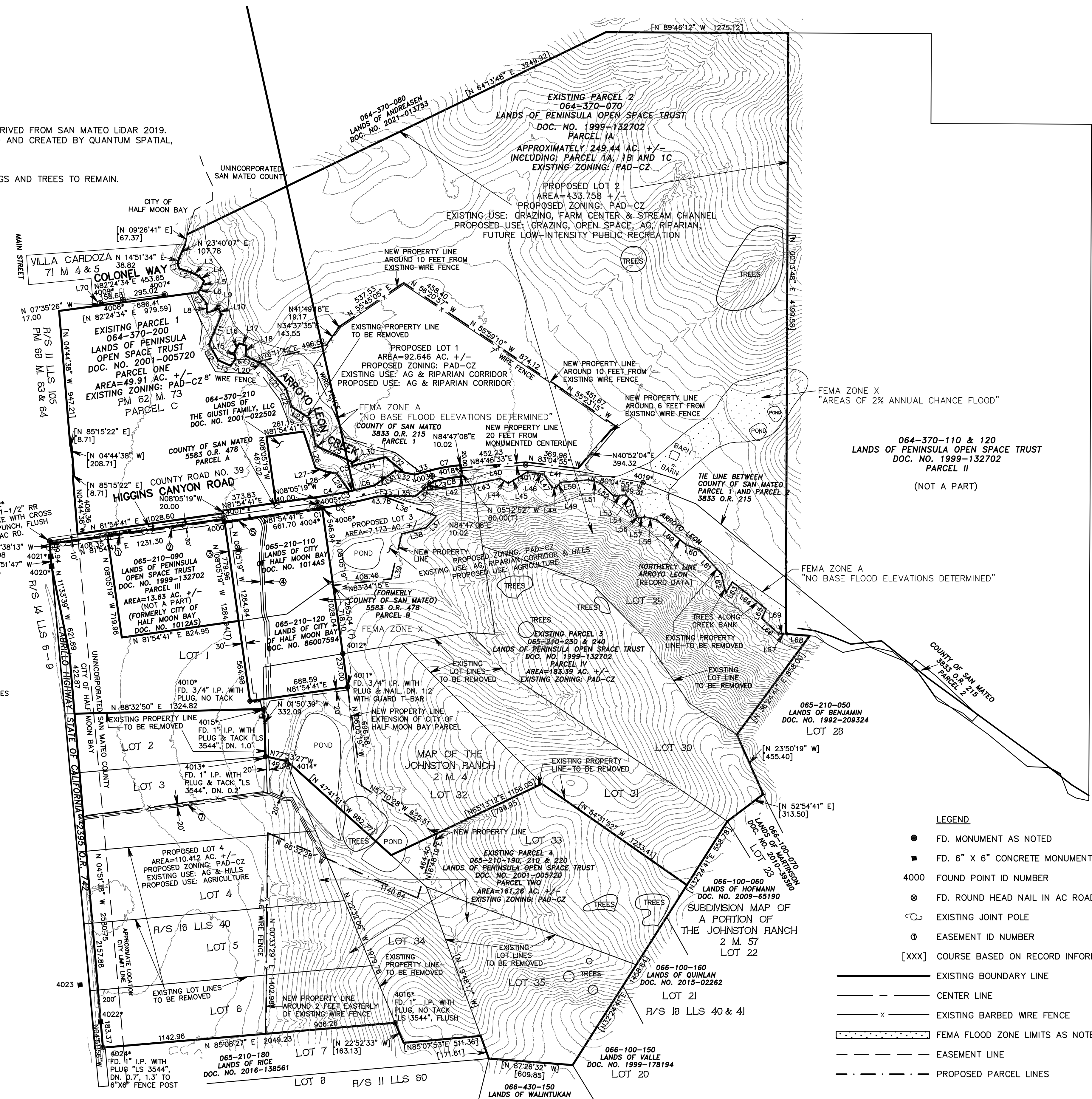
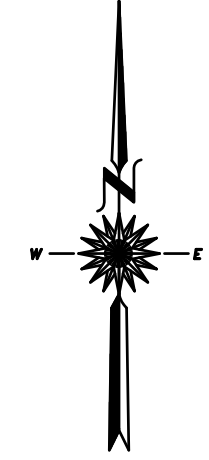
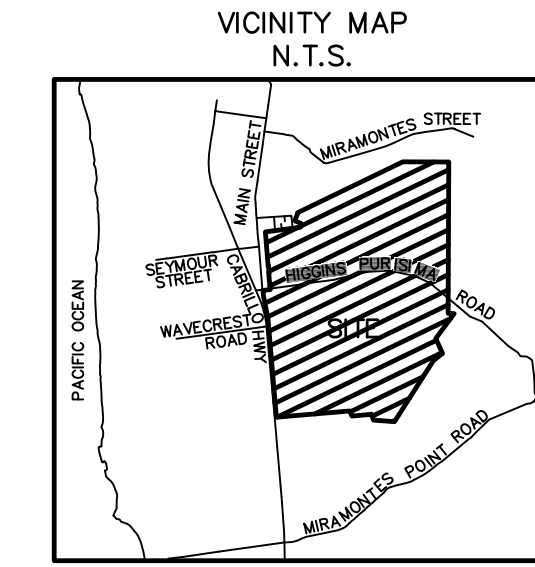
ATTACHMENT B

LEGAL OWNERS: PENINSULA OPEN SPACE TRUST
222 HIGH STREET
PALO ALTO, CALIFORNIA

CONTOUR DATA: CONTOUR DATA DERIVED FROM SAN MATEO LIDAR 2019. THE CONTOUR DATA WAS PROCESSED AND CREATED BY QUANTUM SPATIAL, INC. ON FEBRUARY 10, 2021.

TOPO NOTES: ALL EXISTING BUILDINGS AND TREES TO REMAIN.

JOHNSTON RANCH
LOT LINE ADJUSTMENT SITE PLAN
LANDS OF PENINSULA OPEN SPACE TRUST
SAN MATEO COUNTY
APN: 064-370-070 & 200 AND
065-210-190, 210, 220, 230 & 240
SEPTEMBER 2021
SCALE: 1" = 400'
CONTOUR INTERVAL = 10 FEET



POINT DESCRIPTION

4000	FD. 3/4" I.P. WITH PLUG & NAIL, DN. 1.3' IN DIRT FIELD
4001*	FD. 3/4" I.P. WITH PLUG & NAIL, DN. 0.5' IN MON. WELL
4003	FD. 3/4" I.P. WITH PLUG & NAIL, DN. 0.5' IN MON. WELL
4004*	FD. 3/4" I.P. WITH PLUG & NAIL, DN. 1.0' BY T-BAR POST
4005*	FD. 3/4" I.P. WITH PLUG & TACK, DN. 0.2' IN MON. WELL
4006*	FD. 3/4" I.P. WITH PLUG & NAIL, DN. 1.0' BENT SW. SHOT BEND, DN. 1.6'
4007*	FD. 3/4" I.P. WITH PLUG, NAIL & TAG "RCE 5597", DN. 0.3' IN MON. WELL
4008*	FD. 3/4" I.P. WITH PLUG, NAIL & TAG "RCE 5597", DN. 0.2' IN MON. WELL
4009*	FD. 3/4" I.P. WITH PLUG & NAIL "RCE 5597", DN. 0.2' IN MON. WELL
4012*	FD. 3/4" I.P. WITH PLUG & LARGE NAIL BY T-BAR, DN. 1.0'
4014*	FD. 1" I.P. WITH PLUG & TACK "LS 3???", FLUSH BY FENCE ON EARTHEN DAM

CURVE TABLE

NO.	RADIUS	DELTA	LENGTH	RADIAL BEARING
C1	3539.80	00°26'07"	26.88	
C2	3539.80	06°23'53"	395.29	S08°31'25"E(R)
C3	3458.80	06°50'00"	412.63	
C4	3458.80	04°23'47"	265.48	
C5	3459.80	00°32'11"	32.49	S11°56'49"E(R)
C6	3458.80	02°26'13"	147.15	S12°29'06"E(R)
C7	1219.93	09°43'00"	206.89	
C8	1139.93	09°43'00"	193.32	N05°12'52"W(R)

LINE TABLE

NO.	BEARING	LENGTH
L1	N 1°18'26" W	35.22
L2	N 71°25'55" W	89.93
L3	N 64°48'26" W	59.00
L4	N 45°48'26" W	51.16
L5	N 23°11'34" E	53.24
L6	N 35°31'34" E	35.95
L7	N 37°12'23" W	99.97
L8	N 03°19'11" W	62.73
L9	N 71°16'13" E	85.36
L10	N 21°59'50" W	45.53
L11	N 22°21'33" E	222.97
L12	N 30°06'57" W	129.42
L13	N 66°26'19" W	93.43
L14	N 36°39'45" E	59.93
L15	N 13°58'19" W	45.00
L16	N 28°01'41" E	73.00
L17	N 71°28'19" W	53.00
L18	N 04°31'41" E	70.00
L19	N 62°58'19" W	94.99
L20	N 67°08'37" W	52.15
L21	N 42°31'19" W	224.59
L22	N 16°58'19" W	131.98
L23	N 56°58'19" W	148.49
L24	N 12°58'19" W	197.99
L25	N 68°31'19" W	277.18
L26	N 18°18'05" W	268.87
L27	N 69°30'46" W	75.59
L28	N 80°18'08" W	79.83
L29	N 35°18'22" W	152.90
L30	N 04°21'16" W	28.27
L31	N 64°49'08" W	178.46
L32	N 79°03'49" W	139.99
L33	N 75°04'08" E	113.03
L34	N 51°01'08" E	162.17
L35	N 22°21'33" E	264.84
L36	N 89°30'04" W	394.90
L37	N 43°03'53" E	110.77
L38	N 75°40'21" E	174.05
L39	N 13°09'03" E	322.58
L40	N 84°48'33" E	460.08
L41	N 83°04'55" W	380.32
L42	N 82°24'41" E	367.22
L43	N 77°41'33" E	188.59
L44	N 60°35'19" W	68.64
L45	N 68°54'41" E	153.78
L46	N 82°20'19" W	115.50
L47	N 32°05'19" W	112.20
L48	N 86°54'41" E	27.72
L49	N 39°39'41" E	46.20
L50	N 84°54'41" E	198.00
L51	N 78°05'19" W	79.20
L52	N 46°35'19" W	138.60
L53	N 81°54'41" E	80.52
L54	N 44°35'19" W	68.64
L55	N 16°35'19" W	108.60
L56	N 42°05'19" W	20.46
L57	N 76°24'41" E	42.90
L58	N 76°50'19" W	86.46
L59	N 49°35'19" W	271.26
L60	N 69°05'19" W	97.68
L61	N 42°35'19" W	227.04
L62	N 13°05'19" W	139.92
L63	N 30°09'41" E	91.74
L64	N 51°20'19" W	302.28
L65	N 24°39'41" E	72.60
L66	N 48°05'19" W	161.70
L67	N 88°35'19" W	56.76
L68	N 85°35'19" W	158.40
L69	N 88°35'19" W	47.56
L70	N 82°21'30" E	525.83
L71	N 75°20'44" E	240.90
L72	N 50°09'16" W	167.17
L73	N 79°24'16" W	104.81
L74	N 82°24'41" E	153.17

- LIST OF RECORDED EASEMENTS
- 1) CITY OF HALF MOON BAY
10' WATER LINE EASEMENT
DOC. NO. 2021-118148
 - 2) CITY OF HALF MOON BAY
30' TRAIL EASEMENT
DOC. NO. 2021-118147
 - 3) PENINSULA OPEN SPACE TRUST
30' ACCESS EASEMENT
DOC. NO. 2021-118146-SEGMENT 2
 - 4) PENINSULA OPEN SPACE TRUST
30' ACCESS EASEMENT
DOC. NO. 2021-118146-SEGMENT 1
 - 5) PENINSULA OPEN SPACE TRUST
10' WATER LINE EASEMENT
DOC. NO. 2021-118149

- LIST OF PROPOSED EASEMENTS
- 1) 20' ACCESS EASEMENT

- EASEMENTS OF RECORD, BUT NOT SHOWN
- 1) ANY EASEMENT FOR WATER COURSE OVER THAT PORTION WITHIN THE BANKS OF LEON CREEK
 - 2) GREAT WESTERN POWER COMPANY OF CALIFORNIA RECORDED: DECEMBER 4, 1925 IN BK. 201 O.R. 393 "OVER 165 ACRES PARCEL"-NO WIDTH OR LOCATION GIVEN
 - 3) WATER RIGHTS AND USES: AGREEMENT RECORDED ON JULY 30, 1987 AS DOC. NO. 87119770 FOR WATER DIVERSION, RESERVOIRS, PUMPING STATIONS, WATER DITCH, INGRESS, EGRESS, PIPELINES, UTILITY LINES AND WATERSHED CONTRIBUTORY AREA.
 - 4) WILLIAMSON ACT CONTRACT NO. 067704 RECORDED ON DECEMBER 21, 2005 AS DOC. NO. 2005-222499
 - 5) WILLIAMSON ACT CONTRACT NO. 067704 RECORDED ON DECEMBER 21, 2005 AS DOC. NO. 2005-222500

TABLE OF FOUND POINT COORDINATE VALUES
NAD83, GCS ZONE 3, EPOCH 2009.0
U.S. SURVEY FEET

PT.	NORTHING	EASTING
4000	1992433.99	6002918.40
4001	1992473.48	6002912.72
4002	1992300.40	6001694.86
4003	1992754.01	6004367.55
4004	1992526.98	6003573.46
4005	1992566.59	6003567.84
4006	1992530.87	6003600.07
4007	1994022.97	6002500.21
4008	1993984.00	6002207.77
4009	1993963.05	6002050.53
4010	1991181.52	6003096.33
4011	1991278.41	6003778.06
4012	1991513.05	6003744.72
4013	1990794.05	6003205.06
4014	1990761.74	6003351.49
4015	1991125.96	6003194.37
4016	1988933.12	6004110.24
4017	1992830.87	6005022.50
4018	1992788.98	6004564.33
4019	1992707.67	6005842.65
4020	1992123.00	6001709.52
4021	1992190.78	6001703.75
4022	1988942.25	6002052.82
4023	1989198.49	6001910.16
4024	1988759.55	6002068.47

- LEGEND
- FD. MONUMENT AS NOTED
 - FD. 6" X 6" CONCRETE MONUMENT
 - 4000 FOUND POINT ID NUMBER
 - ⊙ FD. ROUND HEAD NAIL IN AC ROAD
 - ⊙ EXISTING JOINT POLE
 - ⊙ EASEMENT ID NUMBER
 - [XXX] COURSE BASED ON RECORD INFORMATION
 - EXISTING BOUNDARY LINE
 - CENTER LINE
 - - - EXISTING BARBED WIRE FENCE
 - - - FEMA FLOOD ZONE LIMITS AS NOTED
 - - - EASEMENT LINE
 - - - PROPOSED PARCEL LINES

SURVEYOR'S STATEMENT
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF BEN WRIGHT IN APRIL 2016.
Kristina D. Comer
KRISTINA D. COMERER, PLS 6766
DATE: SEPTEMBER 28, 2021



CROSS LAND SURVEYING, INC.
2210 MT. PLEASANT ROAD
SAN JOSE, CA 95148
(408) 274-7994

EMAIL: xlsi@msn.com PROJECT NO. 16-24

BASIS OF BEARINGS
HORIZONTAL COORDINATES WERE DERIVED FROM A FAST-STATIC GPS SURVEY HOLDING SANTA CLARA VALLEY WATER DISTRICT COUNTY-WIDE GPS NETWORK POINTS P176 (2176), P177 (2177) AND P220 (2220) THREE-DIMENSIONALLY IN A LEAST SQUARES ADJUSTMENT OF THE GPS DATA. THE VALUES HELD ARE AS SHOWN ON THE RECORD OF SURVEY FILED ON FEBRUARY 16, 2010 IN BOOK 835 OF MAPS AT PAGES 31-35, SANTA CLARA COUNTY RECORDS. HORIZONTAL DATUM IS NAD83, CALIFORNIA COORDINATE SYSTEM, ZONE 3, EPOCH 2009.0 AND THE VERTICAL DATUM IS NAVD88. ALL MEASURED BEARINGS AND DISTANCES ARE GRID. THE COMBINED GRID FACTOR FOR THIS PROJECT IS 0.999942437. MULTIPLY GRID DISTANCES BY 1.000057566 TO OBTAIN GROUND LEVEL DISTANCES.

BOUNDARY LINE STATEMENT:
BOUNDARY LINES WITH MEASUREMENTS ARE FIELD LOCATED AND DETERMINED BOUNDARY LINES. ALL BOUNDARY LINES WITH MEASUREMENTS [X] ARE BASED ON RECORD MEASUREMENTS AND HAVE BEEN ROTATED TO THE STATE PLANE COORDINATE SYSTEM.
CITY LIMIT LINE IS AN APPROXIMATE LOCATION BASED ON THE COUNTY OF SAN MATEO GIS SITE.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

Supplemental Statement
Johnston Ranch
Land Division Application
September 30, 2021

Project Background

Johnston Ranch is an 868-acre property located along Higgins Canyon Road in the immediate vicinity of the City of Half Moon Bay. In 1999 and 2001 Johnston Ranch was purchased from developers by Peninsula Open Space Trust (POST), an independent non-profit land trust, in response to public concerns about the accelerating loss of agricultural lands and open space in San Mateo County (the County) to development. Since that time, POST has held the property with the intent of retaining the cultivated portions to be transferred to a local farmer, subject to an agricultural conservation easement, and transferring the bulk of the property, primarily uplands, to a public agency that can provide permanent protection and management of those areas as open space (with grazing where appropriate) and can develop and maintain compatible public trail use on them. In 2014, Midpeninsula Regional Open Space District (MROSD) secured voter-approved bond funding for a wide range of open space conservation projects within its jurisdiction, including the purchase of Johnston Ranch uplands as an addition to MROSD's existing Miramontes Ridge Open Space Preserve. In 2018 and 2019, MROSD secured additional state Habitat Conservation Fund and Coastal Conservancy grant funding to support this purchase. On September 8, 2021, the County determined that the proposed purchase of the property by MROSD was in conformity with San Mateo County's General Plan.

Project Overview

As co-applicants, POST and MROSD have prepared an application to complete the steps necessary to transfer portions of Johnston Ranch into public ownership for protected open space with public recreational use and benefit while retaining the agricultural viability of the property. The application packet includes:

- 1) Application for final legalization of three Type B Certificates of Compliance (CoC),
- 2) A parcel merger of two small existing parcels into a larger parcel,
- 3) A subsequent lot line adjustment (LLA), which is considered a land division, to reconfigure four parcels, and
- 4) Williamson Act Contract replacements or exchanges on reconfigured parcels and existing parcels, to better plan for and preserve productive farmland, open space, and planned recreational uses, and to facilitate the sale of cultivated farmland to a private owner/operator.

The lot line adjustment is brought about in connection with the purchase of land by a public agency (MROSD) for public recreational uses as allowed under Policy 1.2 of the County's Local

Coastal Program and in compliance with the State Coastal Act of 1976. This application and all accompanying plans and documents are submitted in accordance with the updated provisions of the Amendment to San Mateo County’s Local Coastal Program Implementation Plan (PAD, RM-CZ, Corresponding Subdivision Regulations Sections) as approved by the Board of Supervisors on July 7, 2020 and certified by the California Coastal Commission on January 13, 2021.

After the approval of the application, the reconfigured parcels will continue in existing farming and livestock grazing uses and will enhance protection of open space and better accommodate future public trail recreational uses, in compliance with the County’s Local Coastal Program. The parcel reconfigurations will preserve and enhance agriculture by realigning parcel boundaries to support the continuation of agricultural operation. POST will place a permanent agricultural conservation easement on the cultivated parcels upon transfer to a farmer. This conservation easement will include mandatory agricultural use provisions and restrict development. The reconfigured agricultural parcels will be easier to manage, will retain existing agricultural production, and will enhance a farmer’s ability to control and monitor food safety. The reconfigured parcel size, future agricultural conservation easement, and the new Williamson Act contract will facilitate the sale of this cultivated farmland to a private owner/operator, which will enable them to build equity and provide greater security for the benefits that this farm provides for local agriculture and the community.

The details of the LLA and its benefits are fully addressed in the Master Land Division Plan (MLDP) that is part of this LLA application.

A Coastal Development Permit is not required for the LLA application because the LLA is brought about in connection with the purchase of land by a public agency, MROSD, for public recreational use and therefore not considered development as defined in Policy 1.2 of the County’s Local Coastal Program (LCP). Compliance with applicable LCP policies is discussed in detail below, however, to support the land division findings (including LLA finding 1.a) that are needed to approve the application.

A Planned Agricultural District (PAD) permit is required because all the parcels associated with this application are located within the Rural Agricultural General Plan Land Use designation and are zoned Planned Agricultural District/Coastal Development (PAD/CD), and a PAD permit is required for all land divisions including lot line adjustments in the PAD/CD zone. Therefore, compliance with the applicable zoning regulations is also discussed in detail below.

Attachment A, page 1 of 2, shows the existing configuration of the eight parcels on the 868-acre Johnston Ranch and Attachment A, page 2 of 2, shows the configuration of the property after the merger of two small existing parcels (Parcel A and B) into Parcel 1. Attachment B shows the subsequent reconfiguration of four of the parcels as part of a lot line adjustment (LLA).

There are four primary project components:

- 1) Parcel legalization, which includes application for three Type B CoC's for APN's 064-370-070, 065-210-240, and 065-210-220. These applications have been submitted and are on-file with the San Mateo County Planning and Building Department and will become part of this subject application. (For information purposes, two Type A Certificates of Compliance (CoC) have previously been issued for parcel numbers 1.b and 1.c, (also known as existing parcels A and B) as shown on Attachment A, which have been historically identified as part of Assessor's Parcel Number (APN) 064-370-070 but are in fact each a separate legal parcel. Documentation of these two approvals is on-file with the San Mateo County Planning and Building Department but can be provided by POST if needed);
- 2) Parcel merger of two small existing parcels, A and B (also known as parcels 1.b and 1.c), with existing Parcel 1, as shown on Attachment A, page 2;
- 3) Land division (lot line adjustment) affecting the configuration of four existing parcels as shown on Attachment B; and
- 4) Adjust Williamson Act contracts on the Property:
 - a. Rescind/replace existing Williamson Act (WA) contracts on the agricultural parcels with a Farm Land Security Zone (FSZ) contract on the reconfigured agricultural parcels;
 - b. Rescind/exchange an existing Land Conservation Act (LCA) WA contract with a 10-year Open Space Easement (OSE) on the fallow southern portion of one reconfigured parcel;
 - c. Rescind/exchange an existing Farmland Security Zone (FSZ) WA contract with a 20-year OSE on the northern portion of that same reconfigured parcel;
 - d. Non-renew an existing LCA WA contract on one existing parcel which is not part of the land division/parcel merger application.
 - e. The parcels where WA contracts will be exchanged for OSEs and the one which will be non-renewed are all suitable for grazing and public recreational uses but not cultivated row crops. Existing WA contracted lands are shown on Attachment C.

General Plan Designation, Property Zoning, and Density Credits

Existing Property General Plan Designation, Zoning, and proximity to County Scenic Corridor:

Johnston Ranch, including the two parcels to be merged and the four parcels to be reconfigured, are in the Coastal Zone, have a General Plan designation of rural agriculture, are zoned PAD/CD, and are in the County Scenic Corridor as shown on Attachment D.

Existing Density Credits:

There are twelve (12) density credits on Johnston Ranch although only 9 of those 12 are involved in the LLA and parcel merger application as shown in Table 1 below. A density analysis was completed by San Mateo County Planning and Building Department in July 2020 and, in accordance with Section 6356 of the Planned Agriculture District (PAD) zoning regulations, every legal parcel was allocated a minimum of one density credit resulting in APNs 064-370-200, 064-370-110, 065-210-090 and each small parcel with an approved Certificate of Compliance, all receiving one credit each. Other parcels had multiple density credits allocated based on site characteristics.

Table 1 (Approximate Acreages)

Parcel ID Shown on Attachment A	Assessor's Parcel No.	Acreage	Density Credits
1	064-370-200	50	1
2 (1A)*	064-370-070	249	3
3	065-210-230 065-210-240	183	2
4	065-210-220	161	1
A (1C)*	Recorded Doc. 2017-106396	0.5	1
B (1B)*	Recorded Doc. 2017-106397	0.5	1
090**	065-210-090**	14**	1**
110/120**	064-370-110**	100**	1**
	064-370-120**	110**	1**
TOTALS		868	12

*Parcels A and B were determined to be legally existing, and separate from parcel 2, through the Certificate of Compliance, Type A, application approved by the San Mateo County Planning and Building Department on 11/9/2017 and recorded with the County Recorder on 11/29/2017. The two parcels had been historically associated with APN 064-370-070 but are separate parcels equaling approximately 2 acres total. Parcels 2, A, and B are also sometimes referred to as parcels 1A, 1C, and 1B, respectively, in official County documents.

**These parcels, acreages and density credits are not included in the lot line adjustment or parcel merger application.

The reallocation of the 9 density credits involved in the lot line adjustment and parcel merger application is addressed in detail in the accompanying Master Land Division Plan (MLDP) for Johnston Ranch.

Application Discussion

Parcel Legalization:

The documentation tracing the parcel history and confirming the legal status of existing Parcels 2, 3 and 4 (APNs 064-370-070, 065-210-240 and 065-210-220, respectively) has been submitted for review and confirmation by the County.

Parcel Merger:

The two small one-acre parcels (A and B) would be merged with existing Parcel 1 as shown in Attachment A, page 2 resulting in Parcel 1 increasing in size from 49 acres to 50 acres. A small amount of acreage will be eliminated in the merger because it overlaps with a portion of Higgins Canyon roadway. This voluntary merger will comply with the criteria found in Section 7123 of the San Mateo County Subdivision Regulations in that it will not result in greater density than currently allowed by the County Zoning Regulations and will in fact reduce the number of density credits on the site as explained in the accompanying Master Land Division Plan (MLDP).

Land Division (Lot Line Adjustment/LLA):

After the lot merger described above, the four existing parcels would be reconfigured into four proposed lots that would optimize agricultural use and public benefit by maintaining and protecting cultivated farm land on parcels that can sustain agricultural use, while encouraging grazing, open space, and low-intensity recreational use on parcels that are suitable for those uses. Throughout the discussion below, existing parcels are referred to as such and the proposed lots are referred to as “reconfigured parcels” to distinguish them from the existing parcels. The accompanying LLA map, prepared by a licensed surveyor, uses the nomenclature of “Existing Parcels” and “Proposed Lots”, with the proposed lots being the reconfigured parcels referred to in the discussion below.

The LLA would include adjusting the existing lot line between existing Parcels 1 and 2 eastward as shown on Attachment B so that reconfigured Parcel 1 would be increased from 50 acres (after merger) to approximately 93 acres total and would include the row crops that are now part of adjacent existing Parcel 2. The reconfigured Parcel 1 would also encompass a small portion of the riparian corridor located in the southeastern portion of the existing Parcel 1, which would be protected by an agricultural conservation easement to be retained by POST on the cultivated parcels upon future transfer of ownership to a farmer.

The existing lot line between existing Parcels 3 and 4 would be adjusted northward to reconfigure Parcel 3 into a parcel of about seven (7) acres, which would continue to have acreage for cultivating crops, a small irrigation reservoir, and would provide the potential for a

small farm center in the future to support the adjoining cultivated parcels. When ownership is transferred to a local farmer in the future, POST will retain an agricultural conservation easement over these parcels, which will prohibit separate sale or subdivision of Parcels 3, 4, and APN 065-210-090 (which is not part of this LLA application).

Lastly, the existing lot line between existing Parcels 2 and 3 would be adjusted southwestward to reconfigure Parcel 4 into a 110-acre agricultural parcel, which would remain in cultivated agricultural use, and would reconfigure Parcel 2 into a 434-acre parcel with upland hills and a riparian corridor on the north and south sides of Higgins Canyon Road that would be suitable for open space, low-intensity public recreation, and grazing.

Table 2 below summarizes the reconfigured parcels:

Table 2

Parcels Associated with Lot Line Adjustment					
Parcels After Merger and Before Lot Line Adjustment			Reconfigured Parcels After Lot Line Adjustment		
Parcels	Acres	APNs	Parcels	Acres	APNs
1	50	064-370-200	1	93	064-370-200 & portion of 064-370-070
2	249	064-370-070	2	434	Portions of 064-370-070, 065-210-240 & 065-210-220
3	183	065-210-240 & 230	3	7	Portion of 065-210-240
4	161	064-370-200	4	110	Portions of 065-210-220 & 240, 065-210-190, 210 & 230

Parcel Access: All reconfigured parcels would be accessed directly from Higgins Canyon Road. The City of Half Moon Bay has granted POST and MROSD an access easement across the western side of the City’s Johnston House property from Higgins Canyon Road for additional access to the agricultural fields of reconfigured Parcel 4 and the upland areas of reconfigured Parcel 2 south of Higgins Canyon Road. In addition, an easement over an existing farm road from Highway 1 across reconfigured Parcel 4 will be granted to MROSD to serve as an appurtenant seasonal access easement to the southern portion of reconfigured Parcel 2. Both of these access easements are shown on Attachment E.

Trail Easement: POST has granted the City of Half Moon Bay a public trail easement along the south side of Higgins Canyon Road across the northern boundary of reconfigured Parcel 4 and the northerly boundary of APN 065-210-090 (which is not part of this land division application). There is an existing agricultural fence along the southerly boundary of the trail easement. The need and purpose of this easement to further the goals of the County’s LCP and connect regional trails is detailed in this Supplemental Statement and in the Master Land Division Plan

(Attachment F). The location of the trail easement is shown on an attached map in the Master Land Division Plan (Attachment F).

Water Supply: Portions of all four of the existing parcels are currently served by three irrigation reservoirs, the smallest of which stores 9.2-acre feet of water and is located just south of Higgins Canyon Road on existing Parcel 3, and two of which are located further south and straddle the existing boundary between Parcels 3 and 4. The larger of these two reservoirs stores approximately 49-acre feet of water while the smaller of these two reservoirs stores approximately 13-acre feet. All three reservoirs are filled by water from Arroyo Leon. The water serves the agricultural uses on existing Parcel 1, portions of existing Parcels 2, 3, and 4, and all of existing Parcel 065-210-090 (which is not part of the LLA application). The water is pumped through existing irrigation lines from the reservoirs to the agricultural fields as shown on Attachment G, page 1 of 2.

The eastern portion of existing Parcel 2, which does not have cultivated agriculture on it, is served by a spring that fills a small stock pond about 1.1-acre feet, and five water tanks totaling 8,500 gallons. A water trough on this portion of Parcel 2 also supports grazing livestock. Reconfigured parcel 2 will also merge ownership and protect a half mile of the Arroyo Leon riparian corridor.

The total 72.3-acre feet of water that has been consistently available on the site to support the existing agricultural uses has successfully met the needs of those uses. The low-intensity public recreation use that is planned in the future such as hiking trails will not increase the need for water on the site and is not listed in Table 1.5 of the County's Local Coastal Program as the type of land use that has water using features associated with it. Any specific uses proposed in the future that would require an increase in water use would be evaluated in accordance with applicable water supply requirements in place at the time of such an application.

The proposed LLA will better define the parcel boundaries so that the irrigation reservoirs will no longer straddle parcel lines and will be located entirely on specific parcels. This will facilitate more efficient management of the reservoirs. Although there is no plan or expectation that the existing water provision system will change, a condition of project approval could be included to ensure that the water infrastructure and system that is currently in place remains in place.

Waterline Easements: POST granted formal waterline easements serving the City of Half Moon Bay's Johnston House property and will grant the Giusti LLC property (north of the project site) for the existing domestic water lines that travel along the northwest corner of reconfigured Parcel 4 and the northerly property line of APN 065-210-090. The location of the waterline easement is shown on the tentative map submitted with the land division application.

The reconfiguration of the four existing parcels, along with the merger of two small existing parcels, access and trail easements, will comply with applicable policies and regulations as explained below.

Compliance with General Plan Policies:

Divisions of land designated as Rural are required to comply with policies in Chapter 9, Rural Land Uses, of the County’s General Plan. Specifically, policies relating to the encouragement of existing and potential agricultural activities, criteria for division of agricultural land, and protection of agricultural land apply to this land division as do policies related to encouraging existing and potential public recreation uses.

Policy 9.28 calls for the encouragement of existing and potential agricultural activities. Reconfiguring four existing parcels on Johnston Ranch, and merging two small parcels, to better define viable agricultural parcels accomplishes this policy objective by making it feasible for a farmer to purchase productive farmland and build equity and security for the benefits that this farm provides to the community. Parcel reconfiguration will ensure that the parcel boundaries are coincident with the productivity of the existing or potential agricultural use.

Policy 9.29 specifically calls for establishing and/or maintaining agricultural activities by maintaining and/or creating appropriately sized agricultural parcels. The proposed parcel reconfiguration will meet this policy objective by better defining productive agricultural land and separating it from grazed upland that is better suited to accommodate compatible public recreational uses. A Master Land Division Plan (MLDP) has been prepared that addresses the elements noted in Policy 9.29.b. (See Attachment F).

Policy 9.35 calls for encouraging existing and potential public recreation land uses on non-agricultural land, including but not limited to, recreation areas, wild areas, and trails. The proposed parcel reconfiguration will separate productive agricultural land from land that is suited for compatible public recreational uses such as the trails that are planned and will be operated by the MROSD and coordinated with trails plans of partner agencies in the vicinity such as San Mateo County, the City of Half Moon Bay, the Golden Gate National Recreation Area (GGNRA), California State Parks, San Francisco Public Utilities Commission (SFPUC), and the Coastside Land Trust, as outlined later in this Supplemental Statement.

The Rural land use policies that address development standards are not discussed in this Supplemental Statement because no development is being proposed. Any future development on any of the parcels, agricultural or open space, will be evaluated in accordance with all requirements in place at the time of any application for development.

Compliance with Local Coastal Program (LCP) Policies:

The LCP exempts land divisions that are brought about in connection with the purchase of land by a public agency for public recreational use from the definition of development (LCP Policy 1.2) therefore a Coastal Development Permit (CDP) is not required. However, the applicable policies within the LCP are addressed below because compliance with them will be needed to make the required land division findings for project approval (including LLA finding 1.a). Because there are no buildings of any type proposed as part of this land division application and lot merger, the LCP policies that address the potential impacts of physical structures are not applicable to this application. Should future development be proposed on any of the reconfigured parcels, the proposal(s) would be evaluated in accordance with all applicable LCP policies at that time.

Agricultural Component: Policies 5.5 and 5.6 of the Agricultural Component of the LCP define permitted uses and conditionally permitted uses on prime agricultural lands and on lands suitable for agriculture. Agricultural uses and non-residential development considered accessory to agricultural uses are permitted on both prime agricultural lands and lands suitable for agriculture. Single-family residences and public recreation and shoreline access trails are conditionally permitted uses on prime agricultural lands and on lands suitable for agriculture. The LLA will not affect the allowed or conditionally allowed uses on the four reconfigured parcels and will facilitate the preservation and success of agriculture, open space, and compatible public recreational uses on the appropriate parcels. The new WA contract and OSEs discussed in subsections will likewise support these permitted and conditionally permitted uses.

Policy 5.10 of the Agricultural Component of the LCP addresses conversion of land suitable for agriculture and prohibits this conversion unless five criteria can be successfully addressed. The LLA would not result in the conversion of land suitable for agricultural use because no development is being proposed as part of the land division. On the portion of reconfigured Parcel 2 south of Higgins Canyon Road, which is proposed for an exchange from a Williamson Act (WA) Contract to an Open Space Easement (OSE), the land is fallow due to scarcity of productive agricultural soil and supporting infrastructure. On the northern portion of reconfigured Parcel 2, north of Higgins Canyon Road, the land would continue to be grazed under a long-term lease and a rangeland management plan. In both cases, the exchange of the existing WA contract with an OSE will result in the protection of open space and planned recreational uses on all of reconfigured Parcel 2 which is compatible with and allowed by the WA. Therefore, conformance with Policy 5.10 is also included below in the Williamson Act contract discussion.

Policy 5.12 of the LCP calls for determining minimum parcel size for agricultural parcels on a case-by-case basis to ensure maximum existing or potential agricultural productivity. The land division is proposed for exactly this reason. Each reconfigured parcel will maximize either existing cultivated agricultural uses (reconfigured parcels 1, 3, and 4), or existing open space

and future planned recreational uses while supporting existing grazing (reconfigured Parcel 2). These considerations have been a motivating factor in this application.

Visual Resources Component: All four existing and reconfigured parcels are located within a County Scenic Corridor as defined in Policy 8.30 in the Scenic Roads and Corridors section of the Visual Resources Component of the LCP. No buildings of any type or other uses that could result in impacts to the Scenic Corridor are proposed as part of this application. The WA contract exchange for an OSE on one parcel will, in fact, help preserve the open space nature of the Scenic Corridor and reduce the possibility of future impact as discussed below in the WA section of this Supplemental Statement. Should development be proposed on any of the parcels in the future, it would be evaluated in accordance with applicable Visual Resources policies, including but not limited to, Policy 8.31 which addresses physical development in rural scenic corridors.

Sensitive Habitats Component: The applicable policies in the Sensitive Habitats component (Policies 7.1 - 7.54), including those that require the identification and protection of rare and endangered species, all perennial and intermittent streams and tributaries, riparian corridors, wetlands, marine habitats, and other applicable features, have been addressed in the Biological Impact Report prepared by LSA, dated February 2021. The report concludes that no adverse impacts on sensitive habitats will occur as a result of the land division. The report is attached to this Supplemental Statement for reference (See Attachment H).

Recreation/Visitor Serving Facilities Component: The reconfiguration of four parcels on Johnston Ranch meets applicable policies in the Recreation/Visitor Serving Facilities Component because one of the resulting parcels (reconfigured Parcel 2) will be better suited to enhance open space and future low-intensity public recreational uses, including future internal public trails and a segment of the Half Moon Bay State Beach to Huddart County Park Trail connecting Half Moon Bay near Higgins Canyon Road to Huddart County Park that is specifically called for in LCP Policy 11.13.b., without reducing or negatively impacting agricultural uses. In addition, sufficient room has been provided to locate any buffer areas that may be needed to separate future trail or recreationally related development from agricultural uses or sensitive habitat. All future recreational development will be reviewed for compliance with applicable Recreation/Visitor Serving Facilities policies in place at that time. Additional information on the purpose and potential alignment of future trails on the reconfigured parcels is provided in the Master Land Division Plan (Attachment F).

Compliance with PAD Zoning Criteria:

Chapter 21.A, Planned Agricultural District (PAD), Section 6355, states that all land divisions in the PAD shall result in uses that are consistent with the purpose of the PAD found in Section 6350 of the Zoning Regulations. Section 6350 lists five techniques that should be employed to

minimize conflicts between agricultural and non-agricultural land. Those five techniques are discussed below.

Section 6350(a) calls for establishing stable boundaries between urban and rural uses and when necessary, clearly defined buffer areas.

Existing and reconfigured Parcel 1 is adjacent to residential use within the City of Half Moon Bay on its northern and western boundaries. The existing stable boundaries between the housing and agricultural uses will be maintained because agricultural use will be continued on reconfigured Parcel 1 and will be protected by a Farmland Security Zone Contract and an agricultural conservation easement. The other three parcels are not adjacent to urban uses but Parcel 2 is adjacent to Arroyo Leon and as such, has been designed to provide room for buffer areas between the permitted land uses on that parcel and the riparian corridor so that the riparian corridor will be protected.

Section 6350(b) calls for limiting conversions of agricultural lands around the periphery of urban areas to lands where the viability of existing agricultural use has already been severely limited by conflicts with urban uses, and where the conversion of such land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

Conversion of agricultural land is not proposed as part of this lot line adjustment.

Section 6350(c) calls for developing available lands not suitable for agriculture before converting agricultural lands.

Development is not proposed on the four parcels to be reconfigured in this LLA application nor is the conversion of agricultural lands. The proposed LLA will retain cultivated agriculture on three of the four reconfigured parcels and will retain grazing, open space and future low-intensity public recreation uses which are compatible with agriculture on the fourth reconfigured parcel.

Section 6350(d) calls for assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

Public service and facility expansion is not proposed as part of this LLA application nor is non-agricultural development. The proposed LLA will preserve agriculture by realigning parcel boundaries to support the continuation of agricultural operation. The agriculture conservation easements to be placed by POST on reconfigured parcels 1, 3, and 4 upon transfer to a farmer will include mandatory agricultural use provisions. The reconfigured parcel size, the planned agricultural easements and the new Williamson Act contract will facilitate the sale of this

cultivated farmland to a private owner/operator. The LLA will also facilitate the continuation of existing farming and livestock grazing uses, permanently protect open space and enhance future public recreational uses on reconfigured parcel 2 through the use of Open Space Easements and a Rangeland Management Plan which are compatible with agricultural uses. No change of use is proposed as part of this LLA application that would result in assessment costs or the degradation of air or water quality.

Section 6350(e) calls for assuring that all divisions of prime agricultural land (except those stated in (b)) and all adjacent development does not diminish the productivity of prime agricultural lands and other land suitable for agriculture.

The purpose of the proposed LLA is to preserve and enhance cultivated agriculture through the reconfigured parcel sizes, the planned agricultural easement and the new Williamson Act contract on parcels 1, 3, and 4 and to continue existing farming and livestock grazing uses, permanently protect open space and enhance future public recreational uses on reconfigured parcel 2 through Open Space Easements and a Rangeland Management Plan. There is no development proposed on the reconfigured parcels or on land adjacent to them that would diminish the productivity of prime agricultural lands or other land suitable for agriculture.

Section 6354, Land Divisions, of the San Mateo County Zoning regulations requires a PAD permit to be approved for all land divisions in the PAD zone, even when no additional parcels will result from the land division. The PAD criteria found in Section 6355 are discussed below, although many of the general criteria are not applicable to this land division because buildings are not proposed at this time. Should development be proposed in the future, it will be evaluated in accordance with all applicable PAD criteria.

A. General Criteria

- a. *The encroachment of all development upon land which is suitable for agricultural use shall be minimized.*

No structures of any type or additional parcels are proposed as part of this application. Should buildings or other development be proposed on any of the parcels in the future, the proposal will be evaluated in accordance with this criterion as applicable.

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

No structures, roads, infrastructure, or additional parcels are proposed on the site as part of this application. Should development be proposed in the future, it will be evaluated in accordance with the language included in the new FSZ contract or OSE and this PAD criterion as applicable.

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

The applicable criteria found in Chapter 20A. 2 are discussed below:

Section 6324.1. - Environmental Quality Criteria

- (a) *All developments should be designed and located to conserve energy resources, and thereby reduce the impacts of energy consumption on air, land, water, and living resources.*

Although buildings are not proposed as part of this LLA application, all four reconfigured parcels are designed to be large enough to accommodate agricultural and compatible development in the future which could reduce paving, grading and potential runoff from the site and could accommodate structural designs which maximize use of solar energy and reduce the use of electricity.

Section 6324.2 - Site Design Criteria

- (a) *Development shall be located, sited and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site and its surround is maintained to the maximum extent practicable.*

The reconfigured parcels have been designed to reflect the pre-existing character of the site by realigning parcel boundaries to be subordinate to the pre-existing agricultural uses on reconfigured parcels 1, 3, and 4 and the pre-existing grazing and open space on reconfigured parcel 2.

- (b) *All roads, buildings and other structural improvements or land coverage shall be located, sited and designed to fit the natural topography and shall minimize grading and modification of existing land forms and natural characteristics.*

Primary Designated Landscape Features shall not be damaged.

Although no roads, buildings or other structural improvements are proposed as part of this LLA application, the four reconfigured parcels have been designed to fit the natural topography and preexisting uses including cultivated agriculture on reconfigured parcels 1, 3 and 4 and grazing and open space on reconfigured parcel 2. There are no Primary Designated Landscape Features on any of the four reconfigured parcels.

Section 6325.3 - Primary Agricultural Resources Area Criteria

- (a) *Only agricultural and compatible uses shall be permitted.*

Agricultural and compatible uses will continue on reconfigured parcels 1, 3, and 4 as allowed by PAD zoning and this will be reinforced by the agricultural conservation easement placed on the parcels by POST upon transfer to a farmer. The open space, grazing, and low-intensity public

recreational uses which are allowed by PAD zoning and are compatible with agricultural uses will be located on reconfigured parcel 2.

(b) *Clustering of uses shall not be permitted unless and until a finding is made by the Planning Commission that such clustering would promote the use or potential use of the land for agricultural purposes.*

Cultivated agricultural uses would continue on reconfigured parcels 1, 3, and 4 and would be consolidated under one 20-year Farmland Security Zone contract which, along with the agricultural conservation easement to be placed on the parcels by POST upon transfer of the parcels to a farmer, will promote the use of the land for agriculture.

(c) *Where possible, structural uses shall be located away from prime agricultural soils.*

Although no structures of any kind are proposed on any of the reconfigured parcels as part of this LLA application, the reconfigured parcels have been designed so that any proposed structures in the future could, where possible, be located away from prime agricultural soils or on soils that have been previously disturbed.

B. Water Supply Criteria

a. *The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses and new parcels in accordance with criteria included in Section 6355.B.1 of the San Mateo County zoning regulations.*

No residential or other non-agricultural uses or new parcels are being proposed as part of this application. The OSEs that are proposed as part of the application are consistent with and allowed by the WA and are not considered non-agricultural use. The low-intensity public recreation use that is planned in the future, such as hiking trails, will not increase the need for water on the site and is not listed in Table 1.5 of the County's Local Coastal Program as the type of land use that has water using features associated with it. Should residential or other non-agricultural uses or new parcels be proposed in the future, the application will be evaluated in accordance with the water supply criteria as applicable.

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

The reconfiguration of four existing parcels will not diminish water supplies for agricultural use or sensitive habitat protection and will, in fact, improve the management of existing water sources by locating entire reservoirs, ponds and riparian corridors on individual parcels rather than bifurcating them with parcel boundaries. The existing agricultural water infrastructure and supply to existing subject parcels is shown on attached Map #6A (Page 2 of 2 in Attachment G). The total 72.3-acre feet of water that has been consistently available on the site to support the existing agricultural uses has successfully met the needs of those uses.

- c. *All new non-agriculture parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.*

All reconfigured parcels will be agricultural or open space with grazing which includes uses that are either permitted outright or allowed with issuance of a PAD permit and all proposed uses are consistent with the Williamson Act. No development is proposed and no transfer of riparian rights is needed or proposed.

C. Criteria for the Division of Prime Agricultural Land

- a. *Prime agricultural land which covers an entire parcel shall not be divided.*

Prime agricultural land which covers an entire parcel is not proposed for division. In fact, the proposed land division is designed so that more prime agricultural land that is now on multiple adjacent parcels will be combined within the same parcel.

- b. *Prime agricultural land within a parcel shall not be divided unless it can be demonstrated that existing or potential agricultural productivity of all resulting parcels would not be diminished.*

Prime agricultural land of about 44 acres is proposed to be divided on existing Parcel 2 so that it can be combined with reconfigured Parcel 1 and remain in cultivated agricultural use. The remaining 27 acres of prime agricultural land on reconfigured Parcel 2 will continue in livestock grazing or hay production through a long-term lease. Productivity of the agricultural uses on the prime agricultural land shall therefore not be diminished and will in fact be enhanced by combining prime agricultural land entirely on reconfigured Parcel 1 rather than continuing to have it bifurcated by a property line.

- c. *Prime agricultural land within a parcel will not be divided when the only building site would be on such prime agricultural land.*

Existing parcel 1 and reconfigured Parcel 1 both consist of almost all prime agricultural land as does all of reconfigured Parcel 4. Building sites are not proposed as part of this land division application. If development is proposed in the future, it must be found to be compatible with the zoning regulations and use restrictions of the Planned Agricultural District.

D. Criteria for the Conversion of Prime Agricultural Lands

- a. *Prime Agricultural Land within a parcel shall not be converted to uses permitted by a PAD permit unless specific criteria can be met*

No conversion of prime agricultural lands is being proposed as part of this application, so subsections 6355.D 1 – 3 do not apply. The prime agricultural lands will remain in agricultural use.

E. Criteria for the Division of Lands Suitable for Agriculture and Other Lands

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

Reconfigured parcel 2 is not capable of sustaining cultivated agriculture but is suited for grazing, open space and low-intensity public recreational use. Dividing it from parcels which are capable of sustaining cultivated row crops (reconfigured parcels 1, 3, and 4) will help protect and enhance the appropriate uses on all of the parcels by enabling farmers to purchase and maintain land that is suitable for cultivation without incurring the costs of purchasing and maintaining land that is not suitable for cultivated agriculture. Parcels 1, 3, and 4 will remain in cultivated agricultural use and POST will place a permanent agricultural conservation easement on those parcels when transferred to a private farmer.

F. Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

- a. *All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a PAD permit unless specific criteria can be met.*

No conversion of lands suitable for agriculture and other lands is proposed as part of this application. The parcel proposed for exchange from a WA contract to an OSE is not capable of meeting agricultural use thresholds because of steep slopes as shown on Map #7 (Attachment I), and a lack of fencing and other agricultural infrastructure. The exchange of a WA contract for an OSE is allowed by and compatible with the Williamson Act and will facilitate the preservation of existing farmland, open space, and planned recreational uses.

Section 6363, Parcel Size, of the PAD requirements as updated and approved by the San Mateo County Board of Supervisors on July 7, 2020 and certified by the California Coastal Commission on January 13, 2021, exempts land divisions brought about in connection with the purchase of land by a public agency for public recreational use from the maximum 5-acre residential parcel size.

The Johnston Ranch LLA is exempt from the maximum 5-acre residential parcel size because it has been brought about in connection with the purchase of land by a public agency, MROSD, for public recreational use. All of the reconfigured parcels are designed to accommodate the existing and anticipated uses on them.

Compliance with Lot Line Adjustment Findings:

The County must be able to make the following findings to approve the lot line adjustment in accordance with Chapter 10, Article 2, Section 7126 of the San Mateo Subdivision Ordinance:

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

The lot line adjustment would be in conformance with the applicable General Plan, LCP, and Zoning regulations as discussed above and shall not result in any non-conforming situations;

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

Although no buildings of any type are proposed as part of the lot line adjustment, all four reconfigured parcels would have adequate space to accommodate allowed uses within the PAD along with support structures and facilities and sensitive habitat protection measures. The permanent agricultural conservation easement that POST will put in place when reconfigured sites 1, 3 and 4 are transferred to a private farmer will remove the ability to develop single family residential uses on the parcels but will retain the ability to develop farm labor housing and other compatible agricultural uses in accordance with all regulations in place at that time. Reconfigured Parcel 2 will be 434 acres and will contain adequate area to provide a suitable building site although one is not proposed as part of this application.

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

Each reconfigured parcel would be accessed directly from Higgins Canyon Road as discussed above with an additional access easement granted to POST and MROSD from the City of Half Moon Bay across the western boundary of the City's Johnston House property from Higgins Canyon Road for a 30' wide access road to the agricultural fields of reconfigured Parcel 4 and the upland areas of reconfigured Parcel 2 south of Higgins Canyon Road. In addition, an existing farm road from Highway 1 across reconfigured Parcel 4 will serve as an appurtenant seasonal access easement to the southern portion of reconfigured Parcel 2;

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

The total 73.2-acre feet of water that has been consistently available on the site to support the existing agricultural uses has successfully met the needs of those uses. The low-intensity public recreation use that is planned in the future such as hiking trails will not increase the need for water on the site and is not listed in Table 1.5 of the County's Local Coastal Program as the type of land use that has water using features associated with it. Should residential uses or other types of allowed commercial uses be proposed in the future, the applications would be evaluated in accordance with regulations for water use at that time. While no uses requiring sewage disposal are proposed or anticipated at this time, each of the four reconfigured parcels are large enough to accommodate required septic systems on them and should uses that require septic systems be proposed in the future, they would be evaluated in accordance with regulations in place at that time;

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

No physical development is proposed as part of the LLA and therefore no impacts will result from the lot line adjustment on scenic corridors, wetlands, coastal resources or authorized coastal development as discussed above and in the accompanying biological report prepared by LSA and Associates, dated February 2021.

Williamson Act Discussion

All 868 acres of Johnston Ranch have been part of either a 10-year Land Conservation Act (LCA) or 20-year Farmland Security Zone (FSZ) Williamson Act contract since 2005 as shown on Attachment C.

The 10-year LCA Contract Number 2005-222499 covers approximately 555 acres and includes Assessor's Parcel Numbers (APNs): 064-370-110; 064-370-120; 065-210-220; and 065-210-240 (existing parcels 064-370-110 and 120, 3, and 4 as shown on Attachment C). Of the 555 acres, approximately 110 are in cultivated agricultural use. This cultivated farmland is located on the western portions of existing parcels 3 and 4. The remaining 445 acres covered by the LCA contract are located on the eastern portions of existing parcels 3 and 4 and existing parcel no. 064-370-110 and 120 and are suitable for grazing and public recreational uses, but are not suitable for cultivated agricultural use due to steep slopes, as shown on Map #7 (Attachment I), and the lack of access and fencing. In addition, the LCA Contract on APN 064-370-120 was non-renewed by San Mateo County on September 23, 2011, document #2011-110518.

The 20-year FSZ contract, Number 2005-222500, covers approximately 313 acres and includes APNs: 065-210-090; 064-370-200; 064-370-070; and small Parcels A (1c) and B (1b) which are noted as existing parcels 1, 2, A, B, and APN 065-210-090 on Attachment C. Existing parcels 1, and APN 065-210-090, and portions of existing parcel 2, are in cultivated agricultural use while parcels A and B are located primarily within the existing stream bed of Arroyo Leon.

The following proposed changes to these two existing WA contracts will increase the protection of cultivated farmland and enhance opportunities for low-intensity recreational uses and the continuation of existing grazing. The proposed changes are as follows:

Regarding the existing 10-yr. LCA contract, No. 2005-222499:

- A) Rescind it on the western portions of existing parcels 3 and 4 and re-enter a new 20-yr. FSZ contract on those western portions which will be reconfigured into Parcel 4, as shown on Map # 8 (Attachment J). This new FSZ contract will also include reconfigured parcels 1, 3, and existing parcel 065-210-090;
- B) Exchange it for a 10-yr. Open Space Easement (OSE) on the eastern portions of existing parcels 3 and 4 which will be reconfigured into the southern portion of reconfigured Parcel 2, as shown on Map #8 (Attachment J);
- C) Non-renew it on existing parcel 064-370-110, in accordance with Sections 4 and 8 of the existing contract, as shown on Map #8 (Attachment J).

Regarding the existing 20-yr. FSZ contract, No. 2005-222500:

- A) Rescind it and re-enter a new 20-yr. FSZ contract on reconfigured parcels 1 and 4, existing parcel 065-210-090 and merged Parcels A and B, as shown on Attachment J; and
- B) Exchange it for a new 20-year Open Space Easement (OSE) on the northern portion of reconfigured Parcel 2 as shown on Map #8 (Attachment J).

The execution of the new FSZ and OSE contracts and the non-renewal of the LCA contract on existing parcel 064-370-110 will be in accordance with Sections 4 and 8 of the existing contracts and will be a condition of the land division approval. The new FSZ contract will be in the form, or similar form, as that found in Attachment K.

The benefits of the above actions include the fact that all 224 acres of existing cultivated agricultural acreage will now be covered by one new 20-year FSZ contract which will be easier to manage. In addition, of those 224 acres, 110 acres that were previously only protected for a rolling 10-year timeframe will now be protected for a rolling 20-year timeframe.

The 207 acres that constitute the reconfigured northern portion of Parcel 2, which will be covered under a new 20-year Open Space Easement, and the 227 acres that constitute the southern portion of reconfigured Parcel 2, which will be covered under a new 10-year Open Space Easement, are best suited for open space and low-intensity public recreational uses and will include the continuation of grazing on the northern portion of the parcel and the potential reintroduction of grazing on the southern portion of the parcel.

The 100 acres that constitute existing APN 064-370-110, which will be nonrenewed from the existing 10-year LCA contract, will remain in grazing use for the remaining nine years of the contract, and will then also enhance open space and low-intensity public recreation opportunities. In addition, this acreage will be further protected by MROSD's approval of a Rangeland Management Plan and a long-term lease with the existing grazing tenant.

These actions and benefits are in compliance with the San Mateo Williamson Act Guidelines as discussed below.

Compliance with the San Mateo County Land Conservation (Williamson) Act

The San Mateo County WA Uniform Rules and Regulations allow parcels that are under WA contracts to be subdivided into new or reconfigured parcels provided the existing WA contracts are rescinded and replaced with new WA contracts or OSEs on reconfigured parcels or non-renewed on existing parcels. The new contracts are required to meet all applicable WA Rules and Regulations and cannot be for less aggregate acreage than originally contracted. The WA Rules and Regulations also require the land division to comply with the Subdivision Map Act

and the San Mateo County Subdivision Regulations (WA Uniform Rule 4: Rescission/Reentry, Non-Renewal and Cancellation Requests).

The new 20-year FSZ contract and the new OSEs that are part of the Williamson Act contract changes would comply with the following applicable WA Rules and Regulations. Uniform Rule 1 in the WA Guidelines requires that all replaced contracts or OSEs be located within an Agricultural Preserve (AGP). All eight existing parcels, including the four to be reconfigured and the two to be merged, are located within an existing AGP which was approved in 2005 when the original contracts were approved.

Uniform Rule 2.A.1 requires that all replaced or exchanged contracts be on property designated as Agriculture or Open Space and Uniform Rule 2.A.2 requires that the property be zoned PAD or Resource Management or Resource Management Coastal Zone. All eight of the existing parcels, including the four to be reconfigured and the two to be merged, are designated as Agriculture and are zoned PAD. All parcels proposed for the new FSZ contract also meet the parcel size requirements required in Uniform Rule 2.A.3.

Uniform Rule 2, Section A.5.b.2 allows “per se” compatible uses on parcels under FSZ contracts, which means that the use is automatically found to be compatible with agriculture and is not required to receive a “Determination of Compatibility” (DOC) from the Agricultural Advisory Committee. There is an existing barn on Parcel 2 (APN 064-370-070) which falls under the definition of “per se” compatible uses in Section A.5.b.2(a): “Facilities and structures utilized in conjunction with the production, preparation, and storage of an agricultural commodity, commercial grazing, or commercial horse breeding.” The barn on Parcel 2 is used in conjunction with the grazing operation which will be under a Rangeland Management Plan and long-term grazing lease with the existing rancher. It is 3,600 square feet in size with a driveway leading to it which is 5,700 square feet for a total of 9,300 square feet of compatible use on the reconfigured 204-acre parcel. There is also existing deer fencing around some of the agricultural parcels along Highway 1 (parcels 1, 4, and APN 065-210-090) which was put in place in 2017 and 2018 and finished in 2020. There are no other existing compatible uses on the subject parcels.

Uniform Rule 2.6 requires minimum income levels to be met for prime and non-prime soils and Uniform Rule 2.7 requires minimum thresholds for land utilization for grazing. The Statement of agricultural uses required by Uniform Rule 3 summarizes the acreage of each existing APN, the acreage in crop production and grazing along with the proposed replacement with either a new FSZ contract or an OSE. The Statement of agricultural uses is Attachment L of this Supplemental Statement.

Uniform Rule 2.B requires that parcels entering into a new, or replacing an existing, FSZ contract must be within an approved AGP, and within an approved Farmland Security Zone Area (FSZA) and designated on the Important Farmland Series Map. The reconfigured parcels

that are covered by the new FSZ contract all meet these criteria (reconfigured Parcels 1, 3, and 4).

Uniform Rule 4 requires that seven criteria be met before an LLA can be approved for parcels under an existing WA contract. Those criteria are addressed below:

a) The new contracts will restrict land within adjusted boundaries of legal lots for at least as long as the term of their current restrictions.

Parcels currently enrolled in a 10-year LCA contract would be reconfigured and enrolled in a 20-year FSZ contract or a 10-year Open Space Easement (with a non-renewal on one existing parcel that is not part of the LLA/parcel merger application) and parcels currently enrolled in a 20-year FSZ contract would be enrolled in a new 20-year contract or a 20-year Open Space Easement, so all parcels will be restricted for at least as long as the term of their current restrictions with the exception of the non-renewal which is a separate action, and while a part of this application package, is not a part of the LLA.

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

The total acreage in the four reconfigured parcels (and on the Ranch overall) would remain the same but would be configured differently and would either be enrolled in a FSZ contract or an Open Space Easement. There would be no decrease in the aggregate acreage subject to proposed contracts/easements.

c) At least 90% of the originally contracted land would be included within new contracts.
All of the originally contracted land (100%) would be enrolled in new contracts/easements.

d) The resulting legal lot area subject to contracts would be large enough to sustain qualifying agricultural uses as defined in Section 51222.

All four of the reconfigured parcels would be large enough to sustain agricultural uses including reconfigured Parcel 3 which would be tied in perpetuity to reconfigured Parcel 4 through a conservation easement, as discussed above, so that accessory agricultural uses along with row crops could be located on reconfigured Parcel 3.

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

Reconfigured Parcels 1, 3, and 4 (along with existing Parcel 065-210-090 which is not part of this LLA application) will be better configured to sustain long-term agricultural use and productive farmland with substantial prime agricultural soil enrolled under one 20-year FSZ contract, while land better suited for open space and public recreation uses will be aggregated under two OSEs on reconfigured Parcel 2.

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

Adjacent land would not be removed from agricultural use as a result of the LLA. Reconfigured Parcel 2 is better suited for grazing, open space, and public recreation uses rather than cultivated row crops. Replacing the existing 10 and 20-year WA contracts on the parcel with 10 and 20-year Open Space Easements that are allowed by and consistent with the Williamson Act will ensure that parcels failing to meet productive agricultural use thresholds are retained for open space, continued grazing on the north side of Higgins Canyon Road under a conservation grazing lease and Rangeland Management Plan and future recreational uses. The WA contract that will be non-renewed on APN 064-370-110 (which is not part of this application) will continue for the remaining nine years and grazing will also be continued under a conservation grazing lease and Rangeland Management Plan for that period of time;

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

No additional parcels would be created by the LLA. First, the lot merger would reduce the number of parcels on the Ranch overall from eight to six. Then four of these parcels would be reconfigured into four differently shaped parcels to better preserve existing productive agricultural uses including continued livestock grazing and to enhance open space and future public recreational uses. All four of the reconfigured parcels would be consistent with relevant County General Plan, LCP, Zoning, and Subdivision policies and regulations as discussed earlier in this Supplemental Statement.

Uniform Rule 5 addresses exchanging an existing WA contract for an OSE and requires that the OSE adhere to the California Land Conservation Act of 1965, and subsequent revisions, which in turn requires that the OSE be consistent with the WA and that it enforceably restricts the property for an initial term of not less than ten (10) years.

The proposed OSEs for reconfigured Parcel 2, would restrict the use of the land for open space, future recreational uses, continued grazing of the northern portion of the parcel and potential reintroduction of grazing on the southern portion of the parcel for a rolling period of twenty years on the northern portion and a rolling period of ten years on the southern portion. The proposed open space, recreational use and grazing are consistent with the WA and the County Guidelines, which supports protecting open space when the affected property qualifies as a scenic highway corridor (page 1 of the San Mateo County WA Guidelines). Parcel 2 is in a County Scenic Corridor as are all of the Johnston Ranch parcels.

In addition, proposed OSEs for reconfigured parcel 2 provide better consistency with regional trail planning efforts in the vicinity of Johnston Ranch. MROSD has identified future conceptual plans for the development of low intensity recreational trails and public access facilities on

reconfigured parcel 2, and existing APNs 064-370-110 & 120, which will be designed to be compatible with existing or potentially reintroduced grazing uses of these parcels and in compliance with MROSD's 2004 Service Plan for the Coastal Annexation Area. Low intensity recreation compatible with agriculture is also identified in MROSD's adopted 2014 Vision Plan as Portfolio #28 Miramontes Ridge/Purisima Creek Redwoods: Mills Creek/Arroyo Leon Watershed protection, Stream Restoration, and Regional Trail Connections, and Portfolio #1 Miramontes Ridge: Gateway to the San Mateo Coast Public Access, Stream Restoration, and Agricultural enhancement Projects. The Vision Plan also calls for restoration, natural resource management, and enhancement of conservation grazing on lands acquired and managed by MROSD.

The San Mateo County 2001 Trails Master Plan references the proposed county trail route P14 Burleigh Murray Ranch State Park to the Coast. The Burleigh Murray Ranch State Park to the Coast Trail would extend from Burleigh Murray Ranch State Park to the California Coast Trail between Poplar County Beach and Cowell Ranch State Beach in the vicinity of Higgins Canyon Road adjacent to Johnston Ranch. The proposed OSEs would facilitate implementation of the County's Trail Master Plan. Other regional trail planning efforts that would be furthered by the conversion of Parcel 2 to OSEs include: 1) The San Mateo County's 2011 Comprehensive Bike and Pedestrian Master Plan that notes road improvements and proposed trails and bike/pedestrian improvements through Johnston Ranch and Higgins Canyon Road which all are in and around reconfigured Parcel 2; 2) The City of Half Moon Bay Parks Master Plan that includes recommendations for Johnston House Recreation Improvements with the possibility of a regional trailhead that could access trails proposed in the uplands area on reconfigured Parcel 2. (In addition, the City of Half Moon Bay is completing intersection improvements to improve pedestrian and bicycle safety where Higgins Canyon Road, Main Street, and Highway 1 meet with the expectation that people will be and already are using the route to access recreation destinations along Higgins Canyon Road directly adjacent to reconfigured Parcel 2 and existing parcel 064-370-110 and 120, and are pursuing recreational routes between the California Coastal Trail and inland public lands); and 3) the Bay to Sea planning effort currently in progress to connect the California Coastal Trail to the San Francisco Bay Trail, which identifies Johnston Ranch as a potential corridor for the Bay to Sea trail. This is a regional trails project that POST is spearheading in collaboration with MROSD, San Mateo County, Golden Gate National Recreation Area (GGNRA), the San Francisco Public Utilities Commission (SFPUC), City of Half Moon Bay, and the Coastside Land Trust. Reconfiguration of parcels under this application would facilitate all these potential improvements. A citation sheet referencing these plans is included in Attachment M.

A draft OSE Term Sheet is attached to this Supplemental Statement (Attachment N) which outlines draft language to be included in the open space easements for reconfigured Parcel 2. As noted in the LCP discussion above, the proposed new FSZ contract and the proposed OSEs will be consistent with LCP policies 5.5, 5.6, and 5.10 in that the contract and easements will

help to ensure that productive agricultural uses are preserved and are financially successful and that open space will be preserved and planned recreational uses can be pursued.

California Environmental Quality Act (CEQA)

The average slope on the four reconfigured parcels is 18.5%, therefore the LLA qualifies for categorical exemption under CEQA Guidelines. Section 15305(a), Class 5, states that minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including minor lot line adjustments not resulting in the creation any new parcel, are categorically exempt. Attachment I illustrates the average slope on the four reconfigured parcels.

Agricultural Land Management Plan

In accordance with Section 6364.C of the PAD zoning regulations, the following agricultural land management plan describes how the agricultural productivity of the land will be fostered and preserved in accordance with the requirements of Sections 6350 and 6355 of the PAD regulations.

As demonstrated throughout this Supplemental Statement, the proposed LLA, parcel merger, new FSZ contract and OSEs will ensure that the agricultural uses on parcels 1, 3, and 4 are preserved by realigning parcel boundaries with pre-existing agricultural uses and entering into a new FSZ contract on highly productive agricultural land on those reconfigured parcels and that grazing, open space, and low-intensity public recreational uses are protected and enhanced on reconfigured parcel 2 by realigning that parcel boundary with pre-existing grazing and open space uses and replacing the existing LCA and FSZ contracts with Open Space Easements on land that is well suited for continued grazing, open space, and public recreational uses on the northern portion of the parcel and open space, low-intensity public recreation and the possible reintroduction of grazing on the southern portion of the parcel.

Table 3 summarizes how the reconfigured parcels will be managed to demonstrate the productivity of the land.

Table 3 (Approximate Acreages)

Parcel ID #	Approximate Acreage in Crop Production*	Type of Crop* or Number of Grazing Head*	FSZ Contract or OSE
1	84	Irrigated Brussels Sprouts, English Peas or similar	FSZ
2	311	20 – 40 head (north of Higgins Canyon Rd.)	OSE – 20-years north of Higgins Canyon Rd. OSE – 10-years south of Higgins Canyon Rd.
3	2	Miscellaneous vegetable crops or hay	FSZ
4	110	Irrigated Brussels Sprouts, English Peas or similar	FSZ

*Acreages in crop production and the type of crop or number of head in a cow/calf grazing operation are estimates only and will vary from year-to-year given changing product demand, or climate and soil conditions.



Attachments:

- Attachment A - Map #1 SS - Johnston Ranch Existing Parcel Configuration before Merger of Parcel A and B with Parcel 1 and after Merger of Parcel A and B with Parcel 1 (2 pages)
- Attachment B - Map #2 SS - Johnston Ranch Proposed Reconfiguration of Four Parcels
- Attachment C - Map #3 SS - Existing Land Conservation Act and Farmland Security Zone Contracts and Prime Agricultural
- Attachment D - Map #4 SS - Johnston Ranch San Mateo County Scenic Corridor
- Attachment E - Map #5 SS - Johnston Ranch Parcel 2 Additional Access Detail
- Attachment F - Master Land Division Plan (with seven maps)
- Attachment G - Map #6 SS - Page 1 of 2 - Johnston Ranch Existing Parcel Configuration, Water Infrastructure, and Existing Fencing
 - Map #6A SS - Page 2 of 2 - Johnston Ranch Agricultural Water Infrastructure on Four Reconfigured Parcels
- Attachment H - Biological Impact Report (separate PDF due to size)
- Attachment I - Map #7 SS - Johnston Ranch Average Slopes
- Attachment J - Map #8 SS - Johnston Ranch Proposed Farmland Security Zone Contract and Open Space Easements and Prime Agricultural Lands
- Attachment K - Draft Farmland Security Zone Contract
- Attachment L - Statement of Agricultural Uses
- Attachment M - Citation Sheet for Planned Recreational Uses
- Attachment N - Draft OSE Term Sheet



Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment A – Page 1 of 2 – Map #1 SS: Johnston Ranch Existing Parcel Configuration before Merger

-  Existing parcel
-  Existing parcel to be reconfigured



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Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment A – Page 2 of 2 – Map #1 SS – Johnston Ranch Parcel Configuration - After Merger

-  Existing parcel
-  Existing parcel to be reconfigured

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8/27/2021



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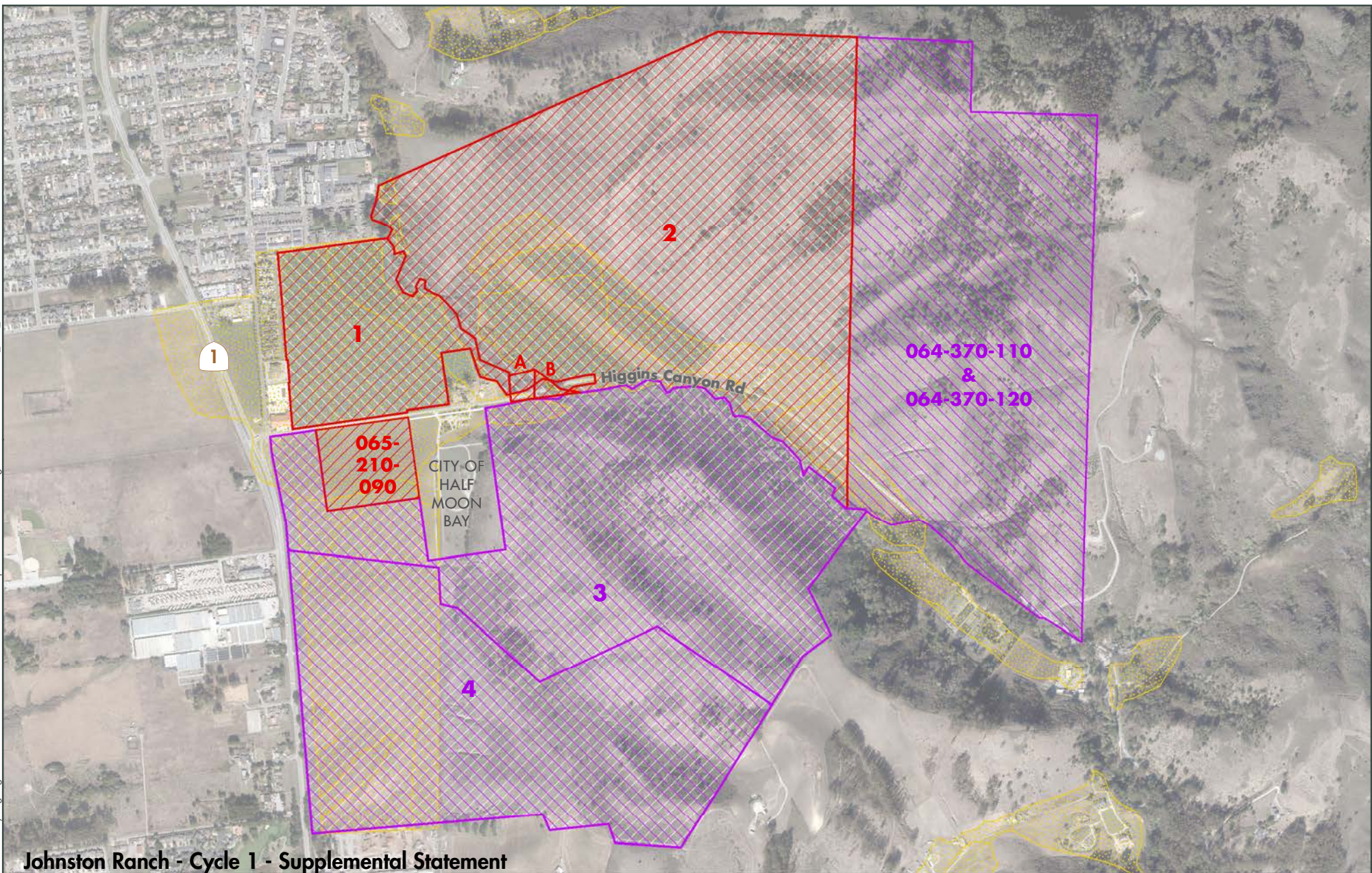
Johnston Ranch - Cycle 1 - Supplement Statement Attachment B – Map #2 SS – Johnston Ranch Proposed Reconfiguration of Four Parcels

 Reconfigured parcel

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9/7/2021







While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



Johnston Ranch - Cycle 1 - Supplemental Statement

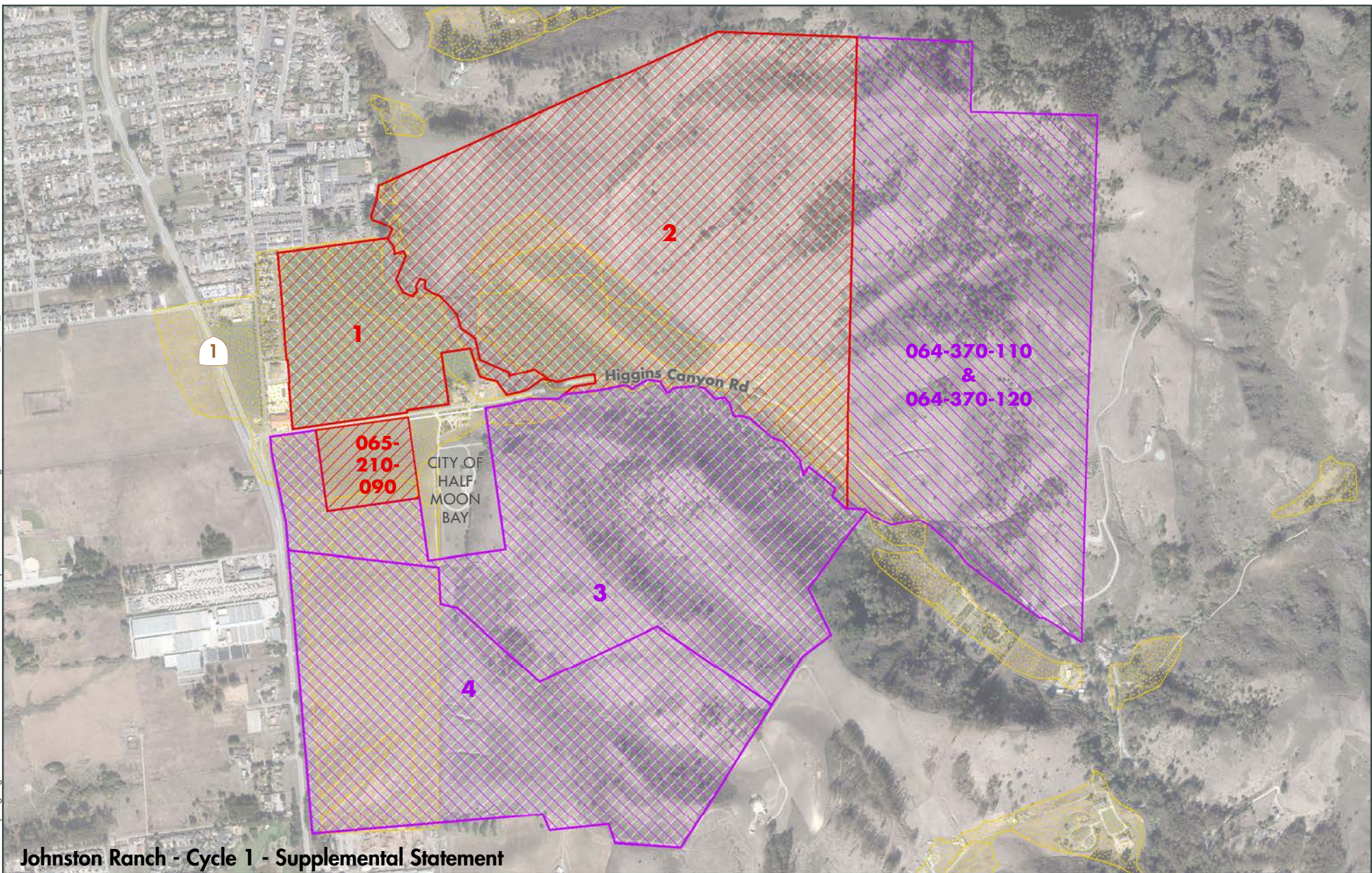
Attachment C – Page 1 of 2 – Map #3 SS – Johnston Ranch Existing Land Conservation Act and Farmland Security Zone Contracts and Prime Agricultural Land – Before Merger

-  Existing parcel to be reconfigured
-  20-year Farmland Security Zone parcel
-  Prime agricultural lands
-  10-year Land Conservation Act parcel

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8/26/2021







While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



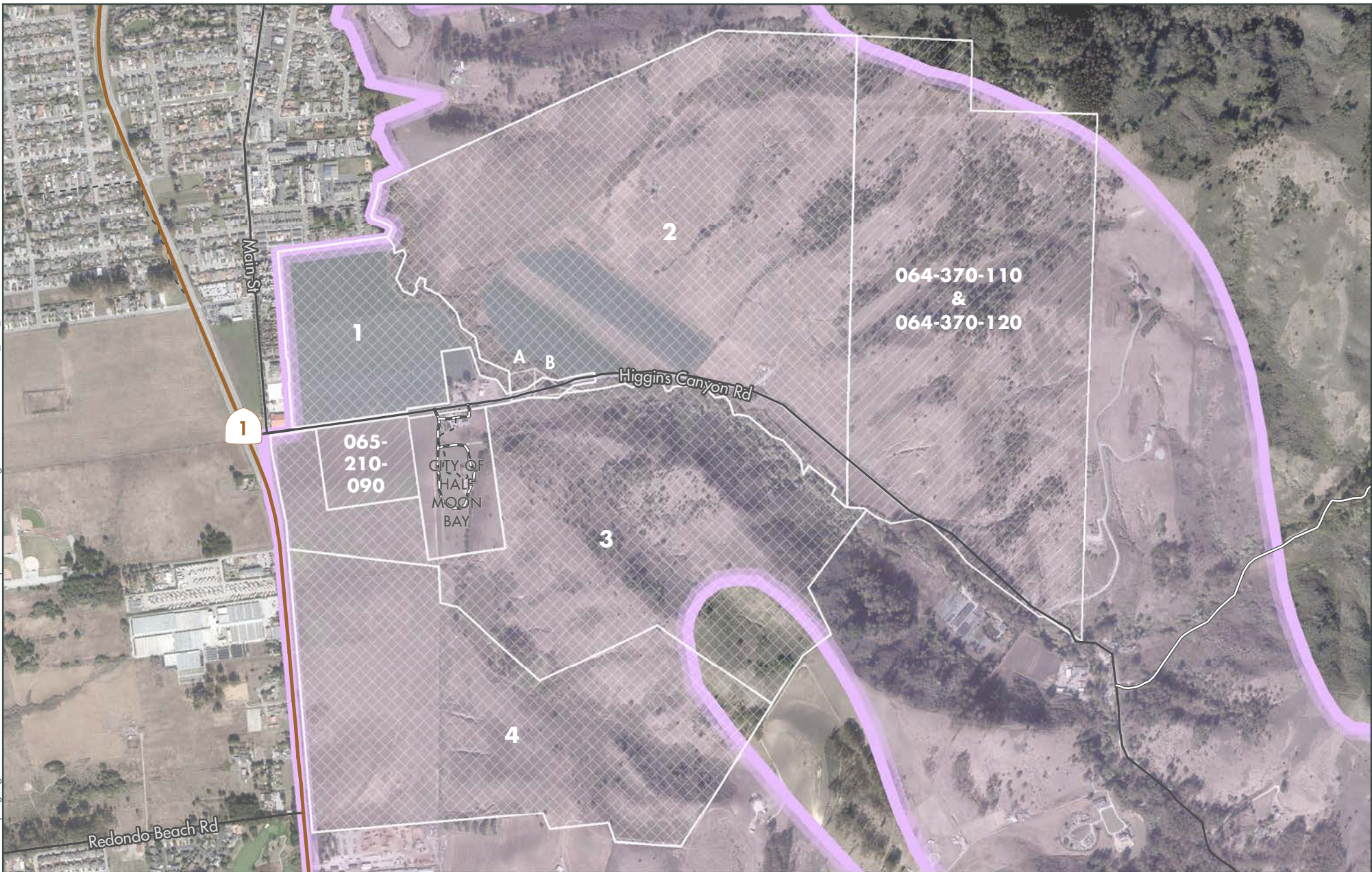
Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment C – Page 2 of 2 – Map #3 SS – Johnston Ranch Existing Land Conservation Act and Farmland Security Zone Contracts – After Merger

-  Existing parcel to be reconfigured
-  20-year Farmland Security Zone parcel
-  Prime agricultural lands
-  10-year Land Conservation Act parcel

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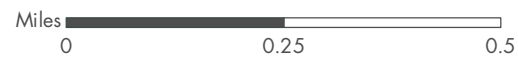




Johnston Ranch - Cycle 1 - Supplemental Statement Attachment D – Map #4 SS – Johnston Ranch San Mateo County Scenic Corridor

- Existing parcel
- Existing parcel to be reconfigured
- San Mateo County scenic corridor





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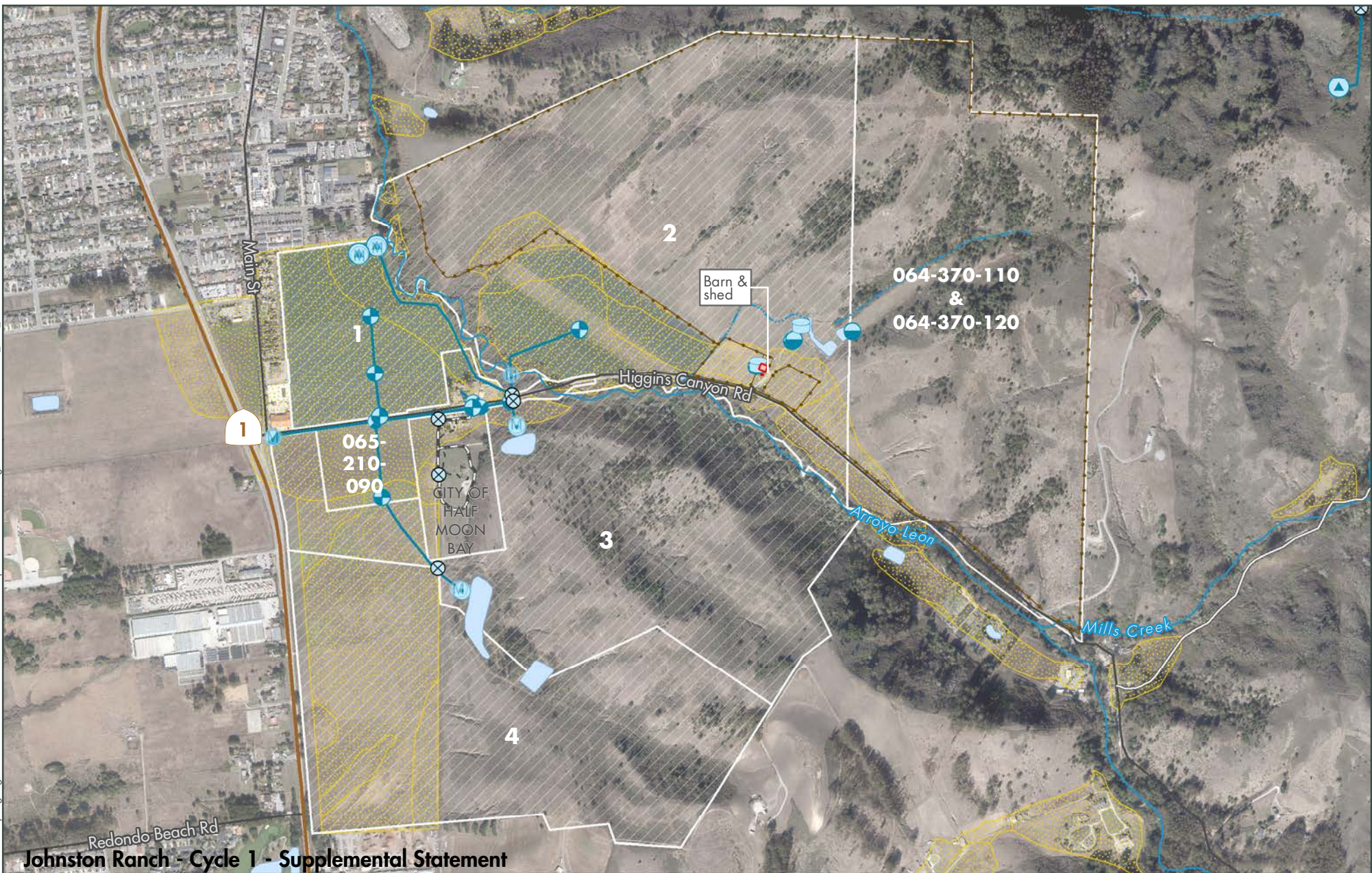
Johnston Ranch - Cycle 1 - Supplemental Statement Attachment E – Map #5 SS – Johnston Ranch Parcel 2 Access Detail – After Parcel Reconfiguration

-  Reconfigured parcel
-  Existing Access easement (30-foot width)
-  Existing Access easement (30-foot width)
-  Proposed patrol & maintenance access easement (20-foot width)



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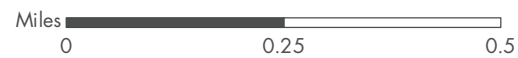


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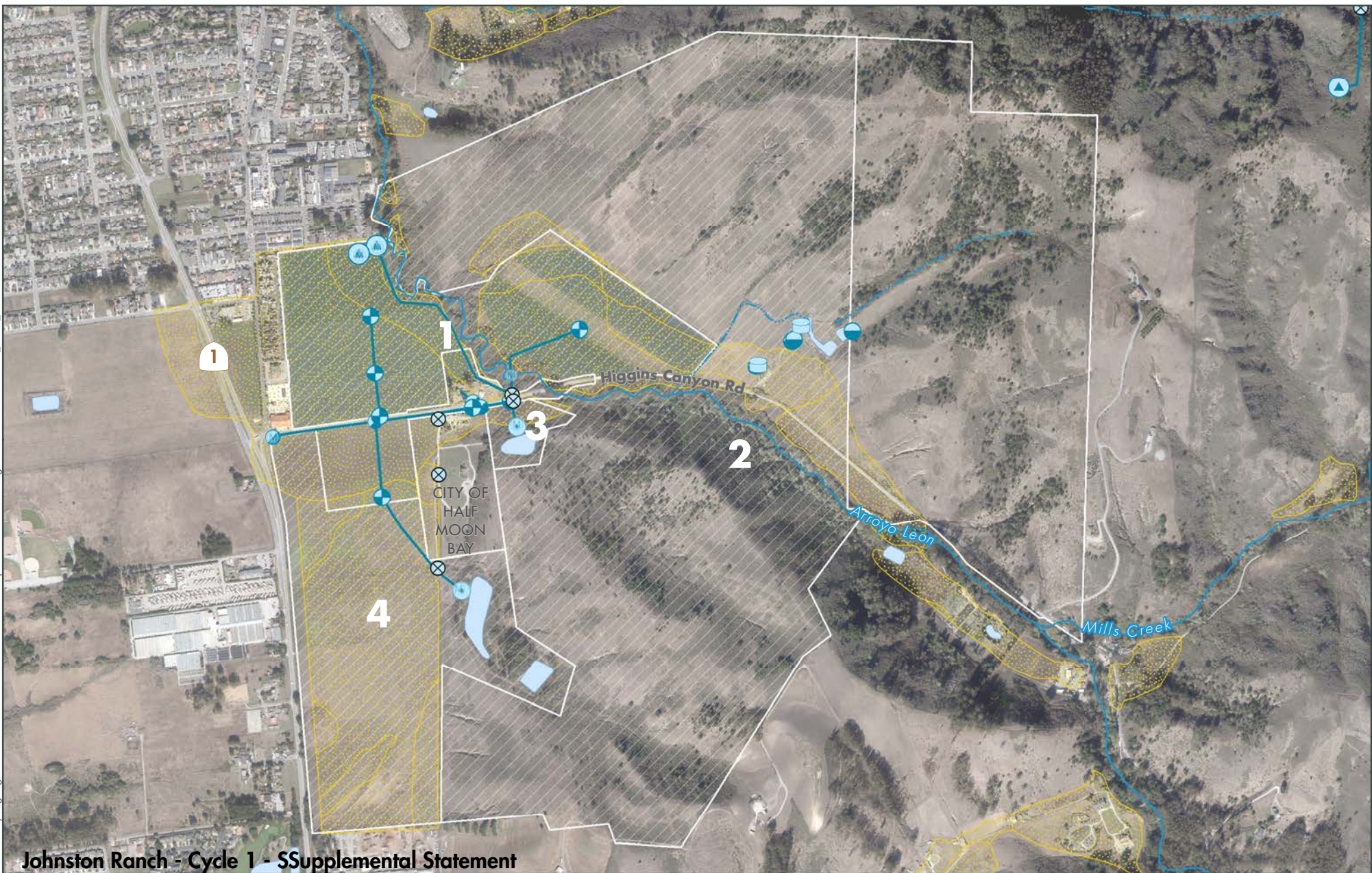
Attachment G – Page 1 of 2 – Map #6 SS – Johnston Ranch Existing Parcel Configuration and Agricultural Water Infrastructure and Existing Fencing – Before Parcel Reconfiguration

- | | | |
|--------------------------|--------------|-------------|
| Existing parcel | Water tank | Outlet |
| Prime agricultural lands | Water trough | Water riser |
| Fence | Culvert | Water valve |
| Barn and shed | Water meter | Well |

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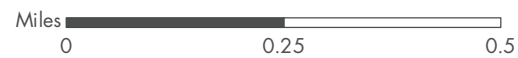


Johnston Ranch - Cycle 1 - SSupplemental Statement

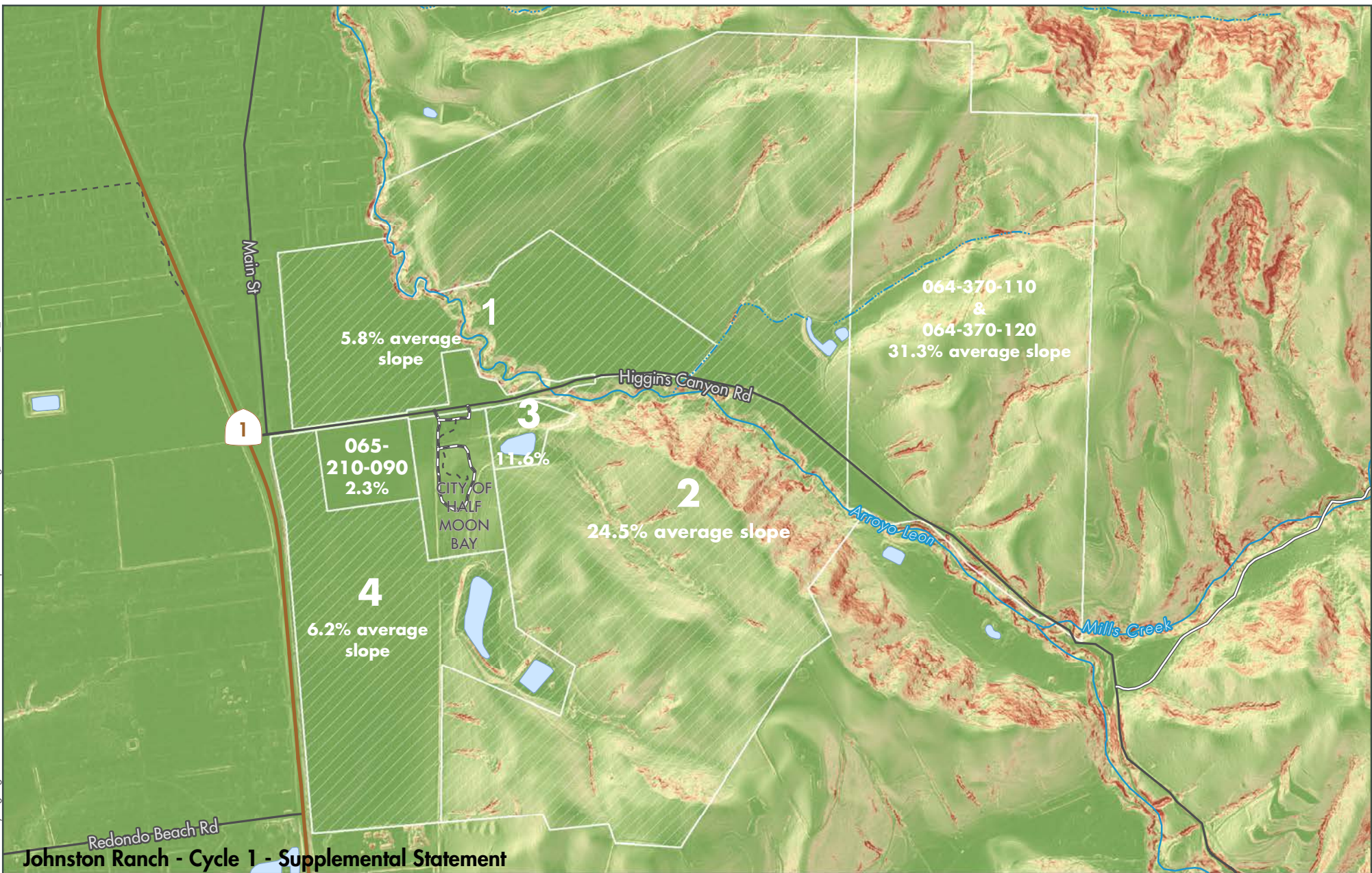
Attachment G – Page 2 of 2 – Map #6A SS – Johnston Ranch Agricultural Water Infrastructure on Four Reconfigured Parcels – After Parcel Reconfiguration

- | | | | |
|---|--|---|--|
|  Reconfigured parcel |  Water trough |  Water riser |  Prime agricultural lands |
|  Water tank |  Culvert |  Water valve | |
|  Outlet |  Water meter |  Well | |

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Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment I – Map #7 SS – Johnston Ranch Average Slopes

 Reconfigured parcel (average percent slope)
Average slope across parcels 1, 2, 3, & 4: **18.5%**

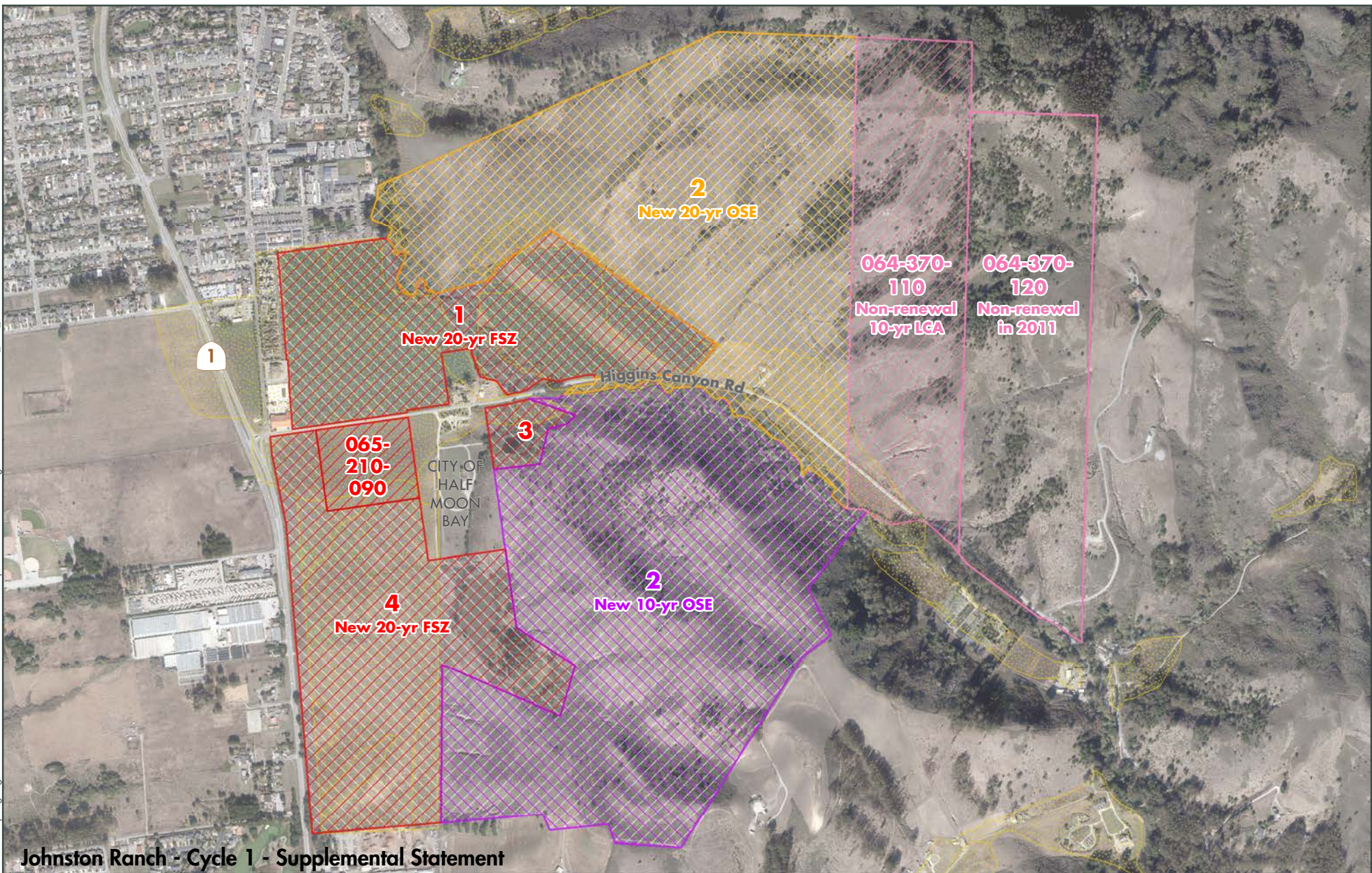


Parcel 1	5.8%
Parcel 2	24.5%
Parcel 3	11.6%
Parcel 4	6.2%
Average	18.5%

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Johnston Ranch - Cycle 1 - Supplemental Statement

Attachment J – Map #8 SS – Johnston Ranch Proposed Farmland Security Zone Contract and Open Space Easements

- | | | | |
|--|---|--|------------------------------------|
| | New 20-year Farmland Security Zone | | New 10-year Open Space Easement |
| | Non-renewal of existing 10-year Land Conservation Act | | New 20-year Open Space Easement |
| | Non-renewal by San Mateo County in 2011 | | Existing parcel to be reconfigured |
| | | | Prime agricultural lands |

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Attachment F
Johnston Ranch
Master Land Division Plan (MLDP)

This document and the attached maps constitute the Master Land Division Plan (MLDP) for the approximately 868-acre Johnston Ranch, located in the vicinity of the City of Half Moon Bay (the City) (Attachment 1 - Map #1). The intent of this MLDP is to optimize the subject parcels for agricultural use and public benefit. Johnston Ranch consists of eight existing legal parcels owned by Peninsula Open Space Trust (POST). The project involves merger of two parcels and the subsequent reconfiguration of four of the resulting parcels through a land division (lot line adjustment) application brought about in connection with purchase of such land by a public agency [Midpeninsula Regional Open Space District (MROSD)] for public recreation use, as allowed under the State’s Coastal Act of 1976 and the San Mateo County Local Coastal Program. The merger of two parcels and the reconfiguration of four of the remaining six parcels will maintain cultivated farm property of approximately 224 acres to be retained by POST and approximately 644-acres of the upland areas to be purchased by MROSD, with the roughly 311 acres of livestock grazing continued on the open space north of Higgins Canyon Road.

The eight existing parcels that constitute Johnston Ranch are shown on Map #2 attached to this MLDP (Attachment 2). Following merger of two parcels, four of the remaining six parcels, constituting 644 acres of the total 868 acres, will be reconfigured as described in this MLDP to preserve cultivated farm land and open space to continue in grazing, and to allow for future public trails.

Preserving Agriculture

POST purchased Johnston Ranch through two transactions in 1998 and 2001 to prevent development and preserve the historic ranch and farm following an effort by previous owners to build out the property as a golf resort. The parcel reconfigurations described below will further preserve and enhance agriculture by realigning parcel boundaries to support the continuation of agricultural operation. POST will preserve the parcels it retains by encumbering them with a permanent agricultural conservation easement at the time of future transfer to a farmer. The conservation easement will include mandatory agricultural use provisions and restrict development. Any proposed development on the agricultural parcels in the future will, of course, be subject to the permitting and public review process required by local regulations.

The reconfigured cultivated parcels will be easier to manage, will retain existing agricultural production, and will enhance a farmer’s ability to control production and monitor food safety. In addition, the reconfigured boundaries and size will facilitate the future sale of cultivated farmland to a private owner/operator by allowing the farmer to purchase the cultivated land and associated water resources without incurring the expense of purchasing and maintaining another 644 acres of adjoining uplands and riparian corridor. The private farm owner/operator

will be able to build equity in the land while the conservation easement provides long-term security for the benefits that this farm provides for local agriculture and the community.

The parcel reconfiguration described below will also preserve existing agricultural uses on the parcels to be obtained by MROSD. Existing grazing operations on the north side of Higgins Canyon Road and dry farming/hay production on seven acres on the south side of Higgins Canyon Road will continue under a long-term grazing lease in MROSD ownership, in compliance with mitigation measures adopted as part of the MROSD Service Plan for the Coastal Annexation Area, certified by the San Mateo County Local Area Formation Commission (LAFCo) in 2004.

In addition, the Johnston Ranch parcels are enrolled in two Williamson Act contracts: one Land Conservation Act contract and one Farmland Security Zone contract. The existing contracts will need to be modified to conform with the parcel reconfigurations, which is addressed in separate documents prepared in conjunction with the land division application. These modifications are intended to increase the length of time that the cultivated agricultural acreage to be retained by POST will be protected as part of a rolling 20-year Farmland Security Zone (FSZ) contract and will protect the grazed uplands to be acquired by MROSD through Open Space Easements, a long-term grazing lease agreement and a Rangeland Management Plan.

All of these benefits comply with the Agricultural Component of the San Mateo County General Plan (specifically Policies 9.28 and 9.29), the County Local Coastal Program (LCP) (specifically Policies 5.5, 5.6, 5.10, and 5.12), and the zoning requirements in the Planned Agricultural District (PAD), as explained in the accompanying Supplemental Statement.

Enhancing Open Space/Public Recreation

This MLDP is brought about in connection with the purchase of land by a public agency for public recreational uses and complies with County General Plan Policy 9.35, and the applicable LCP policies in the Recreation/Visitor Serving Facilities Component, specifically Policies 11.8, 11.10, 11.11, 11.12, 11.13 and 11.14.

The proposed land division enhances open space and public recreation uses by optimizing parcel configurations for grazing, open space, and future public recreation on the upland areas and provides areas for buffers between these uses and the cultivated parcels. Potential future trails for public use on the existing and reconfigured parcels are shown on attached Maps #3 and #3A, respectively, (Attachment 3 - pages 1 of 3 and 2 of 3, respectively) and are consistent with the Recreation/Visitor Serving Facilities Component of the LCP Policy 11.13 which *“establishes a trails program for the Coastal Zone with the objective of: “1) connecting major shoreline areas and trails to inland park and recreational facilities and trails, and 2) linking existing and proposed recreational facilities along the coast.”*

The conceptual future trail depicted along Higgins Canyon Road between Highway 1 and the City of Half Moon Bay's Johnston House property meets the goals of the LCP Policy 11.13 stated above and is consistent with LCP Chapter 11.13b (2)c which specifically identifies a regional trail in the vicinity of the proposed MLDP as the "Half Moon Bay State Beach to Huddart Park Trail." Future implementation along this regional trail route is also consistent with the San Mateo County Trails Master Plan for "Proposed Route P14: Burleigh Murray Ranch State Park to the Coast" and with the San Mateo County Comprehensive Bicycle and Pedestrian Plan. Further, the trail is identified in the City's Bike and Pedestrian Master Plan to connect the Naomi Patridge Trail along Highway 1 to the Johnston House Park. POST has granted the City a 30-foot-wide trail easement along the south side of Higgins Canyon Road between the intersection of Highway 1 and the City's Johnston House Park property (approximately 1,225 feet long) to facilitate future implementation of this segment of the regional trail. At a future date, the City will conduct public outreach, plan, design, permit, and implement the final trail alignment of this segment which connects to a new safety highway crossing and the redesigned southern entrance to downtown Half Moon Bay.

The conceptual future trails identified within and adjacent to the property to be acquired by MROSD facilitate future public access to connect to MROSD's Miramontes Ridge Open Space Preserve located northeast of Johnston Ranch, as identified in MROSD's Vision Plan Portfolio Project 1: Miramontes Ridge Gateway to the San Mateo Coast Public Access, Stream Restoration and Agricultural Enhancements. At a future date, MROSD will conduct more thorough field scouting to determine a feasible alignment before proceeding to coordination with other public agency partners, public outreach, design, permitting, and implementation.

Future trails on this property will also further the new regional planning effort to implement a "Bay to Sea Trail" envisioned to connect the California Coastal Trail to the San Francisco Bay Trail, involving the efforts of the public agencies listed above plus the Golden Gate National Recreation Area (GGNRA), California State Parks, City of Half Moon Bay, San Mateo County Parks, the San Francisco Public Utilities Commission (SFPUC), Redwood City, and the Coastsides Land Trust. West of Highway 35 (Skyline Boulevard), the Bay to Sea Trail is envisioned to coincide with the alignment of the Half Moon Bay State Beach to Huddart Park Trail. The alignments of regional trails depicted in the attached maps within the vicinity of Johnston Ranch are conceptual and provided for illustrative purposes only (Attachment 3 - Page 3 of 3 - Map #3B).

Buffer Areas Between Uses

The proposed changes to parcel boundaries will enable appropriate buffer zones between agricultural and sensitive habitats and future public recreational uses. Riparian buffers have been identified in the accompanying Biological Impact Report, prepared by LSA, dated February 2021. The report concludes that there are no adverse environmental impacts from the land

division. Should the need for buffer zones between uses be identified in the future, adequate space has been provided to accommodate those buffers.

Four Existing Parcels

While Johnston Ranch is comprised of eight legal parcels, only four parcels will be reconfigured as proposed in this MLDP. The two small parcels to be merged (Parcels A and B) and the four resulting parcels to be reconfigured (Parcels 1, 2, 3, and 4) that are covered by this MLDP are shown on attached Map #4 (Attachment 4) and equal about 644 acres. Each of the parcels have verified Assessor Parcel Numbers (APNs) or approved Certificates of Compliance (CoCs) as shown in Table 1 below. The four parcels in their existing configuration (after the merger) are referred to as “Existing Parcels” in this MLDP and the four parcels in their proposed configuration are referred to as “Reconfigured Parcels”. The accompanying LLA map, prepared by a licensed surveyor, uses the nomenclature “Existing Parcels” and “Proposed Lots”, with “Proposed Lots” being the same as the “Reconfigured Parcels” discussed in this MLDP.

One of the existing four parcels to be reconfigured (No. 1) is comprised exclusively of prime agricultural soil and is used solely for cultivated agriculture. Three of the existing parcels (Nos. 2, 3, and 4) are comprised of some prime agricultural land, which is used for agriculture, and some upland areas that are not suitable for cultivated agriculture. Existing Parcel 2 contains a ranch center with a barn and other infrastructure accessory to and supportive of the grazing operation on this parcel and the adjoining parcel to the east (comprised of two APNs: 064-370-110 & 064-370-120), which is part of Johnston Ranch but not part of the land division or this MLDP. Two of the existing parcels (A and B) are very small and while mapped as containing prime agricultural soil, are located primarily within the stream channel or riparian corridor of Arroyo Leon and are overlapped by Higgins Canyon Road.

All the upland portions of existing parcel nos. 2, 3, and 4 lack suitability for cultivated agricultural use due to steeper slopes, poor soil quality, and/or lack of infrastructure such as fencing, and have limited access. Two of the three onsite irrigation reservoirs are bisected by the property line between existing parcels 3 and 4. All three of the irrigation ponds are used to support the irrigated row crops grown on existing parcel 1, the south western portion of parcel 2, and the western portions of existing parcels 3 and 4. The upland portion of parcel 2 and the parcel to the east (APNs 064-370-110 & 120) are grazed with cattle and supported by a stock-watering pond and water tanks located on parcel 2. The upland portion of parcels 3 and 4 have not been commercially grazed for more than twenty years, do not contain infrastructure (fencing, or corral area) necessary to support grazing, and have limited access.

Table 1 below shows the acreage of the existing four parcels to be reconfigured and the two parcels to be merged as well as the existing uses of each parcel.

Table 1 - Approximate Acreages and Use of Existing Parcels in the MLDP

Parcel ID on Map #4	APN	CoC #	Parcel Acreage	Prime Agricultural Land (acres)	Existing Use
1	064-370-200	N/A	50	45	Agriculture and riparian corridor
2 (1.A)*	064-370-070	N/A	249	66	Grazing, Farm Center and hilly terrain
3	065-210-230 065-210-240	N/A	183 (total for both APNs)	21	Agriculture, riparian corridor, and hilly terrain
4	065-210-220	N/A	161	61	Agriculture and hilly terrain
A (1.C) and B (1.B)*	N/A	2017-106396 2017-106397	1 (total for both parcels)	0	Within Stream Channel
TOTALS			644	193	

*Parcels A and B were approved for Certificates of Compliance by the San Mateo County Planning and Building Department on 11/9/2017 and recorded with the County Recorder on 11/29/2017. The two parcels had been historically associated with APN 064-370-070 but are separate parcels equaling approximately 1 acre in total. Parcels 2, A, and B are also sometimes referred to as parcels 1A, 1C, and 1B, respectively, in official County documents.

Parcel Merger

Parcels A and B would be merged with existing Parcel 1 which would increase the acreage in Parcel 1 by approximately one acre (at least until the LLA is complete). Some of the acreage in the two small parcels would be eliminated when merged with existing parcel 1 because it overlaps with the Higgins Canyon roadway.

Reconfiguration and Land Division

Reconfiguring parcel boundaries through a lot line adjustment to align boundaries with the uses on the parcels, as further described below, will help preserve existing agricultural uses and provide open space, continued grazing and future low intensity public recreation on those parcels that will be acquired by MROSD.

Parcels 1 and 2:

The existing lot line between existing Parcels 1 and 2 would be moved eastward so that proposed Parcel 1 is reconfigured to be better suited for continued cultivation and becomes about 44 acres larger than existing Parcel 1 (including the approximately 1 acre from merged Parcels A and B) as shown on Attachment 5. A significant portion of the prime agricultural soil currently planted with row crops and located on existing Parcel 2 would become part of reconfigured Parcel 1. Parcel 1 remains primarily composed of prime soils and will be encumbered by POST with a permanent agricultural conservation easement when it is transferred to a farmer. The primary intended use of this reconfigured parcel is row crop production as indicated on Attachment 5.

Reconfigured Parcel 2 will be better suited for grazing, open space, and future public recreational use and would become about 434 acres when the final LLA is complete as explained below. It is composed primarily of upland areas that are not suitable for cultivated agriculture because of steep slopes and lack of infrastructure. Parcel 2 would retain approximately 27 acres of prime agricultural soil, although only a small portion adjacent to Higgins Canyon Road has been used for hay production in recent years/decades. Grazing would continue on the upland portion of this parcel north of Higgins Canyon Road. Although potential for some cultivated agricultural activity will remain on Parcel 2, this parcel is also well suited for open space and future public recreational use as identified on Attachment 5.

Parcel 3:

The existing lot line between existing Parcels 3 and 4 would be moved northward to reconfigure Parcel 3 into a seven-acre parcel, which would continue to have acreage for cultivation, a small irrigation reservoir, and provides the potential for a small farm center in the future to support reconfigured Parcel 4. Reconfigured Parcel 3 would remain in private farm ownership and be encumbered with a conservation easement when transferred by POST in the future. A requirement of that easement will be that reconfigured Parcels 3 and 4 and existing parcel 065-210-090 (which is not part of this MLDP as shown on Attachment 5) remain in the same ownership in perpetuity. This provision will ensure Parcel 3 remains available for irrigation, cultivation, and accessory agricultural uses to support the adjoining cultivated area.

Parcel 4:

The existing lot line between existing Parcels 2 and 3 would be moved southwestward to reconfigure Parcel 4 into a 110-acre agricultural parcel which would remain in cultivated agricultural use and would result in a reconfigured Parcel 2 consisting of 434 acres which are suitable for open space, future low-intensity public recreation and grazing as stated above and shown on Attachment 5.

Table 2 below lists the acreages and uses of the reconfigured parcels.

Table 2 - Approximate Acreages and Use of Reconfigured Parcels

Parcel No. on Map #5	Reconfigured Parcel Acreage	Prime Agricultural Land (Acres)	Uses
1	93	84	Agriculture, riparian corridor
2	434	27	Open Space with grazing, riparian corridor, and low-intensity public recreation
3	7	2	Agriculture
4	110	79	Agriculture
TOTALS	644	193	

Attachment 5 shows the reconfigured parcels, prime agricultural land, and water infrastructure serving the parcels.

Parcel Access

All four reconfigured parcels would be accessed directly from Higgins Canyon Road. The City of Half Moon Bay has granted POST and MROSD an access easement across the western side of the City’s Johnston House property from Higgins Canyon Road for additional access to the agricultural fields of reconfigured Parcel 4 and the upland areas of reconfigured Parcel 2. In addition, an easement over an existing farm road from Highway 1 across reconfigured Parcel 4 will be granted to MROSD to serve as an appurtenant seasonal access easement to the southern portion of reconfigured Parcel 2. These access easements are shown on Attachment 6.

Density Credit Reallocation

The San Mateo County Planning and Building Department completed a Density Analysis for Johnston Ranch in July 2020 and determined that 12 density credits exist on the Ranch’s eight existing parcels. Only 9 of those 12 credits are involved in the LLA and parcel merger.

Although not explicitly stated in the County’s LCP, Zoning Regulations, or Subdivision Regulations, the County has assumed that existing density credits are extinguished when parcels are merged. Remaining density credits may be reallocated to reconfigured parcels as long as the total number of credits do not exceed the number allocated to the parcels as originally configured. This MLDP allocates the remaining density credits to the reconfigured parcels, as shown in Table 3.

Table 3 – Existing and Reallocated Density Credits

Parcel ID #/Letter	Existing Acreage	Existing Density Credits	Reconfigured Acreage	Reallocated Density Credits
1	49	1	93	2***
2*	250	3****	434	3****
3	183	2***	7	1
4	161	1	110	1
A*	0.5	1	0 (merged w/ 1)	0
B*	0.5	1	0 (merged w/ 1)	0
090**	14**	1**	14**	1**
110/120**	210**	2**	210**	2**
TOTALS	868	12	868	10

*Parcels A and B were determined to be legally existing, and separate from Parcel 2, through the Certificate of Compliance, Type A, application approved by the San Mateo County Planning and Building Department on 11/9/2017 and recorded with the County Recorder on 11/29/2017. The two parcels had been historically associated with Parcel 2 but are separate parcels equaling approximately 1 acre in total. Parcels 2, A, and B are also sometimes referred to as parcels 1A, 1C, and 1 B, respectively in official County documents.

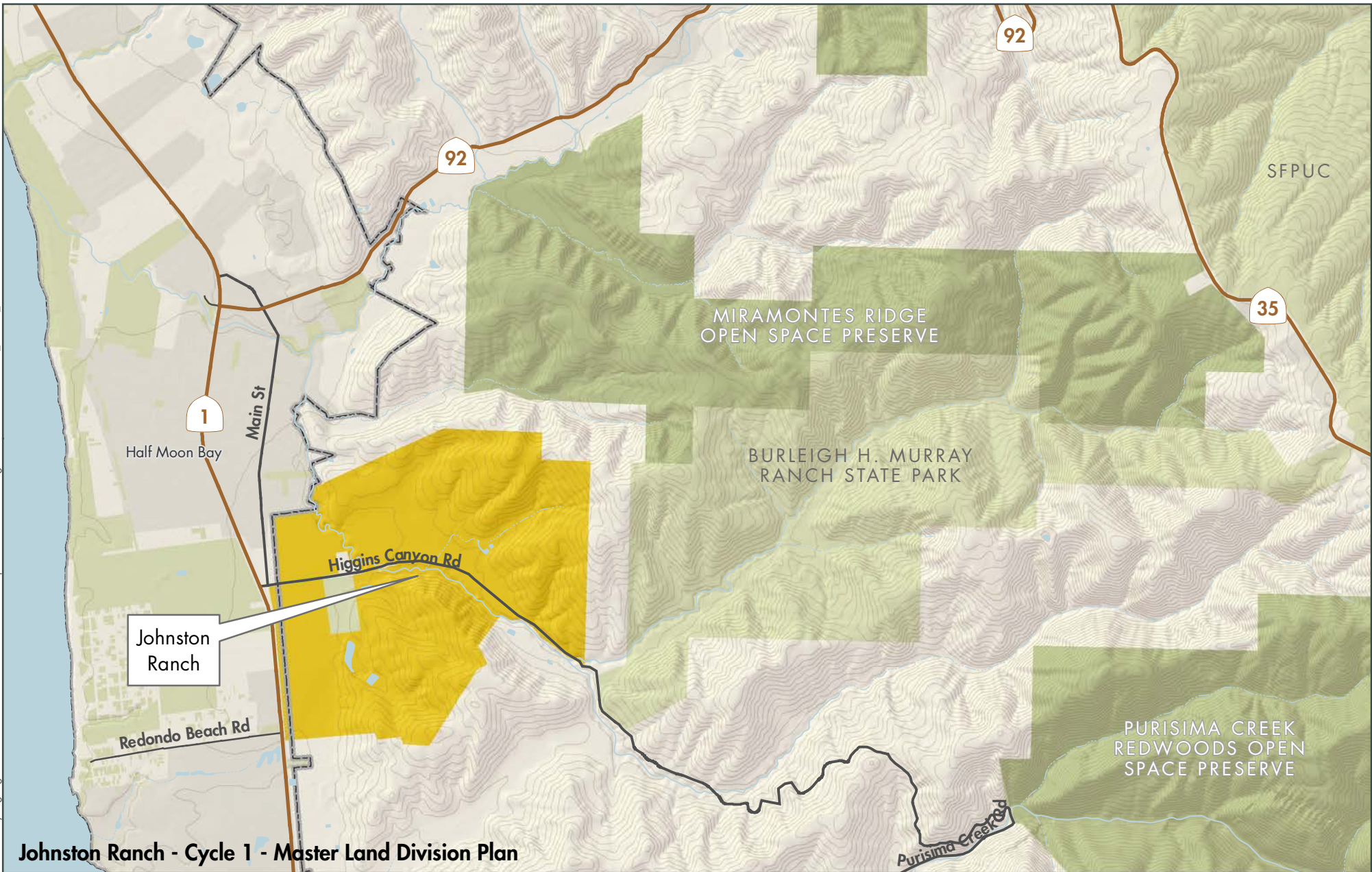
**These parcels, acreages and density credits are not included in the lot line adjustment or parcel merger.

***Reconfigured Parcel 1 would retain its existing 1 density credit plus 1 density credit reallocated from reconfigured Parcel 3 for a total of 2 density credits.

****Reconfigured Parcel 2 would retain all 3 of its original density credits.

Attachments

- 1) Attachment 1 - Map #1 MLDP - Johnston Ranch Regional Location
- 2) Attachment 2 - Map #2 MLDP – Johnston Ranch Existing Eight Parcel Configuration, and Prime Agricultural Land
- 3) Attachment 3 - Map #3 MLDP – Page 1 of 3 - Johnston Ranch Conceptual Future Trails on Eight Existing Parcels
 Map #3A MLDP - Page 2 of 3 - Johnston Ranch Conceptual Future Trails on Four Reconfigured Parcels
 Map #3B MLDP - Page 3 of 3 - Johnston Ranch Regional Trail Connections
- 4) Attachment 4 - Map #4 MLDP - Johnston Ranch Existing Four Parcel Configuration and Prime Agricultural Lands
- 5) Attachment 5 - Map #5 MLDP - Johnston Ranch Reconfigured Four Parcels, Prime Agricultural Land, and Water Infrastructure
- 6) Attachment 6 - Parcel Access Easements



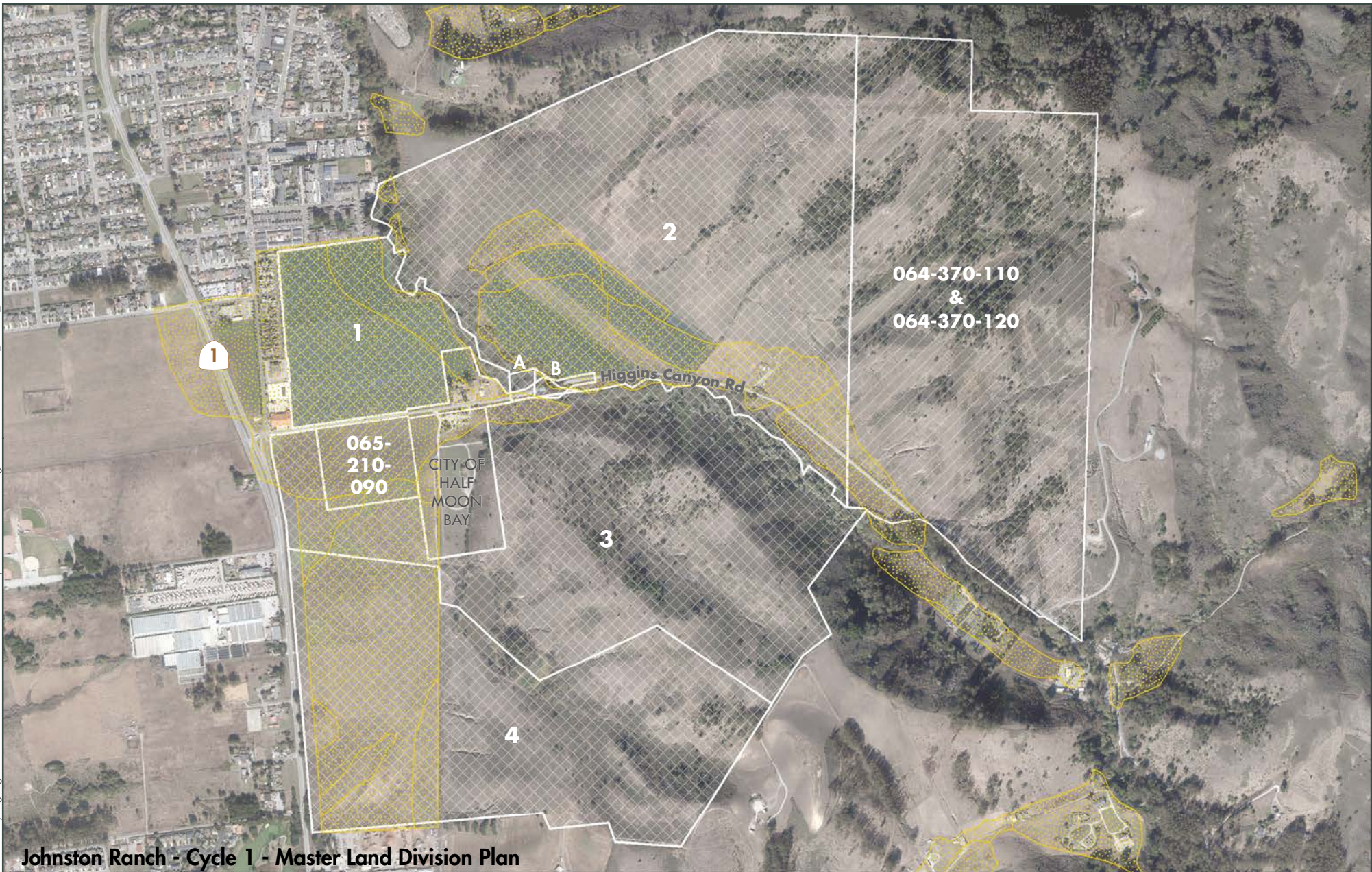
Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 1 – Map #1 MLDP – Johnston Ranch Regional Location

- Johnston Ranch
- City of Half Moon Bay limits
- Midpen preserve
- Other protected land

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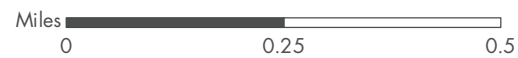


Johnston Ranch - Cycle 1 - Master Land Division Plan

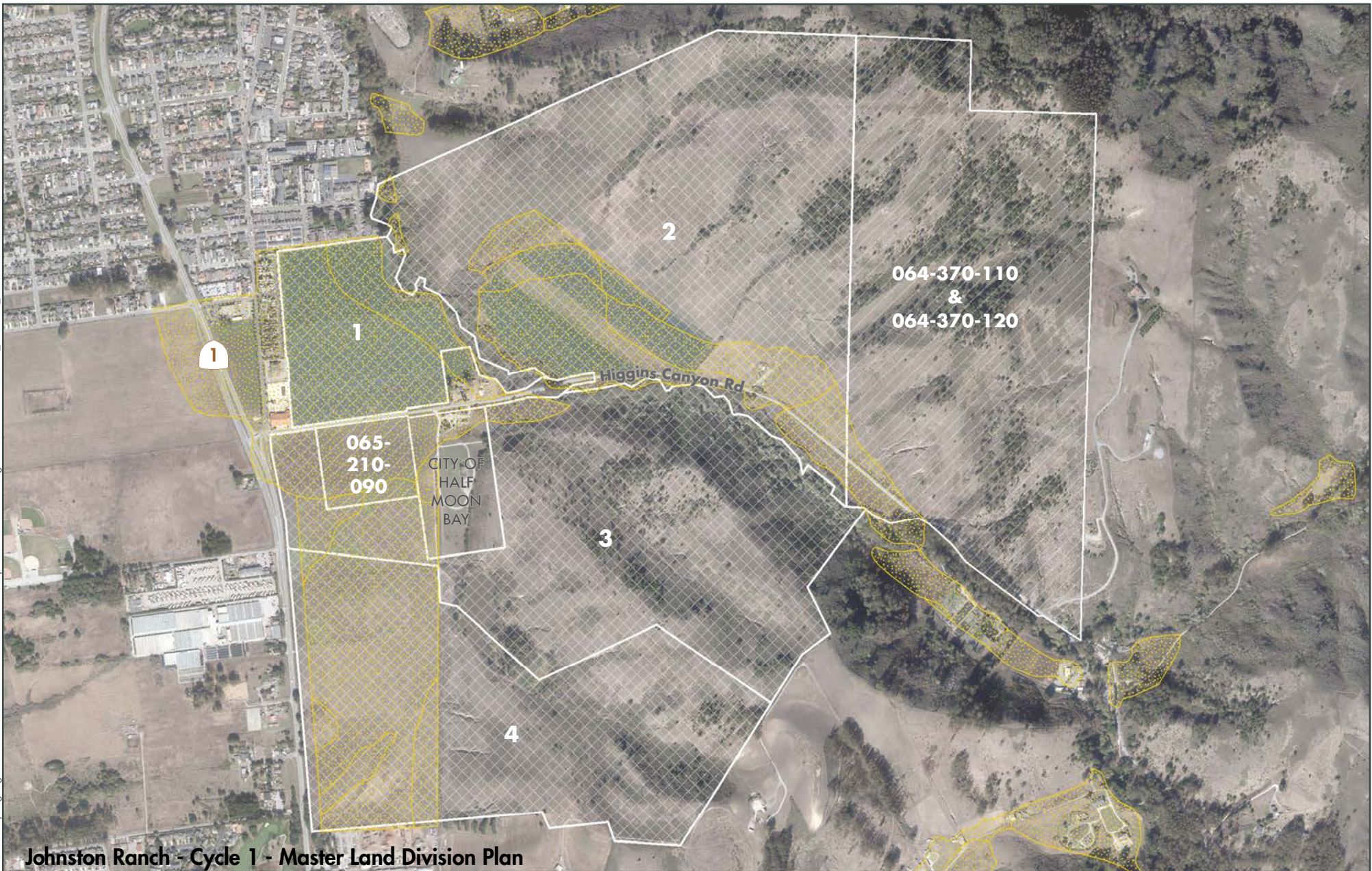
Attachment 2 – Page 1 of 2 – Map #2 MLDP – Johnston Ranch Existing Parcel Configuration and Prime Agricultural Lands – Before Merger

-  Existing parcel
-  Existing parcel to be reconfigured
-  Prime agricultural lands

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Johnston Ranch - Cycle 1 - Master Land Division Plan

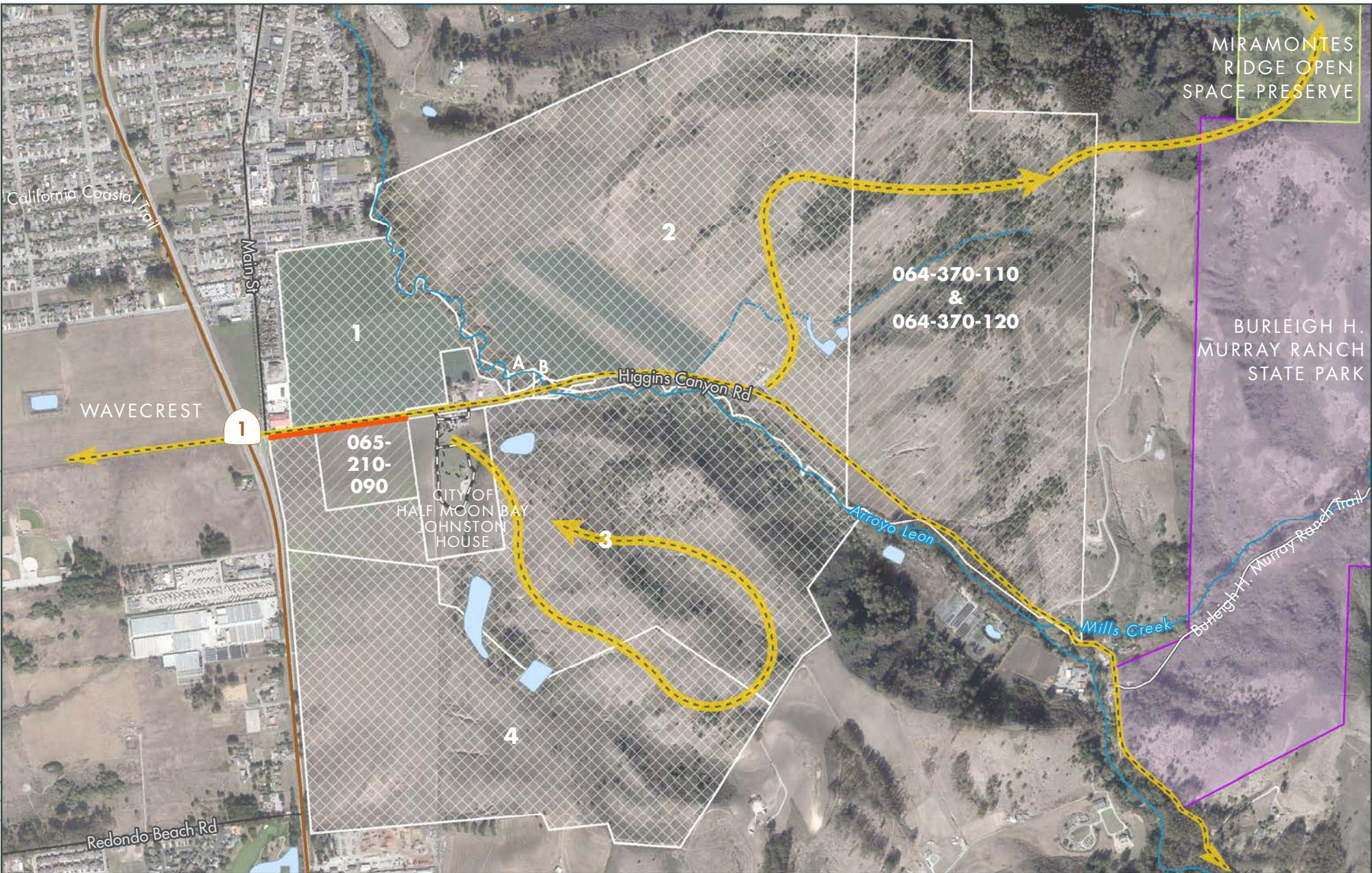
Attachment 2 – Page 2 of 2 – Map #2 MLDP – Johnston Ranch Existing Parcel Configuration and Prime Agricultural Lands – After Merger

-  Existing parcel
-  Existing parcel to be reconfigured
-  Prime agricultural lands

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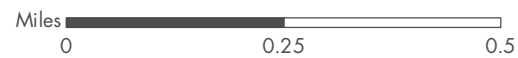


Johnston Ranch - Cycle 1 - Master Land Division Plan

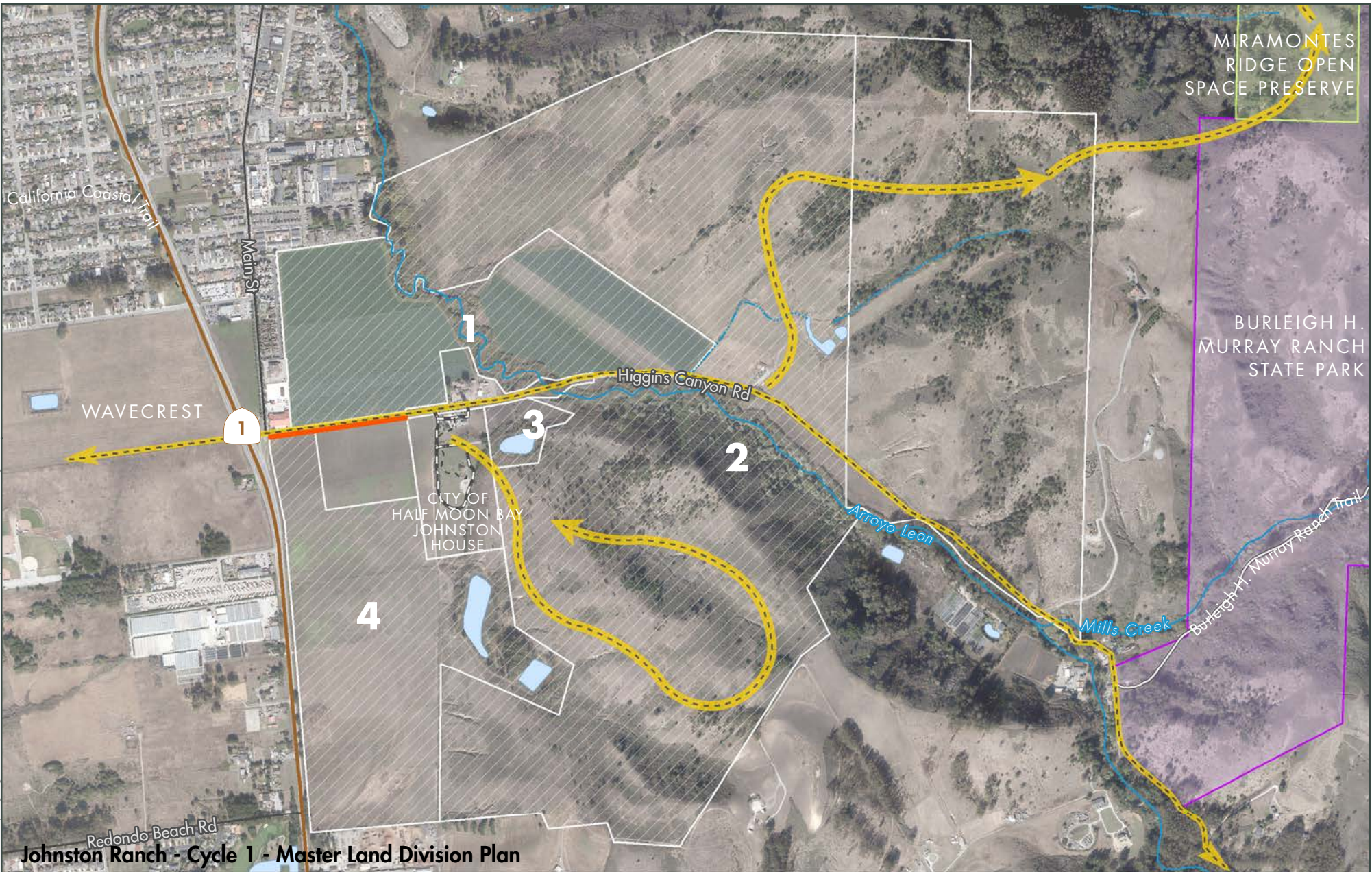
Attachment 3 – Page 1 of 3 – Map #3 MLDP – Johnston Ranch Conceptual Future Trails on Existing Parcels

- Existing parcel
- Existing parcel to be reconfigured
- Miramontes Ridge OSP
- Conceptual future trail
- Trail easement with City of Half Moon Bay
- Burleigh H. Murray Ranch State Park

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


Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 3 – Page 2 of 3 – Map #3A MLDP – Johnston Ranch Conceptual Future Trails after Parcel Reconfiguration

 Reconfigured parcel

 Trail easement with City of Half Moon Bay

 Miramontes Ridge OSP

 Conceptual future trail

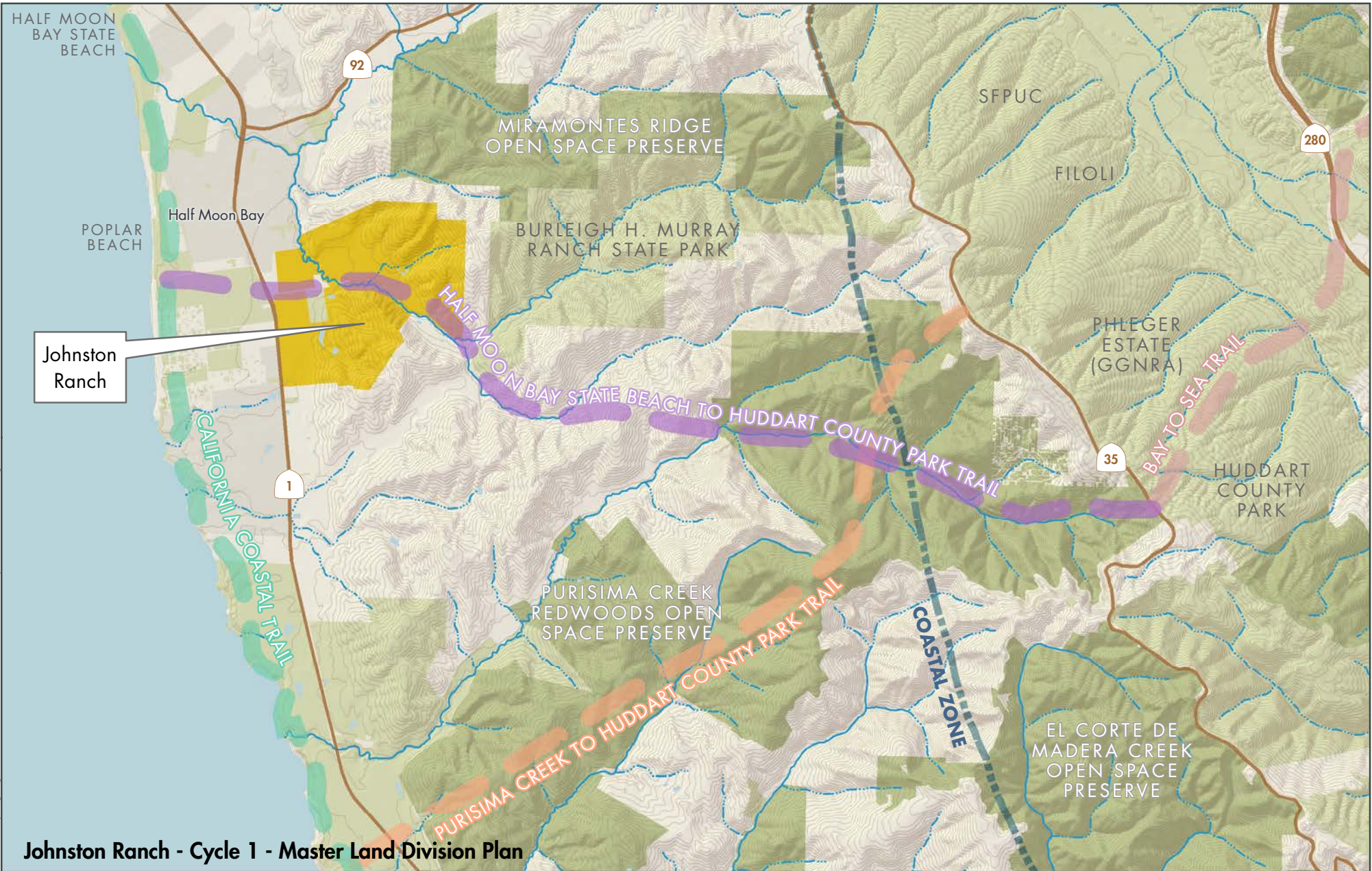
 Burleigh H. Murray Ranch State Park

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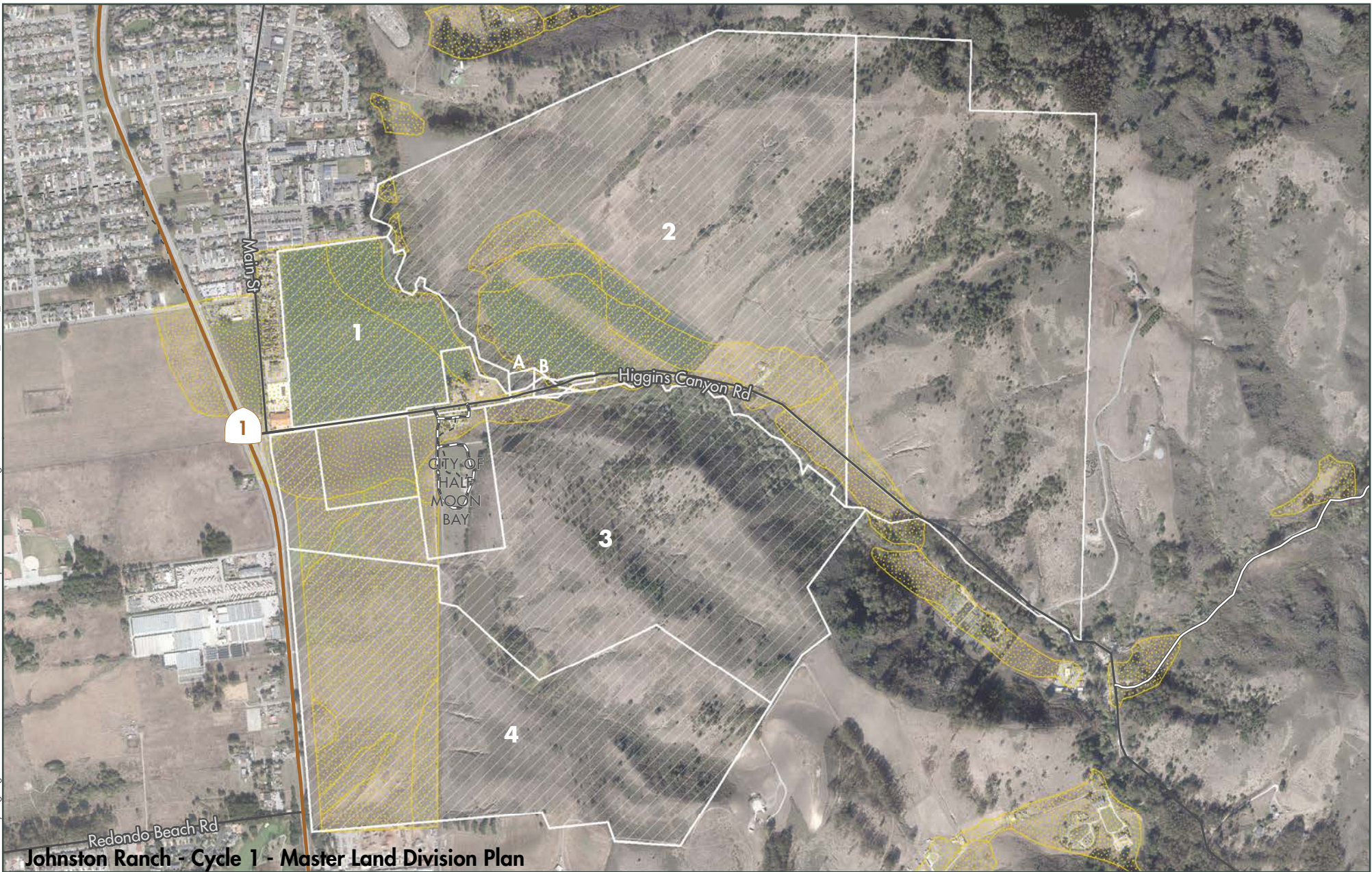
Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 3 – Page 3 of 3 – Map #3B MLDP – Johnston Ranch Regional Trail Connections

- Johnston Ranch
- Midpen preserve
- Other protected land
- Half Moon State Beach to Huddart County Park Trail (LCP 11.13b(2)(c))
- California Coastal Trail (LCP 11.13b(1))
- Purisima Creek to Huddart County Park Trail (LCP 11.13b(2)(d))



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Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 4 - Page 1 of 2 - Map #4 MLDP - Johnston Ranch Existing Parcel Configuration and Prime Agricultural Lands – Before Merger

-  Existing parcel
-  Prime agricultural lands



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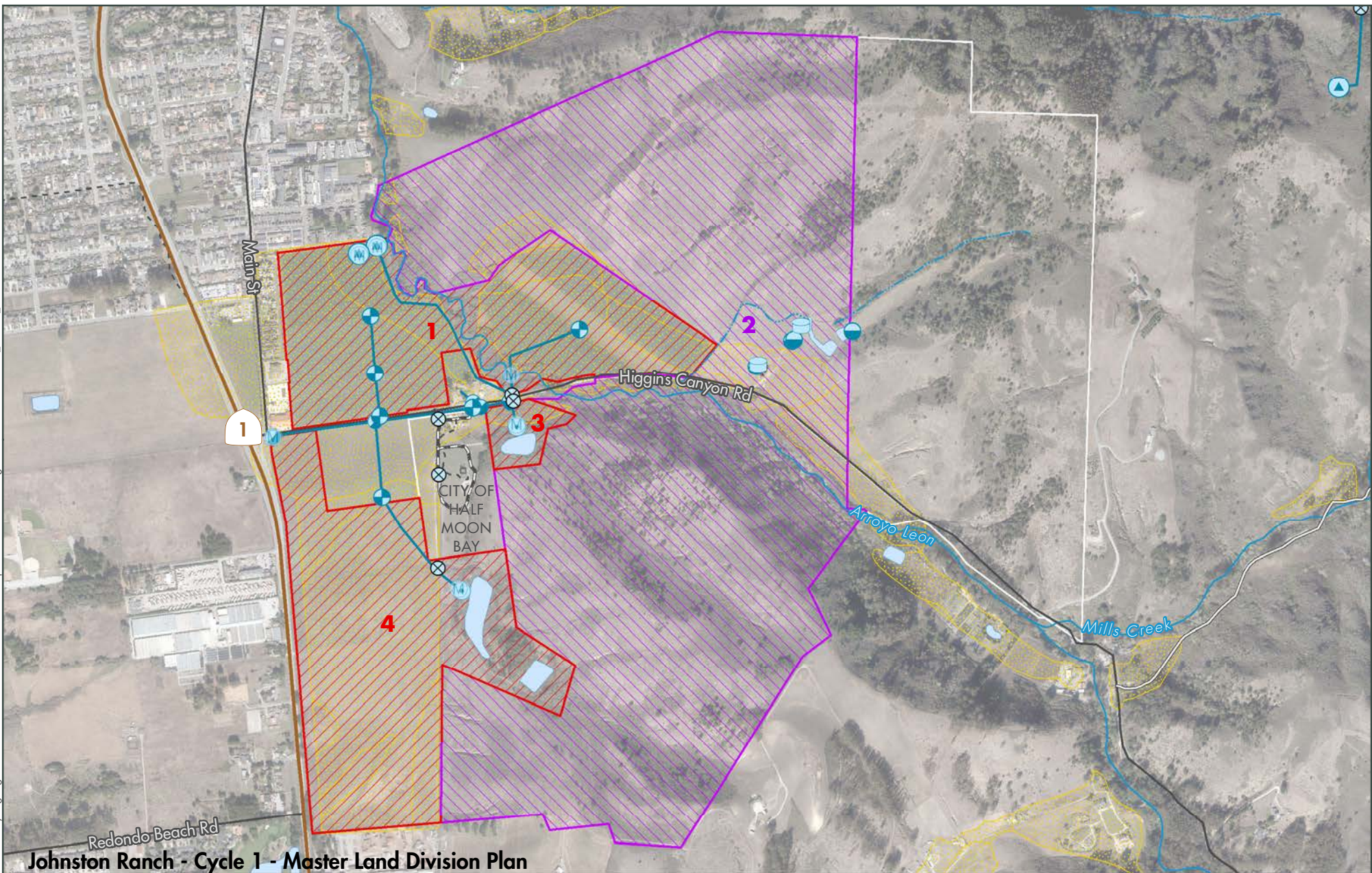
Johnston Ranch - Cycle 1 - Master Land Division Plan

Attachment 4 – Page 2 of 2 – Map #4 MLDP – Johnston Ranch Existing Parcel Configuration and Prime Agricultural Lands – After Merger

-  Existing parcel
-  Prime agricultural lands

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(Midpen)
8/27/2021



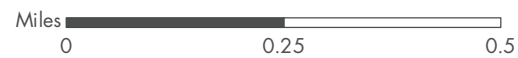


Johnston Ranch - Cycle 1 - Master Land Division Plan

**Attachment 5 – Map #5 MLDP – Johnston Ranch After Parcel Reconfiguration
Prime Agricultural Land, and Agricultural Water Infrastructure**

- | | | |
|--------------------------|--------------|-------------|
| Parcel | Water tank | Outlet |
| Prime agricultural lands | Water trough | Water riser |
| Agricultural parcel | Culvert | Water valve |
| Upland parcel | Water meter | Well |





Midpeninsula Regional
Open Space District
(Midpen)
8/27/2021



While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



Johnston Ranch - Cycle 1 - Master Land Division Plan
Attachment 6 – Map #6 MLDP – Johnston Ranch Access Detail

-  Reconfigured parcel
-  Existing Access easement (30-foot width)
-  Existing Access easement (30-foot width)
-  Proposed patrol & maintenance access easement (20-foot width)

Midpeninsula Regional
 Open Space District
 (Midpen)
 9/7/2021



While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

Attachment K
DRAFT
CALIFORNIA LAND CONSERVATION CONTRACT
No. _____

**FARMLAND SECURITY ZONE CONTRACT AVAILABLE FOR PARCELS OF AT LEAST ONE HUNDRED
(100) ACRES WITH CERTAIN EXCEPTIONS PROVIDING FOR A MINIMUM CONTRACT TERM OF
TWENTY (20) YEARS AND ALLOWING NON-RENEWAL OF THE CONTRACT BUT NOT ITS
IMMEDIATE CANCELLATION**

THIS CALIFORNIA LAND CONSERVATION CONTRACT, made and entered into this __ day of ____, 2021, by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California, hereinafter referred to as “COUNTY” and Peninsula Open Space Trust or successors thereof, hereinafter referred to as “OWNER”;

WHEREAS, the OWNER is the legal owner of certain real property herein referred to as the subject property situated in the County of San Mateo, State of California; and

WHEREAS, the subject property is described in EXHIBIT “__” which is made a part of this Contract; and

WHEREAS, the subject property is located in an Agricultural Preserve which has heretofore been established by the COUNTY and a map of which is on file with the Recorder of San Mateo County; and

WHEREAS, the OWNER and COUNTY desire to limit the use of the subject property to agricultural uses and compatible uses to preserve the limited supply of agricultural land and to discourage the premature and unnecessary conversion of agricultural land to urban uses; and

WHEREAS, the OWNER and the COUNTY recognize that agricultural land has definite public value as open space, that preservation of land in agricultural production will assure an adequate food supply and that such agricultural land constitutes important social, aesthetic, and economic assets to the people of the County and the State of California; and

WHEREAS, both the OWNER and the COUNTY intend that this Contract is and shall continue to be, through its initial term and any extension thereof, an enforceable restriction within the meaning of Section 8 of Article XIII of the State Constitution and that this Contract shall thereby qualify as an enforceable restriction under the provisions of the California Revenue and Taxation Code, Section 422.

NOW, THEREFORE, the parties, in consideration of the mutual benefits and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. AGREEMENT MADE PURSUANT TO CALIFORNIA LAND CONSERVATION ACT

This Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200), hereinafter referred to as the Act, and is subject to all provisions thereof.

2. CONSIDERATION

It is agreed that the consideration for the execution of this Contract is the substantial public benefit to be derived by the COUNTY from the preservation of land in agricultural or compatible uses, and the advantage which will accrue to the OWNER as a result of the effect on the method of determining the assessed value of the subject property, including any reduction thereto due to the imposition of limitations on its use set forth in this Contract. Neither the COUNTY nor the OWNER shall receive any payment in consideration of the obligations imposed herein.

3. SUCCESSORS IN INTEREST

This Contract shall run with the land described herein and shall be binding upon and insure to the benefit of all successors in the interest of the OWNER. This Contract shall also be binding upon and insure to the benefit of any succeeding city or county acquiring jurisdiction over all or any portion of the subject property, except as provided in Section 51234(b) of the Act in the case of certain annexations to cities.

4. DIVISION OF SUBJECT PROPERTY

In the event the subject property is divided, the OWNER or successors thereof, as the case may be, agree as a condition of such division to execute such contract or contracts as will restrict any parcels created by said division to the same extent as the subject property is restricted by the Contract at the time of division. The COUNTY shall, as a condition of approving the division of the subject property, require the execution of the contracts provided for in this paragraph.

The OWNER of any parcel created by division of the subject property may exercise, independently of any other OWNER of a portion of the divided property, any of the rights of the OWNER executing this Contract, including the right to give notice of non-renewal as provided in Paragraph 8. The effect of any such action by an OWNER of a parcel created by

a division the subject property shall not be imputed to the owners of the remaining parcels and shall have no effect on the Contracts which apply to the remaining parcels of the divided land.

5. USE OF SUBJECT PROPERTY

During the term of the Contract, or any extensions thereof, the subject property shall not be used for any purpose other than the “Permitted Agricultural Uses” or “Compatible Uses” set forth in the Resolution establishing the boundaries and rules governing administration of the Agricultural Preserve in which the subject property is located. The OWNER shall be limited to the uses specified in the aforementioned Resolution, except that if the ordinance, codes, or regulations of the COUNTY are more restrictive as to the use of said property than is the Resolution, the ordinances, codes or regulations shall prevail.

6. ADDITIONAL USES

The Board of Supervisors of the COUNTY may from time to time during the term of this Contract, or any extensions thereof, by resolution revise the lists of “Permitted Agricultural Uses” or “Compatible Uses” for the Agricultural Preserve in which the subject property is located; provided that said Board shall not eliminate any such permitted agricultural or compatible use during the term of the Contract or any extensions thereof without the written consent of the OWNER or successors in interest.

7. TERM

This Contract shall be effective on the date first written above, hereinafter the anniversary date, and shall remain in effect for a period of twenty (20) years therefrom. On each succeeding anniversary date, one (1) year shall automatically be added to the unexpired term unless notice of non-renewal is given as proved in Paragraph 8. If either party gives notice not to renew, it is understood and agreed that this Contract shall remain in effect for the unexpired term.

8. NOTICE OF NON-RENEWAL

If either the OWNER or the COUNTY desires in any year not to renew this Contract, that party shall serve written notice of non-renewal of the Contract upon the other party in advance of the anniversary date. Unless such written notice is served by the OWNER at least ninety (90) days prior to the anniversary date or by the COUNTY at least (60) days prior to the anniversary date, the Contract shall be considered renewed as provided in Paragraph 7. Upon receipt by the OWNER of a notice from the COUNTY of non-renewal, the OWNER may protest the non-renewal, provided such protest is made in writing and is filed with the Clerk of the Board of Supervisors of the COUNTY not later than thirty (30) days after receipt of said notice of non-renewal. The COUNTY may withdraw the notice of non-renewal at any

time prior to the anniversary date. Upon request by the OWNER, the Board of Supervisors of the COUNTY may authorize the OWNER to serve a notice of non-renewal on a portion of the subject property, provided that such notice is in accordance with the forgoing provisions of this paragraph.

9. ACTION IN EMINENT DOMAIN TO TAKE ALL OR PART OF THE SUBJECT PROPERTY

Upon the filing of an action in eminent Domain by an agency or person specified in Section 51295 of the Government code, for the condemnation of the fee title of all or a portion of the subject property or upon the acquisition of the fee in lieu of condemnation, this Contract shall be null and void as provided in said Section 51295.

10. ABANDONMENT OF ACTION IN EMINENT DOMAIN

In the event a condemnation suit is abandoned in whole or in part, or if funds are not provided to acquire the subject property in lieu of condemnation, the OWNER agrees to execute a new contract for all of the subject property to have been taken or acquired, which contract shall be identical to the Contract in effect at the time the suit was filed or on the date the land was to have been acquired, provided that: (1) a notice for non-renewal was not given by either party prior to the filing of the suit or date the property was to have been acquired, and (2) the property at the time of said execution of a new Contract is within the boundaries of an Agricultural Preserve.

11. REMOVAL OF SUBJECT PROPERTY FROM AGRICULTURAL PRESERVE

In the event any proposal to disestablish or to alter the boundary of an Agricultural Preserve will remove the subject property from such a Preserve, the Board of Supervisors of the COUNTY shall furnish such notice of the proposed alteration or disestablishment to the OWNER as required by Section 51232 of the Act. Removal of any of the property from the Agricultural Preserve in which the subject property is located shall be the equivalent of notice of non-renewal, as provided in Paragraph 8, at least sixty (60) days prior to the anniversary date following the removal. The COUNTY shall record the notice of non-renewal in the office of the Recorder of the COUNTY, as required by Paragraph 13 herein; however, the OWNER agrees that failure of the COUNTY to record said notice of non-renewal shall not invalidate or in any manner affect said notice.

12. INFORMATION TO COUNTY

The OWNER shall furnish the COUNTY with such information as the COUNTY may require in order to enable it to determine the value of the subject property for assessment purposes and the eligibility of the subject property under the provisions of the Act.

13. RECORDING OF DOCUMENTS

In the event of the termination of the Contract with respect to any part of the subject property, the COUNTY shall record the documents evidencing such termination with the Recorder of the COUNTY.

14. ENFORCEMENT OF CONTRACT

Any conveyance, contract, or authorization (whether written or oral) by the OWNER, or successors in interest, which would permit use of the subject property contrary to the terms of the Contract or the rules of the Agricultural Preserve in which the subject property is located, will be deemed a breach of this Contract. The COUNTY may bring any action in court necessary to enforce this Contract including but not limited to an action to enforce the Contract by specific performance or injunction. It is understood and agreed that the enforcement proceedings provided in this Paragraph are not exclusive and that both the OWNER and the COUNTY may pursue their legal and equitable remedies.

15. CANCELLATION

This Contract may not be cancelled before completion of its term. The Board of Supervisors has found in its Resolution No. 65067 that cancellation of Farmland Security Zone Contracts is not in the best public interest of the County’s citizens. However, the COUNTY or the OWNER has the right to file a notice of non-renewal under Government Code Section 51245 and as provided in Paragraph 8 of the Contract.

IN WITNESS WHEREOF, the parties hereto have executed the Contract on the day and year first written above.

Peninsula Open Space Trust
“Owner”
Walter T. Moore

COUNTY OF SAN MATEO

By _____
President, Board of Supervisors
“County”

Johnston Ranch – Land Division Application: Lot Line Adjustment
Johnston Ranch – Cycle 1 – Attachment K: Draft 20-yr. FSZ Contract
September 30, 2021

ATTEST:

Clerk of Said Board of Supervisors

(NOTARIAL ACKNOWLEDGMENT)

Attachment L
Johnston Ranch
Statement of Agricultural Uses

Uniform Rule 3 of the San Mateo County Williamson Act (WA) Guidelines requires a Statement of Agricultural Uses (Statement) to be submitted when entering into a new WA contract or rescinding and replacing/exchanging existing contracts. The Statement must include: the total gross acreage of each parcel and aggregate acreage for multiple parcels, if applicable; the total acreage currently in agricultural production by each crop type; and grazing operation by heads of livestock and area grazed. The water source and irrigation method should also be noted, and compatible uses should be addressed. In addition, gross agricultural income documentation should be submitted documenting compliance with income requirements stated in Uniform Rule 2 of the WA Guidelines.

Tables 1.a and 1.b below show the acreage requirements for the existing Land Conservation Act (LCA) and Farmland Security Zone (FSZ) contracts and whether the income thresholds have been met in the last five years. Table 2.a and 2.b below show the anticipated acreage information for the proposed replacement FSZ contract and two Open Space Easements (OSEs) and whether the income levels for the new FSZ contract are expected to be met.

The required water sources, storage and conveyance structures, and conveyance method for the existing contracts and proposed contract and OSEs are shown in Attachment G, Maps 6 and 6A, of the Land Division Supplemental Statement. Two dams in Arroyo Leon were historically closed to form seasonal in-stream reservoirs for agricultural use. The California Department of Fish and Wildlife eventually decommissioned the dams and required that they remain open for steelhead trout passage, following its listing as a threatened species in 1997. As a result, the irrigation capacity of the farm was substantially reduced. In addition, that state-mandated project required movement of the primary point of diversion, added new conditions related to water use, reduced the amount of water available for agricultural operation, and resulted in a proportional reduction in the amount of cultivated acreage. The water source to support the existing grazing operation relies upon containment of output from an upland spring and adjacent hillside runoff to two small stock ponds north of Higgins Canyon Road.

There is an existing barn yard with a corral and barn on existing parcel 2, Assessor's Parcel Number (APN) 064-370-070. This barn yard and associated structures qualifies as a "per se" compatible use because it is "a facility or structure used in conjunction with the production, preparation, and storage of an agricultural commodity, commercial grazing, or commercial horse breeding." The barn is 3,600 square feet in size and is used in conjunction with the grazing operation on the existing parcel and the adjacent parcel to the east and will continue to be used in this manner as part of reconfigured parcel 2. The barn and its associated 5,700 square foot driveway total approximately 9,300 square feet of compatible use on what will become a 434-acre parcel. There is also existing deer fencing around some of the agricultural

parcels along Highway 1 and Higgins Canyon Road, and perimeter fencing on the grazed parcels. There are no other structures on the existing eight parcels of Johnston Ranch and no structures of any type are proposed as part of the application to rescind and replace/exchange the existing WA contracts.

Existing and proposed income information is shown in a separate confidential document for San Mateo County staff review.

TABLE 1.a – Existing Land Conservation Act (LCA) Contract

Parcel ID # APN Total Acres	Acreage in Crop Production	Minimum Income Levels Met 2016 – 2020 (Yes/No)	Acreage and Percent of Parcel in Grazing	Proposed for Replacement with FSZ Contract or OSE*
Parcel #4 065-210-220 (161 acres)	63 Total 18 – irrigated Brussels sprouts 33 - dry farmed hay (continuously over past five years)	Yes	None	FSZ – west side OSE – east side
Parcel #3 065-210-240 (184 acres)	25 Total 12 – Fava beans 11 – Brussels sprouts 2 – English peas	Yes – 2016 & 2020 No – 2017, 2018, 2019	None	FSZ – west side OSE – east side
Parcel #110/120 064-370-110 and 064-370-120 (210)	3 – dry farming (continuously over past five years)	Not as single parcel Yes, b/c part of LCA contract	94 ac – grazing (45%)** Cow/Calf operation: 30-50 head (does not meet acreage threshold)	Existing Contract to be Non-renewed

*OSE = Open Space Easement **WA Guidelines require 75%

Table 1.a above shows that two of the three parcels currently under the existing LCA contract have been able to meet income thresholds required by the WA Guidelines but have only been able to do so because the western portions of both parcels are productive. This productivity varies with each year depending upon how many acres are fallow at any given time. The Table also shows that the WA land utilization requirement for grazing has not been met on the one parcel where grazing occurs (APN 064-370-110/120). Reasons for not meeting the income threshold include: (1) lack of water since in-stream reservoirs were decommissioned by the State of California mandated project, (2) that the split between existing LCA and FSZ contract areas does not align with logical patterns of use by the farm operator who has focused on maximizing productivity in the FSZ contract area, and (3) heavy deer browsing that was addressed through fencing installation in 2017-2019). The lot line adjustment application will help future farm operators meet the income requirements by aligning parcel boundaries with logical patterns of use and securing the water source.

TABLE 1.b – Existing Farmland Security Zone (FSZ) Contract

Parcel ID # APN (Total Acres)	Approximate Acreage in Crop Production	Minimum Income Levels Met 2016 - 2020 (Yes/No)	Approximate Acreage and Percent of parcel in grazing	Proposed for replacement with FSZ Contract or OSE*
Parcel # 1 064-370-200 (49 acres)	42 – Brussels sprouts (continuously over past five years)	Yes	None	FSZ
Parcel #090 065-210-090 (14 acres)	14 Total 14 – Brussels sprouts (2016) 0 – 2017, 18, 19 10 – Brussels sprouts (2020) 4 – English peas (2020)	Yes – 2016 & 2020 No – 2017, 2018, 2019	None	FSZ
Parcel #s 2, A, B 064-370-070 CoC #s 106396 and 106397 (250 acres)	66 – Total 40 – Brussel sprouts (varies from year to year) 4 – dry farmed hay (continuously over past five years)	Yes	160 acres – grazing (64%)** Cow/Calf operation: 30-50 head (does not meet minimum threshold)	FSZ – southwestern portion OSE – northern and eastern portions

*OSE = Open Space Easement **WA Guidelines require 75%

Table 1.b above shows that when combined, all five parcels currently under the existing FSZ contract are meeting the income thresholds for the contract, but this is primarily due to the productivity on parcel #s 1 and 090, and the southwestern portion of parcel #2. The northern and eastern portions of parcel #2 are used for grazing but don't meet the acreage threshold for grazing operations and do not contribute to helping meet the required income thresholds.

Proposed Adjustments

Given the fact that some of the parcels included in current LCA and FSZ contracts are not meeting minimum thresholds for income or land utilization as required by the WA Guidelines, and as shown in the Tables above, POST and MROSD propose to rescind the two existing contracts and replace them with one FSZ contract and two OSEs as shown in Tables 2.a and 2.b below. The FSZ replacement contract, and two OSEs are proposed to better plan for and

preserve productive farm land, grazing operations, open space, and planned public recreational uses as explained in detail in the Supplemental Statement.

Parcel 3 (comprised of APNs 064-370-110 &120), the only parcel currently covered by a LSA contract that is not meeting income thresholds or acreage requirements for grazing, will have its contract non-renewed but will remain in grazing use for the remaining nine years of the existing contract and will be further protected by a long-term lease and Rangeland Management Plan.

Table 2.a – Proposed Farmland Security Zone (FSZ) Contract

Parcel ID #	Approximate Acreage in Crop Production (will vary from year to year)	Minimum Income Levels Expected to be Met (Yes/No)	Approximate Acreage and Percent of Parcel in Grazing	Proposed FSZ Contract
1	84	Yes	None	Yes
090	14	Yes	None	Yes
4	110	Yes	None	Yes
3	2	Yes	None	Yes

Table 2.b – Proposed Open Space Easements

Parcel ID #	Approx. Acreage in Crop Production	Minimum Income Levels Met (Yes/No/NA)	Approx. Acreage and Percent of Parcel in Grazing	Open Space Easement - Duration
2 North of Higgins Canyon Road	Not Applicable	Not Applicable	Not Applicable (160 acres/78% Cow/Calf operation: 20 to 40 head to be maintained)	OSE – 20 yrs.
2 South of Higgins Canyon Road	Not Applicable	Not Applicable	Not Applicable (Potential retained for reintroduction of grazing)	OSE – 10 yrs.

Modifications to the Williamson Act contracts and partial replacement with two OSEs are consistent with the Williamson Act and would ensure protection of existing agriculture, grazing operations, open space and planned public recreational use as explained in detail in the Supplemental Statement.

Attachment M
Johnston Ranch
Citation Sheet for Planned Public Recreational Uses

- A) Midpeninsula Regional Open Space District – 2014 Vision Plan
(<https://www.openspace.org/our-work/projects/vision-plan>)
- B) San Mateo County – 2001 Trails Master Plan
(<https://parks.smcgov.org/documents/trails-master-plan>)
- C) San Mateo County – 2011 Comprehensive Bicycle and Pedestrian Plan
(https://ccag.ca.gov/wp-content/uploads/2014/07/CBPP_Main-Report_Sept2011_FINAL.pdf)
- D) City of Half Moon Bay – 2019 Parks Master Plan
(<https://www.half-moon-bay.ca.us/620/Parks-Master-Plan-609#:~:text=Project%20Description%3A%20The%20Parks%20Master,over%20the%20next%2015%20years>)
- E) City of Half Moon Bay – Intersection Improvements at Intersection of Highway 1/Main Street/Higgins Canyon Road
(https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/464186/STAFF_REPORT.pdf)
- F) Bay to Sea Trail – Planning effort led by POST (No published plan currently available) in which all eleven of the participating partners have signed a letter of intent expressing mutual commitment to collaborating on this long-term project
(<https://openspacetrust.org/blog/bay-to-sea-trail/>)

Attachment N
Johnston Ranch
Draft OSE Terms Sheet

The following list characterizes terms proposed for Open Space Easements (OSEs) on reconfigured parcel 2 for the purposes of informing the Johnston Ranch land division application. This list is not comprehensive, final, or binding. Midpeninsula Regional Open Space District (MROSD) will provide complete draft open space easements for the parcel to County Counsel.

1. The OSEs will be entered into pursuant to the Open-Space Easement Act of 1974, California Government Code § 51070 et seq. (the "Act").
2. Purposes of the OSEs will be to preserve the natural and scenic open space value and character for public benefit, including the continued grazing operation on the northern portion of parcel 2 and the potential reintroduction of grazing on the southern portion of the parcel, and the enhancement of future public recreational uses on the entire parcel, and to prevent any use of the subject property that will significantly impair or interfere with its open space value.
3. The subject area for the 20-year OSE will be the portion of the subject parcel located north of Higgins Canyon Road and the subject area for the 10-year OSE will be the portion of the subject parcel located south of Higgins Canyon Road. Duration of the OSEs will be twenty (20) years for the northern portion of parcel 2 and ten (10) years for the southern portion of the parcel. Effective date and annual renewal to follow standards set forth in the Act.
4. "Development Areas" will be defined within each OSE as the principal locations for residential development and use, which will be located within each subject property at the time of proposed development subject to County review and approval in accordance with applicable zoning, planning and building ordinances and regulations. Exceptions to be allowed with an approved Coastal Development Permit.
5. "Development," as defined within each OSE, will include erecting or placing structures or objects on the land, grading, or otherwise altering the land for non-agricultural purposes, but will not include agricultural uses or use of the land in its natural state for activities such as hiking, bicycling, riding horses, nature observation, and public enjoyment of scenic open space.
6. Reserved rights will include the following, subject to applicable zoning, planning, and building ordinances, regulations, and approvals:
 - a. Agricultural uses, related improvements, and compatible commercial uses as defined and permitted by the Williamson Act.

- b. Use of water rights and to obtain water supplies from any source permitted by law, and to construct, use, maintain, repair, and replace water infrastructure such as reservoirs/ponds, drainage ways, culverts, pipes, and pumps.
 - c. To construct, repair, and maintain utility systems, including water, sewer, power, fuel, communication lines, and related facilities for the permitted uses.
 - d. To construct, repair, and maintain new roads and parking areas for the permitted uses.
 - e. To place or construct facilities for the development and utilization of energy resources, including, without limitation, solar and wind, for use principally on the subject property.
 - f. Use and operation for public open space and recreational purposes, including, but not limited to, natural resource management activities, environmental education, occasional special events, low-intensity public trail uses, and property management and enforcement activities.
 - g. To plan, design, and construct recreational trails, trail staging areas, and parking areas to create opportunities for low-intensity public use of the Property.
 - h. To install gates and appropriate signage and fencing.
 - i. To take reasonable measures necessary and appropriate for fire safety and erosion control as approved by the County of San Mateo Fire Marshal.
 - j. To manage exotic non-native invasive vegetation and restore managed areas with native vegetation.
 - k. To improve riparian habitat and in-stream hydrological function, including but not limited to installation of logs, boulders, and other materials to improve fish habitat complexity and quality, installation of stream gauges, as well as removal of decommissioned or abandoned impoundment structures.
 - l. Residential and accessory use of and access to the Development Areas.
7. Other terms to follow standard County OSE provisions for land division restriction, property maintenance, County's right to audit and inspect with entry upon advanced written notice, notice of nonrenewal, abandonment, binding nature of the agreement, condemnation, enforcement references to tax statutes, notices, indemnity, voluntary execution, and warranty of owner's authority to sign in agreement.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT D

San Mateo County Land Conservation (Williamson) Act

COUNTY GOVERNMENT CENTER
455 COUNTY CENTER, SECOND FLOOR
REDWOOD CITY, CALIFORNIA 94063
TEL: (650) 363-4161
FAX: (650) 363-4849

**SAN MATEO COUNTY
LAND CONSERVATION (WILLIAMSON) ACT**

Uniform Rules and Procedures

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SAN MATEO COUNTY LAND CONSERVATION ACT UNIFORM RULES AND PROCEDURES

PURPOSE

The San Mateo County Land Conservation Act Uniform Rules and Procedures (Rules) implement the California Land Conservation Act (LCA) (Government Code Section 51231), also known as the Williamson Act (Act). The Act provides tax incentives to protect agricultural and open space uses defined in the Act (Government Code Section 51201). The Rules summarize the provisions of the State LCA that are most relevant to the County LCA program, and set forth the County's procedures for implementing the Act (see Government Code Section 51200, et seq.).

San Mateo County contains thousands of acres of agricultural land, characterized by an optimal combination of soils, climate, water, topography, lot sizes for viable production, and geographic configuration. The County has a long history of General Plan and Local Coastal Program policies and regulations designed to protect this irreplaceable resource. The LCA program is another valuable tool to protect this critical resource.

In addition to preserving agricultural land, the LCA program also assists local governments in protecting non-agricultural open space, when the affected property qualifies as a scenic highway corridor, a wildlife habitat area, a salt pond, a managed wetland area, a submerged area; or qualifies as a recreational use as defined by the Act or is enrolled in the United States Department of Agriculture Conservation Reserve Enhancement Program or Conservation Reserve Program (see Government Code Sections 51201(i)-(n) for definitions of these areas).

The purpose and intent of the San Mateo County LCA program is to:

1. Help preserve the limited and diminishing supply of agricultural land in the County through agricultural LCA Contracts.
2. Encourage production of food, fiber, and ornamental crops and commodities for local, regional, State, national and international markets.
3. Discourage premature conversion of agricultural land to non-agricultural land uses.
4. Help sustain and promote the County's commercial agricultural industry and the direct, indirect, and imputed effect on the Countywide and State economy.
5. Allow compatible uses within agricultural contracts that do not hinder or compromise the existing or potential agricultural productivity of agricultural land.

As statutes and ordinance provisions are amended from time to time, those amendments are incorporated herein.

DEFINITIONS

The definitions below are provided to assist the reader. Many are a summary of State law. For completeness and accuracy, the specific statutes should be consulted (Government Code Section 51201).

Agricultural Enterprise Area (AEA) – A non-regulatory non-obligatory area established by the Board to identify privately owned lands that meet zoning designation and general land use criteria for eligibility under the Williamson Act as a guide for landowners considering entering into an Agricultural Preserve and contract.

Agricultural Preserve (AGP) – Agricultural Preserves define the region(s) within which the County will enter into contracts with landowners. The Board establishes Agricultural Preserves. Only land located within an Agricultural Preserve is eligible for a contract. As defined in Government Code Section 51201(d), land within a region designated as an Agricultural Preserve can be devoted to either agricultural, recreational, or open space use, or any combination of these. An Agricultural Preserve must consist of no less than 100 acres except as described in Uniform Rule 1: Agricultural Enterprise Area and Agricultural Preserves (Government Code Section 51230).

Agricultural Commodities – Agricultural commodities shall mean any and all plant and animal products produced in this State for commercial purposes (Government Code Section 51201(a)). Agricultural commodities shall include fruits, nuts and vegetables; grains, such as wheat, barley, oats and corn; mushrooms; legumes, such as field beans and peas; animal feed and forage crops, such as grain, hay and alfalfa; seed crops; fiber, bio-fuel and oilseed crops, such as safflower and sunflower; nursery stock, such as Christmas trees, ornamentals and cut flowers; trees grown for lumber and wood products; turf grown for sod; livestock, such as cattle, sheep, alpacas, llamas and swine; poultry, such as chickens, ostriches and emus.

Agricultural Use – The use of land including, but not limited to, greenhouses for the purpose of producing agricultural commodities for commercial purposes (i.e., for sale in wholesale or direct market channels) (Government Code Section 51201(b)). [The keeping of horses does not constitute an agricultural use.]

Agricultural Use Contract (A/LCA Contract) – A contract between a private landowner and the County that enforceably restricts land to agricultural and compatible uses. The minimum initial term is 10 years. LCA Contracts automatically self-renew annually unless either party files a Notice of Non-Renewal. In return, restricted parcels are assessed for property tax purposes in accordance with Revenue and Taxation Code Section 421, et seq.

Board – The Board of Supervisors for San Mateo County.

Breach of Contract – Non-compliance with the terms of a contract that may result in non-renewal of a contract and other enforcement actions.

Cancellation – The immediate termination of a contract. See “Uniform Rule 4: Rescission/Reentry, Non-Renewal and Cancellation Requests” and Government Code Sections 51280-51287.

Compatible Use(s) – A use that, as determined by the County, will not diminish or interfere with existing or potential agricultural productivity, and can be accommodated without adverse impact to the agricultural, open space, and recreational resources of the site or surrounding area (Government Code Section 51201(e)).

Contract – As used in these Rules, the term contract means an A/LCA Contract or an FSZA/LCA Contract, collectively (Government Code Section 51240).

Contract Area – The acreage or property which is under a single contract. For A/LCA Contracts and FSZA/LCA Contracts, the boundaries of the Contract Area shall be coterminous with parcel boundaries.

Farmland Security Zone Area (FSZA) – A Farmland Security Zone is an area created within an Agricultural Preserve by the Board, upon the request of a landowner or group of landowners. Once the designation has been made, the property owner may enter into an FSZA/LCA Contract (Government Code Section 51296, et seq.).

Farmland Security Zone Area Contract (FSZA/LCA Contract) – A contract between a private landowner and the County that enforceably restricts land to agricultural or open space uses. The minimum initial term is 20 years (Government Code Section 51296.1(d)). FSZA/LCA Contracts automatically self-renew annually unless either party files a Notice of Non-Renewal. In return, restricted parcels are assessed for property tax purposes in accordance with Revenue and Taxation Code Section 421, et seq.

Grazing – Commercial pasturing of livestock such as cattle, sheep, alpacas, and llamas.

Land Conservation Act (LCA) – The California Land Conservation Act, also known as the Williamson Act (Government Code Section 51200, et seq.), allows private landowners to contract with counties and cities to voluntarily restrict their land to agricultural, open space and recreational uses, or a combination thereof, and compatible uses which are compatible with and ancillary to the primary use(s) of the land in exchange for potential property tax benefits.

Land Conservation Act Contract (LCA Contract) – A contract between a private landowner and the County that enforceably restricts land to agricultural and compatible uses. LCAs can take the form of an A/LCA or FCZA/LCA, and have a minimum initial term of 10 years (Government Code Section 51244). LCA Contracts automatically self-renew annually unless either party files a Notice of Non-Renewal. In return, restricted parcels are assessed for property tax purposes in accordance with Revenue and Taxation Code Section 421, et seq.

Legal Lot – A lot that met all local Subdivision Ordinance and Subdivision Map Act requirements when it was created, and still exists, and can lawfully be conveyed in fee as a discrete unit separate from any contiguous lot. “Legal Lot” also means a lot for which a Certificate of Compliance or Conditional Certificate of Compliance has been issued under the State Subdivision Map Act and the San Mateo County Subdivision Ordinance and the boundaries of which have not been subsequently altered by merger or further subdivision. For the purposes of these Rules, the word “parcel” shall have the same meaning as the word “lot.”

Lien Date – Date upon which a contract becomes effective. The lien date is always January 1 of the year following recordation of the contract. It is also the date upon which the Assessor determines the value of property for property tax purposes each year.

Material Breach of Contract – A breach is material if, on a parcel under contract, both of the following conditions are met: (1) a commercial, industrial or residential building is constructed after January 1, 2004, that is not allowed by the Act or these Rules, and is not related to an agricultural use or compatible use; and (2) the total area of all of the building or buildings likely causing the breach exceeds 2,500 square feet (Government Code Section 51250).

Non-Prime Agricultural Land – Land that is not “prime agricultural land” as defined below. This may include but is not limited to land used for grazing or dry farming.

Non-Renewal – Withdrawal of land under contract whereby the contract stops self-renewing each year, but all terms and conditions of the contract/Act remain in effect for the remainder of the term (i.e., nine years for an LCA Contract, 19 years for an FSZA Contract) (Government Code Section 51246).

Open Space Easement (OSE) Agreement (Agreement) – An enforceable agreement between the County and a landowner consistent with the Open Space Easement Act of 1974 (Chapter 6.6 commencing with Section 51070). Holder of the land must effectively preserve for public use or enjoyment the natural scenic character of such open space land (Government Code Section 51075(d)) and shall not carry out any activity, use or action which would impair the open space character of the land. If prescribed findings can be made by the Board, the County and contract holder may rescind a contract in order to simultaneously enter into an agreement provided that the easement is consistent with the Williamson Act for the duration of the term of the original Williamson Act Contract; and the initial term of the easement is for at least 10 years. Land subject to agreement shall be assessed pursuant to Section 423 of the Revenue and Taxation Code (Government Code Section 51255). See Uniform Rule 5.

Prime Agricultural Land – Means any of the following (Government Code Section 51201(c)):

1. All land that qualifies for rating as Class I or Class II in the Natural Resource Conservation Service (NRCS) Land Use Capability Classifications; or land that

qualifies as Class III in the NRCS Land Use Capacity Classifications if producing no less than two hundred dollars (\$200) per acre annual gross income for three of the past five years.

2. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.
4. Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.
5. Land which has returned from production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre annual gross income for three of the past five years.
6. In all cases, prime land shall have a secure water source adequate to support the agriculture on the premises.

Public Improvement – Facilities or interests in real property, including easements, rights-of-way, and interests in fee title, owned by a public agency or person (Government Code Sections 51290.5 and 51291).

Rescission/Reentry – The process of simultaneously voiding an existing contract(s) and entering into new contract(s) where there is no reduction in the amount of land under contract. See Uniform Rule 4.

Scenic Highway Corridor – A State-designated corridor, which as of December 2008, includes: all lands adjacent to and visible from: Interstate 280 from the San Mateo County line to San Bruno City limit; State Highway 1 from the Santa Cruz County line to Half Moon Bay City limit; and State Highway 35 from the Santa Cruz County line to State Route 92 (Government Code Section 51201(i)).

Subject Property – The property for which an application for a contract has been filed.

GENERAL POLICIES AND ADMINISTRATION

There are a number of policies and requirements established in State law, local ordinance and these Rules which direct the County's implementation of the California Land Conservation Act.

A. Conformance with State Law and County Ordinances and Resolutions

All applications for: (1) the establishment or termination of AGPs, FSZAs, and Contracts; (2) zone changes associated with entering into a contract; and (3) entitlements on contracted land shall be made and decided in accordance with the requirements of the Land Conservation Act, applicable County plans, ordinances and resolutions, and these Rules as they may be amended from time to time.

These Rules shall be interpreted in a manner consistent with the overall intent expressed above. If any provision of the Rules is found to be invalid, it shall not invalidate the remaining provisions.

B. Consistency of Entitlements with State Law and LCA Rules and Procedures

Where a property proposed for a contract has an existing discretionary permit, the permit must be reviewed to determine consistency with the proposed contract.

Whenever a land use entitlement including, but not limited to, zone changes, subdivisions, development permits, and conditional use permits is requested for land subject to a contract, or about to enter into a contract, the entitlement shall not be approved unless it is consistent with the provisions of State law and these Rules. Entitlement requests that are inconsistent with these Rules may be considered and acted upon only after the contract has expired, terminated or amended.

No entitlement, subdivision of land, or rescission/reentry shall be approved which would result in contracts or lots under contracts which do not meet the standards and requirements of these Rules and State law.

C. Contracts which Become Inconsistent with State Law and LCA Rules and Procedures

When changes in existing uses on contracted land result in agricultural or compatible uses which are inconsistent with State law or these Rules, including annual gross income requirements, making the land ineligible for the type of Contract that is in effect, the landowner or the County may record a Notice of Non-Renewal for that contract (Government Code Section 51245). Further, if a Material Breach of Contract is determined to exist, the County shall either (1) order the property owner to eliminate the conditions that created the Material Breach of

Contract within 60 days; or (2) assess a monetary penalty and terminate the contract on that property (Government Code Section 51250(i)).

D. Property Tax Reduction

In exchange for agreeing to restrict the use of property by entering into a contract, special rules are applied by the Assessor in determining the assessed value of the contracted property (see California Revenue and Taxation Code Sections 421-430.5 referred to as the “LCA Tax Provisions”). The LCA Tax Provisions are complex and should be consulted. These Rules are only intended to provide an overview.

Generally speaking, the Assessor applies the LCA Tax Provisions to determine the property’s assessed value as of the Lien Date (January 1) of each year (the “LCA Value”). The LCA Value may be different from what it would have been had the property not been subject to a contract. For 10-year LCA Contracts, the factored Proposition 13 base year value is compared to the LCA Value. The lower of those values is enrolled. For 20-year FSZA Contracts, a percentage reduction is applied to both the factored Proposition 13 base year value and the LCA Value and the lower of those values is enrolled. The percentage reduction is never applied to the prior year’s value to derive the present year’s value.

The LCA provisions do not apply to the assessed value of the residence or residential site on the subject property, nor is the reduction applied to the structures and improvements such as farm labor housing, pipelines, pumps, wind machines, buildings and the like.

The amount of the assessed value reduction depends on several factors, including the length and type of contract (e.g., LCA (10-year) or FSZA/LCA (20-year)), the type of land (e.g., prime agricultural or non-prime), the use of land (e.g., crop production or grazing) and the location of the land.

Due to the numerous factors discussed above and the rules involved in assessing property subject to a contract, it is not possible to state in advance what, if any, tax benefit would inure to the property owner.

E. Acquisition of Land in AGP or FSZA for Public Improvement

Prior to the County acquiring land in an AGP or FSZA for a public improvement, the County shall comply with the noticing procedures and make the findings required by Government Code Sections 51290 through 51295. Acquisition of land under a contract by eminent domain or in lieu of eminent domain for a public improvement shall cause the contract to be deemed null and void as to the land actually condemned or acquired (Government Code Section 51295).

F. Annexation of Land Subject to FSZA and FSZA/LCA Contracts

Pursuant to Government Code Sections 51296.3 and 51297.3, notwithstanding any provision of Government Code Section 56000, et seq., the San Mateo County Local Agency Formation Commission (LAFCo) is prohibited from annexing land within a designated FSZA to a city, except under any of the following circumstances:

1. If the FSZA is located within a designated and delineated area that has been approved by the voters as a limit for existing and future urban facilities, utilities, and services (e.g., within a designated Urban Area).
2. If annexation of a parcel or a portion of a parcel is necessary for the location of a public improvement except as provided in Government Code Section 51296.5 or 51296.6 as follows:
 - a. A school district shall not render inapplicable the County Coastal or Non-Coastal Zoning Ordinances to the use of land by the school district if the land is within a designated FSZA; or
 - b. A school district shall not acquire any land that is within a designated FSZA.
3. If the landowner consents to the annexation.
4. During the three-year period preceding the termination of an FSZA/LCA Contract.

Also, pursuant to Government Code Sections 51296.4 and 51297.3, LAFCo is prohibited from annexing land within a designated FSZA to a special district that provides sewers, non-agricultural water, or streets and roads, unless the facilities or services provided by the special district benefit land uses that are allowed under the contract and the landowner consents to the annexation. However, this provision shall not apply during the three-year period preceding the termination of FSZA/LCA Contracts.

G. Application Requirements

Requests to include property within an agricultural preserve, establish an LCA Contract, non-renew or cancel an existing LCA Contract, rescind and reenter into an LCA Contract, or exchange an LCA Contract for an OSE Agreement must be made by submitting a completed application form(s) available at the Planning and Building Department, along with the applicable application fees and any additional information that the Planning and Building Department determines is needed to evaluate compliance with these Rules.

H. Interpretation of Guidelines

1. Requests for interpretation of guidelines governing the administration of the Williamson Act Contract and Open Space Easement Agreement programs may be submitted by the contract/agreement holder in order to address unusual circumstances and geographic conditions. Contract/agreement holder shall bear the burden of proving case facts.
2. Guideline Interpretation and Appeal Process.
 - a. First Level of Review: The review committee at the first level of review is comprised of the Deputy Agricultural Commissioner, the Planning and Building Department's Planning Manager, and the Planning and Building Department's designated Williamson Act/Open Space Easement Program Coordinator. Committee decision may be appealed by filing the applicable appeal form and filing fee with the Planning and Building Department within 10 working days of the decision.
 - b. Second Level of Review: The review committee at the second level of review is comprised of the Agricultural Commissioner, the Community Development Director, and a Deputy County Counsel. The second level committee decision may be appealed to the Board of Supervisors by filing the applicable appeal form and filing fee with the Planning and Building Department within 10 working days of the committee's decision.

I. Reports

A report containing general Williamson Act Contract and Open Space Easement Agreement program information, statistics and all interpretation and implementation decisions shall be prepared and forwarded to the Board of Supervisors twice in the first twelve months following program revision, and once a year thereafter.

J. Public Education

The County shall prepare a pamphlet for prospective buyers of contracted properties describing Williamson Act Contract and Open Space Easement Agreement requirements. The pamphlet shall be made available through realtors, realty associations in San Mateo County, at public counters at the County Government Center, and on the County website.

K. Parcel Audit

The County shall actively review all restricted lands on a regular basis (at least once every five years) to ensure contract compliance. Review may consist of an analysis of GIS aerial photographs, questionnaires, site visits, and submitted federal tax schedules. Parcels are reviewed to determine if land uses comply with restrictions.

L. Permission to Enter and Inspect Property

As a condition of the LCA Contract, owners shall grant County and County's officers, employees, contractors and agents permission to enter and inspect the subject property during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) to monitor compliance. Prior to seeking entry, the County shall give the owner at least a 10-day written notice of the inspection date, which notice will describe who is coming and reason for site visit. The County will make a reasonable attempt to accommodate the schedule of the landowner.

M. Enforcement

Non-compliance with the terms of an LCA Contract may result in the initiation of non-renewal proceedings by the County, as well as any other action needed to enforce these Rules and cover associated administrative costs.

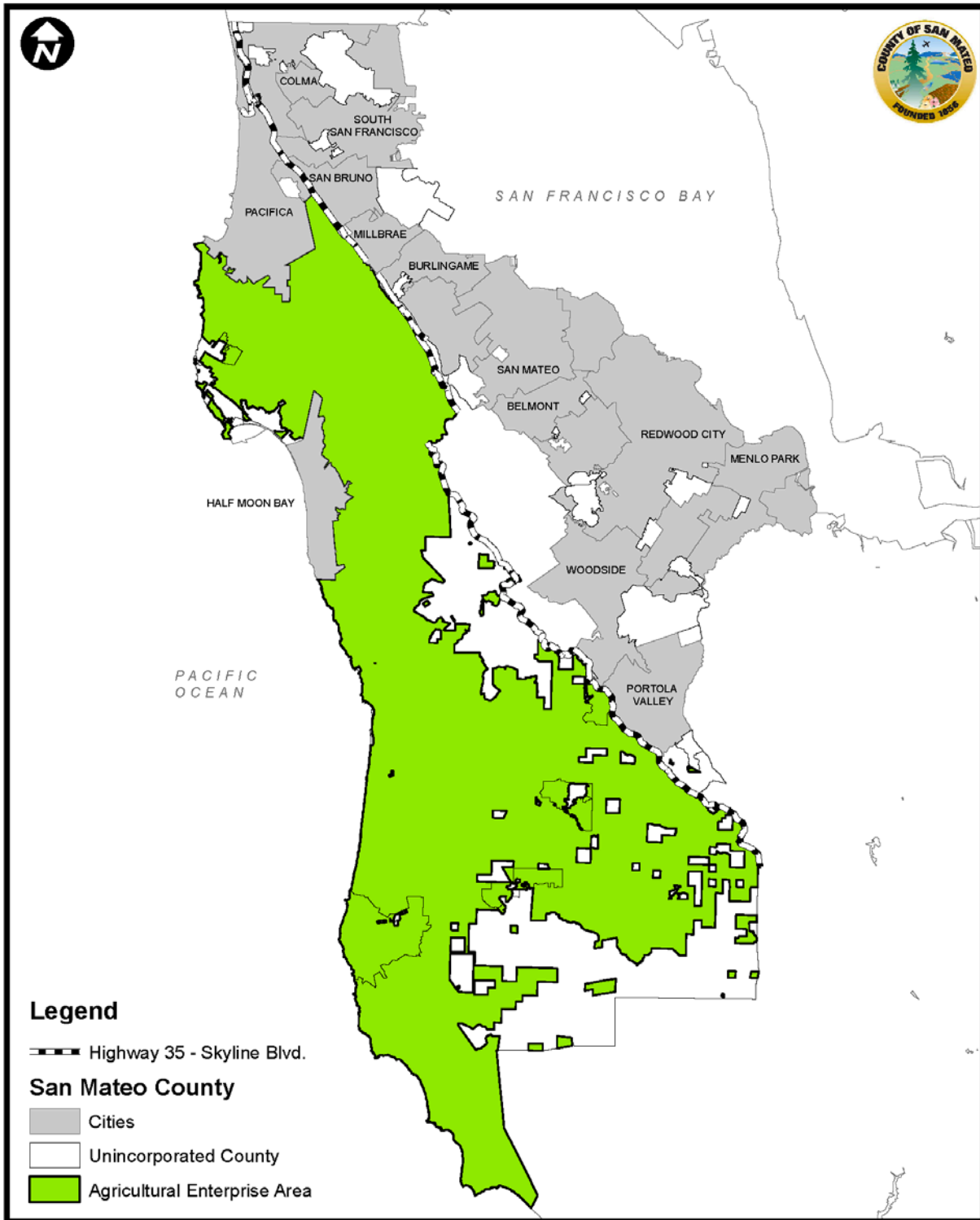
UNIFORM RULE 1: AGRICULTURAL ENTERPRISE AREA AND AGRICULTURAL PRESERVES

A. AGRICULTURAL ENTERPRISE AREA (AEA)

In San Mateo County, there is a region in which the County intends to preserve the agricultural character and use of the land. The Board of Supervisors has adopted an Agricultural Enterprise Area (AEA), mapped below which identifies privately owned lands that meet zoning designation and general land use criteria for eligibility under the Williamson Act as a guide for landowners considering entering into an Agricultural Preserve and Williamson Act contract, mapped below.

The defined area is non-regulatory and non-obligatory; lands placed within the AEA boundary are not subject to additional regulations or tax assessments beyond those applicable to the land. Landowners are under no obligation to apply or enter into an AGP or contract nor is placement within the AEA a guarantee of AGP or contract approval. Land use designations and tax assessments of lands placed within the AEA boundary are unaffected and unchanged as a result of AEA adoption.

Proposed Agricultural Enterprise Area



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B. AGRICULTURAL PRESERVES (AGP)

Consistent with the provisions of Government Code Section 51230, if a property owner wishes to enter into a Williamson Act contract, the property in question must be located in an AGP. An AGP may be expanded or reduced by an action of the Board and shall not consist of less than 100 acres, unless the Board determines that an Agricultural Preserve of less than 100 acres is necessary due to the unique characteristics of the agricultural enterprises in the area, and that the establishment of preserves of less than 100 acres is consistent with the General Plan.

If a property owner wishes to enter into a contract and the property is not within the boundaries of the established AGP, the owner must request the Planning Department to expand the AGP or establish a new AGP simultaneously with the approval of the contract. Property located in an AGP must be designated "Agriculture" or "Open Space" under the County General Plan and zoned RM (Resource Management District), RM-CZ (Resource Management-Coastal Zone), or PAD (Planned Agricultural District). Land that is located within a Scenic Corridor, as defined by these Rules, may be included within an AGP upon request of the landowner irrespective of its land use designation and zoning.

If a landowner whose property is included in an AGP wishes to have that property excluded from the AGP, he/she may apply to disestablish or alter the boundaries of the preserve. However, no AGP may be disestablished or altered to remove land from the preserve if removal would cause or contribute to the premature or unnecessary conversion of agricultural land to urban uses or to significant encroachment of incompatible land uses into the immediate vicinity of contracted lands.

A property owner shall submit an application for establishment, disestablishment or alteration of an AGP to the San Mateo County Planning and Building Department on a form supplied by the Department, along with the applicable application fee and any other information determined by the Department to be necessary to evaluate the proposal's compliance with these Rules.

Within 60 days of receiving a completed application, the Planning Commission shall hold a public hearing and submit to the Board a recommendation for approval or disapproval as to establishment, disestablishment or alteration of an AGP.

The Board shall establish, disestablish or alter an AGP after a public hearing has been held on the matter and notice thereof given as provided in Section 6061 of the Government Code.

UNIFORM RULE 2: TYPES OF CONTRACTS

There are two types of Land Conservation Act Contracts (Contracts): Agricultural Land Conservation Act Contracts (A/LCA) and Farmland Security Zone Act Contracts (FSZA/LCA).

The eligibility of land for each contract type shall be determined pursuant to the requirements of the Land Conservation Act, County General Plan and Zoning Ordinances, these Uniform Rules, and the findings of the Board.

Property owners may request to enter into either type of LCA Contract by completing and submitting the appropriate application forms available at the Planning and Building Department, along with the applicable application fees and any additional information that the Planning and Building Department determines is needed to evaluate compliance with these Rules.

A. ELIGIBILITY REQUIREMENTS FOR A/LCA AND FSZA/LCA CONTRACTS

The requirements for entering into A/LCA and FSZA/LCA Contracts are as follows:

1. Land Designation

Property must be designated "Agriculture" or "Open Space" under the County General Plan and be located within an AGP.

2. Zoning

Property must be zoned RM (Resource Management District), RM-CZ (Resource Management-Coastal Zone District), or PAD (Planned Agricultural District).

If the property is not zoned appropriately at the time a request for a new contract is submitted to the County, an application for a change in zoning change must be processed in conjunction with the contract. In such instances, the final approval and recordation of the contract shall be contingent on the Board's adoption of the necessary zone change.

3. Lot Size and Contracted Area

For A/LCA and FSZA/LCA Contracts, the boundaries of each contract shall be the same as the legal lot boundaries.

Parcel size requirements are as follows:

a. Crop Production:

- (1) Parcels considered Prime Agricultural lands shall be a minimum of 10 acres.
 - (2) Parcels considered Non-Prime Agricultural lands shall be a minimum of 40 acres.
 - (3) Parcels containing both Prime and Non-Prime Agricultural lands shall be a minimum of 40 acres in size. Smaller contiguous parcels may be combined to achieve the 40-acre minimum.
- b. Grazing: Minimum parcel size for grazing shall be 40 acres.
 - c. Horse Breeding: Minimum parcel size for horse breeding shall be 40 acres.

Exceptions to the minimum parcel size requirements for new contracts may be requested and considered by the Board only if the Agricultural Commissioner and the Agricultural Advisory Committee determine that the land is highly productive, and that maintaining the property in agricultural production has a significant public benefit.

Exceptions for existing contracts may be requested and considered by staff provided the Agricultural Commissioner and the Agricultural Advisory Committee determine that the land is highly productive, and that maintaining the land in agricultural production has a significant public benefit.

4. **Contiguous/Non-Contiguous Parcels**

Contiguous parcels may be considered for a single contract provided the parcels are under common ownership and, jointly, may be reasonably used for agricultural purposes. Further, contiguous parcels under common ownership that individually do not meet minimum parcel size requirements may be considered for a single contract.

Parcels are considered contiguous, for purposes of these Rules, if they share a property line or their property lines are separated by a road, utility easement or railroad right-of-way.

Contiguous parcels under separate ownership, non-contiguous parcels under common ownership, or non-contiguous parcels under separate ownership may enter into separate contracts, if otherwise eligible under these Rules.

5. **Land Uses**

Two types of uses are permitted on contracted property: Agricultural Uses and Compatible Uses.

a. Agricultural Uses

Contracted lands must be dedicated to the commercial production of agricultural commodities, commercial grazing operation, or commercial horse breeding, as defined, for sale in wholesale or direct marketing channels. Agricultural commodities shall mean an unprocessed product of farms, ranches, production nurseries and forests.

Agricultural commodities shall include fruits, nuts and vegetables; grains, such as wheat, barley, oats and corn; mushrooms; legumes, such as field beans and peas; animal feed and forage crops, such as grain, hay and alfalfa; seed crops; fiber, bio-fuel and oilseed crops, such as safflower and sunflower; nursery stock, such as Christmas trees, ornamentals and cut flowers; trees grown for lumber and wood products; turf grown for sod; livestock, such as cattle, sheep, alpacas, llamas and swine; poultry, such as chickens, ostriches and emus.

Grazing may be deemed an agricultural use if the land under contract is used for the commercial purpose of pasturing livestock.

Commercial horse breeding may be deemed an agricultural use provided the annual breeding operation consists of a minimum of 15 broodmares. Exceptions to the minimum number of broodmares will not be granted. The keeping of horses does not constitute an agricultural use. Commercial horse breeding operations are not subject to income or land utilization requirements.

b. Compatible Uses

Compatible uses on contracted lands shall comply with the provisions of Government Code Sections 51238-51238.1 and the underlying land use designation and zoning of the parcel. Compatible uses shall only be allowed when they can be accommodated on a contracted parcel without significantly reducing the amount of land being used for agricultural purposes, or interfering with existing agricultural activities.

(1) Determination of Compatibility (DOC): The Agricultural Advisory Committee will review proposed compatible uses to determine whether the use is in fact compatible with and incidental to the agricultural use on the parcel. If the following criteria can be met, a Determination of Compatibility will be issued.

(a) The primary use of the parcel would continue to be existing commercial agriculture.

- (b) The proposed compatible use would not substantially interfere with the existing agricultural use on the subject parcel or any other property within the AGP.
- (c) 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) 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 AGP.
- (e) The remaining portion of the parcel not subject to the proposed compatible use would be able to sustain the agricultural use.

The property owner bears the burden of proof with respect to these criteria.

- (2) Determination of Compatibility Exceptions: A DOC is required for all proposed compatible uses with the exception of the following which are per se compatible uses, provided that the proposed use does not significantly reduce the amount of land being used for agricultural purposes or interfere with existing agricultural activities. Exceptions to the DOC requirement are subject to review by the Planning Department and may require submittal of a site plan and other supporting documentation.
 - (a) Facilities and structures utilized in conjunction with the production, preparation, and storage of an agricultural commodity, commercial grazing, or commercial horse breeding.
 - (b) Existing single-family residences: repairs, alterations, and additions constituting less than 50% of the valuation of the existing structure as determined by the Building Inspection Section or where no footprint expansion is proposed.
 - (c) New small structure construction of 500 square feet or less (e.g., detached garage).
 - (d) Farm labor housing.
 - (e) Keeping of pets in association with a single-family residence, farm labor housing, or multiple-family residence.

- (f) Septic systems: replacement and repair of existing septic systems as required by Environmental Health.
 - (g) Agricultural and domestic wells: replacement and repair of existing agricultural or domestic wells as required by Environmental Health.
 - (h) Repair to existing hardscape (e.g., roads, driveways, parking areas).
 - (i) Roof-mounted photovoltaic modules.
 - (j) Gas, electric, water or other utilities (other than ground-mounted photovoltaic) that are placed above or underground.
 - (k) Wireless telecommunications facilities.
 - (l) Fencing.
- (3) Maximum Allowance of Compatible Uses

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 one 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.

6. **Income Requirements for Crops**

Property owners seeking a Williamson Act contract must demonstrate that in the three of the five immediately preceding years, the contracted parcel has met the following minimum annual gross income requirements resulting from the commercial sale of the agricultural commodity. Income requirements must then be met for the duration of the contract.

For multiple parcels under one contract, income requirements will apply to the contracted area and not for each individual parcel.

Income from compatible uses shall not be used to achieve the minimum income requirements.

- a. Parcels less than 40 acres shall have an annual gross income of not less than \$10,000.00.
- b. Parcels 40 acres and greater shall have an annual gross income of not less than \$10,000, or an annual gross income that is based on the total amount of all prime and/or non-prime soils contained on the parcel, whichever income amount is greater:

Prime Soils: Minimum annual gross income shall equal or exceed \$250.00 per acre.

Non-Prime Soils: Minimum annual gross income shall equal or exceed \$37.50 per acre.

Exceptions to the income requirements for new contracts may be requested and considered by the Board only if the Agricultural Commissioner and the Agricultural Advisory Committee determine that the land is highly productive, and that maintaining the land in agricultural production has a significant public benefit.

Exceptions for existing contracts may be requested and considered by staff provided the Agricultural Commissioner and the Agricultural Advisory Committee determine that the land is highly productive, and that maintaining the land in agricultural production has a significant public benefit.

7. Land Utilization for Grazing

Property owners seeking a Williamson Act contract must demonstrate that each contracted parcel has met the following minimum requirements resulting from a viable commercial grazing operation in three of the five previous consecutive years prior to entering into a contract. Land utilization requirements must then be met for the duration of the contract. No minimum income is required for commercial grazing operations.

For multiple parcels under one contract, land utilization for grazing requirements will apply to the contracted area and not for each individual parcel.

- a. Seventy-five percent (75%) of the parcel acreage must be used for a viable commercial grazing operation as determined by the Agricultural Advisory Committee and Agricultural Commissioner.

- b. Areas dedicated to grazing must be fenced and adequate water must be available within the fenced area. Fencing must be maintained.

Exceptions to the land utilization for grazing requirements may be requested and considered by the Board only if the Agricultural Commissioner and the Agricultural Advisory Committee determine that the land is highly productive, and that maintaining the land in agricultural production has a significant public benefit.

Exceptions for existing contracts may be requested and considered by staff provided the Agricultural Commissioner and the Agricultural Advisory Committee determine that the land is highly productive, and that maintaining the land in agricultural production has a significant public benefit.

B. FARMLAND SECURITY ZONE AREA (FSZA/LCA) CONTRACTS – ADDITIONAL REQUIREMENTS

Property owners may request to enter into a 20-year Farmland Security Zone Area (FSZA/LCA) Contract (Government Code Section 51296, et seq.). Also, property owners already subject to a 10-year LCA Contract or Open Space/LCA Contract may petition to rescind the existing contract and enter into a new FSZA/LCA Contract. FSZA/LCA Contracts self-renew each year like other contracts. To qualify for an FSZA/LCA Contract, all of the requirements set forth in Uniform Rule 2 must be met.

In addition, the subject property must be designated by the Board as an FSZA. FSZAs shall meet all the following requirements (Government Code Sections 51296.1 and 51296.8):

1. The land must be within an AGP.
2. The land must be designated on the Important Farmland Series Map (“Map”) as predominantly one of the following:
 - a. Prime Farmland.
 - b. Farmland of Statewide Significance.
 - c. Unique Farmland.
 - d. Farmland of Local Importance.

If the proposed FSZA is not designated on the Map, the land shall qualify if it is predominately prime agricultural land as defined in Government Code Section 51201(c) (Government Code Section 51296.8).

1. No land shall be included in an FSZA, unless expressly requested by the owner.
2. Any land located within a city sphere of influence shall not be included in an FSZA, unless the creation of the FSZA has been approved by resolution by the city with jurisdiction within the sphere.
3. If more than one owner of contiguous properties requests the creation of an FSZA, the County shall place those properties in the same FSZA.
4. Upon termination of an FSZA/LCA Contract, the FSZA shall simultaneously terminate.

UNIFORM RULE 3: APPLICATION PROCEDURE

In order to enter into a contract, an applicant must follow the procedures below.

A. Application Requirements

1. Application Form

There are two contract application forms: A/LCA and FSZA/LCA Contracts, and one form for OSE Agreements. An applicant must submit the appropriate completed application form and other required information prior to the deadlines set forth in Uniform Rule 3, Section B.1 (below).

2. Supporting Documents

a. All Contracts/Agreements – Required Documents

The following documents must be submitted at the time of application for all contracts or agreements. Separate applications must be submitted if the parcels are under separate ownership. For non-contiguous parcels under the same ownership, one application with separate site plans is required. An incomplete application submittal or insufficient information may cause delays in processing. In all cases, additional documentation may be required to clarify or supplement the application submittal as the contract or agreement is being processed.

- (1) Legal parcel description.
- (2) A site plan, drawn to scale and legible, of the parcel(s) for which the contract or agreement is requested. Site plans will be recorded along with the approved contract or agreement. The following must be shown on the plan(s):
 - (a) Parcel boundaries and dimensions, Assessor's Parcel Number(s), total gross acreage of the parcel(s), zoning designation, parcel address (if applicable), and owner's name and address.
 - (b) Agricultural use area(s), shown outlined and acreage noted (e.g., 10 acres of Brussels sprouts, and 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.

b. All Contracts/Agreements – Proof of Legal Parcel

In order to prove parcel legality, one of the following must be submitted for each parcel requesting a contract or agreement: (1) a recorded final or parcel map, or (2) a recorded Certificate of Compliance (Type A or Type B).

If after review of the submitted documents, the parcel is not determined to be legal, a Certificate of Compliance will be required and must be approved and recorded prior to recordation of the contract or agreement. Additional application forms, documentation and fees will be required to process the Certificate of Compliance.

c. A/LCA and FSZA/LCA – Statement of Agricultural Uses

The following must be provided on a separate sheet by the applicant for each parcel.

- (1) Total gross acreage of each parcel and aggregate acreage for multiple parcels, if applicable.
- (2) Total acreage of each parcel currently in agricultural production and acreage by each crop type, and grazing operation by heads of livestock and area grazed.
- (3) Water source and irrigation method.
- (4) Calculations and supporting compliance with Uniform Rule 2, Section A.5.b.2 (*Maximum Allowance of Compatible Uses*).
- (5) Gross Agricultural Income documentation (e.g., Federal Tax Return Schedule F) substantiating compliance with Uniform Rule 2, Section A.6 (*Income Requirements for Crops*).

3. **Agricultural Preserve/Farmland Security Zone Area**

Prior to entering into a 10-year LCA Contract, the subject property must be within an AGP. If the applicant, in consultation with County Planning and Building Department staff, determines that the property is not within an existing AGP, the application shall include a request to establish or expand an AGP to include the property.

Prior to entering into a 20-year FSZA/LCA Contract, the subject property must be within an AGP and a Farmland Security Zone Area (FSZA). If the applicant, in consultation with Planning and Building Department staff,

determines that the property is not within an existing AGP or FSZA, the application shall include a request to establish or expand an AGP or FSZA to include the property.

4. Ownership Report

A preliminary title report prepared by a title company shall be filed with an application for a contract. The report submitted must have been issued no earlier than sixty (60) days prior to the application submittal date. If any changes in the ownership of the property occur between the date of the Ownership Report and the Planning Commission hearing, or the Board of Supervisors hearing, the applicant shall notify the Community Development Director in writing of such changes, and must provide an updated title report.

5. Signature of Owners

All persons, corporations, associations, partnerships, or other entities (except public utilities and public entities) having any right, or title or interest of any kind (except easement interest) in or affecting the surface use (extending to two hundred (200) feet below the surface) of the property proposed for a Contract, are required to sign the application as owners or submit written authorization.

6. Fees

Fees, set by the Board of Supervisors, are required to be paid in full at the time of application. During the course of the contract, if approved, additional fees may be required for compliance review.

B. Processing Applications

1. Filing Deadline

Applications to establish, disestablish, alter or expand the boundary of an AGP or an FSZA, and for new contracts and agreements must be filed with the Planning and Building Department by the first Friday in June. The application must include the required fee in accordance with the most recently adopted Fee Schedule. All required information must be received, and all contract area boundaries finalized, by the first Friday in July (or the following Monday if it falls on a holiday) to allow sufficient time to review and process the contracts and agreements prior to the end of the year. Applications/information received after these deadlines may delay the effective date of the contract. These deadlines may be extended by the Community Development Director upon written request by the applicant showing that circumstances beyond the applicant's control prevented submittal of the required application materials by the above deadlines.

2. **Review and Approval Process**

- a. *Agricultural Advisory Committee:* All applications for LCA and FSZA/LCA Contracts and associated AGP or FSZA boundary changes shall be reviewed by the Agricultural Advisory Committee (AAC) prior to the Planning Commission or Board of Supervisors hearing. Applications for OSE Agreements are not reviewed by AAC.
- b. *Planning Commission:* The Planning Commission shall hold a public hearing on proposed amendments to these Rules and proposed AGP/FSZA boundary changes, and make a recommendation to the Board of Supervisors.
- c. *Board of Supervisors:* The Board of Supervisors shall hold a public hearing on these Rules, proposed AGP/FSZA boundary changes, contracts and agreements, and make a final decision to approve, partially approve, or deny each individual agreement or contract and associated AGP or FSZA boundary changes.
- d. *Public Notice:* The legal notice requirements for entitlements shall apply to both the Planning Commission and Board of Supervisor hearings for the processing of contracts. If the applications include a proposal to establish, disestablish, alter or expand the boundary of an AGP or FSZA, at least a two-week notice of the hearing shall be given to the Local Agency Formation Commission (LAFCo) and to every city in the County within one mile of the exterior boundaries of the preserve (Government Code Section 51233).

3. **Completion of Contracts**

- a. *Signature of Owners:* All persons, corporations, associations, partnerships, or other entities (except public utilities and public entities) having any right, or title or interest of any kind (except easement interest) in or affecting the surface use (extending to two hundred (200) feet below the surface) of the property proposed for a Contract, are required to sign the application as owners. Signatures must be notarized.
- b. *Recordation of Contracts and Agreements:* After the owners and the County have signed the contracts or agreements, the project planner shall cause them, as well as any resolution(s) for associated AGP or FSZA boundary changes, to be recorded in the Office of the County Recorder no later than 20 days after the owners and the County have signed the contracts or agreements.
- c. *Submission of Information on Contracted Property:* Upon the request of the County, each owner shall provide information relating to owner's

obligations under the contract or agreement including, but not limited to, a description of existing and planned land uses, structures or agricultural utilization on the contracted property.

- d. *Submission of Completed Agricultural Preserve Questionnaire:* In addition to complying with the information request described in (c) above, each owner of land under contract shall complete an annual Agricultural Preserve Questionnaire and submit it to the County Assessor by the required deadline. Owners of lands under contract or agreement shall provide any/additional information requested by the County related to the assessment of the property.

UNIFORM RULE 4: RESCISSION/REENTRY, NON-RENEWAL AND CANCELLATION REQUESTS

A. Rescission/Reentry

1. Applicability

From time to time, situations will arise in which a landowner wishes to add non-contracted land to an existing contract(s), convert contracted land from one type of contract to another, or subdivide property that is under an existing contract(s). This is accomplished by rescinding the existing contract(s) and simultaneously reentering into a new contract(s) pursuant to Government Code Section 51255, referred to as “rescission/reentry.” For example, a rescission/reentry may be used to convert land from an agricultural LCA Contract to an Open Space Easement Agreement. Where property under an existing contract(s) is subdivided into new lots, the contract(s) must be rescinded and new contract(s) must be entered into with the boundaries of the parcels described in the new contract(s) coinciding with the boundaries of the subdivided lots. Property may only be subdivided in accordance with Section 66474.4 of the Subdivision Map Act. New contract boundaries must be in compliance with the current Government Code provisions and these Guidelines, and shall not be for less aggregate acreage than originally contracted. All rescission/reentries must be consistent with applicable Government Code provisions, County General Plan and Zoning Ordinances, Subdivision Ordinance and these Uniform Rules.

2. Lot Line Adjustments

Government Code Section 51257 authorizes the use of rescission/reentry to facilitate a parcel map waiver/lot line adjustment (PMW/LLA), pursuant to Government Code Section 66412, involving contracted land. Such PMW/LLA requests often involve the exchange of contracted land for previously non-contracted land, or an exchange of land between contracts. In a typical case, the County and landowners mutually agree to rescind an LCA or FSZA/LCA Contract(s), and simultaneously reenter into a new contract(s) to coincide with the new legal lot boundaries.

To approve a rescission/reentry and prior to recording a PMW/LLA, and pursuant to Government Code Section 51257 and these Guidelines, the Board of Supervisors must make **all** of the following findings:

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

- b. There would be no net decrease in the amount of the aggregate acreage (total contract acreage combined between the parcels involved in the lot line adjustment) subject to the existing and proposed contract(s).
- c. At least ninety percent (90%) of the originally contracted land would be included within a new contract(s).
- d. The resulting legal lot area subject to contract would be large enough to sustain qualifying agricultural uses as defined by Section 51222.
- e. The lot line adjustment would not compromise the long-term agricultural production of land within the proposed legal lots or other agricultural lands subject to contract(s).
- f. The lot line adjustment would not likely to result in the removal of adjacent land from agricultural uses.
- g. The lot line adjustment would not result in a greater number of developable legal lots than existed prior to the adjustment or an adjusted lot that is inconsistent with the County General Plan.

Rescission/reentries to accommodate PMW/LLAs on contracted land are subject to Board approval and action (Government Code Section 51257).

3. Filing Deadline

Applications for rescission/reentries must be filed with the Planning and Building Department in accordance with Uniform Rule 3, Section B (above).

B. Non-Renewal

Because contracts automatically renew each year, if either the landowner or the County desires not to renew the contract, that party must serve the other with a written "Notice of Non-Renewal."

If the County serves the notice, the landowner may file a written protest (Government Code Section 51245). An application for a written protest, including all required materials, and processing fees, must be filed with the Planning and Building Department. The signature requirements described in Uniform Rule 3, Section B (above) shall apply to a written protest of a Notice of Non-Renewal.

If the landowner desires to non-renew the contract, an application for a Notice of Non-Renewal, including all required materials and processing fees, must be filed with the Planning and Building Department. The signature requirements described in Uniform Rule 3, Section B (above) shall apply to a Notice of Non-Renewal.

Once a Notice of Non-Renewal is recorded, the contract shall remain in effect for the balance of the period remaining since its previous renewal (9 years – A/LCA Contract; 19 years – FSZA/LCA Contract) (Government Code Section 51246).

An application and fees for a non-renewal must be submitted by October 1 (or the following Monday, if October 1 falls on a weekend) to become effective on the contract renewal date, January 1 (Government Code Section 51245). Because no property would remain under contract, a non-renewal does not require AAC or Planning Commission review, nor does it have to be approved by the Board.

C. Cancellation

A landowner who wishes to terminate a contract prior to the expiration of the non-renewal period may petition the Board to cancel (terminate) the contract pursuant to Government Code Section 51280, et seq. Either the entire contract or a portion of it may be cancelled. Cancellation requests are often filed in conjunction with applications for land use entitlements, and can be submitted at any time. The procedures and requirements for cancellation are briefly summarized below.

The petition for cancellation of a contract must include a proposal for a specified alternative use of the subject parcel and the required fee. The Board will review the petition to determine whether it can make one of the following findings necessary to tentatively approve a cancellation: (1) that the cancellation is consistent with the purposes of the Land Conservation Act, or (2) that cancellation is in the public interest. Government Code Section 51282 elaborates further on specific determinations that must be made to make either of these two overall findings and any cancellation must comply with Section 51282. If cancellation of a portion of a contract is requested, the Board must determine that the portion of the property that would remain under contract complies with the Government Code and these Guidelines.

Upon tentative approval by the Board, a Certificate of Tentative Cancellation (CTC) is executed and recorded. The CTC shall state the conditions that must be satisfied before the contract may be cancelled. Once the conditions are met, the landowner must notify the Board. Within thirty (30) days of the receipt of such notice, and upon determination that the conditions stated in the CTC are satisfied, the Board shall execute and cause a Certificate of Cancellation (CC) to be recorded. The CC is then sent to the State Department of Conservation (Government Code Section 51283.4). If the Board determines the landowner did not satisfy the conditions, it shall execute and cause a Certificate of Withdrawal of Tentative Approval to be recorded. In addition to these provisions, the requirements of Government Code Section 51297 apply to cancellation of an FSZA/LCA Contract.

Cancellation of a contract also requires the property owner to pay a “cancellation fee” (Government Code Sections 51283 and 51297). The required cancellation fee for a 10-year LCA Contract is 12.5 percent of the current fair market value of

the property, determined as if the property was unencumbered by the contract restriction. The cancellation fee for a 20-year FSZA/LCA Contract is 25 percent of the current fair market value of the property determined as if the property was unencumbered by the contract restriction. This fee is in addition to the application fee required to process the cancellation application.

UNIFORM RULE 5: GUIDELINE FOR EXCHANGE OF AN EXISTING WILLIAMSON ACT CONTRACT FOR AN OPEN SPACE EASEMENT AGREEMENT

Rescission and reentry of contracted lands for Open Space Easement Agreements shall adhere to the California Land Conservation Act of 1965, and subsequent revisions (Government Code Section 51200 et. seq.).

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