

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV



W13a

LCP-2-SMC-20-0056-3 (Non-CDP Land Divisions)

January 13, 2021

CORRESPONDENCE



CALIFORNIA FARM BUREAU FEDERATION

LEGAL SERVICES DIVISION

2600 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833 • PHONE (916) 561-5665

February 12, 2020

via U.S. Mail & Email

mross@smcgov.org

Ms. Melissa Ross, Senior Planner
Planning and Building Department
County of San Mateo
County Office Building
455 County Center
Redwood City, California 94063

Re: Corrected Proposed Zoning Ordinance Text Amendments – MROSD and POST

Dear Ms. Ross:

This office represents the San Mateo County Farm Bureau. The comments respectfully offered below come from both the San Mateo County Farm Bureau and the California Farm Bureau Federation (singularly or collectively, “Farm Bureau”), and respond to your solicitation of comments as to certain proposed zoning ordinance text amendments proposed by the Midpeninsula Open Space District (“MROSD”) and the Peninsula Open Space Trust (“POST”). At this time, the San Mateo County Farm Bureau opposes these amendments on the timeline proposed, and asks that the County of San Mateo table the amendments until such time as a more deliberative process of public workshops can occur.

The California Farm Bureau Federation is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 36,000 agricultural, associate and collegiate members in 56 counties, including some more than 200 members within the San Mateo County Farm Bureau. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. A key component of its advocacy relates to land use within agricultural zones, and farmers and ranchers within the coastal zone face particularized pressures in this respect.



We appreciate the County's commitment to its agricultural heritage and landscape, which has been evident in its general planning and zoning processes over the years. San Mateo County has a rich agricultural tradition, much of which occurs within the coastal zone. Farm Bureau has worked collaboratively with the County over the years in relation to the issues that face agriculture, and we expect a continuation of that positive interaction into the future. With respect to the memorandum received from your office dated January 6, 2020 which asks for feedback on the proposed text amendments to the County's zoning code which are authored by MROSD and POST and are intended to facilitate a pair of projects these entities wish to advance in the County's Planned Agricultural District, Farm Bureau has the following concerns:

1. The Coastal Act does not require these proposed zoning text amendments.

Section 30106 of the Coastal Act does in fact exempt certain land divisions brought by public agencies in connection with planned public recreational uses from the definition of "development". However, this does not, of necessity, make the County's current zoning code requirements for such land divisions within the PAD zone "inconsistent" with the Coastal Act or require the referenced text amendments. The County's zoning code need not be completely congruent with permitting requirements under the Coastal Act, and we believe the County has a broader mandate to zone for the public health, safety and welfare than is required by the Coastal Act. The County may enact additional protective zoning requirements – such as the requirement for an agricultural easement and the restriction to a 5-acre maximum parcel size for non-agricultural parcels at issue here – so long as those zoning requirements are not in direct conflict with the Coastal Act or the coastal values it protects.

In point of fact, the Coastal Act itself is very clear that agriculture in the coastal zone is both a coastal resource and a priority land use that is protected by the Act.¹ We see nothing about the current zoning requirements in the PAD zone that is inconsistent with the Coastal Act's position on agriculture, and in fact is not actually *supported* by the Coastal Act.² As such, we believe it is an improper framing of the proposed text amendments to suggest to the public that

¹ See "Agriculture in the Coastal Zone: An Informational Guide for the Permitting of Agricultural Development", California Coastal Commission, September 29, 2017, at p. 8 (available at <https://documents.coastal.ca.gov/assets/agriculture/Informational%20Guide%20for%20Agricultural%20Development%209.29.2017.pdf>); see generally Public Resources Code §§ 30222, 30241, 30242.

² The planning and zoning tools at issue here – agricultural conservation easements and a maximum parcel size for non-agricultural parcels in an agricultural zone – are thoughtful planning tools common in agriculture zones throughout the state, and are certainly not facially inconsistent with coastal values enumerated in the Coastal Act. They should not be discarded without a fuller examination of the need for, and alternatives to, the proposed text amendments.

they are intended to clear up an “inconsistency” in the County’s code with respect to the Coastal Act.³

2. The proposed zoning text amendments may have unintended consequences.

The proposed zoning text amendments are advanced by two interested parties who are seeking relief from the requirements of the County’s zoning code, apparently with respect to two particular projects. Yet the amendments would apply to all public agencies within the designated agricultural zone, which may have unintended consequences. A more thorough examination of the possible permutations of public-agency and private-interest interactions within the context of these proposed changes should be undertaken in order to understand the long-term zoning impact of these changes on the County’s agricultural landscape.

3. The timeline for public review of the proposed zoning amendments is insufficient.

The timeline the County has currently presented for public review of these zoning code changes is abbreviated, and should be relaxed. Currently, the proposed text amendments are being presented to certain public groups on an ad-hoc basis. While the applicants driving the changes have apparently been using consultants and attorneys to advance them, the general public has not had that opportunity. The San Mateo County Farm Bureau, for example, has only recently engaged this office in order to provide feedback on the potential impacts that the proposed zoning code text amendments may have on San Mateo County agriculture.

As such, scheduling hearings before the Planning Commission and the Board of Supervisors in the April and May timeframe seems premature, and not calculated to allow for full public deliberation and a vetting of possible alternatives. A process that involves properly-noticed public workshops would allow for a better examination of likely future subdivisions in San Mateo’s agricultural landscape, and their impacts on San Mateo County agriculture.⁴

4. Environmental review should be undertaken.

Farm Bureau also urges you to initiate a process of environmental review under the California Environmental Quality Act (“CEQA”) prior to considering the approval of the proposed text amendments. CEQA is an ideal process to inform the public of the environmental

³ In this regard, we note that the California Coastal Commission – the state agency charged with implementing the Coastal Act – does not appear to have asked for the text amendments on the basis of inconsistency with the Coastal Act, and indeed appears to have no position on them.

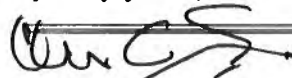
⁴ While not directly a matter of County concern, it bears recognition that one of the proponents of the proposed text amendments – MROSD – operates under a memorandum of understanding with the San Mateo County Farm Bureau that requires it to work cooperatively with the Farm Bureau to support and preserve agricultural operations, and to protect the economic and physical integrity of agricultural lands on the San Mateo Coast. As such, MROSD should support Farm Bureau’s request in this case.

consequences of a proposed public action, including the potential changes to the environment in this case – including impacts to protected agricultural resources. CEQA caselaw reinforces the proposition that environmental review should occur as early in a public process as is reasonably possible, and in this case would provide a more comprehensive look at what the zoning changes might do to the landscape than is presently being provided.

Given the concerns outlined above, the San Mateo County Farm Bureau respectfully requests that the County table these zoning text amendments until such time as a deliberate process of public workshops can be scheduled, accompanied by sufficient environmental review.

We look forward to working with you on these potential changes.

Very truly yours,



Christian C. Scheuring
Managing Counsel

/CCS

cc: Ms. Stephanie Davis
Good City Company
sdavis@goodcityco.com

Mr. Timothy J. Fox
County Counsel
Planning Commission
tfox@smcgov.org

Ms. Zoe Kersteen-Tucker
Board Member, MROSD
zkersteen-tucker@openspace.org

Mr. Ben Wright
Director of Land Transactions, POST
bwright@openspacetrust.org

Ms. Ana Maria Ruiz
General Manager, MROSD
aruiz@openspace.org

Ms. Melissa Ross
February 12, 2020
Page 5

Mr. Michael Callagy
CAO, County of San Mateo
mcallagy@smcgov.org

Mr. Don Horsley
Supervisor, County of San Mateo
dhorsley@smcgov.org

Mr. David Canepa
Supervisor, County of San Mateo
dcanepa@smcgov.org

Ms. Sherry Golestan
Deputy Clerk of the Board of Supervisors
sgolestan@smcgov.org

Mr. Steve Monowitz
Planning Director, County of San Mateo
smonowitz@smcgov.org

Mr. Lenny Roberts
Legislative Advocate, Green Foothills
lennie@greenfoothills.org