

## CALIFORNIA COASTAL COMMISSION

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49th Day: 6/9/09  
Staff: Ruby Pap-SF  
Staff Report: 4/24/09  
Hearing Date: 5/7/09  
Commission Action:

## APPEAL STAFF REPORT SUBSTANTIAL ISSUE

**APPEAL NO.:** A-2-SMC-09-009

**APPLICANT:** Michael Turnrose  
Carl Hoffman

**LOCAL GOVERNMENT:** San Mateo County

**LOCAL DECISION:** Approval with Conditions

**PROJECT LOCATION:** 2800 Tunitas Creek Rd., Unincorporated Half Moon Bay (San Mateo County), APN 066-300-30

**PROJECT DESCRIPTION:** The creation of a 32-acre parcel and a 20.01-acre parcel, in conjunction with a Conditional Certificate of Compliance (Type B), and the drilling of three test wells on lands zoned Planned Agriculture Development (PAD), at 2800 Tunitas Creek Road, Unincorporated Half Moon Bay, San Mateo County.

**APPELLANTS:** Commissioners Steve Blank and Sara Wan

**SUBSTANTIVE FILE DOCUMENTS:** Notice of Intent to Adopt Negative Declaration and Initial Study for File No. PLN 2008-00098  
Staff Report from San Mateo County Planning Staff to Zoning Hearing Officer for File No. PLN 2008-00098 dated 1/8/09 and Addendums dated 2/5/09 and 3/19/09  
Notice of Final Local Decision for File No. PLN 2008-00098  
San Mateo County Local Coastal Program

**STAFF RECOMMENDATION:** Substantial Issue Exists

- EXHIBITS:**
1. Applicable LCP Policies
  2. Location Map
  3. Tentative Map
  4. Notice of Final Local Action
  5. County Staff Report
  6. Appeal

### **SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed.

San Mateo County approved a coastal development permit for the creation of a 32-acre parcel and a 20.01-acre parcel, in conjunction with the approval of a Conditional Certificate of Compliance (Type B), and the drilling of three test wells, at 2800 Tunitas Creek Road, Unincorporated Half Moon Bay, San Mateo County.

The subject 52-acre property is used for cattle grazing and is zoned Planned Agriculture Development (PAD). It is primarily surrounded by agricultural and open space lands, and is within the Tunitas Creek Road County scenic corridor.

The appellants contend that the County failed to demonstrate that the approved land division is consistent with all the relevant agricultural, development and visual resources policies of the certified LCP. Because the County did not undertake the necessary analysis and make the requisite findings, and because the property contains significant agricultural and visual resources that have not been protected by the County decision, the appellants contend that the approved land division is inconsistent with the certified LCP.

Staff recommends that the Commission find that appellants' contentions are valid grounds for an appeal and raise a substantial issue of conformity of the approved land division with the certified LCP because: (1) There is a low degree of legal and factual support for the County's decision to approve the project; (2) The agricultural and visual resources associated with the subject development are highly significant; (3) The precedential value of the County's decision for future interpretation of its LCP in regard to the issuance of conditional certificates of compliance (COC Type B) is high; and (4) The appeal raises issues regional or statewide significance.

**The motion to adopt the staff recommendation of Substantial Issue is found on page no. 3**

### **STAFF NOTES**

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. Since the staff is recommending substantial issue, unless there is a motion from the Commission to find no

substantial issue, the substantial issue question will be considered moot, and the de novo portion of the appeal hearing on the merits of the project will be held in the future.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

## **I. STAFF RECOMMENDATION**

Pursuant to Section 30603(b) of the Coastal Act and as discussed in the findings below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeals have been filed. The proper motion is:

### **MOTION**

*I move that the Commission determine that Appeal No. A-2-SMC-09-009 raises NO substantial issue as to conformity with the certified Local Coastal Program with respect to the grounds on which an appeal has been filed pursuant to Section 30603 of the Coastal Act.*

### **STAFF RECOMMENDATION**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### **RESOLUTION TO FIND SUBSTANTIAL ISSUE**

The Commission hereby finds that Appeal No. A-2-SMC-09-009 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## **II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. LOCAL GOVERNMENT ACTION**

#### January 8, 2009

San Mateo County Zoning Hearing Officer holds a public hearing on a proposal for a CDP for a COC Type B to legalize three parcels on the subject property: 32 acres, 7.71 acres, and 12.3 acres. The Zoning Hearing Officer continued the item to allow revision of the project description to include three test wells and certification of the mitigated negative declaration.

#### February 5, 2009:

San Mateo County Zoning Hearing Officer held another public hearing on the project. However, certain information relating to parcel history was not available prior to the hearing. The Zoning Hearing Officer took the decision under advisement for ten days in order for the information to be provided and reviewed.

#### February 13, 2009:

After reviewing the information, the ZHO continued the item to a date uncertain to allow staff and County Counsel to fully analyze the parcel history to establish whether a separate parcel was indeed created by grant deed recorded on May 31, 1951, and if necessary to provide other information related to the proposed COC(B). Subsequently, the County counsel determined that the 7.71-acre and 12.3-acre parcels were to be created by deed in 1951 and conveyed jointly. Therefore, the County Counsel found that there was no land division because they were contiguous and conveyed together by one grantor to one grantee. In regard to the 32-acre parcel, a question to its legality was then raised because at the time the 7.71-acre parcel and 12.3 acre parcels were to be created, they were conveyed to the same owner of the adjacent 32-acre parcel (which is also seeking a COC) and the question was raised whether conveyance to the same owner constituted a merger of the subject parcels. County Counsel found that this is not the case and the 32-acre parcel remained eligible for a COC(B). As a result of the clarifications provided by County Counsel, the project description was revised to reflect a reduction in the number of requested parcels from three to two.

#### March 19, 2009:

San Mateo County ZHO held a public hearing on a proposal for a CDP to legalize two parcels: 32 acres and 20.01 acres and allowance of three test wells. The ZHO approved the CDP with special conditions and found that the “project conforms with the plans, policies, and standards of the San Mateo County Local Coastal Program as all application materials have been submitted and been determined to be adequate, and the project does not pose an impact to the sensitive habitats or scenic resources of the properties...” and “That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program, specifically Policy 1.28, which requires the issuance of a CDP since the parcels in question were illegally created without benefit of government review and approval prior to 1973.”

Special Conditions included: (3) a requirement that prior to recordation of the final map, the applicant submit a proof of water supply (well), with a maximum of one production well per parcel; and (6) informing the applicant that any future development on the parcels would be subject to compliance with the regulations of the LCP, including, but not limited to, protection of prime agricultural soil, the protection of existing and potential agriculture, the protection of public views to the property, and the protection of sensitive habitat; (8) and (9) requiring the applicant to submit erosion, sediment, and dust control plans to the planning department for the drilling of the wells; and (11) notification that any future planning and building permit applications will be subject to cultural resources conditions.

## **B. FILING OF APPEAL**

The Commission received the Notice of Final Local Decision for the County's approval of the subject development on April 7, 2009 (exhibit 4). In accordance with the Commission's regulations, the 10-working-day appeal period ran from April 8, 2009 through April 21, 2009 (14 CCR Section 13110). The appellants (Commissioners Steve Blank and Sara Wan) timely submitted their appeal (exhibit 6) to the Commission office on April 21, 2009 within 10 working days of receipt by the Commission of the Notice of Final Local Action. The local record was requested on April 21, 2009. To date, the Commission has not received the local record from the County.

## **C. APPELLANTS' CONTENTIONS**

On April 21, 2009 Commissioners Steve Blank and Sara Wan appealed the County of San Mateo's decision to approve the project. The appellants contend that land division is inconsistent with the San Mateo County certified local coastal program (LCP) parcel legalization, agricultural, and visual resources policies. More specifically, the appellants contend that the County should have treated the COC(B) as a new land division, and demonstrated its consistency with all the relevant agricultural and visual resources policies. Because the County did not follow this procedure, and because the property contains significant agricultural and visual resources that have not been protected by the County decision, the appellants contend that the approved land division is inconsistent with the certified LCP.

The full text of the contentions is included as exhibit 6.

## **D. APPEAL PROCESS**

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in

a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments that constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal of a County approval that is inland of the first public road paralleling the sea is that the development does not conform to the standards set forth in the certified local coastal program.

The project approved by the County of San Mateo is appealable to the California Coastal Commission pursuant to Section 30603(a)(4) of the Coastal Act because a land division is development that is not designated as the "principal permitted use" in the Planned Agriculture District (PAD).

**E. PROJECT LOCATION AND SITE DESCRIPTION**

The approved project is located in a rural area approximately 0.75 miles from where Lobitos Creek Road and Tunitas Creek Road intersect in the unincorporated Half Moon Bay area of San Mateo County. The property is zoned Planned Agriculture Development (PAD) and is classified largely as "Lands Suitable for Agriculture." The property is characterized by rolling, grassy hills with a riparian corridor along its southern and eastern boundaries. It is currently used for cattle grazing and has an existing 10 to 12 foot wide dirt and rock roadway that meanders through the property. It is surrounded by agricultural lands with a few houses. The property borders lands owned by the Peninsula Open Space Trust (POST) (Tunitas Creek Ranch) to the east.

**F. PROJECT DESCRIPTION**

The project approved by the County includes the creation of a 32-acre parcel and a 20.01-acre parcel, in conjunction with a Conditional Certificate of Compliance (Type B), and the drilling of three test wells, at 2800 Tunitas Creek Road, Unincorporated Half Moon Bay, San Mateo County. (exhibit 2, 4).

**G. SUBSTANTIAL ISSUE ANALYSIS**

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

The contention raised in the appeal presents potentially valid grounds for appeal in that it alleges the project's inconsistency with policies and zoning code provisions of the certified LCP.

Public Resources Code section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even where the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County presents a substantial issue.

**The Commission finds that the appeal raises a substantial issue with respect to conformance of the approved land division with policies of the San Mateo County certified LCP regarding parcel legalization, agriculture, and visual resources.**

*Appeal Contention No. 1:*

The appellants contend that the land division is inconsistent with LCP/LUP Policy 1.29 because the County did not evaluate the land division for conformance with the standards of review of the Coastal Development District regulations, which require that in order to approve development, the County must find that it is consistent with the LCP. More specifically, the Appellants contend that the County did not evaluate the land division for consistency with specific LCP Policies regarding agriculture and visual resources and it didn't require a PAD permit as required by the PAD regulations.

***Applicable Policies:***

See exhibit 1

***Discussion:***

As detailed below, the Commission finds that the appeals raise a substantial issue regarding conformity of the project approved by the County with the San Mateo County LCP Policies regarding parcel legalization, based on the following:

1. There is insufficient factual and legal support for the local government's decision that the development is consistent the certified LCP
2. The precedential value of the local government's decision is significant for future interpretation of its LCP; and
3. The appeal raises issues of regional and statewide significance.

The County authorized the land division in conjunction with a COC(B). Pursuant to LCP/LUP Policy 1.28, a COC(B) requires a Coastal Development Permit. Pursuant to LCP/LUP Policy 1.29, in order to approve a COC(B) the resulting parcel configuration must be consistent with the standards of review of the Coastal Development District regulations (i.e. all applicable LCP policies). A COC(B) under the Subdivision Map Act is treated as a new land division under the Coastal Act because the parcels are being created for the first time after the effective date of the Coastal Act.

The County did not evaluate the land division for conformance with the standards of review of the Coastal Development District regulations, raising a substantial issue of conformance with LCP Policy 1.28 and 1.29. Therefore, the County did not have sufficient legal and factual support to make the required finding that the resulting parcel configuration would not have any substantial impact on coastal resources, including agriculture and visual resources. Further, the County decision sets a negative precedent for future evaluation of COC(B)s, because the decision was not based on a thorough analysis of LCP policies, which is required. Moreover, this issue raises issues of regional and statewide significance because Certificates of Compliance are issued up and down the coast, and all conditional COCs require CDPs and must be treated as new land divisions. Therefore, the County approval of the COC(B) raises a substantial issue of conformance with the LCP.

***Appeal Contention No. 2 (Agriculture):***

The County approval is inconsistent with Policy LCP/LUP Chapter 5 and the certified Planned Agriculture District (PAD) regulations because it did not evaluate the land division for consistency with the policies contained in these chapters (see Attachment B for full text of these policies).

***Applicable Policies:***

See exhibit 1

***Discussion:***

As detailed below, the Commission finds that the appeals raise a substantial issue regarding conformity of the project approved by the County with the San Mateo County LCP Policies regarding agriculture, based on the following factors:

- There is insufficient factual and legal support for the local government's decision that the development is consistent with the certified LCP
- The significance of the coastal resources affected by the decision;
- The precedential value of the local government's decision is significant for future interpretation of its LCP; and
- The appeal raises issues of regional and statewide significance.

**Insufficient Factual and Legal Support**

Section 6354 of the certified PAD regulations requires the County to issue a PAD permit for all land divisions. Section 6361 of the PAD regulations require that the County make specific findings before approving a land division, and that they be set forth in writing, based on fact, and provide specific reasons why the division meets or fails to meet all applicable requirements of the PAD ordinance. The County did not process a PAD permit for the COC(B) nor did it make these required findings, raising a substantial issue of conformance with Sections 6354 and 6361 of the certified PAD zoning regulations.

As such, the County did not evaluate the project for consistency with the: (1) land division criteria contained in both the LUP and the certified zoning (PAD) regulations; (2) the maximum density of development policies; and (3) the procedural criteria for issuance of a PAD permit, raising a substantial issue of conformance with Section 6355 of the certified zoning regulations, certified LUP Policy 5.9, Section 6356 of zoning, LUP Policies 1.8, 5.11, 5.12, and 5.13, and Section 6361 of zoning. Pursuant to Section 6361(a) of the PAD regulations and LUP Policy 5.14, before any land division [which includes a COC(B)], the applicant must file a Master Land Division Plan 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. Section 6361(c) of the PAD regulations also requires that for parcels of at least 20 acres (before division) the applicant must file an Agricultural Land Management Plan. The County decision documents and staff reports do not indicate that a Master Land Division Plan or an Agricultural Land Management Plan was ever filed and the County documents do not indicate which parcels will be used for agricultural and non-agricultural uses, nor do they indicate if conversions are permitted. Therefore the County decision to approve the COC(B) had insufficient legal and factual support and raises a substantial issue of conformance with Section 6361(a) and LCP/LUP Policy 5.14.

In addition, certified LCP/LUP Policy 5.9 and PAD Section 6355 (b) only allows division of "lands suitable for agriculture" if it can be demonstrated that existing or potential agricultural productivity of any resulting agricultural parcel would not be reduced. The County had little factual and legal evidence to support the required findings described above. The staff reports describe that grazing occurs on the property and that the 32 acre parcel is sufficient in size to

allow some amount of animal grazing. However, the County did not provide evidence to support this statement nor did it analyze whether the second 20-acre parcel is sufficient in size to support grazing. Therefore the County approval raises a substantial issue of conformance with LUP Policy 5.9 and certified PAD Section 6355(b).

LUP Policies 5.14(c), 1.8(b) and (c), and LUP Table 1.3, and PAD Section 6356 describe the required formula for determining density credits on PAD lands. The County did not provide an analysis of this formula in support of its decision to allow the creation of two parcels. It does not provide an analysis for division into 2 lots, however. Because the County presented no factual and legal evidence in support of two parcels (i.e. two density credits), its decision to approve the land division raises a substantial issue of conformance with LUP Policies 5.14(c), 1.8(b) and (c), LUP Table 1.3, and PAD Section 6356. Further complicating this issue is a statement in the January 9, 2009 staff report that the current PAD density credit criteria would not allow a 52-acre parcel to be subdivided into three lots.

LUP Policy 5.16 and PAD Zoning Section 6361(B) requires that as a condition of approval, the applicant shall grant an agricultural easement to the County, that covers all portions of the property to remain in agriculture as specified in the master land division plan. In addition 6361(D) of the PAD zoning regulations requires that for parcels adjacent to agricultural land, an agricultural statement shall be placed on the final map and each parcel deed. The County did not impose either condition on the subject coastal development permit for the approved land division. Thus, the County approval raises a substantial issue of conformance with LUP Policy 5.16 and certified zoning sections 6361(B) and (D).

Significance of coastal resource, precedential value, issue of statewide significance

The agricultural resources impacted by the development approved by the County raise issues of regional and statewide significance and set an important precedent for the local government's decision for future interpretation of its LCP regarding the issuance of conditional COCs and land divisions on PAD lands, the preservation of agricultural uses on agricultural lands, and protection of the agricultural economy in the rural areas of the San Mateo coast. The protection of coastal agriculture is one of the fundamental purposes of the California Coastal Act, as embodied in Coastal Act sections 30241, 30241.5, and 30242, and as further reflected in the policies and ordinances of the San Mateo County LCP cited above. Therefore, the County approval raises a substantial issue of conformance with the LCP.

***Appeal Contention No. 3 (Visual Resources)***

The Appellants contend that the approved land division is inconsistent with LCP visual resource protection findings because the County did not make specific findings on the configuration of the two parcels, and whether future development on the parcels could occur in full conformance with the visual resource policies, particularly the standards applicable to the creation of new parcels specifically identified in Policies 8.7(c) and 8.5(b).

***Applicable Policies***

See exhibit 1

### *Discussion*

As detailed below, the Commission finds that the appeals raise a substantial issue regarding conformity of the project approved by the County with the San Mateo County LCP Policies regarding visual resources based on the following factors:

- There is insufficient factual and legal support for the local government's decision that the development is consistent with the certified LCP
- The significance of the coastal resources affected by the decision;
- The precedential value of the local government's decision is significant for future interpretation of its LCP; and
- The appeal raises issues of regional and statewide significance.

#### Insufficient Factual and Legal Support/Significance of coastal resource

LCP/LUP Policy 8.5 requires development to be located on the portion of the parcel that is least visible from State and County scenic roads, is least likely to significantly impact views from public viewpoints, and best preserves the visual and open space characters of the parcel overall. LCP/LUP Policy 8.5 also requires that new parcels have building sites that minimize visibility from scenic roads and other public viewpoints. In addition, LUP/LCP Policy 8.7 prohibits development on skylines and ridgelines and prohibits the creation of new parcels which have no developable building site other than a skyline or ridgeline. The County findings do not contain an analysis of the land division location or configuration.

The subject property is visible from Tunitas Creek Road, which is a designated scenic County road. It is also located adjacent to and visible from Tunitas Creek Ranch, which is owned and protected by the Peninsula Open Space Trust (POST). The significance of these two coastal resources is high due to their highly scenic values and their accessibility to the public. In this case the "development" in question is the land division of the subject property adjacent to these areas. The County approved the land division as submitted, with no apparent discussion of whether there is a need to re-locate the land division (i.e. reconfigure the parcels) to conform with the policy 8.5, to ensure that future development of these parcels would not significantly impact public views and to best preserve the visual and open space characters of the parcel. The County approval documents also do not discuss whether there are skylines and ridgelines on the property and whether future development of the resulting parcels would be able to avoid skylines and ridgelines. Lastly, LUP/LCP Policy 8.31 requires that the policies of the Scenic Road Element of the County General Plan and Section 6325.1 (Primary Scenic Resources Areas Criteria) be applied to proposed development as specific regulations protecting scenic corridors in the Coastal Zone. The County did not apply these policies to the subject development when making its decision to approve the land division.

As evidenced above, because the County had insufficient factual and legal support for its decision and the areas potentially affected by this decision are significant coastal resources, the County approval raises a substantial issue of conformance with the LCP/LUP Policies 8.5, 8.7, and 8.31.

### Precedential value and statewide significance

The potential impacts to visual resources raised by the County approval of the land division raises issues of regional and statewide significance and set an important precedent for the local government's decision for future interpretation of its LCP regarding the issuance of conditional COCs and land divisions on rural lands and the preservation of scenic resources. Visual resource protection is a key aspect the California Coastal Act, as embodied in Coastal Act sections 30251. Therefore, the County approval raises a substantial issue of conformance with the LCP.

## **H. INFORMATION NEEDED FOR *DE NOVO* REVIEW OF APPLICATION**

As stated above, Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which an appeal has been filed. Section 30621 of the Coastal Act instructs the Commission to provide for a *de novo* hearing on all appeals where it has determined that a substantial issue exists with respect to the grounds on which an appeal has been filed. If the Commission finds substantial issue as recommended above, staff also recommends that the Commission continue the *de novo* hearing to a subsequent date. The *de novo* portion of the appeal must be continued because the Commission does not have sufficient information to determine what, if any, development can be approved, consistent with the certified LCP.

Given that the project the Commission will be considering *de novo* has come to the Commission after an appeal of a local government action, the Commission has not previously been in the position to request information from the applicant needed to determine if the project can be found to be consistent with the certified LCP. The Commission notes that to date the Commission has not received the local record from the County. While it is possible that the local record may contain evidence that goes to issues raised by the County's approval, the County's findings did not analyze such evidence. Informational items needed to evaluate the development include the following:

### 1. Agricultural and Land Division Plans

- a. Pursuant to Section 6361(A), a Master Land Division Plan 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. Division for non-agricultural parcels shall be as small as practicable, not to exceed 5 acres when used for residential purposes, and shall ensure that minimum domestic well water and on-site sewage disposal area requirements are met.
- b. Pursuant to 6361(C), an agricultural land management plan demonstrating how, if applicable, 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. Pursuant to Section 6355(E), this shall include an analysis of existing or potential agricultural productivity of each resulting agricultural parcel, and whether this productivity would be reduced.

- c. Pursuant to Section 6356, an analysis of potentially allowable density credits on the subject property
- d. Pursuant to Section 6355, factual evidence which demonstrates that the proposed land division will result in uses which are consistent with the purpose of the Planned Agricultural District, as set forth in Section 6350.
- e. Pursuant to Section 6355(B): (1) for each parcel proposed to be legalized in accordance with Local Coastal Program Policy 1.29, demonstration of a safe and adequate well water source located on that parcel; (2) evidence that adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished; and (3) demonstration that all proposed non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.

## 2. Visual and Scenic Resources Evaluation

Pursuant to LCP/LUP Policy 8.5(b), an analysis of potential building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, an analysis of building sites that minimize visibility from those roads and other public viewpoints. Pursuant to LCP/LUP Policies 8.6 and 8.7, the visual resources analysis shall also include an inventory of streams, wetlands, skylines and ridgelines on the property and the proximity of building sites to these areas. The analysis shall include graphic visual simulations and maps and erection of story poles on potential building sites, if deemed necessary by Commission staff.

## 3. Biological Resources Assessment

Sufficient information to evaluate the proposed land division, as well as any potential future development that would be accommodated it, for potential impacts to sensitive habitats as defined by LUP/LCP Policy 7.1. The information provided should include site-specific analyses conducted by a qualified biologist of potential project impacts to each of the special status species and natural communities identified in the California Department of Fish and Game Natural Diversity Database search, as well as identification of wetlands and riparian areas on the property.

Without additional information, including the above, the Commission cannot reach a final determination concerning the consistency of the project with the policies of the LCP. Therefore, before the Commission can act on the proposed project *de novo*, the applicant must submit all of the above-identified information.

## Applicable LCP Policies

### **LCP/LUP Chapter 1-Locating and Planning New Development**

#### **\*1.28 Legalizing Parcels**

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

#### **\*1.29 Coastal Development Permit Standards of Review for Legalizing Parcels**

*Require Coastal Development Permits to legalize parcels. Where applicable, condition permits to meet the following standards. (Permit applications shall be considered as “conditional uses” for the purposes of review.)*

*a. On developed illegal parcels created before Proposition 20 (effective date*

*January 1, 1973) on lands located within 1,000 yards of the mean high tide line, or the Coastal Act of 1976 (effective date January 1, 1977), on lands shown on the official maps adopted by the Legislature, which received all required building permits or government approvals for development, a*

*Coastal Development Permit to legalize the parcel shall be issued without conditions.*

*b. On developed illegal parcels created before Proposition 20, on lands within*

*1,000 yards of the mean high tide line, or the Coastal Act of 1976, on lands shown on the official maps adopted by the Legislature, which received a coastal permit for the development, a coastal permit to legalize the parcel shall be issued without conditions.*

*c. On illegal parcels created and developed after Proposition 20, on lands located within 1,000 yards of the mean high tide line, or the Coastal Act of 1976, on lands shown on the official maps adopted by the Legislature, a Coastal Development Permit shall be issued if the development and parcel configuration do not have any substantial adverse impact on coastal resources, in conformance with the standards of the Coastal Development District regulations. Permits to legalize this type of development and parcel shall be conditioned to maximize consistency with Local Coastal Program resource protection policies.*

## Applicable LCP Policies

*d. On undeveloped parcels created before Proposition 20, on lands located within 1,000 yards of the mean high tide line, or the Coastal Act of 1976, on lands shown on the official maps adopted by the Legislature, a coastal permit shall be issued to legalize the parcel if the parcel configuration will not have any substantial adverse impacts on coastal resources, in conformance with the standards of review of the Coastal Development District regulations. Permits to legalize this type of parcel shall be conditioned to maximize consistency with Local Coastal Program resource protection policies. A separate Coastal Development Permit, subject to all applicable Local Coastal Program requirements, shall be required for any development of the parcel.*

*e. On undeveloped illegal parcels created after Proposition 20, on lands located within 1,000 yards of the mean high tide line, or the Coastal Act of 1976, on lands shown on the official maps adopted by the Legislature, a Coastal Development Permit is necessary to legalize the parcel. A permit may be issued only if the land division is in conformance with the standards of the Coastal Development District regulations.*

### *\*1.8 Land Uses and Development Densities in Rural Areas*

*a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.*

*b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses up to the densities specified in Tables 1.2 and 1.3.*

*c. (1) Require Density Credits for Non-Agricultural Uses  
Require density credits for all new or expanded non-agricultural land uses in rural areas, including all residential uses, except affordable housing (to the extent provided in Local Coastal Program Policy 3.23) and farm labor housing, as defined in Local Coastal Program Policy 3.28, mining in accordance with General Plan Policies 3.11 and 3.12, and solid waste facilities under the policies in General Plan Chapter 13. The existence and number of density credits on a parcel shall be determined by applying Table 1.3. Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this policy for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program...*

## Applicable LCP Policies

### **\*TABLE 1.3 MAXIMUM DENSITY CREDITS**

*In the rural areas of the Coastal Zone which are zoned Planned Agricultural District, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, determine the maximum number of density credits to which any legal parcel is entitled by using the method of calculation shown below, and further defined by the Planned Agriculture, Resource Management/Coastal Zone, and Timberland Preserve/Coastal Zone Zoning District regulations. All legal parcels shall accumulate at least one density credit. Except as provided in Policy 5.11, the sum of the density credits on parcels created by a land division shall not exceed the total credits on the original parcels or parcels divided.*

#### *A. Prime Agricultural Lands*

*One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Policy 5.1 (i.e., the number of acres of Prime Agricultural Land divided by 160).*

#### *B. Lands With Landslide Susceptibility*

*One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).*

#### *C. Land With Slope 50% or Greater*

*One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).*

#### *D. Remote Lands*

*One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).*

#### *E. Land With Slope 30% But Less Than 50%*

*One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).*

#### *F. Land Within Rift Zones or Active Faults*

*One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by*

## Applicable LCP Policies

*the U.S. Geological Survey and mapped on USGS Map MF 355, "Active Faults, Probably Active Faults, and Associated Fracture Zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).*

### *G. Lands Within 100-Year Floodplain*

*One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).*

### *H. Land With Slope 15% But Less Than 30%*

*One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).*

### *I. Land Within Agricultural Preserves or Exclusive Agricultural Districts*

*One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).*

### *J. All Other Lands*

*One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).*

### *K. Bonus Density Credit for New Water Storage Capacity*

*One bonus density credit shall be allowed for each 24.5 acre feet of new water storage capacity demonstrated to be needed and developed for agricultural cultivation or livestock. Water from this storage may be used only for agricultural purposes. These bonus credits may be used on site or transferred to another parcel. However, none of the credits may be used on prime agricultural lands or in scenic corridors. Use of the credits shall be subject to Planning Commission approval in accordance with the provisions of this and other County ordinances.*

*If the same portion of a parcel is covered by two or more of the subsections A. through J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.*

## Applicable LCP Policies

### LCP/LUP Chapter 5-Agriculture Component

#### \*5.1 Definition of Prime Agricultural Lands

*Define prime agricultural lands as:*

- a. All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.*
  - b. All land which qualifies for rating 80-100 in the Storie Index Rating.*
  - c. Land which supports livestock 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 U.S. Department of Agriculture.*
  - d. 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 normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than \$200 per acre.*
  - e. Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than \$200 per acre within three of the five previous years.*
- The \$200 per acre amount in subsections d. and e. shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.*

#### \*5.3 Definition of Lands Suitable for Agriculture

*Define other lands suitable for agriculture as lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.*

#### \*5.7 Division of Prime Agricultural Land Designated as Agriculture

- a. Prohibit the division of parcels consisting entirely of prime agricultural land.*
- b. Prohibit the division of prime agricultural land within a parcel, unless it can be demonstrated that existing or potential agricultural productivity would not be reduced.*
- c. Prohibit the creation of new parcels whose only building site would be on prime agricultural land. [emphasis added]*

#### \*5.9 Division of Land Suitable for Agriculture Designated as Agriculture

## Applicable LCP Policies

*Prohibit the division of lands suitable for agriculture unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be reduced. [emphasis added]*

### \*5.11 Maximum Density of Development Per Parcel

*a. Limit non-agricultural development densities to those permitted in rural areas of the Coastal Zone under the Locating and Planning New Development Component.*

*b. Further, limit non-agricultural development densities to that amount which can be accommodated without adversely affecting the viability of agriculture.*

### \*5.12 Minimum Parcel Size for Agricultural Parcels

*Determine minimum parcel sizes on a case-by-case basis to ensure maximum existing or potential agricultural productivity.*

### \*5.13 Minimum Parcel Size for Non-Agricultural Parcels

*a. Determine minimum parcel size on a case-by-case basis to ensure that domestic well water and on-site sewage disposal requirements are met.*

*b. Make all non-agricultural parcels as small as practicable (residential parcels may not exceed 5 acres) and cluster them in one or as few clusters as possible.*

### \*5.14 Master Land Division Plan

*a. In rural areas designated as Agriculture on the Local Coastal Program Land Use Plan Maps on March 25, 1986, require the filing of a Master Land Division Plan before the division of any parcel. The plan must demonstrate: (1) how the parcel will be ultimately divided, in accordance with permitted maximum density of development, and (2) which parcels will be used for agricultural and non-agricultural uses, if conversions to those uses are permitted. Division may occur in phases. All phased divisions must conform to the Master Land Division Plan.*

*b. Exempt land divisions which solely provide affordable housing, as defined in Policy 3.7 on March 25, 1986, from the requirements in a.*

*c. Limit the number of parcels created by a division to the number of density credits to which the parcel divided is entitled, prior to division, under Table 1.3 and Policy 5.11d. and e., except as authorized by Policy 3.27 on March 25, 1986.*

### \*5.15 Mitigation of Land Use Conflicts

## Applicable LCP Policies

a. *When a parcel on or adjacent to prime agricultural land or other land suitable for agriculture is subdivided for non-agricultural uses, require that the following statement be included, as a condition of approval, on all parcel and final maps and in each parcel deed:*

*“This subdivision is adjacent to property utilized for agricultural purposes. Residents of the subdivision may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers, and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting, which occasionally generate dust, smoke, noise, and odor. San Mateo County has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.”*

b. *Require the clustering of all non-agricultural development in locations most protective of existing or potential agricultural uses.*

c. *Require that clearly defined buffer areas be provided between agricultural and non-agricultural uses.*

d. *Require public agencies owning land next to agricultural operations to mitigate rodent, weed, insect, and disease infestation, if these problems have been identified by the County’s Agricultural Commissioner.*

### \*5.16 Easements on Agricultural Parcels

*As a condition of approval of a Master Land Division Plan, require the applicant to grant to the County (and the County to accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture, and farm labor housing. The easement shall specify that, anytime after three (3) years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to Open Space. Uses consistent with the definition of open space shall mean those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site’s natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with*

## Applicable LCP Policies

*the policies of the Local Coastal Program), or significant alterations to natural landforms.*

### 5.21 Water Supply

*Establish strategies for increasing agricultural water supplies without endangering sensitive habitats.*

### \*5.22 Protection of Agricultural Water Supplies

*Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:*

*a. The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria: (1) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with LCP Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than four (4) new parcels.*

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

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

## **LCP/LUP Chapter 8 – Visual Resources Component**

### 8.5 Location of Development

*a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5.*

*Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches.*

## Applicable LCP Policies

*This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater. This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.*

*b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.*

### *\*8.7 Development on Skylines and Ridgelines*

- a. Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel...*
- c. Prohibit the creation of new parcels which have no developable building site other than on a skyline or ridgeline.*

### *8.30 Designation of County Scenic Roads and Corridors*

- a. Expand existing County Scenic Corridors to include the visual limits of the landscape abutting the scenic road.*
- b. Designate County Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway north of Half Moon Bay city limits (State Route 1), Half Moon Bay Road (State Route 92), La Honda Road (State Route 84), Higgins-Purisima Road, Tunitas Creek Road, Pescadero Road, Stage Road, Cloverdale Road, and Gazos Creek Road (Coast Highway to Cloverdale Road).*

### *8.31 Regulation of Scenic Corridors in Rural Areas*

- a. Apply the policies of the Scenic Road Element of the County General Plan.*
- b. Apply Section 6325.1 (Primary Scenic Resources Areas Criteria) of the Resource Management (RM) Zoning District as specific regulations protecting scenic corridors in the Coastal Zone.*
- c. Apply the Rural Design Policies of the LCP.*
- d. Apply the Policies for Landforms and Vegetative Forms of the LCP.*

## Applicable LCP Policies

- e. Require a minimum setback of 100 feet from the right-of-way line, and greater where possible; however, permit a 50-foot setback when sufficient screening is provided to shield the structure from public view.*
- f. Continue applying special regulations for the Skyline Boulevard and Cabrillo Highway State Scenic Corridors.*
- g. Enforce specific regulations of the Timber Harvest Ordinance which prohibits the removal of more than 50% of timber volume in scenic corridors.*

### **Certified Zoning Regulations - Planned Agricultural District**

#### **SECTION 6354. LAND DIVISIONS.**

*All land divisions permitted in the PAD are subject to the issuance of a Planned Agricultural Permit.*

#### **SECTION 6355. SUBSTANTIVE CRITERIA FOR ISSUANCE OF A PLANNED AGRICULTURAL PERMIT.**

*It shall be the responsibility of an applicant for a Planned Agricultural Permit to provide factual evidence which demonstrates that any proposed land division or conversion of land from an agricultural use will result in uses which are consistent with the purpose of the Planned Agricultural District, as set forth in Section 6350. In addition, each application for a division or conversion of land shall be approved only if found consistent with the following criteria:...*

##### *B. Water Supply Criteria*

- 1. The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses according to the following criteria: (a) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (b) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (1) on that parcel, or (2) on the larger property that was subdivided to create the new parcel, provided that a single well water source may not serve more than four (4) new parcels.*
- 2. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.*
- 3. All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.*

##### *C. Criteria for the Division of Prime Agricultural Land*

## Applicable LCP Policies

1. *Prime Agricultural Land which covers an entire parcel shall not be divided.*
2. *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.*
3. *Prime Agricultural Land within a parcel will not be divided when the only building site would be on such Prime Agricultural Land...*

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

*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.*

## **SECTION 6356. MAXIMUM DENSITY OF DEVELOPMENT.**

*In the Planned Agricultural District, for purposes of determining the maximum total number of density credits accumulated on any parcel, the following system shall be used:*

*The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.*

*The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of density credits allowed is equal to or greater than .5, the total number of density credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.*

*Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program.*

### *Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses.*

*For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for each 315 gallons, or fraction thereof, of average daily*

## Applicable LCP Policies

*water use during the two months of highest water use in a year. This requirement applies to water use by or resulting from the nonagricultural use, including landscaping, swimming pools and all other appurtenant uses.*

### Residential Uses

*For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).*

### Non-Agricultural Uses Except Visitor-Serving Uses

*For non-agricultural uses, except visitor-serving uses, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."*

### Amount of Development Allowed for Visitor-Serving, Commercial Recreation, and Public Recreation Uses

*For new or expanded visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. One additional density credit shall be required for each 630 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year.*

*This requirement applies to water use by or resulting from the visitor-serving use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.*

*For visitor-serving, commercial recreation, and public recreation uses listed in Table 1.5, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:*

#### First Density Credit

*For one density credit or the first density credit when multiple density credits are available, either 1 1/2 times the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures," or the amount stated in that column and a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator.*

#### Additional Density Credits

*For each additional density credit, the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."*

## Applicable LCP Policies

*For the purpose of this provision, “visitor-serving, commercial recreation, and public recreation uses” shall be only those lands and facilities listed in LCP Policies 11.1, 11.2 and 11.3, and only if those lands and facilities specifically enhance public opportunities for coastal recreation.*

*As an interim limit, no more than 600 visitor-serving lodging units may be approved in the rural Coastal Zone, as specified by LCP Policy 1.23.*

*The provisions of this section will not apply to agriculture, farm labor housing, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or affordable housing to the extent authorized in Policy 3.23 of the Local Coastal Program on March 25, 1986, or other structures considered to be accessory to agriculture under the same ownership.*

### *A. Prime Agricultural Lands*

*One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).*

### *B. Lands With Landslide Susceptibility*

*One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, “Landslide Susceptibility in San Mateo County” or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).*

### *C. Land With Slope 50% or Greater*

*One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).*

### *D. Remote Lands*

*One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).*

### *E. Land With Slope 30% But Less Than 50%*

*One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).*

### *F. Land Within Rift Zones or Active Faults*

*One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, “Active faults, probably active faults, and associated fracture zones in San Mateo County,” or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).*

### *G. Lands Within Flood Hazard Areas*

## Applicable LCP Policies

*One density credit per 60 acres for that portion of a parcel falling within a 100- year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).*

### *H. Land With Slope 15% But Less Than 30%*

*One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).*

### *I. Land Within Agricultural Preserves or Exclusive Agricultural Districts*

*One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).*

### *J. All Other Lands*

*One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40). If the same portion of a parcel is covered by two or more of the subsections A. and J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.*

## **SECTION 6361. PROCEDURAL CRITERIA FOR ISSUANCE OF A PLANNED AGRICULTURAL PERMIT.**

### *A. Master Land Division Plan*

*Before any division of land, the applicant shall file a Master Land Division Plan 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. Division for non-agricultural parcels shall be as small as practicable, not to exceed 5 acres when used for residential purposes, and shall ensure that minimum domestic well water and on-site sewage disposal area requirements are met. Division shall be permitted in phases, and all future divisions occurring on land for which a plan has been filed must conform to that plan. Master Land Division Plans shall not be required for land divisions which solely provide affordable housing, as defined by LCP Policy 3.7 on March 25, 1986.*

### *B. Easements on Agricultural Parcels*

*After a Master Land Division Plan has been filed, and as a condition of approval thereof, the applicant shall grant to the County (and the County shall accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered*

## Applicable LCP Policies

*accessory to agriculture (as defined in Section 6352C and D of this ordinance) and farm labor housing. The covenant shall specify that, anytime after three years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon the finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to open space. Uses consistent with the definition of Open Space shall mean all those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site's natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to the natural landforms.*

### *C. Agricultural Land Management Plan*

*For parcels 20 acres or more in size before division or conversion, the applicant shall file an agricultural land management plan demonstrating how, if applicable, the agricultural productivity of the land will be fostered and preserved in accordance with the requirements of Sections 6350 and 6355 of this ordinance.*

### *D. Map and Deed Notice*

*When a parcel on or adjacent to agricultural land is subdivided, the following statement shall be included as a condition of approval on all parcel and final maps and in each parcel deed.*

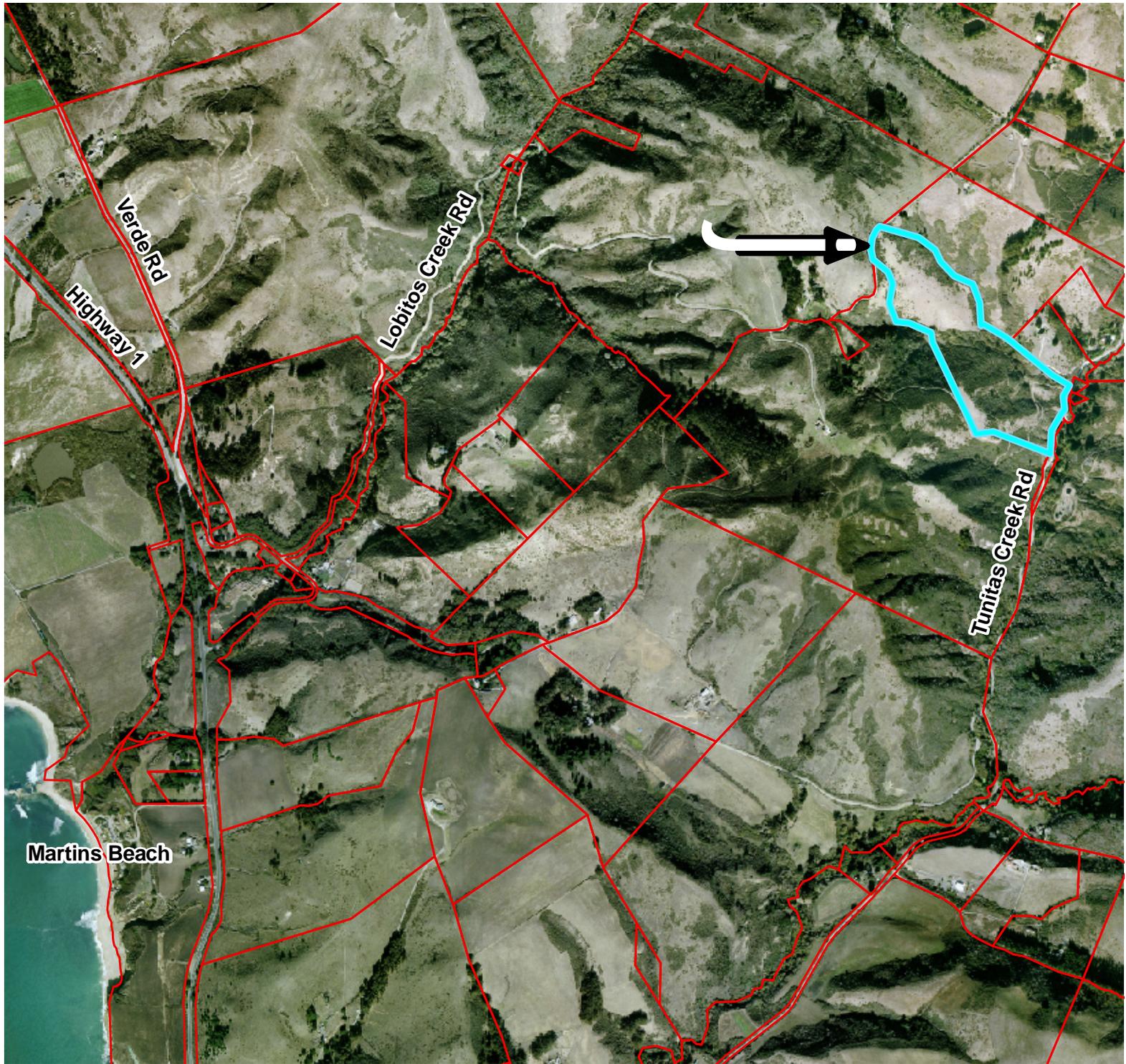
*"This subdivision is adjacent to property utilized for agricultural purposes, and residents of the subdivision may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers; and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting, which occasionally generate dust, smoke, noise and odor. San Mateo County has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations."*

### *E. Findings*

*The County shall make findings with respect to each application for division or conversion of lands in the Planned Agricultural District. Such findings shall be in writing, based on fact, and shall set forth specific*

## **Applicable LCP Policies**

*reasons why proposed division or conversion meets or fails to meet all applicable requirements of this ordinance.*



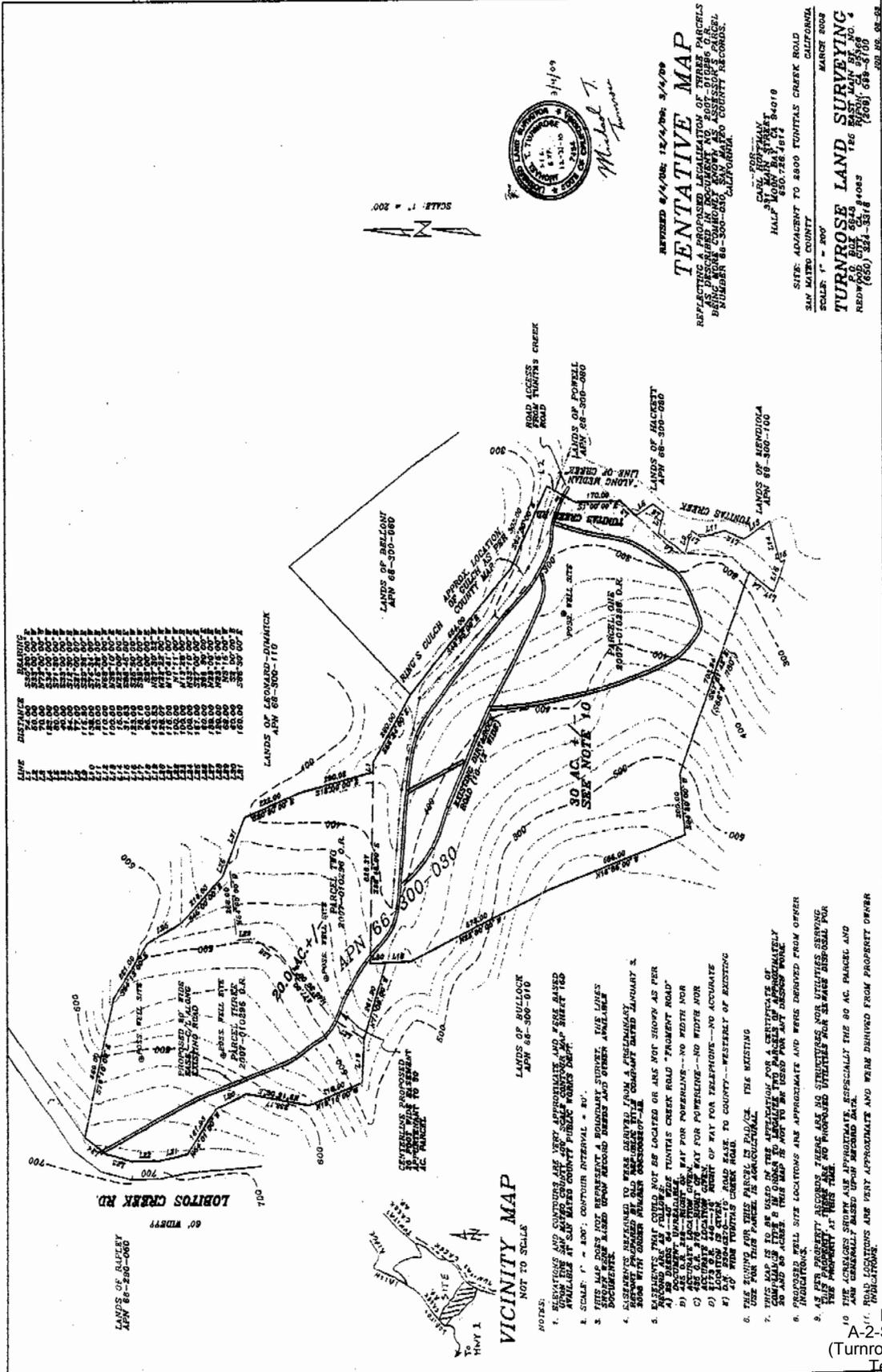
Martins Beach

Verde Rd

Highway 1

Lobitos Creek Rd

Tunitas Creek Rd



**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260 FAX (415) 904-5400  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**NOTIFICATION OF APPEAL PERIOD**

DATE: April 8, 2009  
TO: Angela Chavez, Project Planner  
County of San Mateo, Building & Planning  
455 County Center  
Redwood City, CA 94063  
FROM: Ruby Pap, District Supervisor *RP*  
RE: **Application No. 2-SMC-08-038**

Please be advised that on April 7, 2009 our office received notice of local action on the coastal development permit described below:

Local Permit #: PLN2008-00098  
Applicant(s): Carl Hoffman; Michael Turnrose  
Description: Conditional Certificate of Compliance (Type B) & Coastal Development Permit to allow three test wells in association with the legalization of a 32-acre parcel and a 20.01 acre parcel adjacent to 2800 Tunitas Creek, in the unincorporated Half Moon Bay area of San Mateo County.  
Location: 2800 Tunitas Creek, Half Moon Bay (San Mateo County) (APN(s) 066-300-30)

Unless an appeal is filed with the Coastal Commission, the action will become final at the end of the Commission appeal period. The appeal period will end at 5:00 PM on April 21, 2009.

Our office will notify you if an appeal is filed.

If you have any questions, please contact me at the address and telephone number shown above.

cc: Carl Hoffman  
Michael Turnrose



# San Mateo County

**Planning and Building Department** ■ 455 County Center ■ Redwood City  
California 94063 ■ Planning: 650/363-4161 ■ Building: 650/599-7311 ■ Fax: 650/363-4849

April 6, 2009

*L-SMC-08-038*

**NOTICE OF FINAL LOCAL DECISION**  
Pursuant to Section 6328.11.1(f) of the San Mateo County Zoning Regulations

**RECEIVED**

APR 07 2009

CALIFORNIA  
COASTAL COMMISSION

**CERTIFIED MAIL**

California Coastal Commission  
Nr. Central Coast District Office  
Attn: Ruby Pap Coastal Planner  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

**County File No. : PLN2008-00098**

Applicant Name: MICHAEL TURNROSE  
Owner Name: CARL HOFFMAN

The above listed Coastal Development Permit was conditionally approved by the County of San Mateo on **March 19, 2009**. The County appeal period ended on **April 2, 2009**. Local review is now complete.

This permit IS appealable to the California Coastal Commission; please initiate the California Coastal Commission appeal period.

If you have any questions about this project, please contact ANGELA CHAVEZ at (650) 363-4161.

ANGELA CHAVEZ

Project Planner



County of San Mateo

## Planning & Building Department

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

Mail Drop PLN122  
plngbldg@co.sanmateo.ca.us  
www.co.sanmateo.ca.us/planning

**Please reply to: Angela Chavez  
650/599-7217**

March 19, 2009

Mike Turnrose  
125 East Main Street #4  
Ripon, CA 95366

**Subject: PLN 2008-00098**  
**Location: Tunitas Creek Road, Unincorporated Half Moon Bay**  
**APN: 066-300-030**

On March 19, 2009 the Zoning Hearing Officer considered your request for a Coastal Development Permit, a Conditional Certificate of Compliance (Type-B) pursuant to Section 6328.4 of the County Zoning Regulations and Section 7134 of the County Subdivision Regulations, and certification of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA), to allow three test wells in association with the legalization of a 32-acre parcel and a 20.01-acre parcel adjacent to 2800 Tunitas Creek Road, in the unincorporated Half Moon Bay area of San Mateo County. This item was continued from the February 5, 2009 Zoning Hearing Officer Meeting and the project description has been revised to reduce the number of parcels to be legalized from three to two. This project is appealable to the California Coastal Commission.

The Zoning Hearing Officer made the findings and approved this project subject to the conditions of approval as attached.

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) working days from such date of determination. The appeal period for this project will end on **April 2, 2009 at 5:00 p.m.**

This approval is appealable to the California Coastal Commission. Any aggrieved party who has exhausted their local appeals may appeal this decision to the California Coastal Commission within ten (10) working days following the Coastal Commission's receipt of the County's final decision. Please contact the Coastal Commission's North Central Coast District Office at 415/904-5260 for further information concerning the Commission's appeal process.

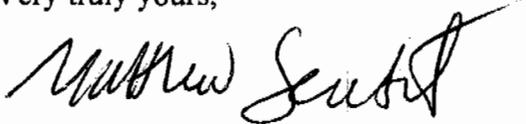
March 19, 2009  
Michael Turnrose  
Page 2

The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

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If you have any questions concerning this item, please contact the Project Planner above.

Very truly yours,



Matthew Seubert  
Zoning Hearing Officer  
Zhd0319T\_4\_draft

cc: Public Works Department  
Building Inspection Section  
Assessor's Office  
Cal-Fire  
Carl Hoffman  
Kerry Burke  
Lennie Roberts

County of San Mateo  
Planning and Building Department

**FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2008-00098

Hearing Date: March 19, 2009

Prepared By: Angela Chavez

Adopted By: Zoning Hearing Officer

**FINDINGS**

Regarding the Mitigated Negative Declaration, Found:

1. That the Zoning Hearing Officer does hereby find that this Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
2. That the Mitigated Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines.
3. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project will have a significant effect on the environment.
4. That the mitigation measures in the Mitigated Negative Declaration, and agreed to by the owner and placed as conditions on the project, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code, Section 21081.6.

For the Conditional Certificate of Compliance (Type B), Found:

5. That the processing of the Conditional Certificate of Compliance (Type B) is in full conformance with the Illegal Parcel Policies approved by the County Board of Supervisors on May 14, 1985. The parcels do meet the minimum parcel size requirements for the zoning requirements in effect at the time of the division.
6. That the processing of the Conditional Certificate of Compliance (Type B) is in full conformance with Government Code, Section 66499 et. seq.

For the Coastal Development Permit, Found:

7. That the project, as described in the application and accompanying materials required by Zoning Regulations, Section 6328.7, and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as all application materials and requirements have been submitted and been determined to be adequate, and that the project does not pose an impact to the sensitive habitats or scenic resources of the properties.
8. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program, specifically Policy 1.28, which requires the issuance of a Coastal Development Permit since the parcels in question were illegally created without benefit of government review and approval prior to 1973.

CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal and documents described in this report, submitted to and approved by the Zoning Hearing Officer on March 19, 2009.
2. The subject Certificate of Compliance (Type B) shall be recorded prior to the issuance of any building permits for any future development.
3. Prior to the recordation of the parcel map, the applicant shall submit proof of a water supply (well). A maximum of one production well per parcel, for an overall total of two, will be allowed at the time of recordation of the parcel map.
4. Within five (5) days of the Zoning Hearing Officer's Decision, the applicant shall submit the outstanding Planning Department fees for preparation of the Mitigated Negative Declaration. The applicant shall pay to the San Mateo County Planning and Building Department an amount of \$2,345.70.
5. Within four (4) days of the final approval appeal period, the applicant shall coordinate with the project planner to record a notice of determination with the County Recorder. The Department of Fish and Game has determined that this project is not exempt from Department of Fish and Game California Environmental Quality Act filing fees per the Fish and Game Code, Section 711.4. The applicant shall pay to the San Mateo County Recorder's Office an amount of \$2,043.00 at the time of recording of the Notice of Determination.
6. The applicant is hereby informed that any development on these parcels in the future would be subject to compliance with the regulations of the County Local Coastal Program. Local Coastal Program policies include, but are not limited to, the protection of prime agricultural soil, the protection of

existing and potential agriculture, the protection of public views of the property, and the protection of the sensitive habitat.

7. Prior to recordation of the final map the applicant shall submit a legal description for the required access easement serving Parcel 2 for review and approval by both the Department of Public Works and the Planning Department. Upon approval the applicant shall concurrently record with the final map the access easement as a separate notice of intent to provide the required legal access.
8. The applicant shall prepare and implement an erosion and sediment control plan for the purpose of well drilling. All erosion control devices shall be installed on-site prior to any well drilling activities. The erosion control plan shall clearly delineate the types of measures to be used, the location of where the measures will be placed, as well as a sectional drawing showing how the measures will be installed.

No vegetation removal beyond that necessary to access the proposed sites and drill the well is allowed. Any vegetation removal shall be reseeded with native plant species. If land clearing exceeds 5,000 sq. ft., the applicant shall obtain a permit from the Planning Department prior to vegetation removal.

9. The applicant shall submit a dust control plan to the Planning Department for review and approval prior to the any well drilling. The approved plan shall be implemented for the duration of any well drilling activities that generate dust and other airborne particles. The plan shall include the following control measures:
  - a. Water all active construction areas at least twice daily.
  - b. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
  - c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
  - d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.
  - e. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
  - f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
  - g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - h. Limit traffic speeds on unpaved roads within the project parcels to 15 mph.

- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in disturbed areas as quickly as possible.
10. All well drilling activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.
11. For any future planning and building permits, and prior to building permit issuance, the project sponsor shall incorporate, via a note on the first page of the construction plans, that should cultural resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines, Section 15064.5(e). The note on the plans shall be subject to review and approval of the Planning Department.

Department of Public Works

12. The applicant shall submit a parcel map to the Department of Public Works for review and recordation.

Geotechnical Section

13. A geotechnical study will be required for any grading and/or future building on these parcels.

Environmental Health Department

14. Prior to any well drilling, the applicant shall submit Environmental Health applications for each of the three test wells. Each well will require an application, payment of fees, and a permit prior to the construction.

2-SMC-08-038

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

**R E C E I V E D**

DATE: March 19, 2009

MAR 13 2009

**TO:** Zoning Hearing Officer

CALIFORNIA  
COASTAL COMMISSION

**FROM:** Angela Chavez, Project Planner; Telephone: 650/599-7217

**SUBJECT:** STAFF REPORT ADDENDUM: Consideration of a Coastal Development Permit, a Conditional Certificate of Compliance (Type-B), pursuant to Section 6328.4 of the County Zoning Regulations, and Section 7134 of the County Subdivision Regulations, and certification of a Mitigated Negative Declaration to allow three test wells in association with the legalization of a 32-acre parcel and a 20.01-acre parcel adjacent to 2800 Tunitas Creek, in the unincorporated Half Moon Bay area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2008-00098 (Turnrose/Hoffman)

**RECOMMENDATION**

That the Zoning Hearing Officer certify the Mitigated Negative Declaration and approve the Conditional Certificates of Compliance (Type-B) and the Coastal Development Permit, County File Number PLN 2008-00098, by making the required findings and adopting the conditions of approval contained in Attachment A.

**DISCUSSION**

Consideration of this item took place at the February 5, 2009 Zoning Hearing Officer (ZHO) meeting at which the ZHO decided to take the item under advisement as certain information relating to the parcel history was not available at the hearing. On February 13, 2009 the ZHO continued the item to a date uncertain to allow staff along with County Counsel the opportunity to more fully analyze the parcel history. Further review by County Counsel determined that the 7.71-acre and 12.3-acre parcels were created by deed in 1951 and were conveyed jointly. Therefore, County Counsel found that there was no land division between the two parcels in the 1951 deed because the two parcels, though separately described, are contiguous and were conveyed together by one grantor to one grantee. In regard to the 32-acre parcel, a question to its legality was then raised because at the time of creation of the 7.71-acre and 12.3-acre parcels, they were conveyed to the same owner of the adjacent 32-acre parcel (which is also seeking a Certificate of Compliance) and the question was raised whether conveyance to the same owner constituted a merger of the subject parcels. County Counsel found that this is not the case and that the 32-acre parcel remained eligible for a Certificate of Compliance. As a result of the

clarifications provided by County Counsel, the project description has been revised to reflect a reduction in the number of parcels under consideration as part of this project from three to two.

While, the project description has been revised, the reduction in the number of parcels does not affect any of the findings that were made in the original January 8, 2009 staff report or in subsequent addendums. In 1950 and 1951, when the parcels were created, they were zoned A-1/B-5 and this designation expressed no specific performance standards aside from a minimum parcel size of 1- to 5-acres, the requirement of available water, and ability for the subject parcels to support a septic system. At 20.01- and 32-acres, the parcels meet the minimum parcel size requirement and there is no reason to believe that either parcel would not be able to support a septic system. Finally, the subject Certificates of Compliance are conditional on each of the respective parcels ability to provide sufficient water (as determined by the County's Environmental Health Division). As the ZHO's last action was to continue the subject project to a date uncertain, staff has republished the corrected notification in the local newspaper and resent a hearing notice to property owners within a 300-foot radius of the subject property.

### **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Revised Parcel Map

AC:pac – ACCT0193\_WPU.DOC

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2008-00098

Hearing Date: March 19, 2009

Prepared By: Angela Chavez

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

Regarding the Mitigated Negative Declaration, Find:

1. That the Zoning Hearing Officer does hereby find that this Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
2. That the Mitigated Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines.
3. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project will have a significant effect on the environment.
4. That the mitigation measures in the Mitigated Negative Declaration, and agreed to by the owner and placed as conditions on the project, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code, Section 21081.6.

For the Conditional Certificate of Compliance (Type B), Find:

5. That the processing of the Conditional Certificate of Compliance (Type B) is in full conformance with the Illegal Parcel Policies approved by the County Board of Supervisors on May 14, 1985. The parcels do meet the minimum parcel size requirements for the zoning requirements in effect at the time of the division.
6. That the processing of the Conditional Certificate of Compliance (Type B) is in full conformance with Government Code, Section 66499 et. seq.

For the Coastal Development Permit, Find:

7. That the project, as described in the application and accompanying materials required by Zoning Regulations, Section 6328.7, and as conditioned in accordance with Section 6328.14,

conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as all application materials and requirements have been submitted and been determined to be adequate. That the project does not pose an impact to the sensitive habitats or scenic resources of the properties.

8. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program, specifically Policy 1.28, which requires the issuance of a Coastal Development Permit since the parcels in question were illegally created without benefit of government review and approval prior to 1973.

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Current Planning Section**

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6. The applicant is hereby informed that any development on these parcels in the future would be subject to compliance with the regulations of the County Local Coastal Program. Local Coastal Program policies include, but are not limited to, the protection of prime agricultural soil, the protection of existing and potential agriculture, the protection of public views of the property, and the protection of the sensitive habitat.
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  - c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
  - d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.
  - e. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
  - f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
  - g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - h. Limit traffic speeds on unpaved roads within the project parcels to 15 mph.
  - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in disturbed areas as quickly as possible.
10. All well drilling activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction

activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.

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#### Department of Public Works

12. The applicant shall submit a parcel map to the Department of Public Works for review and recordation.

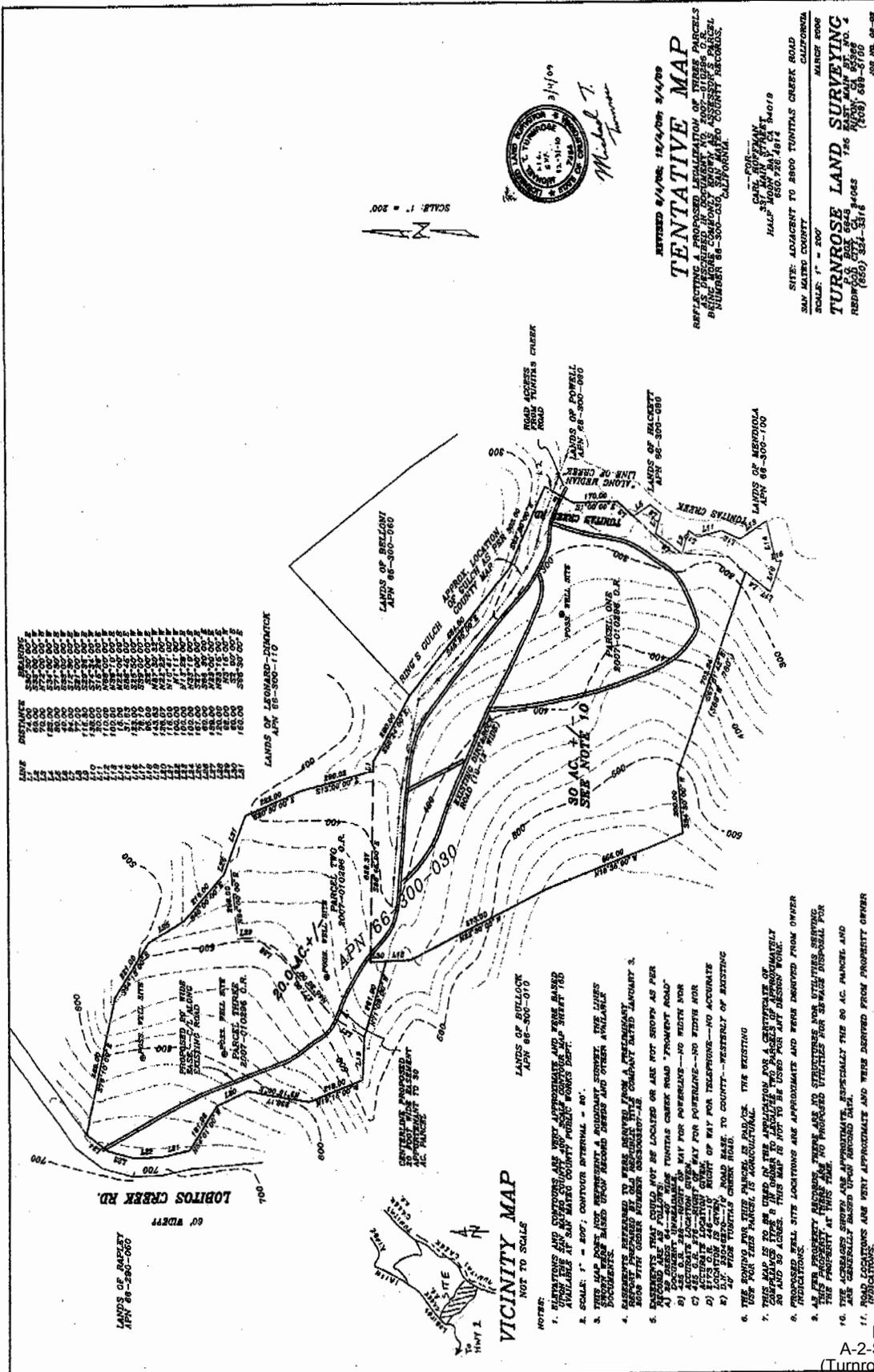
#### Geotechnical Section

13. A geotechnical study will be required for any grading and/or future building on these parcels.

#### Environmental Health Department

14. Prior to any well drilling, the applicant shall submit Environmental Health applications for each of the three wells. Each well will require an application, payment of fees, and a permit prior to the construction.

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LINE	DISTANCE	BEARING
1	74.00	S89°30'00"E
2	175.00	S89°30'00"E
3	175.00	S89°30'00"E
4	175.00	S89°30'00"E
5	175.00	S89°30'00"E
6	175.00	S89°30'00"E
7	175.00	S89°30'00"E
8	175.00	S89°30'00"E
9	175.00	S89°30'00"E
10	175.00	S89°30'00"E
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95	175.00	S89°30'00"E
96	175.00	S89°30'00"E
97	175.00	S89°30'00"E
98	175.00	S89°30'00"E
99	175.00	S89°30'00"E
100	175.00	S89°30'00"E

REVISED 5/1/78 12/1/78 5/1/79  
**TENTATIVE MAP**  
 REFLECTING A PROPOSED REZONING OF THREE PARCELS  
 AND A PROPOSED ROAD LOCATIONS AS SHOWN ON MAP  
 NUMBER 88-300-080, SAN MATEO COUNTY RECORDS,  
 CALIFORNIA.

FOR THE  
 SAN MATEO COUNTY  
 SUPERVISOR  
 HALF MOON BAY CA 94019  
 880.782.4814

**TURNOSE LAND SURVEYING**  
 126 EAST MAIN ST. NO. 100  
 SAN MATEO, CALIF. 94065  
 (415) 338-2700  
 (415) 338-2710  
 888 BR. ST. SE. 94-28

SITE: ADJACENT TO 2800 TUNTAS CREEK ROAD  
 SAN MATEO COUNTY  
 SCALE: 1" = 200'



**VICINITY MAP**  
 NOT TO SCALE

- NOTES:
1. DIMENSIONS AND COORDINATES ARE VERY APPROXIMATE AND WERE BASED ON AVAILABLE DATA FROM SAN MATEO COUNTY PUBLIC WORKS DEPT.
  2. SCALE: 1" = 200'; CONTOUR INTERVAL = 20'.
  3. THIS MAP DOES NOT REPRESENT A PROUDANT SURVEY. THE LINES SHOWN ON THIS MAP ARE BASED ON RECORD DEEDS AND OTHER AVAILABLE INFORMATION.
  4. SURVEYING REFERRED TO THIS MAP IS FROM A PREVIOUSLY SUBMITTED REPORT DATED JANUARY 3, 1978 WITH OTHER PERTINENT INFORMATION.
  5. THE POINTS AND THE PARCELS ON THIS MAP ARE THE EXISTING PARCELS AND POINTS AS SHOWN ON THE RECORDS OF THE COUNTY.
  6. THE MAP IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS DESIGNED AND APPROVED BY THE COUNTY SUPERVISOR.
  7. THE MAP IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS DESIGNED AND APPROVED BY THE COUNTY SUPERVISOR.
  8. THE MAP IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS DESIGNED AND APPROVED BY THE COUNTY SUPERVISOR.
  9. THE MAP IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS DESIGNED AND APPROVED BY THE COUNTY SUPERVISOR.
  10. THE MAP IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS DESIGNED AND APPROVED BY THE COUNTY SUPERVISOR.
  11. ROAD LOCATIONS ARE VERY APPROXIMATE AND WERE DERIVED FROM PROPERTY OWNER INFORMATION.

2-SMC-08-038

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

RECEIVED

JAN 28 2009

CALIFORNIA  
COASTAL COMMISSION  
DATE: February 5, 2009

TO: Zoning Hearing Officer

FROM: Angela Chavez, Project Planner; Telephone 650/599-7217

SUBJECT: STAFF REPORT ADDENDUM: Consideration of a Coastal Development Permit, a Conditional Certificate of Compliance (Type-B), pursuant to Section 6328.4 of the County Zoning Regulations and Section 7134 of the County Subdivision Regulations, and certification of a Mitigated Negative Declaration to allow three test wells in association with the legalization of a 32-acre parcel, a 7.71-acre parcel, and a 12.3-acre parcel adjacent to 2800 Tunitas Creek, in the unincorporated Half Moon Bay area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2008-00098 (Turnrose/Hoffman)

**RECOMMENDATION**

That the Zoning Hearing Officer certify the Mitigated Negative Declaration and approve the Conditional Certificate of Compliance (Type-B) and the Coastal Development Permit, County File Number PLN 2008-00098, by making the required findings and adopting the conditions of approval contained in Attachment A.

**DISCUSSION**

After the publication of the staff report it was determined that the project description failed to include the consideration of the three test wells. Therefore, at the January 8, 2009 Zoning Hearing Officer meeting, staff requested that the item be continued in order to allow for the project to be re-noticed with the corrected description. Subsequently, it was determined that certification of the Mitigated Negative Declaration also needed to be included in the project description. While the project description did not include the consideration of the test wells and Negative Declaration, both items were included and discussed in the body of the original staff report. Therefore, the corrected notification has been published in the local newspaper and re-sent to property owners within a 300-foot radius of the subject property.

**ATTACHMENTS**

Recommended Findings and Conditions of Approval

ACC:pac – ACCT0060\_WPU.DOC

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2008-00098

Hearing Date: February 5, 2009

Prepared By: Angela Chavez

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

Regarding the Mitigated Negative Declaration, Find:

1. That the Zoning Hearing Officer does hereby find that this Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
2. That the Mitigated Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines.
3. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project will have a significant effect on the environment.
4. That the mitigation measures in the Mitigated Negative Declaration and agreed to by the owner and placed as conditions on the project have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code, Section 21081.6.

For the Conditional Certificate of Compliance (Type B), Find:

5. That the processing of the Conditional Certificate of Compliance (Type B) is in full conformance with the Illegal Parcel Policies approved by the County Board of Supervisors on May 14, 1985. The parcels do meet the minimum parcel size requirements for the zoning requirements in effect at the time of the division.
6. That the processing of the Conditional Certificate of Compliance (Type B) is in full conformance with Government Code Section, 66499 et. seq.

For the Coastal Development Permit, Find:

7. That the project, as described in the application and accompanying materials required by Zoning Regulations, Section 6328.7, and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County

Local Coastal Program, as all application materials and requirements have been submitted and been determined to be adequate. That the project does not pose an impact to the sensitive habitats or scenic resources of the properties.

8. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program, specifically Policy 1.28 which requires the issuance of a Coastal Development Permit since the parcels in question were illegally created without benefit of government review and approval prior to 1973.

### **RECOMMENDED CONDITIONS OF APPROVAL**

#### Current Planning Section

1. This approval applies only to the proposal and documents described in this report, submitted to and approved by the Zoning Hearing Officer on January 8, 2009.
2. The subject Certificate of Compliance (Type B) shall be recorded prior to the issuance of any building permits for any future development.
3. Prior to the recordation of the parcel map, the applicant shall submit proof of a water supply (well).
4. Within five (5) days of the Zoning Hearing Officer's Decision, the applicant shall submit the outstanding Planning Department fees for preparation of the Mitigated Negative Declaration. The applicant shall pay to the San Mateo County Planning and Building Department an amount of \$2,345.70.
5. Within four (4) days of the final approval appeal period, the applicant shall coordinate with the project planner to record a Notice of Determination with the County Recorder. The Department of Fish and Game has determined that this project is not exempt from Department of Fish and Game California Environmental Quality Act filing fees per Fish and Game, Section 711.4. The applicant shall pay to the San Mateo County Recorder's Office an amount of \$2,043.00 at the time of recording of the Notice of Determination.
6. The applicant is hereby informed that any development on these parcels in the future would be subject to compliance with the regulations of the County Local Coastal Program. Local Coastal Program policies include, but are not limited to, the protection of prime agricultural soil, the protection of existing and potential agriculture, the protection of public views of the property, and the protection of the sensitive habitat.
7. Prior to recordation of the final map the applicant shall submit a legal description for the required access easement serving Parcel 2 for review and approval by both the Department of Public Works and the Planning Department. Upon approval the applicant shall concurrently record with the final map, the access easement as a separate notice of intent to provide the required legal access.
8. The applicant shall prepare and implement an erosion and sediment control plan for the purpose of well drilling. All erosion control devices shall be installed on-site prior to any

well drilling activities. The erosion control plan shall clearly delineate the types of measures to be used, the location of where the measures will be placed, as well as a sectional drawing showing how the measures will be installed.

No vegetation removal beyond that necessary to access the proposed sites and drill the well is allowed. Any vegetation removal shall be reseeded with native plant species. If land clearing exceeds 5,000 sq. ft., the applicant shall obtain a permit from the Planning Department prior to vegetation removal.

9. The applicant shall submit a dust control plan to the Planning Department for review and approval prior to the any well drilling. The approved plan shall be implemented for the duration of any well drilling activities that generate dust and other airborne particles. The plan shall include the following control measures:
  - a. Water all active construction areas at least twice daily.
  - b. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
  - c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
  - d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.
  - e. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
  - f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
  - g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - h. Limit traffic speeds on unpaved roads within the project parcels to 15 mph.
  - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in disturbed areas as quickly as possible.
10. All well drilling activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.

11. For any future planning and building permits, and prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that, should cultural resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist, and of any recording, protecting or curating, shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director, for review and approval, a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines, Section 15064.5(e). The note on the plans shall be subject to review and approval of the Planning Department.

Department of Public Works

12. The applicant shall submit a parcel map to the Department of Public Works for review and recordation.

Geotechnical Section

13. A geotechnical study will be required for any grading and/or future building on these parcels.

Environmental Health Division

14. Prior to any well drilling, the applicant shall submit Environmental Health applications for each of the three wells. Each well will require an application, payment of fees, and a permit prior to the construction.

ACC:pac – ACCT0060\_WPU.DOC

2-SMC-08-038

COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT

RECEIVED

DEC 31 2008

DATE: January 8, 2009

CALIFORNIA  
COASTAL COMMISSION

RECEIVED RECEIVED

DEC 3 2008

DEC 3 2008

CALIFORNIA  
COASTAL COMMISSION

CALIFORNIA  
COASTAL COMMISSION

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Coastal Development Permit and Conditional Certificate of Compliance (Type B), pursuant to Section 6328.4 of the County Zoning Regulations and Section 7134 of the County Subdivision Regulations, to legalize a 32-acre parcel, a 7.71-acre parcel, and a 12.3-acre parcel adjacent to 2800 Tunitas Creek Road, in the unincorporated Half Moon Bay area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2008-00098 (Turnrose)

**PROPOSAL**

The applicant has applied for a Coastal Development Permit and Conditional Certificate of Compliance (Type B) to legalize three parcels. The 32-acre parcel was created by deed on February 14, 1950, and both the 7.71- and 12.3-acre parcels were created by deed on May 31, 1951. Beginning in 1946, the County Subdivision Ordinance required the approval of a parcel map to legally create a parcel. There is no evidence that such map was reviewed or recorded; therefore, a Conditional Certificate of Compliance to legalize the parcels is required under Section 7134.2 of the County Subdivision Ordinance.

**RECOMMENDATION**

That the Zoning Hearing Officer approve the Conditional Certificate of Compliance (Type B) and Coastal Development Permit, County File Number PLN 2008-00098, by making the required findings and adopting the conditions of approval contained in Attachment A.

**BACKGROUND**

Report Prepared By: Angela Chavez, Project Planner, Telephone 650/599-7217

Applicant: Michael Turnrose (Surveyor)

Owner: Carl Hoffman

Location: Tunitas Creek Road, Unincorporated Half Moon Bay

APN: 066-300-030

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

General Plan Designation: Agriculture

Flood Zone: Zone C (areas of 100-year flood), FEMA Panel 060311-0250B, Effective Date: July 5, 1984.

Existing Land Use: Open Space/Agricultural Field

Environmental Evaluation: An Initial Study and Mitigated Negative Declaration was prepared for this project and circulated from December 1, 2008 - December 22, 2008. As of the publication of this report, no comments were received.

Setting: The project site is located approximately 0.75 miles from where Lobitos Creek Road and Tunitas Creek Road intersect. Soils on the project site are classified as largely "Lands Suitable for Agriculture" with a small portion of land classified as "Other Lands" based on information obtained from the County Local Coastal Program Maps. The property is characterized by rolling, grassy hills with a riparian corridor along the southern and eastern boundaries of the parcel. The subject parcel is currently used for cattle grazing with an existing 10- to 12-foot wide dirt and rock roadway that meanders throughout the property. Surrounding parcels are primarily used for residential and agricultural purposes.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Rationale for Conditional Certificate of Compliance (Type B)**

A Conditional Certificate of Compliance (Type B) is a process required to legalize parcels that were created in violation of provisions of the County and State subdivision laws in effect at the time of creation. This process is required for any illegally created parcel before new development can take place. The project's 32-acre parcel was created through a recorded deed on February 14, 1950, and both the 7.71- and 12.3-acre parcels were created by a recorded deed on May 31, 1951. At the time that the parcels were created, subdivisions required approval by the County Planning Division to create legal parcels. No such application or map was submitted to the County for review and approval. Compliance with the applicable regulations governing legalization of parcels is discussed in the sections below.

#### **2. Conformance with General Plan**

Upon creation in 1950 and 1951, the subject parcels were required by the San Mateo County Subdivision Ordinance (Section 7134.2.b(1)) and the State Subdivision Map Act (Government Code Section 66499.35(b)) to conform to the provisions of the

General Plan and Zoning Regulations in effect at that time. The County adopted its first General Plan in 1960, and designated this parcel as Agriculture (A-1/B-5) at that time. At the time of its adoption, the General Plan did not include minimum parcel size and/or density per acre requirements. However, the B-5 overlay zoning designation required a minimum parcel size of 1 acre. The current General Plan designation for this parcel is still agriculture. The current Planned Agricultural District (PAD) zoning has no designated minimum parcel size. However, a 52-acre parcel could not be subdivided into three lots under the current PAD density credit criteria. While the project parcels are non-conforming under today's zoning criteria, the parcel sizes would have been conforming under the 1960's plan. In addition, at the time that the parcels were created and in subsequent years, the parcels have been utilized as both open space and for agricultural related activities. Given this, had the parcels been subdivided in accordance with the Subdivision Regulations, they would have been in compliance with the General Plan in effect at that time.

3. Conformance with the Local Coastal Program (LCP)

LCP Policy 1.28 (*Legalizing Parcels*) requires a Coastal Development Permit when issuing a Certificate of Compliance to legalize parcels. The applicant has submitted an application, along with the appropriate fees, for said permit. Policy 1.29 which provides standards for review when legalizing parcels states that on undeveloped, illegal parcels created before Proposition 20 (effective date January 1, 1973), it must be determined that the parcel configuration would not have any substantial adverse impacts on coastal resources in conformance with the standards of review of the Coastal Development District regulations. Permits to legalize this type of parcel shall be conditioned to maximize consistency with LCP resource protection policies. The soils on the parcel are Class IV or worse. There is a gulch along the eastern parcel boundary and a creek along the southern parcel boundary. However, there is no reason to believe that the proposed parcel configurations would result in future development impacting that resource. No physical development is proposed at this time; however, the topography and size of the resulting parcels indicate that future development could be situated such that it does not impact visual resources along the Tunitas Creek scenic corridor. Based upon the information at staff's disposal, there do not appear to be any other resources that could be impacted by legalization of the parcel configurations.

4. Conformance with the Zoning Ordinance

Upon creation in 1950 and 1951, the project parcels were located within the A-1/B-5 (Agriculture, 1- to 5-acre minimum parcel size) Zoning District. In 1973, the project parcels were rezoned to RM (Resource Management). At that time, the minimum parcel size for legally created parcels was 5 acres. In 1979, the project parcels were rezoned to PAD (Planned Agricultural District). The PAD zoning district does not expressly state a minimum parcel size, rather, density is accumulated depending upon the particular constraints of the individual parcel. If the intended use of the parcel is non-agricultural, then the parcel cannot exceed 5 acres in size. Parcels intended for agricultural use should be as large as necessary to accommodate the intended

agricultural operation. The largest of the parcels at 32 acres is sufficient in size to allow for some amount of animal grazing. While the 7.71- and 12.3-acre parcels may support a small grazing operation, the soils and topography on these two parcels limit their usefulness for row crops or other types of agriculture. However, at the time that the parcels were created the minimum parcel size required by the zoning regulations was 1- to 5-acres; therefore, the previously mentioned parcels sizes would have been in conformance at that time.

5. Conformance with Subdivision Regulations

The subject parcels are illegal because they were created by grant deeds in 1950 and 1951, without benefit of the County's review and approval. Any land division occurring on or after August 15, 1946, the effective date of the San Mateo County Subdivision Ordinance, must have been processed in accordance with the County Subdivision Ordinance and the State Subdivision Map Act. Therefore, the creation of these parcels violated the approval procedures of the County Subdivision Ordinance and the State Subdivision Map Act. However, Section 7134.2.c of the County Subdivision Ordinance does allow for the approval and recordation of a Certificate of Compliance subject to a public hearing and the imposition of conditions of approval to ensure that future development on the parcel will comply with public health and safety standards. Once the requirements of the recorded Conditional Certificates of Compliance are completed, the parcels will be considered legal.

One of the requirements for each parcel will be a septic system. Because of the size of the parcels, there is no reason to suspect that a septic system will not be feasible on these sites. Also, prior to recordation of the Certificate of Compliance, the applicant must show that there is a potable water supply on each parcel. A condition has been added to this effect. Access to potential building sites does not appear to be a problem as there is an existing roadway throughout the parcels. However, the legalization of these parcels would result in parcel two being a landlocked parcel. This is not allowed by the current County Subdivision Regulations which require that each parcel shall have frontage on a street. Therefore, staff has included Condition 7 which requires that the existing driveway be recorded as an access easement and provide for ample room for future improvement. While the driveway does not currently meet minimum standards for access, as determined by the County Department of Public works, it will be subject to full improvement in the event of development on any of the parcels.

6. Future Development

The legalization of the parcels does not include or permit development of any new structures. Future development would be allowed provided it conforms to the County General Plan, Local Coastal Program and PAD Zoning Regulations.

B. ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration were prepared for this project and circulated from December 1, 2008 - December 22, 2008. As of the publication of this report, no comments were received. Mitigation measures have been included as Conditions of Approval 8 through 11 in Attachment A, which address the well drilling activities only. Any future development would need to be reviewed under a separate environmental review process and/or permit.

C. REVIEWING AGENCIES

1. Department of Public Works
2. County Counsel
3. Cal-Fire
4. Environmental Health Division
5. Geotechnical Section
6. Building Inspection Section

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Tentative Map
- D. County Scenic Corridor Delineation Map
- E. Prime Soils Map
- F. Initial Study and Mitigated Negative Declaration

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2008-00098

Hearing Date: January 8, 2009

Prepared By: Angela Chavez

For Adoption By: Zoning Hearing Officer

**RECOMMENDED FINDINGS**

Regarding the Mitigated Negative Declaration, Find:

1. That the Zoning Hearing Officer does hereby find that this Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
2. That the Mitigated Negative Declaration is complete, correct, and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines.
3. That, on the basis of the Initial Study, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project will have a significant effect on the environment.
4. That the mitigation measures in the Mitigated Negative Declaration and agreed to by the owner and placed as conditions on the project have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with the California Public Resources Code Section 21081.6.

For the Conditional Certificate of Compliance (Type B), Find:

5. That the processing of the Conditional Certificate of Compliance (Type B) is in full conformance with the Illegal Parcel Policies approved by the County Board of Supervisors on May 14, 1985. The parcels do meet the minimum parcel size requirements for the zoning requirements in effect at the time of the division.
6. That the processing of the Conditional Certificate of Compliance (Type B) is in full conformance with Government Code Section 66499 et. seq.

For the Coastal Development Permit, Find:

7. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as all application materials and requirements have been submitted and been determined to be adequate. That the project does not pose an impact to the sensitive habitats or scenic resources of the properties.
8. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program specifically Policy 1.28 which requires the issuance of a Coastal Development Permit since the parcels in question were illegally created without benefit of government review and approval prior to 1973.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. This approval applies only to the proposal and documents described in this report, submitted to and approved by the Zoning Hearing Officer on January 8, 2009.
2. The subject Certificate of Compliance (Type B) shall be recorded prior to the issuance of any building permits for any future development.
3. Prior to the recordation of the parcel map, the applicant shall submit proof of a water supply (well) for each parcel.
4. Within five (5) days of the Zoning Hearing Officer's decision, the applicant shall submit the outstanding Planning Department fees for preparation of the Mitigated Negative Declaration. The applicant shall pay to the San Mateo County Planning and Building Department an amount of \$2,345.70.
5. Within four (4) days of the final appeal period, the applicant shall coordinate with the project planner to record a notice of determination with the County recorder. The Department of Fish and Game has determined that this project is not exempt from Department of Fish and Game California Environmental Quality Act filing fees per Fish and Game Section 711.4. The applicant shall pay to the San Mateo County Recorder's Office an amount of \$2,043.00 at the time of recording of the notice of determination.
6. The applicant is hereby informed that any development on these parcels in the future would be subject to compliance with the regulations of the County Local Coastal Program. Local Coastal Program policies include, but are not limited to, the protection of prime agricultural soil, the protection of existing and potential agriculture, the protection of public views of the property, and the protection of the sensitive habitat.

7. Prior to recordation of the final map the applicant shall submit a legal description for the required access easement serving Parcel 2 for review and approval by both the Department of Public Works and the Planning Department. Upon approval the applicant shall concurrently record with the final map, the access easement as a separate notice of intent to provide the required legal access.
8. The applicant shall prepare and implement an erosion and sediment control plan for the purpose of well drilling. All erosion control devices shall be installed on-site prior to any well drilling activities. The erosion control plan shall clearly delineate the types of measures to be used, the location of where the measures will be placed as well as a sectional drawing showing how the measures will be installed.

No vegetation removal beyond that necessary to access the proposed sites and drill the well is allowed. Any vegetation removal shall be reseeded with native plant species. If land clearing exceeds 5,000 sq. ft., the applicant shall obtain a permit from the Planning Department prior to vegetation removal.

9. The applicant shall submit a dust control plan to the Planning Department for review and approval prior to any well drilling. The approved plan shall be implemented for the duration of any well drilling activities that generate dust and other airborne particles. The plan shall include the following control measures:
  - a. Water all active construction areas at least twice daily.
  - b. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
  - c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
  - d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.
  - e. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
  - f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
  - g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - h. Limit traffic speeds on unpaved roads within the project parcels to 15 mph.

- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in disturbed areas as quickly as possible.
10. All well drilling activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.
  11. For any future Planning, Building Permits, and prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that, should cultural resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Current Planning Section.

#### Department of Public Works

12. The applicant shall submit a parcel map to the Department of Public Works for review and recordation.

#### Geotechnical Section

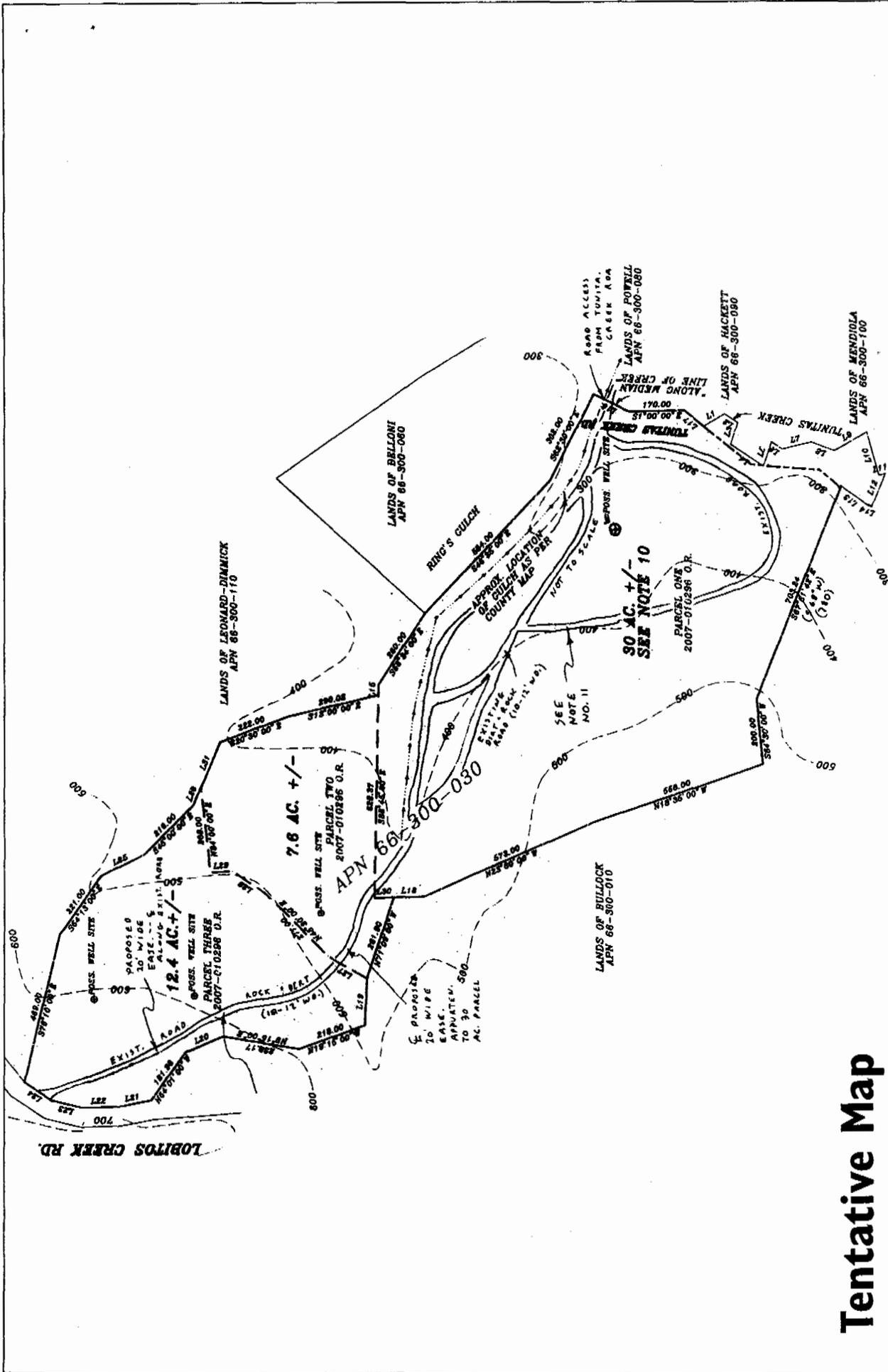
13. A geotechnical study will be required for any grading and/or future building on these parcels.

#### Environmental Health Department

14. Prior to any well drilling, the applicant shall submit Environmental Health applications for each of the 3 wells. Each well will require an application, payment of fees, and a permit prior to the construction.

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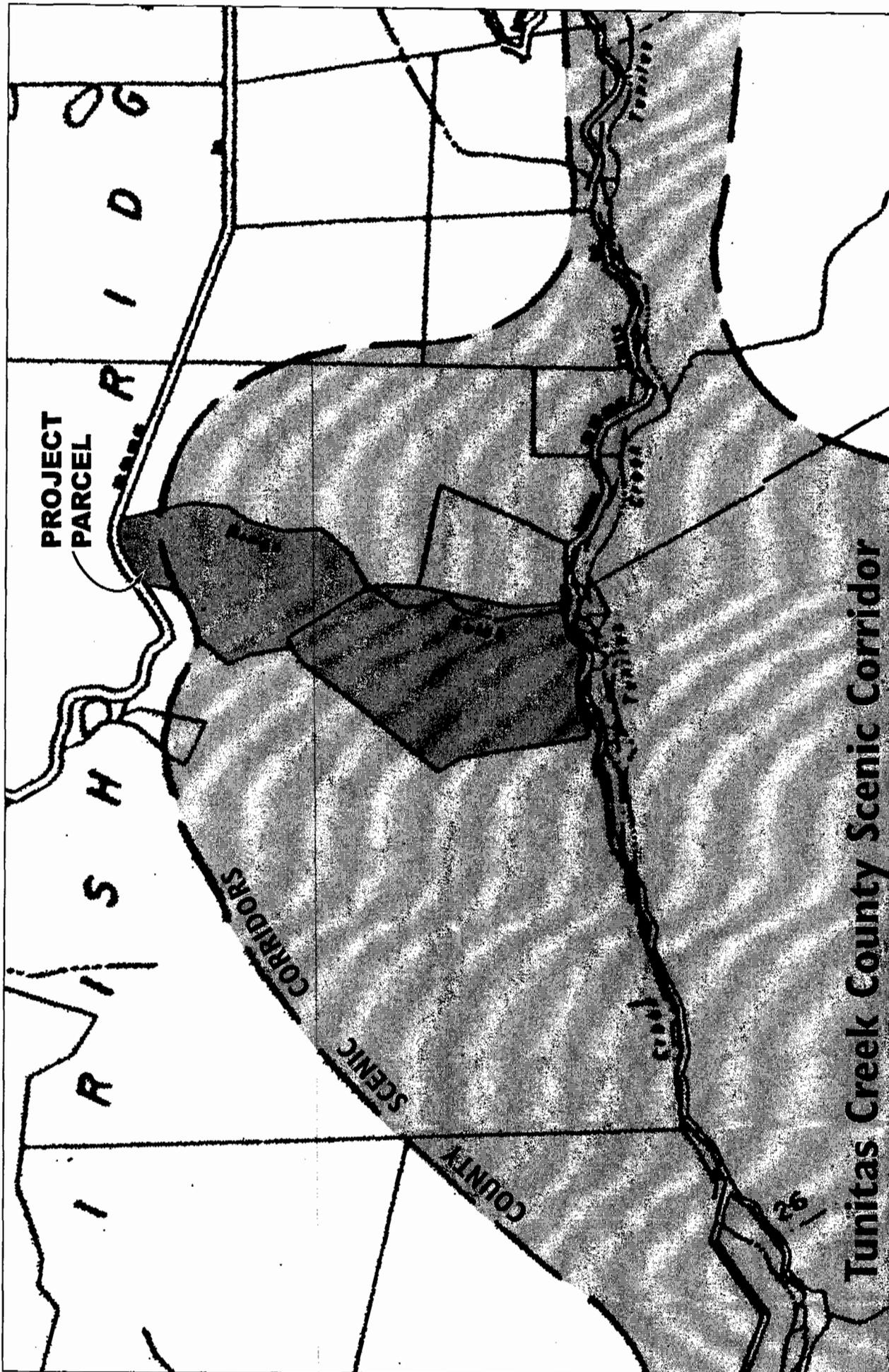
# Tentative Map

## San Mateo County Zoning Hearing Officers Meeting

Owner/Applicant: **Michael Turnrose**

File Numbers: **PLN 2008-00098**

Attachment: **C**



**Tunitas Creek County Scenic Corridor**  
**San Mateo County Zoning Hearing Officers Meeting**

Owner/Applicant: **Michael Turnrose**

Attachment: **D**

File Numbers: **PLN 2008-00098**



## COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

### NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: Certificate of Compliance (Type B), when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2008-00098

OWNER: Carl Hoffman

APPLICANT: Mike Turnrose

ASSESSOR'S PARCEL NO.: 066-300-030

LOCATION: Tunitas Creek Road, Unincorporated Half Moon Bay

#### PROJECT DESCRIPTION

The applicant has applied for a Coastal Development Permit and Conditional Certificate of Compliance (Type B) to legalize three parcels. The 32-acre parcel was created by deed on February 14, 1950 and both the 7.71-acre and 12.3-acre parcels were created by deed on May 31, 1951. Beginning in 1946, both the State Subdivision Map Act and County Subdivision Ordinance required the approval of a parcel map to legally create a parcel. There is no evidence that such map was reviewed or recorded; therefore, a Conditional Certificate of Compliance to legalize the parcels is required under Section 7134.2 of the County Subdivision Ordinance. Legalization of the parcels also includes the creation of three test wells in order to provide a water source to each of the legalized parcels.

#### FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

The Current Planning Section has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition, the project will not:
  - a. Create impacts which have the potential to degrade the quality of the environment.
  - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.

- c. Create impacts for a project which are individually limited, but cumulatively considerable.
- d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The County of San Mateo has, therefore, determined that the environmental impact of the project is insignificant.

MITIGATION MEASURES included in the project to avoid potentially significant effects:

**Mitigation Measure 1:** The applicant shall prepare and implement an erosion and sediment control plan for the purpose of well drilling. All erosion control devices shall be installed on the site prior to any well drilling activities. The erosion control plan shall clearly delineate the types of measures to be used and the location of where the measures will be placed as well as a sectional drawing showing how the measures will be installed. All vehicles associated with the well drilling activities shall not park or operate machinery on the eastern side of the road on Parcel 1.

No vegetation removal beyond that necessary to access the proposed site and drill the well is allowed. Any vegetation removal shall be reseeded with native plant species. If land clearing exceeds 5,000 sq. ft., the applicant shall obtain a land clearing permit from the Planning Department prior to vegetation removal. All areas disturbed in accessing and creating the well sites shall be reseeded with native plants or grasses.

**Mitigation Measure 2:** The applicant shall submit a dust control plan to the Planning Department for review and approval prior to the issuance of a well drilling permit for the project. The approved plan shall be implemented for the duration of any grading, demolition, and construction activities that generate dust and other airborne particles. The plan shall include the following control measures:

- a. Water all active construction areas at least twice daily.
- b. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- e. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
- f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
- g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

- h. Limit traffic speeds on unpaved roads within the project parcel to 15 mph.
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j. Replant vegetation in disturbed areas as quickly as possible.

**Mitigation Measure 3:** All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.

**Mitigation Measure 4:** Prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that, should cultural resources be encountered during site grading or other site work associated with drilling wells, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Current Planning Section.

RESPONSIBLE AGENCY CONSULTATION

None.

INITIAL STUDY

The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD: December 1, 2008 to December 22, 2008

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., December 22, 2008.**

CONTACT PERSON

Angela Chavez  
Project Planner, 650/599-7217

  
Angela Chavez, Project Planner

ACC:fc – ACCS1153\_WFH.DOC

**INITIAL STUDY  
ENVIRONMENTAL EVALUATION CHECKLIST**  
(To Be Completed By Current Planning Section)

I. **BACKGROUND**

Project Title: Certificate of Compliance (Type B)

File No.: PLN 2008-00098

Project Location: Tunitas Creek Road, Unincorporated Half Moon Bay

Assessor's Parcel No.: 066-300-030

Applicant/Owner: Mike Turnrose/Carl Hoffman

Date Environmental Information Form Submitted: March 18, 2008

**PROJECT DESCRIPTION**

The applicant has applied for a Coastal Development Permit and Conditional Certificate of Compliance (Type B) to legalize three parcels. The 32-acre parcel was created by deed on February 14, 1950 and both the 7.71-acre and 12.3-acre parcels were created by deed on May 31, 1951. Beginning in 1946, both the State Subdivision Map Act and County Subdivision Ordinance required the approval of a parcel map to legally create a parcel. There is no evidence that such map was reviewed or recorded; therefore, a Conditional Certificate of Compliance to legalize the parcels is required under Section 7134.2 of the County Subdivision Ordinance. Legalization of the parcels also includes the creation of three test wells in order to provide a water source to each of the legalized parcels.

**II. ENVIRONMENTAL ANALYSIS**

Any controversial answers or answers needing clarification are explained on an attached sheet. For source, refer to pages 12 and 13.

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
<b>1. LAND SUITABILITY AND GEOLOGY</b>						
Will (or could) this project:						
a. Involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?	X					B,F,O
b. Involve construction on slope of 15% or greater?	X					E,I
c. Be located in an area of soil instability (subsidence, landslide or severe erosion)?		X				Bc,D
d. Be located on, or adjacent to a known earthquake fault?		X				Bc,D
e. Involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?	X					M
f. Cause erosion or siltation?			X			M,I
g. Result in damage to soil capability or loss of agricultural land?	X					A,M
h. Be located within a flood hazard area?	X					G
i. Be located in an area where a high water table may adversely affect land use?	X					D
j. Affect a natural drainage channel or streambed, or watercourse?			X			E

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
<b>2. <u>VEGETATION AND WILDLIFE</u></b>						
Will (or could) this project:						
a. Affect federal or state listed rare or endangered species of plant life in the project area?	X					F
b. Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?	X					I,A
c. Be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species?	X					F
d. Significantly affect fish, wildlife, reptiles, or plant life?	X					I
e. Be located inside or within 200 feet of a marine or wildlife reserve?	X					E,F,O
f. Infringe on any sensitive habitats?	X					F
g. Involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone?	X					I,F,Bb
<b>3. <u>PHYSICAL RESOURCES</u></b>						
Will (or could) this project:						
a. Result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)?	X					I

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
b. Involve grading in excess of 150 cubic yards?	X					I
c. Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?	X					I
d. Affect any existing or potential agricultural uses?	X					A, K, M
<b>4. AIR QUALITY, WATER QUALITY, SONIC</b>						
Will (or could) this project:						
a. Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?			X			I, N, R
b. Involve the burning of any material, including brush, trees and construction materials?	X					I
c. Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?	X					Ba, I
d. Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?	X					I
e. Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?	X					A, Ba, Bc
f. Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?			X			I

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
g. Generate polluted or increased surface water runoff or affect groundwater resources?	X					I
h. Require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity?	X					S
<b>5. TRANSPORTATION</b>						
Will (or could) this project:						
a. Affect access to commercial establishments, schools, parks, etc.?	X					A,I
b. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?	X					A,I
c. Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?	X					I
d. Involve the use of off-road vehicles of any kind (such as trail bikes)?	X					I
e. Result in or increase traffic hazards?	X					S
f. Provide for alternative transportation amenities such as bike racks?	X					I
g. Generate traffic which will adversely affect the traffic carrying capacity of any roadway?	X					S

	IMPACT				SOURCE
	NO	YES		Cumulative	
		Not Significant	Significant Unless Mitigated		
<b>6. LAND USE AND GENERAL PLANS</b>					
Will (or could) this project:					
a. Result in the congregating of more than 50 people on a regular basis?	X				I
b. Result in the introduction of activities not currently found within the community?	X				I
c. Employ equipment which could interfere with existing communication and/or defense systems?	X				I
d. Result in any changes in land use, either on or off the project site?	X				I
e. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?	X				I,Q,S
f. Adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site?	X				I,S
g. Generate any demands that will cause a public facility or utility to reach or exceed its capacity?	X				I,S
h. Be adjacent to or within 500 feet of an existing or planned public facility?	X				A

	IMPACT					SOURCE
	NO	Not Significant	Significant Unless Mitigated	YES		
				Significant	Cumulative	
i. Create significant amounts of solid waste or litter?	X					I
j. Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?	X					I
k. Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?	X					B
l. Involve a change of zoning?	X					C
m. Require the relocation of people or businesses?	X					I
n. Reduce the supply of low-income housing?	X					I
o. Result in possible interference with an emergency response plan or emergency evacuation plan?	X					S
p. Result in creation of or exposure to a potential health hazard?	X					S
<b>7. AESTHETIC, CULTURAL AND HISTORIC</b>						
Will (or could) this project:						
a. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?		X				A, Bb
b. Obstruct scenic views from existing residential areas, public lands, public water body, or roads?	X					A, I
c. Involve the construction of buildings or structures in excess of three stories or 36 feet in height?	X					I

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
d. Directly or indirectly affect historical or archaeological resources on or near the site?			X			H
e. Visually intrude into an area having natural scenic qualities?	X					A,I

III. **RESPONSIBLE AGENCIES.** Check what agency has permit authority or other approval for the project.

AGENCY	YES	NO	TYPE OF APPROVAL
U.S. Army Corps of Engineers (CE)		X	
State Water Resources Control Board		X	
Regional Water Quality Control Board		X	
State Department of Public Health		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
U.S. Environmental Protection Agency (EPA)		X	
County Airport Land Use Commission (ALUC)		X	
CalTrans		X	
Bay Area Air Quality Management District		X	
U.S. Fish and Wildlife Service		X	
Coastal Commission	X		
City		X	
Sewer/Water District:		X	
Other:			

**IV. MITIGATION MEASURES**

Yes No

Mitigation measures have been proposed in project application.

X

Other mitigation measures are needed.

X

The following measures are included in the project plans or proposals pursuant to Section 15070(b)(1) of the State CEQA Guidelines:

**Mitigation Measure 1:** The applicant shall prepare and implement an erosion and sediment control plan for the purpose of well drilling. All erosion control devices shall be installed on the site prior to any well drilling activities. The erosion control plan shall clearly delineate the types of measures to be used and the location of where the measures will be placed as well as a sectional drawing showing how the measures will be installed. All vehicles associated with the well drilling activities shall not park or operate machinery on the eastern side of the road on Parcel 1.

No vegetation removal beyond that necessary to access the proposed site and drill the well is allowed. Any vegetation removal shall be reseeded with native plant species. If land clearing exceeds 5,000 sq. ft., the applicant shall obtain a land clearing permit from the Planning Department prior to vegetation removal. All areas disturbed in accessing and creating the well sites shall be reseeded with native plants or grasses.

**Mitigation Measure 2:** The applicant shall submit a dust control plan to the Planning Department for review and approval prior to the issuance of a well drilling permit for the project. The approved plan shall be implemented for the duration of any grading, demolition, and construction activities that generate dust and other airborne particles. The plan shall include the following control measures:

- a. Water all active construction areas at least twice daily.
- b. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- e. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
- f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
- g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- h. Limit traffic speeds on unpaved roads within the project parcel to 15 mph.
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

j. Replant vegetation in disturbed areas as quickly as possible.

**Mitigation Measure 3:** All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.

**Mitigation Measure 4:** Prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that, should cultural resources be encountered during site grading or other site work associated with drilling wells, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Current Planning Section.

V. MANDATORY FINDINGS OF SIGNIFICANCE

	Yes	No
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?		X
3. Does the project have possible environmental effects which are individually limited, but cumulatively considerable?		X
4. Would the project cause substantial adverse effects on human beings, either directly or indirectly?		X

On the basis of this initial evaluation:

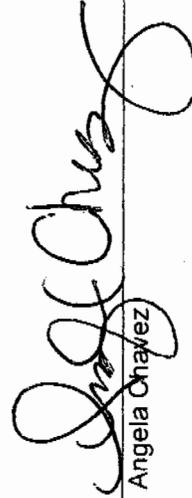
I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Current Planning Section.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because of the mitigation measures in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

December 1, 2008

Date

  
Angela Chavez

Project Planner  
(Title)

**VI. SOURCE LIST**

- A. Field Inspection
- B. County General Plan 1986
  - a. General Plan Chapters 1-16
  - b. Local Coastal Program (LCP) (Area Plan)
  - c. Skyline Area General Plan Amendment
  - d. Montara-Moss Beach-El Granada Community Plan
  - e. Emerald Lake Hills Community Plan
- C. County Ordinance Code
- D. Geotechnical Maps
  - 1. USGS Basic Data Contributions
    - a. #43 Landslide Susceptibility
    - b. #44 Active Faults
    - c. #45 High Water Table
  - 2. Geotechnical Hazards Synthesis Maps
- E. USGS Quadrangle Maps, San Mateo County 1970 Series (See F. and H.)
- F. San Mateo County Rare and Endangered Species Maps, or Sensitive Habitats Maps
- G. Flood Insurance Rate Map – National Flood Insurance Program
- H. County Archaeologic Resource Inventory (Prepared by S. Dietz, A.C.R.S.) Procedures for Protection of Historic and Cultural Properties – 36 CFR 800 (See R.)
- I. Project Plans or EIF
- J. Airport Land Use Committee Plans, San Mateo County Airports Plan
- K. Aerial Photography or Real Estate Atlas – REDI
  - 1. Aerial Photographs, 1941, 1953, 1956, 1960, 1963, 1970
  - 2. Aerial Photographs, 1981
  - 3. Coast Aerial Photos/Slides, San Francisco County Line to Año Nuevo Point, 1971
  - 4. Historic Photos, 1928-1937

- L. Williamson Act Maps
- M. Soil Survey, San Mateo Area, U.S. Department of Agriculture, May 1961
- N. Air Pollution Isoleth Maps – Bay Area Air Pollution Control District
- O. California Natural Areas Coordinating Council Maps (See F. and H.)
- P. Forest Resources Study (1971)
- Q. Experience with Other Projects of this Size and Nature
- R. Environmental Regulations and Standards:
  - Federal
    - Review Procedures for CDBG Programs 24 CFR Part 58
    - NEPA 24 CFR 1500-1508 36 CFR Part 800
    - Protection of Historic and Cultural Properties Executive Order 11988
    - National Register of Historic Places Executive Order 11990
    - Floodplain Management 24 CFR Part 51B
    - Protection of Wetlands 24 CFR 51C
    - Endangered and Threatened Species HUD 79-33
    - Noise Abatement and Control 24 CFR 51D
    - Explosive and Flammable Operations
    - Toxic Chemicals/Radioactive Materials
    - Airport Clear Zones and APZ
  - State
    - Ambient Air Quality Standards Article 4, Section 1092
    - Noise Insulation Standards
- S. Consultation with Departments and Agencies:
  - a. County Health Department
  - b. City Fire Department
  - c. California Department of Forestry
  - d. Department of Public Works
  - e. Disaster Preparedness Office
  - f. Other

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 (1/22/07)

**COUNTY OF SAN MATEO**  
Planning and Building Department

**Initial Study Pursuant to CEQA**  
**Project Narrative and Answers to Questions for the Negative Declaration**  
**File Number: PLN 2008-00098**  
**Carl Hoffman/Certificate of Compliance Type B and Coastal Development Permit**

**EXISTING DEVELOPMENT**

The subject 50.58-acre property is currently utilized for cattle grazing and is largely undeveloped aside from a dirt and rock road that ranges in width from 10-12 feet, which runs throughout the property. There are no existing buildings. The area in the vicinity of the project site consists of mainly large improved parcels that contain a mixture of both residential and agricultural uses.

**PROJECT DESCRIPTION**

The applicant has applied for a Coastal Development Permit and Conditional Certificate of Compliance (Type B) to legalize three parcels. The 32-acre parcel was created by deed on February 14, 1950 and both the 7.71-acre and 12.3-acre parcels were created by deed on May 31, 1951. Beginning in 1946, both the State Subdivision Map Act and County Subdivision Ordinance required the approval of a parcel map to legally create a parcel. There is no evidence that such map was reviewed or recorded; therefore, a Conditional Certificate of Compliance to legalize the parcels is required under Section 7134.2 of the County Subdivision Ordinance. Legalization of the parcels also includes the creation of three test wells in order to provide a water source to each of the legalized parcels.

**ANSWERS TO QUESTIONS**

**1. LAND SUITABILITY AND GEOLOGY**

- a. **Will (or could) this project involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?**

**No Impact.** The project location does not involve any unique landforms or biological areas.

- b. **Will (or could) this project involve construction on slope of 15% or greater?**

**No Impact.** There is no construction proposed as part of this project. The project does include the creation of three test wells but these are proposed for areas that are relatively flat, will be capped at completion, and will have no associated above ground structures at this time.

- c. **Will (or could) this project be located in an area of soil instability (subsidence, landslide or severe erosion)?**

**Yes, Not Significant.** The proposed project is located in an area that has been identified as having high landslide susceptibility. However, as this project does not propose the construction of any structures, the existence of soil instability has no impact on the proposed project.

- d. **Will (or could) this project be located on, or adjacent to a known earthquake fault?**

**Yes, Not Significant.** The San Gregorio Fault is located approximately 4 km to the west. An earthquake on this fault could affect the project site. However, as no structures are proposed for construction as part of this project, there would be no impact at this time.

- e. **Will (or could) this project involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?**

**No Impact.** The project site has been identified as not having Class I, II, or III soils.

- f. **Will (or could) this project cause erosion or siltation?**

**Yes, Significant Unless Mitigated.** Some excavation would be performed on the site in order to drill the proposed water wells. There is an existing road that meanders throughout the property and each proposed well location is within 150 feet of the road, which will reduce the amount of site disturbance. While no significant vegetation removal is proposed as part of this project, Ring's Gulch does run parallel to the eastern side of the road. In order to prevent any impact to the gulch or surrounding areas, staff believes that the following mitigation measure would address any significant vegetation removal, stormwater drainage, and erosion impacts of the project.

**Mitigation Measure 1:** The applicant shall prepare and implement an erosion and sediment control plan for the purpose of well drilling. All erosion control devices shall be installed on the site prior to any well drilling activities. The erosion control plan shall clearly delineate the types of measures to be used and the location of where the measures will be placed as well as a sectional drawing showing how the measures will be installed. All vehicles associated with the well drilling activities shall not park or operate machinery on the eastern side of the road on Parcel 1.

No vegetation removal beyond that necessary to access the proposed site and drill the well is allowed. Any vegetation removal shall be reseeded with native plant species. If land clearing exceeds 5,000 sq. ft., the applicant shall obtain a land clearing permit from the Planning Department prior to vegetation removal. All areas disturbed in accessing and creating the well sites shall be reseeded with native plants or grasses.

- g. **Will (or could) this project result in damage to soil capability or loss of agricultural land?**

**No Impact.** The proposed project does not include the construction of any permanent structures. While the project does include the creation of test water wells, these are considered ancillary to agricultural activities and would not result in damage to soil capability or loss of agricultural land.

- h. **Will (or could) this project be located within a flood hazard area?**

**No Impact.** The project site is located in Flood Zone C as defined by FEMA, which is an area of minimal potential flooding. No mitigation is required.

- i. **Will (or could) this project be located in an area where a high water table may adversely affect land use?**

**No Impact.** There is no indication of the presence of a high water table in this area, thus there would be no impact due to high water table.

- j. **Will (or could) this project affect a natural drainage channel or streambed, or watercourse?**

**Yes, Significant Unless Mitigated.** The project is closely located to both Ring's Gulch and Tunitas Creek. Ring's Gulch runs the length of the eastern property line and parallel to the existing roadway through Parcel 1. Tunitas Creek runs parallel to the southern property line for its full length. While there are no road improvements or construction of any above ground structures that are proposed as part of this project, there is a potential impact that could result in runoff from the disturbed areas. Staff believes that compliance with Mitigation Measure 1 would result in a less than significant impact.

## 2. **VEGETATION AND WILDLIFE**

- a. **Will (or could) this project affect federal or state listed rare or endangered species of plant life in the project area?**

**No Impact.** A search of the California Natural Diversity Database was conducted and no special status species were found to occur within 2 miles of the project area.

- b. **Will (or could) this project involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?**

**No Impact.** No tree removal or tree topping is proposed as part of this project, and no tree cutting is allowed without a permit.

- c. **Will (or could) this project be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species?**

**No Impact.** A search of the California Natural Diversity Database was conducted and no special status species were found to occur within 2 miles of the project area.

- d. **Will (or could) this project significantly affect fish, wildlife, reptiles, or plant life?**

**No Impact.** As mentioned previously, a search of the California Natural Diversity Database was conducted and no special status species of plant or animal was found to occur in the area.

- e. **Will (or could) this project be located inside or within 200 feet of a marine or wildlife reserve?**

**No Impact.** The proposed project is not located within 200 feet of a marine or wildlife reserve.

- f. **Will (or could) this project infringe on any sensitive habitats?**

**No Impact.** The proposed parcel does contain the Ring's Gulch and Tunitas Creek riparian habitats; however, neither the Certificate of Compliance nor the proposed well sites, which are all greater than 150 linear feet away from said habitats, pose any impacts.

- g. **Will (or could) this project involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone?**

**No Impact.** The proposed project does not involve any significant land clearing as only the areas in which the wells would be drilled would be cleared. The project site also has slopes less than 20% and is not located in a sensitive habitat or buffer zone.

### 3. **PHYSICAL RESOURCES**

- a. **Will (or could) this project result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)?**

**No Impact.** The project site is not used for nor identified as a source of natural resources.

- b. **Will (or could) this project involve grading in excess of 150 cubic yards?**

**No Impact.** The proposed project does not include any significant grading. Some excavation will be required in order to create the test wells but the amount of excavation will not exceed 150 cubic yards and once drilling is complete, the site will be returned to its original state.

- c. **Will (or could) this project involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?**

**No Impact.** The project site is not protected under the Williamson Act or any Open Space Easements.

- d. **Will (or could) this project affect any existing or potential agricultural uses?**

**No Impact.** The project site is currently utilized for cattle grazing. The proposed project poses no impact to the current or any future agricultural use.

4. **AIR QUALITY, WATER QUALITY, SONIC**

- a. **Will (or could) this project generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?**

**Yes, Significant Unless Mitigated.** The project would be expected to generate dust during the creation of the test wells. This would be a potentially significant impact that would be mitigated by the following measure.

**Mitigation Measure 2:** The applicant shall submit a dust control plan to the Planning Department for review and approval prior to the issuance of a well drilling permit for the project. The approved plan shall be implemented for the duration of any grading, demolition, and construction activities that generate dust and other airborne particles. The plan shall include the following control measures:

- a. Water all active construction areas at least twice daily.
- b. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- c. Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least 2 feet of freeboard.

**ANSWERS TO QUESTIONS**

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- d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
  - e. Sweep daily (preferably with water sweepers) all paved access roads, parking and staging areas at construction sites.
  - f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
  - g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
  - h. Limit traffic speeds on unpaved roads within the project parcel to 15 mph.
  - i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - j. Replant vegetation in disturbed areas as quickly as possible.
- b. Will (or could) this project involve the burning of any material, including brush, trees and construction materials?**

**No Impact.** No burning of any materials is expected to occur as part of the proposed project.

- c. Will (or could) this project be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?**

**No Impact.** There is no change in land use proposed as part of this project and therefore would not result in the generation of noise levels in excess of those existing in the area.

- d. Will (or could) this project involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?**

**No Impact.** The use of hazardous materials is not expected as part of the proposed project.

- e. Will (or could) this project be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?**

**No Impact.** Noise levels in this remote and rural-zoned area would have no impact on the subject parcel.

- f. **Will (or could) this project generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?**

**Yes, Significant Unless Mitigated.** During the creation of the test wells, excessive noise could be generated, particularly during grading and excavation activities. Mitigation Measure 3 is proposed to reduce the construction noise impact to a less than significant level. However, once construction is complete, the project would generate little to no noise.

**Mitigation Measure 3:** All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.

- g. **Will (or could) this project generate polluted or increased surface water runoff or affect groundwater resources?**

**No Impact.** As no above ground structures are proposed as part of this project, there are no on-site sources to generate polluted or increased surface water runoff or affect groundwater resources.

- h. **Will (or could) this project require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity?**

**No Impact.** Neither the certificate of compliance nor the creation of test wells requires the installation of a septic tank/leachfield sewage disposal system or hookup to an existing collection system.

## 5. **TRANSPORTATION**

- a. **Will (or could) this project affect access to commercial establishments, schools, parks, etc.?**

**No Impact.** Neither the certificate of compliance nor the creation of test wells would affect access to commercial establishments, schools, parks, or other amenities as the project site is located entirely on a privately owned parcel and no such facilities are located in the immediately adjacent area.

- b. **Will (or could) this project cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?**

**No Impact.** The proposed project would not generate any or very minimal pedestrian traffic along rural roadways.

- c. **Will (or could) this project result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?**

**No Impact.** After the creation of the test wells, the proposed project would not result in any noticeable change in vehicular traffic patterns or volumes, as there is no proposed change in use from the current agricultural operations.

- d. **Will (or could) this project involve the use of off-road vehicles of any kind (such as trail bikes)?**

**No Impact.** The project would not involve the use of off-road vehicles.

- e. **Will (or could) this project result in or increase traffic hazards?**

**No Impact.** The proposed project does not include a change in land use and therefore would not result in or increase traffic hazards.

- f. **Will (or could) this project provide for alternative transportation amenities such as bike racks?**

**No Impact.** No bike racks or other alternative transportation amenities are being provided on-site. Staff believes that alternative transportation amenities are not necessary for the proposed project.

- g. **Will (or could) this project generate traffic that will adversely affect the traffic carrying capacity of any roadway?**

**No Impact.** After completion, the proposed project would not result in any noticeable change in vehicular traffic patterns or volumes, as there are no proposed land use changes or proposed construction of any permanent structures as part of the project.

6. **LAND USE AND GENERAL PLANS**

- a. **Will (or could) this project result in the congregating of more than 50 people on a regular basis?**

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**No Impact.** The proposed project would not result in the congregation of more than 50 people on a regular basis.

- b. Will (or could) this project result in the introduction of activities not currently found within the community?**

**No Impact.** The proposed project does not include a change in land use and therefore does not introduce any new activities to the surrounding community.

- c. Will (or could) this project employ equipment that could interfere with existing communication and/or defense systems?**

**No Impact.** The proposed project would not employ equipment that could interfere with existing communication and/or defense systems.

- d. Will (or could) this project result in any changes in land use, either on or off the project site?**

**No Impact.** Currently, the site is utilized for cattle grazing and is undeveloped aside from a dirt and rock road that meanders through the property. While the proposed project will introduce test water wells onto the site, there are no proposed changes to the current agricultural use of the property.

- e. Will (or could) this project serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?**

**No Impact.** The proposed project is only for the legalization of three parcels and the provision of water to those three parcels. Therefore, the project does not encourage any off-site development of either developed or undeveloped areas.

- f. Will (or could) this project adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site?**

**No Impact.** The proposed project does not propose the construction of any permanent structure(s) that would require the service from any public facility. The project does not propose any change in land use from its current agricultural operations and therefore puts no additional demand on any public facility.

- g. Will (or could) this project generate any demands that will cause a public facility or utility to reach or exceed its capacity?**

**No Impact.** The proposed project does not propose the construction of any permanent structure(s) that would require the service from any public facility or utility. The project does not propose any change in land use from its current agricultural operations and therefore puts no additional demand on any public facility or utility.

- h. Will (or could) this project be adjacent to or within 500 feet of an existing or planned public facility?**

**No Impact.** The project site is not located adjacent to or within 500 feet of an existing or planned public facility.

- i. Will (or could) this project create significant amounts of solid waste or litter?**

**No Impact.** The proposed project would not generate significant amounts of solid waste or litter.

- j. Will (or could) this project substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?**

**No Impact.** The project does not involve the construction of new structures in which to increase the fossil fuel consumption on the property.

- k. Will (or could) this project require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?**

**No Impact.** The proposed project would not include or require a change in County or community plans, policies or goals.

- l. Will (or could) this project involve a change of zoning?**

**No Impact.** The proposed project would not include or require a change in zoning.

- m. Will (or could) this project require the relocation of people or businesses?**

**No Impact.** The proposal would not require the relocation of people or businesses.

- n. Will (or could) this project reduce the supply of low-income housing?**

**No Impact.** The proposed project does not include or replace any low-income housing.

- o. Will (or could) this project result in possible interference with an emergency response plan or emergency evacuation plan?**

**No Impact.** The proposed project would not interfere with any emergency response or evacuation plans.

- p. **Will (or could) this project result in creation of or exposure to a potential health hazard?**

**No Impact.** The certificate of compliance and the creation of the test wells will not involve any activities that will result in the creation of or exposure to a potential health hazard.

7. **AESTHETIC, CULTURAL AND HISTORIC**

- a. **Will (or could) this project be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?**

**Yes, Not Significant.** The proposed project site is located almost completely within the Tunitas Creek County Scenic Corridor. However, neither the legalization of the parcels or the drilling of the wells will result in any visible change from the scenic roadway as there will not be resulting above ground structures as part of this project.

- b. **Will (or could) this project obstruct scenic views from existing residential areas, public lands, public water body, or roads?**

**No Impact.** The proposed project would not obstruct any scenic views as discussed in the answer to Question 7.a above.

- c. **Will (or could) this project involve the construction of buildings or structures in excess of three stories or 36 feet in height?**

**No Impact.** The proposed project does not involve the construction of any buildings or structures in excess of three stories or 36 feet in height.

- d. **Will (or could) this project directly or indirectly affect historical or archaeological resources on or near the site?**

**Yes, Significant Unless Mitigated.** There are no known historical or archaeological resources on or near the site. However, particularly with the excavation proposed as part of the project, historical or archaeological resources may be unearthed during project construction. In order to mitigate the potential effects on unknown resources, the following mitigation measure is required.

**Mitigation Measure 4:** Prior to building permit issuance, the project sponsor shall incorporate via a note on the first page of the construction plans that, should cultural resources be encountered during site grading or other site work associated with

**ANSWERS TO QUESTIONS**

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drilling wells, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Current Planning Section.

- e. **Will (or could) this project visually intrude into an area having natural scenic qualities?**

**No Impact.** The proposed project does not involve the construction of any buildings or structures that would visually intrude into the natural scenic qualities of the area.

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**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT STREET, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE (415) 904-5260 FAX (415) 904-5400

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**SECTION I. Appellant(s)**

Name: Sara Wan

Mailing Address: 22350 Carbon Mesa Road

City: Malibu, CA

Zip Code: 90265

Phone: (415) 904-5200

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

San Mateo County

2. Brief description of development being appealed:

County File No. PLN 2008-00098

Conditional Certificate of Compliance (Type B) and three test wells associated with creation of a 32-acre parcel and a 20.01 acre parcel

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Adjacent to 2800 Tunitas Creek Road, in the unincorporated Half Moon Bay area of San Mateo County, APN 066-300-030

4. Description of decision being appealed (check one.):

- Approval; no special conditions  
 Approval with special conditions:  
 Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-2-SMC-09-009

DATE FILED: April 21, 2009

DISTRICT: North Central Coast District

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 3/19/2009

7. Local government's file number (if any): PLN2008-00098

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Applicant: Mike Turnrose, 125 East Main Street #4, Ripon, CA 95366  
Owner: Carl Hoffman, 331 Main St., Half Moon Bay, CA 94019

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Barbara Mauz, P O Box 1284, El Grenada, CA 94018

(2)

(3)

(4)

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT STREET, SUITE 2000  
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**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**SECTION I. Appellant(s)**

Name: Steve Blank

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105

Phone: (415) 904-5200

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

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**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

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(2)

(3)

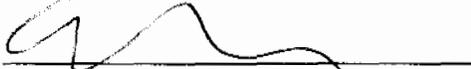
(4)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed:   
Appellant or Agent **Steve Blank**

Date: April 21, 2009

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

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

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attachment A: Appeal Text

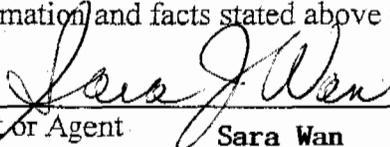
See Attachment B: Applicable LCP Policies

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

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SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed:   
Appellant or Agent **Sara Wan**

Date: April 21, 2009

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

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

On March 19, 2009, the County approved a Coastal Development Permit (CDP) to legalize a 32-acre parcel and a 20.01-acre parcel and three test wells, located east of Highway 1, adjacent to Tunitas Creek Road in the “unincorporated Half Moon Bay area of San Mateo County.” County documents indicate that the subject property is designated “lands suitable for agriculture,” is zoned Planned Agriculture Development (PAD), and is located in a County scenic corridor. The approved land division is inconsistent with the San Mateo County certified local coastal program (LCP) agricultural, development and visual resources policies, as described below.

The County authorized the land division in conjunction with a Conditional Certification of Compliance (Type B) [COC(B)]. Pursuant to LCP/LUP Policy 1.28, a land division authorized by a COC(B) requires a Coastal Development Permit. The approval of a COC(B) under the Subdivision Map Act is treated as a new land division under the Coastal Act because the parcels are being legally created after the effective date of the Coastal Act.

Pursuant to LCP/LUP Policy 1.29, in order to legalize a parcel, the resulting parcel configuration must be consistent with the standards of review of the Coastal Development District regulations (i.e. all applicable LCP policies).. The County approval of the land division is inconsistent with LCP/LUP Policy 1.29 because the County did not demonstrate that the land division conforms with the standards of review of the Coastal Development District regulations, which require that in order to approve development, the County must find that it is consistent with the LCP. The sections below highlight the particular components of the LCP that are implicated by the approved land division

#### Agriculture Component

The County approval is inconsistent with Policy LCP/LUP Chapter 5 and the certified Planned Agriculture District (PAD) regulations because it did not evaluate the proposed COC(B) for consistency with the policies contained in these chapters (see Attachment B for full text of these policies). More specifically, Section 6354 of the certified PAD regulations requires the County to issue a PAD permit for all land divisions. Section 6361 of the PAD regulations require that the County make specific findings before approving a land division, and that they be set forth in writing, based on fact, and provide specific reasons why the division meets or fails to meet all applicable requirements of the PAD ordinance. The County did not process a PAD permit for the COC(B) nor did it make these required findings. Therefore the County approval is inconsistent with Section 6354 and 6361 of the certified PAD zoning regulations.

As such, the County did not evaluate the project for consistency with: (1) the land division criteria contained in both the LUP and the certified zoning (PAD) regulations (Section 6355 of zoning and LUP Policy 5.9); (2) the maximum density of development policies (Section 6356 of zoning and LUP Policies 1.8, 5.11, 5.12, and 5.13);(3) and the procedural criteria for issuance of a PAD permit (Section 6361 of zoning). Pursuant to Section 6361(a) of the PAD regulations and LUP Policy 5.14, before any land division

[which includes a COC(B)], the applicant must file a Master Land Division Plan demonstrating how the parcel will be ultimately divided consistent with the maximum density of development permitted and which parcels will be used for agricultural and non-agricultural uses if conversions are permitted. Section 6361(c) of the PAD regulations also requires that for parcels of at least 20 acres (before division) the applicant must file an Agricultural Land Management Plan. The County decision documents and staff reports do not indicate that a Master Land Division Plan or an Agricultural Land Management Plan was ever filed and the County documents do not indicate which parcels will be used for agricultural and non-agricultural uses, nor do they indicate if conversions are permitted. Therefore the approved land division is inconsistent with Section 6361(a) and LCP/LUP Policy 5.14.

In addition, certified LCP/LUP Policy 5.9 and PAD Section 6355 (b) only allows division of “lands suitable for agriculture” if it can be demonstrated that existing or potential agricultural productivity of any resulting agricultural parcel would not be reduced. The evidence provided in the County decision does not support these required findings. The sole reference to agriculture on the property is the following from the January 8<sup>th</sup> staff report Section A(4), which was referring to the original application for 3 COCs: “The largest of the parcels at 32 acres is sufficient in size to allow for some amount of animal grazing. While the 7.71 and 12.3 – acre parcels may support a small grazing operation, the soils and topography on these two parcels limit their usefulness for row crops or other types of agriculture...” The County did not update or expand on this information in order to answer the question of whether the existing or potential productivity of the two parcels that would be legalized would be reduced.

Further, the County did not provide an analysis of the appropriate parcel size and the allowable density for the approved land division, according to the required formula contained LUP Policies 5.14(c), 1.8(b) and (c), and LUP Table 1.3, and PAD Section 6356. The January 9, 2009 staff report for the approved project states that the current PAD density credit criteria would not allow a 52-acre parcel to be subdivided into three lots. It does not provide an analysis for division into 2 lots. Therefore the approved land division is inconsistent with LUP Policies 5.14(c), 1.8(b) and (c), LUP Table 1.3, and PAD Section 6356.

Finally, even if a land division were allowed and a master land division plan could be approved consistent with all the above-mentioned agricultural land division policies, LUP Policy 5.16 and PAD Zoning Section 6361(B) requires that as a condition of approval the applicant shall grant an agricultural easement to the County, that covers all portions of the property to remain in agriculture as specified in the master land division plan. In addition PAD zoning section 6361(D) requires that for parcels adjacent to agricultural land, an agricultural statement shall be placed on the final map and each parcel deed. The County did not impose either condition on the subject coastal development permit for the approved land division. Thus, the approved land division is inconsistent with LUP Policy 5.16 and Section 6361(B) and (D).

#### Visual Resources Component

The County did not evaluate the approved land division, i.e. the resulting two-parcel configuration, for consistency with the visual resources policies (see Attachment B for full text of these policies). The findings of approval contain a generic finding that the project is consistent with the LCP and does not impact scenic resources. However, there are no specific findings on the resulting two-parcel configuration, and whether future development on these parcels could occur in full conformance with the visual resource standards applicable to the creation of new parcels specifically identified in Policies 8.7(c) and 8.5(b)..

LCP/LUP Policy 8.5 requires development to be located on the portion of the parcel that is least visible from State and County scenic roads, is least likely to significantly impact views from public viewpoints, and best preserves the visual and open space characters of the parcel overall. The subject property is visible from Tunitas Creek Road, which is a designated scenic County road. It is also located adjacent to and visible from Peninsula Open Space Trust (POST) land, which may be used recreationally by the public. In this case the "development" in question is the COC(B) or land division of the property. LCP/LUP policy 8.5 requires that the land division occur on the least visible portion of the property, but no analysis of the land division location or configuration was conducted by the County. The County approved the COC(B) as submitted, with no discussion of whether there is a need to re-locate the land division (i.e. reconfigure the parcels) to conform with the policy 8.5, to ensure that future development of these parcels would not significantly impact public views and to best preserve the visual and open space characters of the parcel.

In addition, LUP/LCP Policy 8.7 prohibits development on skylines and ridgelines. The County approval documents do not discuss whether there are skylines and ridgelines on the property and whether future development of the resulting parcels would be able to avoid skylines and ridgelines. Lastly, LUP/LCP Policy 8.31 requires that the policies of the Scenic Road Element of the County General Plan and Section 6325.1 (Primary Scenic Resources Areas Criteria) be applied to proposed development as specific regulations protecting scenic corridors in the Coastal Zone. The County did not apply these policies to the subject development when making its decision to approve the land division. Therefore, the approved land division is inconsistent with LUP/LCP Policies 8.5, 8.7, and 8.31.

## **LCP/LUP Chapter 1-Locating and Planning New Development**

### **\*1.28 Legalizing Parcels**

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

### **\*1.29 Coastal Development Permit Standards of Review for Legalizing Parcels**

*Require Coastal Development Permits to legalize parcels. Where applicable, condition permits to meet the following standards. (Permit applications shall be considered as "conditional uses" for the purposes of review.)*

*a. On developed illegal parcels created before Proposition 20 (effective date*

*January 1, 1973) on lands located within 1,000 yards of the mean high tide line, or the Coastal Act of 1976 (effective date January 1, 1977), on lands shown on the official maps adopted by the Legislature, which received all required building permits or government approvals for development, a*

*Coastal Development Permit to legalize the parcel shall be issued without conditions.*

*b. On developed illegal parcels created before Proposition 20, on lands within*

*1,000 yards of the mean high tide line, or the Coastal Act of 1976, on lands shown on the official maps adopted by the Legislature, which received a coastal permit for the development, a coastal permit to legalize the parcel shall be issued without conditions.*

*c. On illegal parcels created and developed after Proposition 20, on lands located within 1,000 yards of the mean high tide line, or the Coastal Act of 1976, on lands shown on the official maps adopted by the Legislature, a Coastal Development Permit shall be issued if the development and parcel configuration do not have any substantial adverse impact on coastal resources, in conformance with the standards of the Coastal Development District regulations. Permits to legalize this type of development and parcel shall be conditioned to maximize consistency with Local Coastal Program resource protection policies.*

*d. On undeveloped parcels created before Proposition 20, on lands located within 1,000 yards of the mean high tide line, or the Coastal Act of 1976, on lands shown on the official maps adopted by the Legislature, a*

*coastal permit shall be issued to legalize the parcel if the parcel configuration will not have any substantial adverse impacts on coastal resources, in conformance with the standards of review of the Coastal Development District regulations. Permits to legalize this type of parcel shall be conditioned to maximize consistency with Local Coastal Program resource protection policies. A separate Coastal Development Permit, subject to all applicable Local Coastal Program requirements, shall be required for any development of the parcel.*

*e. On undeveloped illegal parcels created after Proposition 20, on lands located within 1,000 yards of the mean high tide line, or the Coastal Act of 1976, on lands shown on the official maps adopted by the Legislature, a Coastal Development Permit is necessary to legalize the parcel. A permit may be issued only if the land division is in conformance with the standards of the Coastal Development District regulations.*

**\*1.8 Land Uses and Development Densities in Rural Areas**

*a. Allow new development (as defined in Section 30106 of the California Coastal Act of 1976) in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production.*

*b. Permit in rural areas land uses designated on the Local Coastal Program Land Use Plan Maps, and conditional uses up to the densities specified in Tables 1.2 and 1.3.*

*c. (1) Require Density Credits for Non-Agricultural Uses*

*Require density credits for all new or expanded non-agricultural land uses in rural areas, including all residential uses, except affordable housing (to the extent provided in Local Coastal Program Policy 3.23) and farm labor housing, as defined in Local Coastal Program Policy 3.28, mining in accordance with General Plan Policies 3.11 and 3.12, and solid waste facilities under the policies in General Plan Chapter 13. The existence and number of density credits on a parcel shall be determined by applying Table 1.3. Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this policy for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program...*

**\*TABLE 1.3 MAXIMUM DENSITY CREDITS**

*In the rural areas of the Coastal Zone which are zoned Planned Agricultural District, Resource Management/Coastal Zone, or Timberland Preserve/Coastal Zone, determine the maximum number of density credits*

*to which any legal parcel is entitled by using the method of calculation shown below, and further defined by the Planned Agriculture, Resource Management/Coastal Zone, and Timberland Preserve/Coastal Zone Zoning District regulations. All legal parcels shall accumulate at least one density credit. Except as provided in Policy 5.11, the sum of the density credits on parcels created by a land division shall not exceed the total credits on the original parcels or parcels divided.*

**A. Prime Agricultural Lands**

*One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Policy 5.1 (i.e., the number of acres of Prime Agricultural Land divided by 160).*

**B. Lands With Landslide Susceptibility**

*One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).*

**C. Land With Slope 50% or Greater**

*One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).*

**D. Remote Lands**

*One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).*

**E. Land With Slope 30% But Less Than 50%**

*One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).*

**F. Land Within Rift Zones or Active Faults**

*One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active Faults, Probably Active Faults, and Associated Fracture Zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).*

**G. Lands Within 100-Year Floodplain**

*One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).*

*H. Land With Slope 15% But Less Than 30%*

*One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).*

*I. Land Within Agricultural Preserves or Exclusive Agricultural Districts*

*One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).*

*J. All Other Lands*

*One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).*

*K. Bonus Density Credit for New Water Storage Capacity*

*One bonus density credit shall be allowed for each 24.5 acre feet of new water storage capacity demonstrated to be needed and developed for agricultural cultivation or livestock. Water from this storage may be used only for agricultural purposes. These bonus credits may be used on site or transferred to another parcel. However, none of the credits may be used on prime agricultural lands or in scenic corridors. Use of the credits shall be subject to Planning Commission approval in accordance with the provisions of this and other County ordinances.*

*If the same portion of a parcel is covered by two or more of the subsections A. through J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.*

## **LCP/LUP Chapter 5-Agriculture Component**

### **\*5.1 Definition of Prime Agricultural Lands**

*Define prime agricultural lands as:*

- a. All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability*

*Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.*

*b. All land which qualifies for rating 80-100 in the Storie Index Rating.*

*c. Land which supports livestock 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 U.S. Department of Agriculture.*

*d. 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 normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than \$200 per acre.*

*e. Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than \$200 per acre within three of the five previous years.*

*The \$200 per acre amount in subsections d. and e. shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.*

#### \*5.3 Definition of Lands Suitable for Agriculture

*Define other lands suitable for agriculture as lands on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.*

#### \*5.7 Division of Prime Agricultural Land Designated as Agriculture

*a. Prohibit the division of parcels consisting entirely of prime agricultural land.*

*b. Prohibit the division of prime agricultural land within a parcel, unless it can be demonstrated that existing or potential agricultural productivity would not be reduced.*

*c. Prohibit the creation of new parcels whose only building site would be on prime agricultural land. [emphasis added]*

#### \*5.9 Division of Land Suitable for Agriculture Designated as Agriculture

*Prohibit the division of lands suitable for agriculture unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be reduced. [emphasis added]*

#### \*5.11 Maximum Density of Development Per Parcel

*a. Limit non-agricultural development densities to those permitted in rural areas of the Coastal Zone under the Locating and Planning New Development Component.*

*b. Further, limit non-agricultural development densities to that amount which can be accommodated without adversely affecting the viability of agriculture.*

**\*5.12 Minimum Parcel Size for Agricultural Parcels**

*Determine minimum parcel sizes on a case-by-case basis to ensure maximum existing or potential agricultural productivity.*

**\*5.13 Minimum Parcel Size for Non-Agricultural Parcels**

*a. Determine minimum parcel size on a case-by-case basis to ensure that domestic well water and on-site sewage disposal requirements are met.*

*b. Make all non-agricultural parcels as small as practicable (residential parcels may not exceed 5 acres) and cluster them in one or as few clusters as possible.*

**\*5.14 Master Land Division Plan**

*a. In rural areas designated as Agriculture on the Local Coastal Program Land Use Plan Maps on March 25, 1986, require the filing of a Master Land Division Plan before the division of any parcel. The plan must demonstrate: (1) how the parcel will be ultimately divided, in accordance with permitted maximum density of development, and (2) which parcels will be used for agricultural and non-agricultural uses, if conversions to those uses are permitted. Division may occur in phases. All phased divisions must conform to the Master Land Division Plan.*

*b. Exempt land divisions which solely provide affordable housing, as defined in Policy 3.7 on March 25, 1986, from the requirements in a.*

*c. Limit the number of parcels created by a division to the number of density credits to which the parcel divided is entitled, prior to division, under Table 1.3 and Policy 5.11d. and e., except as authorized by Policy 3.27 on March 25, 1986.*

**\*5.15 Mitigation of Land Use Conflicts**

*a. When a parcel on or adjacent to prime agricultural land or other land suitable for agriculture is subdivided for non-agricultural uses, require that the following statement be included, as a condition of approval, on all parcel and final maps and in each parcel deed:*

*“This subdivision is adjacent to property utilized for agricultural purposes. Residents of the subdivision may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers, and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting, which occasionally generate dust, smoke, noise, and odor. San Mateo County has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept*

*such inconvenience or discomfort from normal, necessary farm operations.”*

*b. Require the clustering of all non-agricultural development in locations most protective of existing or potential agricultural uses.*

*c. Require that clearly defined buffer areas be provided between agricultural and non-agricultural uses.*

*d. Require public agencies owning land next to agricultural operations to mitigate rodent, weed, insect, and disease infestation, if these problems have been identified by the County's Agricultural Commissioner.*

#### \*5.16 Easements on Agricultural Parcels

*As a condition of approval of a Master Land Division Plan, require the applicant to grant to the County (and the County to accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture, and farm labor housing. The easement shall specify that, anytime after three (3) years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to Open Space. Uses consistent with the definition of open space shall mean those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site's natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to natural landforms.*

#### 5.21 Water Supply

*Establish strategies for increasing agricultural water supplies without endangering sensitive habitats.*

#### \*5.22 Protection of Agricultural Water Supplies

*Before approving any division or conversion of prime agricultural land or other land suitable for agriculture, require that:*

*a. The existing availability of an adequate and potable well water source be demonstrated for all non-agricultural uses according to the following criteria: (1) each existing parcel developed with non-agricultural uses, or*

parcel legalized in accordance with LCP Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (2) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (a) on that parcel, or (b) on the larger property that was subdivided to create the new parcel, providing that a single well source may not serve more than four (4) new parcels.  
b. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.  
c. All new non-agricultural parcels are severed from land bordering a stream and their deeds prohibit the transfer of riparian rights. [emphasis added]

## **LCP/LUP Chapter 8 – Visual Resources Component**

### **8.5 Location of Development**

*a. Require that new development be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel overall. Where conflicts in complying with this requirement occur, resolve them in a manner which on balance most protects significant coastal resources on the parcel, consistent with Coastal Act Section 30007.5. Public viewpoints include, but are not limited to, coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. This provision does not apply to enlargement of existing structures, provided that the size of the structure after enlargement does not exceed 150% of the pre-existing floor area, or 2,000 sq. ft., whichever is greater. This provision does not apply to agricultural development to the extent that application of the provision would impair any agricultural use or operation on the parcel. In such cases, agricultural development shall use appropriate building materials, colors, landscaping and screening to eliminate or minimize the visual impact of the development.*

*b. Require, including by clustering if necessary, that new parcels have building sites that are not visible from State and County Scenic Roads and will not significantly impact views from other public viewpoints. If the entire property being subdivided is visible from State and County Scenic Roads or other public viewpoints, then require that new parcels have building sites that minimize visibility from those roads and other public viewpoints.*

### **\*8.7 Development on Skylines and Ridgelines**

- a. Prohibit the location of development, in whole or in part, on a skyline or ridgeline, or where it will project above a skyline or ridgeline, unless there is no other developable building site on the parcel...*
- c. Prohibit the creation of new parcels which have no developable building site other than on a skyline or ridgeline.*

**8.30 Designation of County Scenic Roads and Corridors**

- a. Expand existing County Scenic Corridors to include the visual limits of the landscape abutting the scenic road.*
- b. Designate County Scenic Roads and Corridors as shown on the Scenic Roads and Corridors Map for the Coastal Zone. These are: Coast Highway north of Half Moon Bay city limits (State Route 1), Half Moon Bay Road (State Route 92), La Honda Road (State Route 84), Higgins-Purissima Road, Tunitas Creek Road, Pescadero Road, Stage Road, Cloverdale Road, and Gazos Creek Road (Coast Highway to Cloverdale Road).*

**8.31 Regulation of Scenic Corridors in Rural Areas**

- a. Apply the policies of the Scenic Road Element of the County General Plan.*
- b. Apply Section 6325.1 (Primary Scenic Resources Areas Criteria) of the Resource Management (RM) Zoning District as specific regulations protecting scenic corridors in the Coastal Zone.*
- c. Apply the Rural Design Policies of the LCP.*
- d. Apply the Policies for Landforms and Vegetative Forms of the LCP.*
- e. Require a minimum setback of 100 feet from the right-of-way line, and greater where possible; however, permit a 50-foot setback when sufficient screening is provided to shield the structure from public view.*
- f. Continue applying special regulations for the Skyline Boulevard and Cabrillo Highway State Scenic Corridors.*
- g. Enforce specific regulations of the Timber Harvest Ordinance which prohibits the removal of more than 50% of timber volume in scenic corridors.*

**Certified Zoning Regulations - Planned Agricultural District**

**SECTION 6354. LAND DIVISIONS.**

*All land divisions permitted in the PAD are subject to the issuance of a Planned Agricultural Permit.*

**SECTION 6355. SUBSTANTIVE CRITERIA FOR ISSUANCE OF A PLANNED AGRICULTURAL PERMIT.**

*It shall be the responsibility of an applicant for a Planned Agricultural Permit to provide factual evidence which demonstrates that any proposed land division or conversion of land from an agricultural use will result in*

*uses which are consistent with the purpose of the Planned Agricultural District, as set forth in Section 6350. In addition, each application for a division or conversion of land shall be approved only if found consistent with the following criteria:...*

***B. Water Supply Criteria***

- 1. The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses according to the following criteria: (a) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (b) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (1) on that parcel, or (2) on the larger property that was subdivided to create the new parcel, provided that a single well water source may not serve more than four (4) new parcels.*
- 2. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.*
- 3. All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.*

***C. Criteria for the Division of Prime Agricultural Land***

- 1. Prime Agricultural Land which covers an entire parcel shall not be divided.*
- 2. 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.*
- 3. Prime Agricultural Land within a parcel will not be divided when the only building site would be on such Prime Agricultural Land...*

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

*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.*

**SECTION 6356. MAXIMUM DENSITY OF DEVELOPMENT.**

*In the Planned Agricultural District, for purposes of determining the maximum total number of density credits accumulated on any parcel, the following system shall be used:*

*The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the*

*parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres. The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of density credits allowed is equal to or greater than .5, the total number of density credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.*

*Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program.*

*Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses.*

*For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for each 315 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. This requirement applies to water use by or resulting from the nonagricultural use, including landscaping, swimming pools and all other appurtenant uses.*

*Residential Uses*

*For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).*

*Non-Agricultural Uses Except Visitor-Serving Uses*

*For non-agricultural uses, except visitor-serving uses, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."*

*Amount of Development Allowed for Visitor-Serving, Commercial Recreation, and Public Recreation Uses*

*For new or expanded visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. One additional density credit shall*

*be required for each 630 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. This requirement applies to water use by or resulting from the visitor-serving use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel. For visitor-serving, commercial recreation, and public recreation uses listed in Table 1.5, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:*

*First Density Credit*

*For one density credit or the first density credit when multiple density credits are available, either 1 1/2 times the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures," or the amount stated in that column and a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator.*

*Additional Density Credits*

*For each additional density credit, the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."*

*For the purpose of this provision, "visitor-serving, commercial recreation, and public recreation uses" shall be only those lands and facilities listed in LCP Policies 11.1, 11.2 and 11.3, and only if those lands and facilities specifically enhance public opportunities for coastal recreation.*

*As an interim limit, no more than 600 visitor-serving lodging units may be approved in the rural Coastal Zone, as specified by LCP Policy 1.23.*

*The provisions of this section will not apply to agriculture, farm labor housing, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or affordable housing to the extent authorized in Policy 3.23 of the Local Coastal Program on March 25, 1986, or other structures considered to be accessory to agriculture under the same ownership.*

*A. Prime Agricultural Lands*

*One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).*

*B. Lands With Landslide Susceptibility*

*One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).*

*C. Land With Slope 50% or Greater*

*One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).*

*D. Remote Lands*

*One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).*

*E. Land With Slope 30% But Less Than 50%*

*One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).*

*F. Land Within Rift Zones or Active Faults*

*One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).*

*G. Lands Within Flood Hazard Areas*

*One density credit per 60 acres for that portion of a parcel falling within a 100- year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).*

*H. Land With Slope 15% But Less Than 30%*

*One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).*

*I. Land Within Agricultural Preserves or Exclusive Agricultural Districts*

*One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).*

*J. All Other Lands*

*One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40). If the same portion of a parcel is covered by two or more of the subsections A. and J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.*

**SECTION 6361. PROCEDURAL CRITERIA FOR ISSUANCE OF A PLANNED AGRICULTURAL PERMIT.**

*A. Master Land Division Plan*

*Before any division of land, the applicant shall file a Master Land Division Plan 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. Division for non-agricultural parcels shall be as small as practicable, not to exceed 5 acres when used for residential purposes, and shall ensure that minimum domestic well water and on-site sewage disposal area requirements are met. Division shall be permitted in phases, and all future divisions occurring on land for which a plan has been filed must conform to that plan. Master Land Division Plans shall not be required for land divisions which solely provide affordable housing, as defined by LCP Policy 3.7 on March 25, 1986.*

***B. Easements on Agricultural Parcels***

*After a Master Land Division Plan has been filed, and as a condition of approval thereof, the applicant shall grant to the County (and the County shall accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture (as defined in Section 6352C and D of this ordinance) and farm labor housing. The covenant shall specify that, anytime after three years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon the finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to open space. Uses consistent with the definition of Open Space shall mean all those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site's natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to the natural landforms.*

***C. Agricultural Land Management Plan***

*For parcels 20 acres or more in size before division or conversion, the applicant shall file an agricultural land management plan demonstrating how, if applicable, the agricultural productivity of the land will be fostered and preserved in accordance with the requirements of Sections 6350 and 6355 of this ordinance.*

***D. Map and Deed Notice***

*When a parcel on or adjacent to agricultural land is subdivided, the following statement shall be included as a condition of approval on all parcel and final maps and in each parcel deed.*

*“This subdivision is adjacent to property utilized for agricultural purposes, and residents of the subdivision may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers; and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting, which occasionally generate dust, smoke, noise and odor. San Mateo County has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations.”*

*E. Findings*

*The County shall make findings with respect to each application for division or conversion of lands in the Planned Agricultural District. Such findings shall be in writing, based on fact, and shall set forth specific reasons why proposed division or conversion meets or fails to meet all applicable requirements of this ordinance.*