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W13a

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

January 13, 2021

EXHIBITS

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ARTICLE 9. AGRICULTURE PROTECTION IN THE PLANNED AGRICULTURAL DISTRICT

SECTION 7066. GENERAL REQUIREMENTS

As a condition of approval of a tentative map or tentative parcel map for any subdivision of land located within the Planned Agricultural District (PAD) and to comply with PAD requirements, the subdivider will be required to dedicate to the County an easement which limits the use of the land covered by the easement to certain agricultural and related uses.

SECTION 7067. EXEMPTIONS

1. Pursuant to LCP Policy 5.14b, the requirement to grant an agriculture protection easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.
2. Pursuant to LCP Policy 1.2, the requirement to grant an agricultural protection easement does not apply to any parcel included in a land subdivision brought about in connection with the purchase of land by a public agency for public recreational use.

SECTION 7068. STANDARD REQUIREMENTS

1. Prerequisites to Subdivision Approval

a. Master Land Division Plan

Before filing a tentative map or tentative parcel map for any subdivision of land zoned PAD, the subdivider must file a Master Land Division Plan (MLDP) in accordance with Section 6364A of the County Zoning Regulations. Subdivision shall be permitted in phases, in which case all future subdivisions occurring on land for which has been approved must conform to that plan. However, MLDPs shall not be required for land divisions which solely provide affordable housing, as defined in Section 7008.

b. Easements Required on Agricultural Parcels

As a condition of approval, the subdivider must dedicate to the County an easement as prescribed in Section 6364B of the County Zoning Regulations.

c. Agricultural Land Management Plan

For parcels twenty (20) acres or more in size before a subdivision application is filed, the applicant must file an Agricultural Land Management Plan (ALMP) 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 County Zoning Regulations.

1. Conditions on Subdivision Approval

a. Consistency With Master Land Division Plan and Agricultural Land Management Plan

Any subdivision of land in the PAD for which a MLDP and an ALMP, if applicable, have been approved must be consistent with such plan(s). The easement covering agricultural parcels required by the MLDP must be clearly and accurately shown on the tentative map or tentative parcel map filed for the proposed subdivision.

b. Map and Deed Notice

When a parcel on or adjacent to agricultural land is subdivided, the following statement must be included as a condition of approval on all final maps and parcel 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 of productive agricultural lands and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary farm operations.”

SECTION 7069. PROCEDURE FOR DEDICATING AGRICULTURAL EASEMENT

Dedications of or offers to dedicate interests in real property for agricultural preservation shall be made in accordance with Section 7040.

ARTICLE 10. OPEN SPACE PRESERVATION IN THE RESOURCE MANAGEMENT/COASTAL ZONE DISTRICT

SECTION 7070. GENERAL REQUIREMENTS

As a condition of approval of a tentative map or parcel map for any subdivision of land within the Resource Management/Coastal Zone District (RM/CZ), the subdivider will be required to dedicate to the County a conservation/open space easement which limits the use of the land covered by the easement to certain uses that are consistent with open space and the conservation of natural resources.

SECTION 7071. EXEMPTION

1. Pursuant to LCP Policy 1.9b, the requirement to grant a conservation/open space easement does not apply to subdivisions that solely provide affordable housing, as defined in Section 7008.
2. Pursuant to LCP Policy 1.2, the requirement to grant a conservation/open space easement does not apply to any parcel included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.

SECTION 7072. STANDARD REQUIREMENTS

1. Prerequisites to Subdivision Approval

Before filing a tentative map or tentative parcel map for any subdivision of land in the RM/CZ District, the maximum density of development of the parent parcel(s) must be determined in accordance with the criteria set forth in Section 6906 of the County Zoning Regulations. Any tentative map or tentative parcel map subsequently filed for parcels that have undergone the determination of maximum density must be consistent with that determination with regard to density. In addition, the subdivision must be designed to meet the Development Review Criteria contained in Chapter 20A.2 of the County Zoning Regulations including, but not limited to, the requirement that development be clustered to minimize disruption of the natural landscape and that use of land subject to hazards (e.g., fire, flooding, erosion) be limited or prohibited.

2. Easement Required on Residual Parcels

As a condition of approval of a subdivision in the RM/CZ District, residual land that is undevelopable due to the limitation of density or the presence of hazards must be restricted to open space uses by an easement containing a covenant with the County, running with the land in perpetuity, which limits the use of the land

covered by the easement to uses consistent with the definition of open space provided in this article.

SECTION 7073. PROCEDURE FOR DEDICATING CONSERVATION/OPEN SPACE EASEMENT

Dedications of or offers to dedicate interests in real property for open space preservation shall be made in accordance with Section 7040.

CHAPTER 21A. "PAD" DISTRICT **(PLANNED AGRICULTURAL DISTRICT)**

SECTION 6350. PURPOSE OF THE PLANNED AGRICULTURAL DISTRICT. The purpose of the Planned Agricultural District is to: 1) preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production, and 2) minimize conflicts between agricultural and non-agricultural land uses by employing all of the following techniques:

- (a) establishing stable boundaries separating urban and rural areas and, when necessary, clearly defined buffer areas,
- (b) limiting conversions of agricultural lands around the periphery of urban areas to lands where the viability of existing agricultural use has already been severely limited by conflicts with urban uses, and where the conversion of such land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development,
- (c) developing available lands not suitable for agriculture before converting agricultural lands,
- (d) assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and
- (e) assuring that all divisions of prime agricultural land (except those stated in (b)) and all adjacent development does not diminish the productivity of prime agricultural lands and other land suitable for agriculture.

SECTION 6351. DEFINITIONS. For the purposes of this Chapter, certain terms used herein are defined as follows:

A. Prime Agricultural Land

- 1. All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.
- 2. All land which qualifies for rating 80-100 in the Storie Index Rating.
- 3. Land which supports livestock use 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.

4. Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which 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.
5. Land which has returned from the production of an unprocessed agricultural plant product on an annual value that is not less than \$200 per acre within three of the five previous years.

The \$200 per acre amount in subsection (4) and (5) shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized Consumer Price Index.

B. Lands Suitable for Agriculture

Land other than Prime Agricultural Land on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.

C. Other Lands

Any portion of a parcel in the Planned Agricultural District which does not meet the definition of Prime Agricultural Land or Lands Suitable for Agriculture.

D. Agriculture

Activities including, but not limited to, the cultivation of food, fiber, or flowers, and the grazing, growing or pasturing of livestock.

E. Uses Ancillary to Agriculture

Agricultural grading equipment supplies, agricultural rental supplies, topsoil stockpiling, and other similar uses determined to be appropriate by the Planning Director.

F. Non-Residential Development Customarily Considered Accessory to Agricultural Uses

Barns, storage/equipment sheds, stables for farm animals, including up to five (5) confined animals, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purposes, and other similar uses determined to be appropriate by the Planning Director.

G. Commercial Recreation

Country inns, commercial or other stables for more than five (5) confined animals, riding academies, campgrounds, rod and gun clubs, private beaches, food/gasoline/telephone services, hostels, and other similar uses determined to be appropriate by the Planning Commission.

H. Public Recreation

Lands and facilities serving primarily a recreation function which are operated by public agencies or other non-profit organizations. Public recreation facilities include, but are not limited to, public beaches, parks, recreation areas, natural preserves, wild areas and trails.

I. Land Division

The creation of any new property line whether by subdivision or other means.

J. Density Credits

The maximum number of land divisions permitted for a parcel computed in accordance with Section 6356. Credits may be combined for uses on a single parcel if the number of land divisions permitted is reduced accordingly; however, only one credit shall be assigned to an agricultural parcel. Only one dwelling unit or non-agricultural use shall be permitted per parcel.

K. Feasible

Capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, and technological factors.

L. Non-Agricultural Parcel

After a Master Land Division Plan has been approved, the parcels which may be used for non-agricultural purposes.

M. Agricultural Parcel

After a Master Land Division has been approved, the remaining, large residual parcel restricted to agricultural uses by an easement as specified in Section 6361B.

SECTION 6352. USES PERMITTED. The following uses are permitted in the PAD:

A. On Prime Agricultural Lands

1. Agriculture.
2. Non-residential development customarily considered accessory to agricultural uses.
3. Soil dependent greenhouses and nurseries provided that a soil management plan is prepared showing how open prime soils on the site will be preserved and how soils will be returned to their original condition when operations cease.
4. Temporary roadstands for seasonal sale of produce grown in San Mateo County providing that (1) sales activities are limited to less than a nine-month operating period per year, (2) all structures are of portable construction and shall be removed from the site within 10 days of the seasonal closure of the stand, (3) roadstand size shall be limited to 200 square feet and appearance, including signs, color and materials, is consistent with the policies of the certified LCP and meets the satisfaction of the Planning Director, and (4) access and parking requirements meet the satisfaction of the Director of Public Works, however, no impervious paving shall be required.
5. Repairs, alterations, and additions to existing single-family residences.
6. Keeping of pets in association with a one-family dwelling.
7. Limited keeping of pets in association with a farm labor housing unit or multiple-family dwelling unit.
8. Animal fanciers.

B. On Land Suitable for Agriculture and Other Lands

1. Agriculture.
2. Non-residential development customarily considered accessory to agricultural uses.
3. Dairies.
4. Greenhouses and nurseries.

5. Temporary roadstands for seasonal sale of produce grown in San Mateo County providing that (1) sales activities are limited to less than a nine-month operating period per year, (2) all structures are of portable construction and shall be removed from the site within 10 days of the seasonal closure of the stand, (3) roadstand size shall be limited to 200 square feet and appearance, including signs, color and materials, is consistent with the policies of the certified LCP and meets the satisfaction of the Planning Director, and (4) access and parking requirements meet the satisfaction of the Director of Public Works, however, no impervious paving shall be required.
6. Repairs, alterations, and additions to existing single-family residences.
7. Keeping of pets in association with a one-family dwelling.
8. Limited keeping of pets in association with a farm labor housing unit or multiple-family dwelling unit.
9. Animal fanciers.

SECTION 6353. USES PERMITTED SUBJECT TO THE ISSUANCE OF A PLANNED AGRICULTURAL PERMIT. The following uses are permitted in the PAD subject to the issuance of a Planned Agricultural Permit, which shall be issued in accordance with the criteria set forth in Section 6355 of this ordinance.

Applications for Planned Agricultural Permits shall be made to the County Planning Commission and shall be considered in accordance with the procedures prescribed by the San Mateo County Zoning Ordinance for the issuance of use permits and shall be subject to the same fees prescribed therefore.

A. On Prime Agricultural Lands

1. Single-family residences.
2. Farm labor housing.
3. Public recreation/shoreline access trail (see Section 6355D.2).
4. Non-soil dependent greenhouses and nurseries if no alternative building site on the parcel exists.
5. Onshore oil and gas exploration, production, and minimum necessary related storage subject to the issuance of an oil well permit, except that no wells shall be located on prime soils.
6. Uses ancillary to agriculture.

7. Permanent roadstands for the sale of produce, providing that the amount of prime agricultural land converted does not exceed one-quarter (1/4) acre, and subject to the findings required for the approval of use permits established in Section 6503 of the San Mateo County Zoning Ordinance.
8. Facilities for the processing, storing, packaging, and shipping of agricultural products.
9. Commercial woodlots and temporary storage of logs.

B. On Lands Suitable for Agriculture and Other Lands

1. Single-family residences.
2. Farm labor housing.
3. Multi-family residences if for affordable housing.
4. Public recreation/shoreline access trail (see Section 6355D.3 and 4).
5. Schools.
6. Fire stations.
7. Commercial recreation.
8. Aquacultural activities.
9. Wineries, subject to the findings required for the approval of use permits established in Section 6503 of the San Mateo County Zoning Ordinance.
10. Timber harvesting, commercial woodlots and log storage, providing that no commercial timber harvesting shall occur within 1,000 feet of any legal dwelling in existence on June 18, 1991, except under the following circumstances:
 - a. Timber harvesting operations for which all permits had been received on or before June 18, 1991, may complete operations in accordance with the terms and conditions of such permits.
 - b. Timber harvesting operations may occur within the 1,000-foot buffer zone with prior written approval of the owner of the affected dwelling, subject to the prior recordation of the statement specified in Section 6401.5.

- c. Normal forest maintenance may be conducted within the 1,000-foot buffer zone, but shall be limited to: (a) removing dead, dying, or diseased trees and snags; (b) salvaging downed wood; (c) cutting trees for the purposes of developing viewsheds or landscape aesthetics in accordance with other applicable provisions of this Part and of Division VII, San Mateo County Ordinance Code; or (d) clearing for firebreaks, in accordance with requirements of the County Fire Marshal or other applicable fire authority having jurisdiction.

Notwithstanding the above, access roads to the site of timber harvesting operations may be constructed, improved, and used within the 1,000-foot buffer zone. The limitation on harvesting within 1,000 feet of an existing dwelling shall not apply to a dwelling located on the parcel which is proposed for timber harvesting.

For the purpose of this section, the distance from a dwelling shall be measured along the surface of the ground.¹

- 11. Onshore oil and gas exploration, production, and storage subject to the issuance of an oil well permit.
- 12. Facilities for the processing, storing, packaging, and shipping of agricultural products.
- 13. Uses ancillary to agriculture.
- 14. Kennels or catteries, subject to a kennel/cattery permit.
- 15. Scientific/technical research and test facilities, provided a Planned Agricultural Permit shall only be issued for this use upon the following findings:
 - a. That the use is of a low-intensity nature with minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
 - b. That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.
 - c. That no manufacturing or industrial activities are involved.

¹ Not effective in the Coastal Zone unless and until certification without change by the California Coastal Commission. Certification had not occurred as of the reprinting date of this Chapter {July 1999}.

- d. That the size, location and design of any proposed facility as well as level of activity on the site are compatible with the policies of the Local Coastal Program.
 - e. That the proposed use does not impair existing or potential agricultural uses on the site or on surrounding properties. The applicant shall demonstrate how agriculture will not be impaired, including provisions for leasing portions of the site for agricultural uses.
 - f. That the proposed use or facility does not create a potential for any health or safety hazard.
 - g. That the applicant for such a facility shall describe the manner in which other users might be accommodated in sharing the proposed facility so as to avoid the duplication of such facilities in the future.
 - h. That the applicant demonstrate that no feasible sites exist in the RM, RM-CZ, TPZ, or TPZ-CZ zones for the proposed facility.
16. Permanent roadstands for the sale of produce, subject to the findings required for the approval of use permits established in Section 6503 of the San Mateo County Zoning Ordinance.

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:

A. General Criteria

- 1. The encroachment of all development upon land which is suitable for agricultural use shall be minimized.
- 2. All development permitted on a site shall be clustered.
- 3. Every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code.

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.

D. Criteria for the Conversion of Prime Agricultural Lands

1. General Criteria

Prime Agricultural Land within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless it can be demonstrated that:

- a. No alternative site exists on the parcel for the use,
- b. Clearly defined buffer areas are provided between agricultural and non-agricultural uses,
- c. The productivity of an adjacent agricultural land will not be diminished, and

- d. Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

2. Public Recreation Facilities Criteria

For a recreation facility on land owned by a public agency before the effective date of this ordinance, the following additional criteria applies:

- a. The agency, as a condition of approval of the Planned Agricultural Permit, executes a recordable agreement with the County that all prime agricultural land and other land suitable for agriculture which is not needed for recreational development or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture.
- b. The agency, whenever legally feasible, agrees to lease the maximum amount of agricultural land to active farm operators on terms compatible with the primary recreational and habitat use.

3. Agriculturally Related Uses Criteria

For uses ancillary to agriculture, facilities for the processing, storing packaging and shipping of agricultural products, and commercial woodlots and temporary storage of logs, the following additional criteria applies:

- a. The area of Prime Agricultural Land converted shall be as small as possible, and,
- b. In all cases, the area of Prime Agricultural Land converted shall not exceed 3 acres.

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.

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

All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met:

- 1. all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and

2. continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act), and
3. clearly defined buffer areas are developed between agricultural and non-agricultural uses, and
4. the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing, and
5. public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and

For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions 3, 4, and 5 of this subsection are satisfied.

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 non-agricultural 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 6357. DENSITY BONUS AND TRANSFER.

A. Consolidating Parcels

In addition to the maximum density of development permitted, bonus densities may be granted when contiguous parcels are combined to form a larger parcel, provided that the density bonus is granted in accordance with LCP Policy 5.11, including deed restriction requirements that any subsequent land division of the merged property shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation. The bonus for a proposed combination shall be calculated by:

1. determining the total number of density credits on all parcels included in a master development plan, and
2. multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits allowed prior to merger, plus the bonus calculated under this subsection. Once a parcel or portion of a parcel has been granted bonus density credits as a result of a merger under this subsection, no additional bonus credit(s) may be granted for subsequent merger activities involving that parcel or a portion of that parcel.

B. Agricultural Water Improvements

In addition to the maximum density of development permitted, bonus density credit(s) shall be granted for development of new agricultural water storage capacity in accordance with the following table, upon determination by the Planning Commission and Agricultural Advisory Committee that such water capacity is needed, and will be utilized to provide water exclusively for agricultural cultivation or livestock operations. This provision shall apply to:

1. Construction of new water storage facilities, and,

2. Enlargement of existing water storage facilities (excluding maintenance/dredging activities).

NEW STORAGE CAPACITY (acre-feet)	BONUS DENSITY (dwelling units)
0 – 12.24	0.0
12.25 – 24.49	1.0
24.50 – 36.74	1.5
36.75 – 48.99	2.0
49.00 – 61.24	Density allocated at above rate
Greater than 61.25	

Bonus density credits may be applied on-site, or transferred to another parcel within the rural Coastal Zone, upon determination by the Planning Commission that suitable sites are available on the recipient parcel in accordance with the policies and standards of the Local Coastal Program, providing that density credits are not used to convert Prime Agricultural Land, or locate development within scenic corridors. Frequency of density transfer shall not be limited, providing that each density transfer conforms with the requirements of this section, and appropriate processing fees are collected. At maximum four density credits, whether authorized by this section or other provisions of this Part, may be transferred to any recipient parcel unless otherwise determined by the Planning Commission that additional density would not overburden coastal resources. Should bonus density credits be transferred, deed restrictions must be recorded stating that: (1) the donor parcel has relinquished bonus density credit(s) acquired pursuant to this section, and thereby has voluntarily relinquished all development rights associated with the said density credit(s), and (2) in addition to allowable zoning, the recipient parcel is granted density credit(s) pursuant to this section.

The County shall maintain up to date records in the Planning Department of all bonus credits granted. Records shall indicate the number of bonus credits generated per parcel, and the location and use of the credits including those transferred to another parcel.

C. Prime Agricultural Land

Parcels consisting either entirely of Prime Agricultural Land or Prime Agricultural Land and land which is not developable under the Local Coastal Program, may apply to transfer development density to another parcel within the rural Coastal Zone, east of Highway 1 only, provided that the entire donor parcel is restricted permanently to agricultural use by an easement granted to the County or other

governmental agency, as elaborated below, and upon determination by Planning Commission that suitable sites are available on the recipient parcel in accordance with the policies and standards of the Local Coastal Program, providing that density credits are not used to convert Prime Agricultural Land, or locate development within scenic corridors. Frequency of density transfer shall not be limited, providing that each density transfer conforms with the requirements of this section, and appropriate processing fees are collected. At maximum four density credits whether authorized by this section or other provisions of this Part, may be transferred to any recipient parcel unless otherwise determined by the Planning Commission that additional density would not overburden coastal resources. Deed restrictions must be recorded stating that: (1) the donor parcel has voluntarily relinquished one density credit as determined by this ordinance, and (2) in addition to allowable zoning, the recipient parcel is granted density credit(s) pursuant to this section.

The County shall maintain up to date records in the Planning Department of all density transfer activities. Records shall identify the donor parcel and indicate the number of credits transferred. The location and use of transferred credits shall also be identified.

As a condition of approval for density credit transfer, the applicant shall grant to the County (and the County shall accept) an easement covering the entire donor parcel, 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 6351F 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.

SECTION 6358. MAXIMUM HEIGHT OF STRUCTURES. In the Planned Agricultural District, no residential or commercial structure shall exceed three stories or 36 feet in height, except: (1) as allowed by use permit provisions in Chapter 22, Article 2, Section 6405, of the San Mateo County Ordinance Code, and (2) in the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, no residential

structure shall exceed 28 feet in height. If any portion of a structure is used for residential purposes, the height limit for the entire structure is 28 feet.

SECTION 6359. MINIMUM YARDS. In the absence of more restrictive provisions within this ordinance, the minimum yards required in the Planned Agricultural District shall be as follows:

A. Agricultural Development

Front: 30 feet
Side: 20 feet
Rear: 20 feet

B. Non-Agricultural Development

Front: 50 feet
Side: 20 feet
Rear: 20 feet

SECTION 6360. MIDCOAST RESIDENTIAL FLOOR AREA. In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the maximum building floor area for residential uses shall be established according to the following table:

Parcel Size	Maximum Building Floor Area
2,500 – 4,749 sq. ft., or less than 45 feet parcel width	0.48 (parcel size)
4,750 – 4,999 sq. ft.	0.53 – ((5,000-parcel size) x 0.0002) x parcel size
5,000 – 11,698 sq. ft.	0.53 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel. If any portion of a building is used for residential purposes, the floor area of the entire building is included. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

SECTION 6361. MIDCOAST IMPERVIOUS SURFACE AREA. In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the amount of parcel area covered by impervious structures less than eighteen inches (18”) in height is limited to ten percent (10%) parcel size. The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of

detention basins. Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways, and swimming pools.

An exception to the limit may be granted by the Community Development Director upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The applicant shall submit a professionally prepared site plan showing topography, drainage, and calculations which demonstrates this finding can be made. The exception provision applies to:

- (a) Non-residential development, and
- (b) Residential development, only if the Community Development Director determines that the exception is necessary for compliance with site planning and design requirements.

SECTION 6362. MIDCOAST WINTER GRADING. In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Community Development Director and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

SECTION 6363. PARCEL SIZE. The parcel size in the PAD shall be in accordance with the following:

A. Agricultural Parcels

For any parcel created after the effective date of this ordinance which is to be used for agricultural purposes, the parcel size shall be as specified in the Planned Agricultural Permit issued pursuant to Section 6354 of this ordinance.

B. Non-Agricultural Parcels

For any parcel created after the effective date of this ordinance which is to be used for non-agricultural purposes, the parcel size shall be determined on a case-by-case basis to ensure that domestic well water and on-site sewage requirements are met. Except for any parcel included in a land division brought about in connection with the purchase of lands by a public agency for public recreational use, Non-agricultural parcels shall be as small as possible, and when used for residential purposes shall not exceed 5 acres. All non-agricultural parcels shall be clustered (in one or as few clusters as possible), and sited in locations most protective of existing and potential agricultural uses.

C. Parcels Created Before Ordinance Adoption

For any parcel legally created before adoption of this ordinance, minimum parcel size shall be determined in accordance with Section 6311 of the San Mateo County Ordinance Code.

SECTION 6364. 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. Except where the land division is brought about in connection with the purchase of land by a public agency for public recreational use, 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. Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.

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.

SECTION 6365. ESTABLISHMENT OF AN AGRICULTURAL ADVISORY COMMITTEE. To assist in the achievement of the objectives of this ordinance, the Board has established an Agricultural Advisory Committee composed of farmers familiar with Coastside crops, agricultural experts, and representatives of the general public interest. Said Committee shall actively assist in the preservation of agriculture of the Coastside by advice and recommendation to the Planning Commission and the Board of Supervisors to achieve the objectives of this ordinance.

SECTION 6366. ESTABLISHMENT AND APPLICATION OF PLANNED AGRICULTURAL DISTRICT. Any parcel of land in the Coastal Zone which contains prime agricultural land and lands suitable for agriculture shall be included in the Planned

Agricultural District. The Planned Agricultural District is hereby established and applied to the area depicted on the maps entitled "Planned Agricultural District Boundary," for the Midcoast and South Coast, both dated January 23, 1979, and on file in the offices of the County Planning Department.

- (Chapter 21A, Sections 6350 through 6360 - Added by Ordinance No. 2614 - October 16, 1979)
- (Chapter 21A, Sections 6350 through 6363 - Amended by Ordinance No. 2694 - December 16, 1980)
- (Chapter 21A, Sections 6350 through 6363 - Repealed and Replaced Sections 6350 through 6363 by Ordinance No. 2780 - April 6, 1982)
- (Chapter 21A, Sections 6351, 6352, 6353, 6355, 6356, 6357, 6360, and 6361 - Amended by Ordinance No. 3193 - October 24, 1989)
- (Section 6351(A)(4), (B)(5) - Added by Ordinance No. 3262 - September 11, 1990)
- (Section 6351(F) - Amended by Ordinance No. 4075 - November 6, 2001)
- (Section 6351(G) - Amended by Ordinance No. 4075 - November 6, 2001)
- (Section 6351(J) - Amended by Ordinance No. 3718 - June 4, 1996)
- (Section 6351(J) - Amended by Ordinance No. 3798 - November 18, 1997)
- (Section 6352(A)(5), (A)(6), (A)(7) - Added by Ordinance No. 3448 - December 15, 1992)
- (Section 6352(B)(6), (B)(7), (B)(8) - Added by Ordinance No. 3448 - December 15, 1992)
- (Section 6353(B)(10) - Amended by Ordinance No. 3381 - April 14, 1992) - California Coastal Commission certified amendment on December 13, 2000 and became effective in the Coastal Zone on January 13, 2001
- (Section 6353(B)(14) - Amended by Ordinance No. 3448 - December 15, 1992)
- (Section 6353(B)(15) - Added by Ordinance No. 2872 - January 17, 1984)
- (Section 6355(B) - Amended by Ordinance No. 3718 - June 4, 1996)
- (Section 6355(B) - Amended by Ordinance No. 3798 - November 18, 1997)
- (Section 6356 - Amended by Ordinance No. 3669 - September 12, 1995)
- (Section 6356 - Amended by Ordinance No. 3718 - June 4, 1996)
- (Section 6356 - Amended by Ordinance No. 3798 - November 18, 1997)
- (Section 6356G - Amended by Ordinance No. 3002 - July 3, 1984)
- (Section 6357(A) - Amended by Ordinance No. 3718 - June 4, 1996)
- (Section 6357(A) - Amended by Ordinance No. 3798 - November 18, 1997)
- (Section 6358 - Amended by Ordinance No. 4563 - May 24, 2011, certified by the California Coastal Commission on August 8, 2012 and effective in the Coastal Zone on September 7, 2012)
- (Section 6359 - Amended by Ordinance No. 3103 - April 14, 1987)
- (Section 6361A - Amended by Ordinance No. 2891 - June 5, 1984)
- (Sections 6360-6362 - Amended by Ordinance No. 4563 - May 24, 2011, certified by the California Coastal Commission on August 8, 2012 and effective in the Coastal Zone on September 7, 2012)

Chapter 21A (PAD)
(9/28/12)

CHAPTER 36. RESOURCE MANAGEMENT-COASTAL ZONE (RM-CZ) DISTRICT

SECTION 6900. PURPOSES OF RESOURCE MANAGEMENT-COASTAL ZONE DISTRICT.

The purposes of this chapter are to carry out the objectives and policies of those San Mateo County General Plan Chapters that fulfill the requirements for State-mandated Open Space and Conservation Elements, as well as other elements adopted as part of the General Plan of San Mateo County, to meet the requirements of Section 65910 of the Government Code of the State of California requiring formulation of an open space zoning ordinance, and to ensure consistency between the General Plan and the zoning ordinance.

SECTION 6901. APPLICABILITY OF RESOURCE MANAGEMENT-COASTAL ZONE DISTRICT.

The Resource Management-Coastal Zone District (hereinafter the RM-CZ District) shall supplant and replace in name those F-1, A-1, and A-2 Districts that are combined with S-13 and S-11 Districts. The RM-CZ District may also be applied to other areas of the County when they are rezoned to such district.

These regulations shall not apply to a building or structure or portion thereof or use of building or land which does not conform to the zoning regulations and which lawfully existed at the time these regulations, with which it does not conform, became effective.

All parcels 5 acres or larger in size which were legally in existence at the time of the enactment of this ordinance shall continue to be legal parcels. Parcels smaller than 5 acres in size shall continue to be legal parcels only if no adjacent property was in the same ownership at the time of enactment of this ordinance, or if a potable on-site water supply had been developed on the parcel at the time of enactment of this ordinance. When such parcels can be aggregated to a minimum of 5 acres, each 5-acre aggregation shall constitute one legal parcel.

SECTION 6902. ELEMENTS OF DISTRICT REGULATIONS. The regulations of this district are included in seven (7) major ordinance elements: (1) Maximum forms of development and type of use, as indicated in Section 6905; (2) Development Review Procedures and Criteria, as indicated in Section 6910; (3) General Review Criteria, as indicated in Section 6912; (4) Supplementary Review Criteria, for Primary Resource Areas, as indicated in Section 6913; (5) Supplementary Review Criteria for Special Hazards Areas as indicated in Section 6914; (6) Primary Resource Areas and Hazard Areas; and (7) the applicable portions of the Zoning District Map, as included in the San Mateo County Zoning Ordinance.

SECTION 6903. DEVELOPMENT REVIEW PERMIT REQUIREMENT. All development proposed for location within an RM-CZ District shall require the issuance of a permit, pursuant to the Development Review Procedure specified in Chapter 23, and such proposed development shall comply with the California Environmental Quality Act (CEQA), Section 15020.

For purposes of Chapters 20A, 20A.2, 23 and 36, but excluding those uses defined below, “development” shall mean the construction of any significant structure on land, or in or under water; the discharge or disposal of any significant dredged material or any gaseous, liquid, solid or thermal waste; the division or subdivision of land into two or more parcels; reconstruction or substantial alteration of any significant structure, including any facility of a private, public or quasi-public utility; and any major removal of vegetation.

Excluded from this definition of development and from Development Review Permits and Procedures are uses defined in Section 6458 and commercial logging which is controlled under regulation of the Timber Harvesting Ordinance, Division 8, Part 1, Chapters 1 through 15 of the San Mateo County Ordinance Code; topsoil operations which are subject to regulations of the County Ordinance Code, Chapter 2, Topsoil Site Regulations, Sections 7701.0 through 7701.11; quarrying operations which are subject to regulation of the County Ordinance Code, Chapter 3, Quarries, Sections 7702.0 through 7702.10; oil and gas well regulations, Sections 7703.00 through 7703.20, and grading and excavating operations which are subject to regulations of the County Ordinance Code, Chapter 8, Regulation of Grading and Excavating Operations, Sections 8600-8614; agricultural utility poles; single pump houses of less than 800 cubic feet in size, fences under 4 feet in height constructed of single wire or open wood rail, necessary repairs or maintenance of existing structures, agricultural uses which did not require a permit prior to adoption of this ordinance, and crop harvesting and conversion of land for agricultural use, unless said use or land falls within a Primary Wildlife or Primary Natural Vegetative Area, except that vegetation forming a significant part of the viewshed as seen from urban areas or public roads and trails shall be deleted from the definition of Primary Natural Vegetative Areas in consideration of conversion of land for agricultural use.

For purposes of this ordinance, “Significant Structures” shall be defined as a structure for human occupancy or use such as a single-family residence, multiple-family residences, trailer park structures, structures for overnight accommodations, restaurants, churches, private and public club structures, and schools, roads, bridges, public facilities and utilities, non-agricultural utility poles and structures, dams, breakwaters, mineral extraction buildings and constructs, harbors, docking facilities, recreation buildings and facilities, campground structures, dude ranch structures and similar types of structures.

SECTION 6903.1. OFFICERS: GENERAL AREAS OF RESPONSIBILITY.

- (a) The Director of Planning shall be responsible for notifying and furnishing information to interested persons and agencies, for coordination, accumulation and presentation of data to the Planning Commission and Board of Supervisors, for making recommendations relating to the overall design, and for assuring compliance with the provisions of this ordinance.

- (b) The County Engineer and Road Commissioner shall be responsible for making recommendations pertaining to public and private roads, all such improvements within road rights of way including but not limited to storm drainage, sewer, water, traffic control, street lighting and public utilities facilities, and for making recommendations in connection with site development, grading erosion control, and matters related to soil stability and geology of the development. He shall be responsible for the review of reports, final maps and improvement plans required.
- (c) The County Health Officer shall be responsible for: (1) submission of a report stating the recommendations and conditions that must meet the standards and requirements pertaining to water supply, sewage disposal, and other environmental health matters, (2) certification that the quality and quantity of the domestic water supply meets County and State regulations, and (3) final approval of the method of sewage disposal, including consideration of State and local requirements.
- (d) The County fire authorities shall be responsible for making recommendations pertaining to fire prevention and means for protection from fires.
- (e) Officers shall submit their reports to the Director of Planning for submission to the Planning Commission and Board of Supervisors. Each of said officers shall be responsible for making necessary inspections with regard to the matters for which they are responsible to insure compliance with the requirements of this chapter and the conditions of approval.

SECTION 6904. MAXIMUM PERMITTED DEVELOPMENT. The following provisions relating to use, density and intensity of development ensure that development is consistent with levels of services which reasonably can be provided, will conserve natural features and scenic values, and that areas hazardous to development or life are left in open or limited use. These provisions are maximum limits and, where applicable, more restrictive requirements imposed by the application of review criteria under Chapter 20A.2 shall supersede Sections 6905-6907.

SECTION 6905. PERMITTED USES. The following uses only shall be permitted in the RM-CZ District, except those subject to the provisions of Section 6500 which require a use permit:

- (a) Agricultural uses and accessory structures, temporary roadstands for seasonal sale of produce grown in San Mateo County, providing that 1) sales activities are limited to less than a nine-month operating period per year, 2) all structures are of portable construction and shall be removed from the site within 10 days of the seasonal closure of the stand, 3) roadstand size shall be limited to 200 square feet and appearance, including signs, color and materials, is consistent with the policies of the certified LCP and meets the satisfaction of the Planning Director; and 4) access and parking requirements meet the satisfaction of the Director of Public Works, however, no impervious paving shall be required.

- (b) Nurseries and greenhouses.
- (c)* Temporary trailer parks and other housing for farm laborers.
- (d) Livestock raising and grazing.
- (e) Dairies.
- (f)¹ Kennels or catteries.
- (g)² Timber harvesting and commercial woodlots, providing that no commercial timber harvesting shall occur within 1,000 feet of any legal dwelling in existence on June 18, 1991, except under the following circumstances:
 - (1) Timber harvesting operations for which all permits had been received on or before June 18, 1991, may complete operations in accordance with the terms and conditions of such permits.
 - (2) Timber harvesting operations may occur within the 1,000-foot buffer zone with prior written approval of the owner of the affected dwelling, subject to the prior recordation of the statement specified in Section 6401.5.
 - (3) Normal forest maintenance may be conducted within the 1,000-foot buffer zone, but shall be limited to: (a) removing dead, dying, or diseased trees and snags; (b) salvaging downed wood; (c) cutting trees for the purposes of developing viewsheds or landscape aesthetics in accordance with other applicable provisions of this Part and of Division VII, San Mateo County Ordinance Code; or (d) clearing for firebreaks, in accordance with requirements of the County Fire Marshal or other applicable fire authority having jurisdiction.

Notwithstanding the above, access roads to the site of timber harvesting operations may be constructed, improved, and used within the 1,000-foot buffer zone. The limitation on harvesting within 1,000 feet of an existing dwelling shall not apply to a dwelling located on the parcel which is proposed for timber harvesting.

For the purpose of this section, the distance from a dwelling shall be measured along the surface of the ground.^a

- (h)⁴ Quarries and waste disposal sites.
- (i) Single-family residences.

^aNot effective in the Coastal Zone unless and until certification without change by the California Coastal Commission. Certification had not occurred as of the reprinting date of this Chapter {July 1999}.

- (j) Multi-family residences.
- (k)* Hotels, motels and restaurants.
- (l)* Churches.
- (m)* Schools.
- (n)* Fire stations.
- (o)* Public and private clubs.
- (p) Public recreation.
- (q)* Commercial recreation, including but not limited to stables and riding academies, golf courses, campgrounds, dude ranches, and motorcycle parks in accordance with adopted policies on motorcycle parks and related facilities.
- (r)³ Oil and gas exploration, production and storage.
- (s) Home occupations.
- (t)* Wineries.
- (u)* Exotic animals for which a use permit has been obtained in accordance with Division III, Part II, Chapter 6 of the San Mateo County Ordinance Code are permitted in addition to those animals otherwise permitted by this chapter.
- (v)* Aquaculture development.
- (w)* Repair, alterations, and additions to existing cemeteries.
- (x)* Scientific/technical research and test facilities, provided a use permit shall only be issued for this use upon the following findings:
 - (1) That the use is of a low-intensity nature with a minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
 - (2) That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.
 - (3) That no manufacturing or industrial activities are involved.

- (4) That the size, location and design of any proposed facility as well as level of activity on the site are compatible with the policies of the Local Coastal Plan.
 - (5) That the proposed use does not impair existing or potential agricultural uses on the site or on surrounding properties. The applicant shall demonstrate how agriculture will not be impaired, including provisions for leasing portions of the site for agricultural uses.
 - (6) That the proposed use of facility does not create a potential for any health or safety hazard.
 - (7) That the applicant for such a facility shall describe the manner in which other users might be accommodated in sharing the proposed facility so as to avoid the duplication of such facilities in the future.
- (y)* Corporation/maintenance yards for public purposes.
 - (z)* Permanent roadstands for the sale of produce.
 - (aa) Keeping of pets in association with a one-family dwelling.
 - (ab) Limited keeping of pets in association with a farm labor housing unit or multiple-family dwelling unit.
 - (ac) Animal fanciers.
 - (ad)* Veterinary hospitals for small animals.
 - (ae)* Veterinary hospitals for large animals.
 - (af) Keeping of confined animals.

*Uses allowed subject to a use permit

¹Allowed subject to a kennel/cattery permit

²Allowed subject to timber harvesting permit

³Allowed subject to oil well permit

⁴Allowed subject to quarry permit

SECTION 6906. MAXIMUM DENSITY OF DEVELOPMENT. In the RM-CZ District, for purposes of determining the maximum total number of dwelling units permissible 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 dwelling credits allowed is equal to or greater than .5, the total number of dwelling 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 non-agricultural 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 farm labor housing, other structures considered to be accessory to agriculture under the same ownership, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or density credits transferred in accordance with the provisions established by the Planned Agricultural District Regulations.

(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) Lands 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 6906.1. CONSERVATION OPEN SPACE EASEMENT. Require, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980). Easements shall not be required for any parcels included in a land division brought about in connection with the purchase of land by a public agency for public recreational use.

SECTION 6907. DEVELOPMENT BONUSES. Where it is demonstrated that a development will further the goals and policies of the Open Space and Conservation Element of the San Mateo County General Plan, increases in the maximum allowable density may be permitted.

- (a) Developments where over 80% of the contiguous and compact parcel area is kept free from alteration (except as required for natural resource management purposes) and held in permanent common open space through appropriate forms of restrictions or public dedication, shall be encouraged by granting a bonus density of up to 10% beyond that permitted by the provisions of Section 6906.
- (b) An additional bonus of up to 10% shall be granted if one or more of the following criteria are also met

1. Auxiliary transportation modes will be used either to reduce the total land area devoted to structures and paved surfaces or to preserve areas of special open space value.
2. Building and site design, structural systems and construction methods will be employed which both reduce the land area to be altered from a natural state and preserve the overall natural appearance and scale of the area.

SECTION 6908A. MAXIMUM HEIGHT OF STRUCTURES. In the RM-CZ District, no residential or commercial structure shall exceed three stories or 36 feet in height except: (1) as allowed by use permit provisions in Chapter 22, Article 2, Section 6405 of the San Mateo County Ordinance Code, and (2) in the Midcoast LCP Update Project Area, as shown on the map that is part of this Chapter, no residential structure shall exceed 28 feet in height. If any portion of a structure is used for residential purposes, the height limit for the entire structure is 28 feet.

SECTION 6908B. MINIMUM YARDS. In the absence of more restrictive provisions within this ordinance, the minimum yards required in the RM-CZ District shall be as follows:

Front: 50 feet
 Side: 20 feet
 Rear: 20 feet

Main and accessory buildings shall be located at least thirty (30) feet apart.

SECTION 6908C. MIDCOAST RESIDENTIAL FLOOR AREA.

- a. In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the maximum building floor area for residential uses shall be established according to the following table, except as provided by subsection b.

Parcel Size	Maximum Floor Building Area
2,500 – 4,749 sq. ft., or less than 45 feet parcel width	0.48 (parcel size)
4,750 – 4,999 sq. ft.	$0.53 - ((5,000 - \text{parcel size}) \times 0.0002) \times \text{parcel size}$
5,000 – 11,698 sq. ft.	0.53 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel. If any portion of a building is used for residential purposes, the floor area of the entire building is included. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior

perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

- b. In addition to the limitations set forth in subsection a., permit 250 sq. ft. bonus building floor area for any parcel whose substandard lots are voluntarily merged in accordance with the provisions of San Mateo County Board of Supervisors' Resolution No. 068386 (Exhibit "G") during the "voluntary merger period" described therein.

SECTION 6908D. MIDCOAST IMPERVIOUS SURFACE AREA. In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the amount of parcel area covered by impervious structures less than eighteen inches (18") in height is limited to ten percent (10%) parcel size. The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways, and swimming pools.

An exception to the limit may be granted by the Community Development Director upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The applicant shall submit a professionally prepared site plan showing topography, drainage, and calculations which demonstrates this finding can be made. The exception provision applies to:

- (a) Non-residential development, and
- (b) Residential development, only if the Community Development Director determines that the exception is necessary for compliance with site planning and design requirements.

SECTION 6908E. MIDCOAST WINTER GRADING. In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Community Development Director and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

(Section 6900 - Amended by Ordinance No. 3877 - January 19, 1999)
(Section 6902 - Amended by Ordinance No. 3877 - January 19, 1999)
(Section 6903 - Amended by Ordinance No. 3877 - January 19, 1999)
(Section 6905(a) - Amended by Ordinance No. 3263 - September 11, 1990)

- (Section 6905(f), (aa)-(ae) - Amended/Added by Ordinance No. 03450 - December 15, 1993)
- (Section 6905(g) - Amended by Ordinance No. 3381 - April 1992) - California Coastal Commission certified amendment on December 13, 2000 and became effective in the Coastal Zone on January 13, 2001.
- (Sections 6905(t) and (u) - Added by Ordinance No. 2781 - April 6, 1982)
- (Section 6905(w) - Added by Ordinance No. 2863 - December 13, 1983)
- (Section 6905(w) - Amended by Ordinance No. 3276 - November 6, 1990)
- (Section 6905(x) - Added by Ordinance No. 2872 - January 17, 1984)
- (Section 6905(x) - Added by Ordinance No. 3128 - (October 6, 1987)
- (Section 6905(x) - Amended by Ordinance No. 3189 - October 24, 1989)
- (Section 6905(z) - Added by Ordinance No. 3189 - October 24, 1989)
- (Section 6906 - Amended by Ordinance No. 3189 - October 24, 1989)
- (Section 6906 - Amended by Ordinance No. 3716 - June 4, 1996)
- (Section 6906 - Amended by Ordinance No. 3799 - November 18, 1997)
- (Section 6906.1 - Amended by Ordinance No. 2893 - June 5, 1984)
- (Section 6906.1 - Amended by Ordinance No. 3189 - October 24, 1989)
- (Section 6906(7) - Amended by Ordinance No. 3002 - July 3, 1984)
- (Section 6905(af) - Added by Ordinance No. 4075 - March 20, 2002)
- (Section 6908A - Amended by Ordinance No. 4564 - May 24, 2011, certified by the California Coastal Commission on August 8, 2012 and effective in the Coastal Zone on September 7, 2012)
- (Section 6908B - Amended by Ordinance No. 4564 - May 24, 2011, certified by the California Coastal Commission on August 8, 2012 and effective in the Coastal Zone on September 7, 2012)
- (Sections 6908C - 6908E - Added by Ordinance No. 4564 - May 24, 2011, certified by the California Coastal Commission on August 8, 2012 and effective in the Coastal Zone on September 7, 2012)

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