
San Mateo County Agricultural Advisory Committee

Voting Members: Robert Marsh (Chair), BJ Burns (Vice Chair), Lauren Silberman (Sec.), Louie Figone, Peter Marchi, John Vars, William Cook, Natalie Sare, Judith Humberg, Ron sturgeon, Cynthia Duenas

Non-voting Members: Jess Brown (Ex. Dir. SMC Farm Bureau), SMC Ag Commissioner, UC Co-Op Extension, NRCS

May 11, 2020

SMC Planning Commission
SMC Board of Supervisors
400 County Center
Redwood City, California 94063

Re: Proposed Zoning Ordinance Text Amendments - MROSD and POST ("the Proponents")

San Mateo County Decision Makers:

This matter was first presented to the Agricultural Advisory Committee ("the AAC") in January as a simple matter "focused" on correcting inconsistencies between the *California Coastal Act* and the County's *LCP's* implementation zoning and subdivision texts. After lengthy consideration, the AAC is unpersuaded that the purported inconsistencies in fact exist, and that the ostensible remedial text amendments as proffered by the proponents are necessary. However, the AAC is of the opinion that If the amendments are approved as proposed it will be counterproductive to the preservation of the County's ranching agriculture. It should be noted that the Coastal Commission has certified the County's *LCP*, along with its implementing ordinances, as consistent with the *Coastal Act*.

At its last meeting on April 13 the AAC received a letter from MROSD which included a "Fact Sheet" entitled "San Mateo County PAD and RM Zoning Amendment" which supports a conclusion that even the proponents now recognize that they aren't requesting a mere correction of textual oversights or stenographer's errors; but instead, in their combined effect, they're requesting the equivalent of full on zoning amendment(s) covering most the County's rural areas. Contrary to the Proponent's characterization that the scope of what they're requesting is focused, the AAC finds their proposal(s) broad and remarkably unfocused: Not only are the touted inconsistencies not distinguishable, but the clarity and veracity of the the reasoning supporting the applicants proposed text amendments are muddling and misleading.

The main selling point utilized by the Proponents of the amendments (on those of agriculture preservation mind) has been that if they are approved the Proponents will be enabled to subdivide ranches so as transfer a possible cumulative total of 400 acres of cropland to farmers. **To the Committee's chagrin alternative equity building long term leasing arrangements aren't deemed worthy of discussion by the proponents.** (Within a robust public workshops process would be good time to discuss such an alternative and others - its bewildering why such a process is not welcomed - its like the Proponents think that they "have all the answers" - which is again puzzling given that the Proponents are avowed environmentalists - an area of knowledge that is not commonly thought to be divined by revelation). Regardless, to an alarming extent the larger remainder parcels of the sliced and diced ranches may be repurposed for nonagricultural use(s) simply by their transference to MROSD or some other public agency.

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The AAC, and presumably the County, is in the dark as to exactly where the known targeted ranch/cropland subdivisions are located - notably the AAC was also recently presented with a map that purported to show some current POST, MROSD, and other properties without depicting where the 400 acres or the ranches to be subdivided are? A graphic is sorely wanting of the County's total landmass that's to be included in the Proponents' proposed grand agricultural preservation scheme that will be facilitated by their proposed zoning amendments; especially against the backdrop of the two concrete subdivision examples offered to the AAC as representative of the Proponents' intentions. Parenthetically, one involves the subdivision of a 680 acre parcel of the Johnston Ranch near Half Moon Bay with some 30 acres of cropland potentially separated off and the rest of the Ranch repurposed for recreation (of which the City apparently has a keen interest); the second subdivision doesn't involve POST, but MROSD has designs on the subdivision of a 211 acre property with an extensive agricultural use history and capability of which a 151 acre portion is destined for its recreational ends and the remaining 65 unfenced hill top acres rendered virtually agriculturally useless.

The AAC salutes much of POST's agriculture protection history, but it cannot support its now evident disregard captured in the subject proposal(s) for maintaining the integrity of the County's ranches as working ranches. Unfortunately the tendency for MROSD to conflate working ranches with nature preserves is either increasingly ignored or unrecognized. (As recently as in an April meeting the District's Board approved the purchase of the "Gordon Ridge Ranch" from POST with its possible [certainly seriously contemplated] severance from its San Gregorio Creek water access! And then went on to focus on restoring and maintaining, at significant public expense, a "white" barn on the District's La Honda McDonald Ranch not as a functioning barn, i.e., as ranch infrastructure, but as the equivalent of a "museum exhibit"!) MROSD, with the best of intentions, prioritizes recreation, the preservation of "the natural environment" and the maintenance of barns as historical artifacts over the preservation of actual working ranches as such.

The AAC herein seeks to make primarily two recommendations to the County:

First; that you find that a thorough environmental review is in order which examines the Proponents's text amendment proposals' conceivably significant broad negative implications for ranching agriculture. The last environmental review of MROSD's mandate occurred, in association with the District's annexation of (and adoption of its "service plan" for) the Coastal Area of SMC, in 2004; and the anticipated scope of the acreage to be acquired by the District has already been reached, and subdivisions of large and small ranches for any purpose were not analyzed therein. The AAC Members' general "shoot from the hip" orientation (and it's our understanding of County policies generally) is that all ranch/farms to should remain intact, and as large as possible. The District's annexation programmatic EIR should maybe be revisited and/or supplemented before the Proponents application for amendments to the zoning texts (especially those that would diminish agriculture protections) and the proposed changes to County's subdivision regulations are approved?

MROSD and POST Staff correctly point out that their proposals would not change the underlying PAD or RM zoning of the lands subdivided pursuant the approval of their proposed text amendments, but in effect when ranch lands are acquired by the District the permitted agricultural potential of the land no longer mirrors its underlying zoning - agriculture becomes secondary (tertiary actually). The ranches it would/has acquire(d) become primarily

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recreational properties and/or nature preserves; and the County's preference as expressed unequivocally in its *General Plan* (2.18 - 2.19) that "soil protective uses . . ." "specifically agriculture. . ." be given preference . . . "in areas with productive soil resources" is rendered tacitly rezoned as if they were within a designated recreational or open space zoned area not an agricultural district. The District's proffers in this regard - i.e., that there is nothing to worry about because the underlying zoning is not changed - the AAC finds misleading and inadequate in their reassurance in this respect.

In relatively recent talks with the District about its requiring "grazing tenants" to maintain insurance indemnifying it and any members of the general public injured while mixing with the grazing herds on District lands, some objectors were informed by several of its Directors that if there was any significant problem between the grazing animals and the public's access to the ranches the animals would have to go! You all certainly must know by now, that the District values the welfare of predators such as mountain lions and coyotes more than the economic viability of ranching (i.e., nature before agriculture on its ranch holdings) - although to its credit the District has been discussing making its tenants financially whole and compensating them for their loss of income - albeit a discussion that has gone on for 3+ years. The District is vanishingly close to indifferent to what is a survival issue for ranching.

There isn't any provision of the *LCP* that over-rides its and the *General Plan's* appropriate and clear provisions for the rational conservation prioritization of agriculture lands and their production capability alongside a balanced and functional integration of recreational opportunities with the protection of agriculture within the County's rural areas.

Secondly; the AAC recommends that the County reject the Proponent's proposal to exempt MROSD and public agencies generally from having to enter into a conservation easement directed at conserving in perpetuity the agricultural use and utility of the parcel(s) created from a subdivision of agricultural lands for a recreational purpose(s). Such an exemption would create an as yet unjustified inconsistency between what POST is anticipated to encumber the land it transfers to a farmer with and what it requires of a public agency to which it intends to convey the bulk of the subdivided ranches: The only inconsistency in the Proponents' proposals that the AAC perceives is not between any texts but one that arises between what POST requires regarding the private farm land (a very demanding conservation easement) and what it allows on the land if conveyed to MROSD (anything goes). If the farm must be farmed why aren't the ranches required to be ranched also?

Instead of the proposed exemption from the requirements of Sections 6361. B & 6906.1, which are directed at protecting via conservation easements the sensible use and practicable utility of subdivided agricultural lands, the AAC urges that the County consider and adopt an amendment thereto expanding their agricultural protection scope - substantially along the lines of the following:

Within the Planned Agricultural District and Resource Management zoned areas, in conjunction with any land division brought about by a public agency's purchase of land suitable for agriculture greater than 5 acres for recreational use, and upon the required Master Land Division Plan being filed and approved on condition that the public agency grant to the County an agricultural easement (which the County shall accept and hold in perpetuity, and when recorded) contain a covenant, running with the land in perpetuity, that states that all recreational usage shall be minimized to the extent practicable, and the remainder that is not

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required for a permitted recreational use or the protection and vital functioning of a sensitive habitat shall at all times be kept and made available for agricultural uses, and permanently protected for agriculture.

This proposed amendment simply requires the Proponents (and their successors) to do what they say they want to do: Permanently protect agriculture and keep farms and ranches in production. The enforcement mechanism could be similar to that which the County utilized to get MROSD to reintroduce ranching/cattle on the Mindego Ranch before opening its public access trails on the Ranch - if no bona fide ranching is occurring on the ranch no ranch trail development or uses thereof are permitted.

The AAC hopes that the you will urge County Staff to engage in a public workshop process in order to properly examine the broad spectrum of issues raised by the Proponents' "text amendment" proposals. It appreciates the time and work that the Proponents have put into its proposals, but simply telling anyone who will listen over and over what they intend to do does not adequately engage an appropriate public process for the envisioned recreational development of the scope and magnitude that will be sanctioned by what they are asking you to approve.

This letter approved at the AAC's regular meeting held on May 11, 2020.

AYES: _____ NOES: _____ RECUSALS: _____

Sincerely, _____
Secretary, on behalf of the Agricultural Advisory Committee

cc: Melissa Ross, Senior Planner
Laura Richstone, County Planner/AAC Liaison
Steve Monowitz, Community Development Director
Michael Callagy, County Manager
John Beiers, County Counsel
Tim Fox, Deputy Counsel