



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

PAD Regulations

**Section 6350,
San Mateo County
Zoning Regulations:
Planned Agricultural
District (PAD)**

Planning and Building Department

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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.	$0.53 - ((5,000 - \text{parcel size}) \times 0.0002) \times \text{parcel size}$
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.

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

B. Easements on Agricultural Parcels

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

C. Agricultural Land Management Plan

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

D. Map and Deed Notice

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

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

E. Findings

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

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)



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

Farm Labor Housing

Farm Labor Housing

Application Process and Procedures

(Approved by the Planning Commission on October 8, 2014)

Planning and Building Department

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County of San Mateo
Planning and Building Department

FARM LABOR HOUSING APPLICATION PROCESS

It is the policy of the County to facilitate agricultural productivity in every feasible way. County ordinance allows for the provision of temporary farm labor housing (FLH) units for farms when there is a demonstrable need for such housing. This document outlines the policies and procedures involved with requesting and obtaining approval for FLH units in rural parts of the County zoned Planned Agricultural District (PAD) or Resource Management (RM). This includes both applications for new FLH units (where none have existed on the parcel) or amendments to existing FLH development where the number of FLH units is increased or the changes are otherwise considered significant. These procedures, while not mandated in the PAD, RM, or RM-CZ regulations, were initially adopted by the Planning Commission (PC) in 1982, with this document representing revisions as adopted by the PC in 2014. (Temporary labor housing for the Timberland Preserve Zone is covered in a separate handout.)

FARM LABOR HOUSING QUALIFICATION REQUIREMENTS

Farm labor housing is housing units that can only be occupied by farm laborers and their immediate family members. A “farm laborer” is defined as a person who derives more than 20 hours per week average employment from on- or off-site agricultural operations (within San Mateo County) and earns at least half their income from agriculturally-related work. Applicants for farm labor housing must demonstrate that the size of the housing requested is no larger than the minimum needed to adequately house farm laborer(s) and their immediate family members.

Historically, FLH has been often temporary in nature, provided by mobile homes or other approved temporary buildings. A mobile home, for the purposes of these procedures, is a vehicle designed and equipped to contain one or more dwelling units, to be used without a permanent foundation. The conversion of permanent structures such as workshops and barns has occasionally been allowed with a written agreement by the applicant and the landowner certifying to the Community Development Director’s (CDD) satisfaction that these additional living quarters will be reconverted to their original condition upon termination of the permit for FLH.

More permanent housing structures for farm workers can be allowed in specific situations where there is an ongoing long-term need for farm workers. An application for the planning permits required to construct a permanent housing structure is, in most cases, reviewed by the Zoning Hearing Officer (ZHO). If approved, a permanent FLH structure can only be used for the purpose of housing farm workers, and if this use ceases, must either be demolished or used for another permitted use pursuant to a permit amendment.

The location of the housing must meet required setbacks of the zoning district. Minimum building, plumbing and electrical codes, access, water supply, sewage disposal, and Fire Marshal's requirements must be met. The FLH unit(s) shall be self-contained with a sanitary toilet, shower, lavatory facilities, approved heating and electrical lights. A kitchen shall include a refrigerator, sink and stove. The housing shall be maintained to meet the basic California Housing and Health Code requirements for habitation, as reviewed and approved by and pursuant to the County Building Inspection Section, Fire (or applicable fire authority) and Environmental Health (EH) Division regulations.

Vegetative screening or a fence will be required if the structure will be visible from a public road or other public view.

Approved farm labor housing units are accessory uses to agriculture and therefore are exempt from the density restrictions of the zoning ordinance.

If you are interested in obtaining more information about farm labor housing in the County and how to apply for the required permits, please contact the Planning counter at 650/363-1825.

APPLICATION REQUIREMENTS

- A. Fees. All Planning and Building fees have been waived for farm labor housing by Board of Supervisors' Resolution No. 54443 approved on November 13, 1990. However, if the number of farm laborers is five (5) or greater, the EH Division must also issue an "Employee Housing" permit, in which case the California Employee Housing Act mandates a fee which must be paid to the EH Division annually.
- B. Verification of parcel legality (required only if parcel is undeveloped or where past development history cannot be confirmed as having occurred with proper permits, is not considered a principally permitted use or where parcel boundaries cannot be confirmed as matching those as currently configured).
- C. Application for either a PAD permit if in the PAD, or an RMD permit and a use permit if in the Resource Management (RM) District or RM-CZ District.
- D. Application for a Coastal Development Permit (CDP), if in the Coastal Zone.
- E. A completed Environmental Disclosure Form.
- F. The property owner's signature of consent to and for disclosure elements of the application.

- G. A site plan, to scale, showing:
 - 1. Parcel boundaries and easements (i.e., access, utility).
 - 2. Location of all existing and proposed structures on the property, including access driveways and all utilities (water lines, water storage tanks, propane tanks, electrical lines, ground solar facilities, septic tank(s) and drainfield(s)).
 - 3. Existing and type of agricultural production.

- H. Farm labor housing plans, including:
 - 1. Floor plans of proposed FLH unit(s) (includes dimensions and size).
 - 2. Elevations (photos may suffice at the discretion of the CDD).
 - 3. Profile or section drawing of the proposed (if new) access to the FLH unit(s) from the nearest public road (to ensure compliance with Fire requirements).

- I. All accompanying materials listed on the application forms.

PROCEDURES

- A. Planning staff will process the FLH application by:
 - 1. Sending referrals of the application to the County EH Division, the Building Inspection Section and the Public Works Department, the applicable Fire Authority, the County Agricultural Commissioner and the San Mateo County Farm Bureau Executive Director. For either new permits or permit amendments where the EH Division would consider such development as requiring an “Employee Housing” permit, such processing shall occur concurrently with the FLH application process.
 - 2. Sending the FLH application to the Agricultural Advisory Committee for comments and a recommendation.

- B. Upon a recommendation of approval (or comments in support of approval) from the above parties, the FLH application will be considered at a public hearing. The project must comply with all other County department or agency regulations, conform to both the criteria of the Local Coastal Program (if applicable), and the PAD or the RMD Development Review Criteria.

PERMIT TERMS, TERMINATION AND AMENDMENTS

Upon approval (and unless otherwise directed by the Community Development Director (CDD) or the hearing decision maker), all approved permits for FLH shall run with the land.

Where FLH operations are or will be also reviewed annually by the County EH Division under Employee Housing Permits (5 or more workers), FLH approval terms shall be for a period of 10 years. For all other FLH approvals (4 or fewer workers), the term would

be 3 to 5 years, upon recommendation of the AAC. Lessor terms and/or term-specific Administrative Reviews may be mandated where violations have occurred or to ensure resolution of past problems or violations with Fire, Building or EH, as determined by the CDD. For FLH approvals in the PAD and RM-CZ, it is the PAD permit or Use Permit, respectively, that would be renewable; the CDP would not be and would only be required if a FLH amendment represented a significant modification and/or intensification of the FLH operation.

In the event that the farming operations justifying the FLH units ceases or if the FLH development is proposed to be enlarged or significantly changed, it shall be the owner's/applicant's responsibility to notify the County by letter of such change, and applying for the necessary permits to demolish the structure or use it for another permitted use. Accordingly, such notice shall identify the owner's/applicant's intention to either remove the FLH units (and associated infrastructure) or otherwise convert such improvements to that allowed by zoning district regulations. In either case, building permits and associated inspections by Building and EH shall be required to ensure that all structures have been removed, infrastructure properly abandoned or that such converted development complies with all applicable regulations.

In the case of proposed changes to permitted FLH, the owner/applicant shall submit a written description of the proposed change to the Planning Department, and if the change is considered significant by the CDD, submit a complete permit amendment application.

FRM00189.DOCX (3/27/15)



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

Agritourism Guidelines

SAN MATEO COUNTY AGRITOURISM GUIDELINES

The San Mateo County Planning and Building Department and the San Mateo County Agricultural Advisory Committee's subcommittee on agritourism have developed the following guidelines for the review and establishment of commercial activities on agricultural land. These guidelines seek to provide guidance regarding the application of existing Local Coastal Program (LCP) policies and zoning regulations in a manner that facilitates the establishment of uses that are **secondary** to the agricultural uses of the land, support the economic viability of farming and ranching, and minimize conflicts with agricultural activities on said lands and/or adjacent lands. These guidelines are not intended to obviate the need for compliance with other State or Federal regulations. (Agritourism review procedures are addressed in Part F of this document.)

A. DEFINITIONS

1. ***Agritourism*** – The act of visiting a working farm/ranch or agricultural operation for the purpose of enjoyment, education or active involvement in the activities of the farm/ranch or agricultural operation that adds to the economic viability of the agricultural operation.
2. ***Compatible Use(s)*** – A use that, as determined by the Community Development Director of San Mateo County, will not diminish or interfere with existing or potential agricultural productivity, and can be accommodated without adverse impact to the agricultural resources of the site or surrounding area.
3. ***Non-Prime Agricultural Land*** – Land that is not “prime agricultural land” as defined below. This may include, but is not limited to, land used for grazing or dry farming.
4. ***Prime Agricultural Land*** – Means any of the following:
 - a. All land that qualifies for rating as Class I or Class II in the Natural Resource Conservation Service (NRCS) Land Use Capability Classifications; or land that qualifies as Class III in the NRCS Land Use Capacity Classifications if producing no less than two hundred dollars (\$200) per acre annual gross income for three of the past five years.
 - b. Land which qualifies for rating 80 through 100 in the Storie Index Rating.
 - c. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture.

- d. Land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a non-bearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200) per acre.
- e. Land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars (\$200) per acre annual gross income for three of the past five years.
- f. In all cases, prime land shall have a secure water source adequate to support the agriculture on the premises.

B. COMPATIBILITY DETERMINATIONS

Any activity authorized by these guidelines may be made subject to a Use Permit at the discretion of the Community Development Director.

C. GOALS

- 1. Confirm that agritourism uses are secondary and supplemental to existing agricultural uses of the land.
- 2. Agritourism uses must be compatible with and beneficial to the agricultural uses on the land.
- 3. Allow temporary agritourism uses and facilities on all agricultural lands, but limit them in scale, location and time. Require staff level review to confirm temporary uses are consistent with these guidelines.
- 4. Limit percentage of lands utilized for agritourism.
- 5. Ensure the “Right to Farm” on all lands per Chapter 2.65 of the San Mateo County Ordinance (Administration/Agricultural Awareness).

D. AGRITOURISM GUIDELINES

- 1. **Agritourism Uses and Activities that Require a Permit.** Uses will be reviewed by Planning staff and the Agricultural Advisory Committee to ensure adherence to the guidelines.

Agritourism uses must be found to be compatible with the long-term agricultural uses of the land. Uses that occur for more than 45 consecutive days or more than two (2) times per year require a Planned Agricultural District Permit, or a Resource Management Permit, a Coastal Development Permit, and review by the Agricultural Advisory Committee.

MAINTAIN COMPATIBILITY WITH AGRICULTURE BY LIMITING ATTRACTIONS AND ACTIVITIES TO NO MORE THAN THE FOLLOWING:

- a. One (1) farm animal petting zoo on **non-prime soils**.
- b. One (1) pony ride area located on **non-prime soils** (confined animal permit or exemption required).
- c. One (1) food vendor, mobile or on-site (Environmental Health permit if applicable) located on **non-prime soils**.
- d. One (1) prepackaged food/snack bar on **non-prime soils**.
- e. One (1) haunted house/barn on **non-prime soils**.
- f. One (1) hay maze on **non-prime soils**.
- g. One (1) train and tracks located on **non-prime soils**.
- h. One (1) hayride on all soils.
- i. Train rides on rubberized wheels throughout all soils subject to case-by-case review.
- j. Inflatables* on **non-prime soils** (subject to height limitations set forth in the Planned Agricultural District and Resource Management Regulations) subject to case-by-case review.
- k. Produce stand permitted per Section 6352(5) of the Planned Agricultural District Regulations (Environmental Health permit required).
- l. Other recreational/educational activities subject to review and approval of the Community Development Director.
- m. Days and hours of operation per determination of the Community Development Director.

2. **Performance Standards for Agritourism Uses and Activities that Require a Permit.** Agritourism uses shall be consistent with LCP and zoning standards, including but not limited to the following:

- a. Adequate on-site parking to accommodate the uses must be provided on non-prime soils and designated on the site plan for review by Planning staff.

*Inflatables subject to the standards of the Safe Inflatable Operators Training Organization.

- b. Parking subject to standards of Policy 10.22 (*Parking*) of the LCP.
 - c. Signage subject to standards of Policy 8.21 (*Commercial Signs*) of the LCP.
 - d. On parcels forty (40) acres or more in size, all agritourism elements shall be clustered and shall consume no more than two (2) gross acres (excludes hayrides or trains with rubberized wheels). Parking is excluded from acreage calculation.
 - e. On parcels under forty (40) acres in size, all agritourism elements shall be clustered and shall consume no more than one (1) gross acre (excludes hayrides or trains with rubberized wheels). Parking is excluded from acreage calculation.
 - f. Setbacks subject to regulations pertaining to watercourses and riparian vegetation.
3. **Temporary Seasonal Agritourism Uses and Activities that Do Not Require Permits.** Temporary seasonal visitor serving uses and facilities allowed on all agricultural lands limited in scale, elements and time. Uses will be reviewed by Planning staff and the Agricultural Advisory Committee to ensure adherence to the guidelines.
- a. Does not interfere with agricultural production on or adjacent to the lot.
 - b. Allowed for a maximum of 45 consecutive days per use and limited to no more than two (2) per year.
 - c. Days and hours of operation: Sunday through Saturday from 9:00 a.m. to sunset (no lighting shall be allowed).
 - d. Two (2) inflatables* allowed on all lands (subject to height limits set forth in the Planned Agricultural District and Resource Management Regulations).
 - e. One (1) pony ride area (confined animal permit or exemption required).
 - f. One (1) farm animal petting zoo on all lands.
 - g. One (1) hayride on all lands.
 - h. One (1) train with rubberized wheels on all lands.

*Inflatables subject to the standards of the Safe Inflatable Operators Training Organization.

- i. One (1) food vendor, mobile or on-site including mobile prepackaged food/snack bar (Environmental Health permit required) located on all **soils**.
 - j. One (1) prepackaged food/snack bar on non-prime soils (may be subject to Environmental Health permit).
 - k. Other recreational/educational activities subject to review and approval of the Community Development Director.
4. **Performance Standards for Seasonal Uses and Activities that Do Not Require Permits**
- a. Adequate on-site parking to accommodate the temporary seasonal uses must be provided and designated on the site plan for review by Planning staff.
 - b. Parking subject to standards of Policy 10.22 (*Parking*) of the LCP.
 - c. Signage subject to standards of Policy 8.21 (*Commercial Signs*) of the LCP.
 - d. Meets the current standards for buffers from creeks and/or riparian vegetation.
 - e. On parcels forty (40) acres or more in size, all agritourism elements shall be clustered and shall consume no more than two (2) gross acres (excludes hayrides or trains with rubberized wheels). Parking is excluded from acreage calculation.
 - f. On parcels under forty (40) acres in size, all agritourism elements shall be clustered and shall consume no more than one (1) gross acre (excludes hayrides or trains with rubberized wheels). Parking is excluded from acreage calculation.
 - g. Setbacks subject to regulations pertaining to watercourses and riparian vegetation.
 - h. No land disturbance including import of gravel or fill.
 - i. Produce stand permitted per Section 6352(5) of the Planned Agricultural District Regulations (Environmental Health permit required).
5. **Commercial Dining Events**
- a. Commercial food service to groups with issuance of an Environmental Health permit and fire review occurring on an infrequent basis shall be allowed without the need of a PAD permit unless otherwise required.*

- b. All other commercial food services not meeting the standards above may occur with the issuance of a PAD permit.
- c. Commercial dining events cannot occur simultaneously with any temporary or seasonal agritourism event.

E. OTHER NON-AGRICULTURAL COMMERCIAL EVENTS

Commercial events on PAD lands require review by the Agricultural Advisory Committee to determine whether they constitute an agritourism event.

The following examples are uses when operated as a commercial business that are not considered agritourism and require County permits.

- Weddings.
- Music concerts.
- Paint ball.
- Carnivals.

*For purposes of this section, infrequent is defined as no more than twelve (12) meal servings per calendar year.

F. AGRITOURISM REVIEW PROCEDURES

For seasonal non-permit required event applications, applicants shall submit an application and accompanying materials to the Planning and Building Department two (2) months prior to desired date of event.

For seasonal permit required event applications, applicants shall submit an application and accompanying materials no later than six (6) months prior to desired date of event.

All application submittals are subject to the following:

1. Completion of permit application forms.
2. Submittal of any existing Williamson Contract on said lands.
3. Description of existing agricultural operations and statement of conformance with the goals of the agritourism standards.
4. Site plan showing existing permanent buildings and structures, all agricultural areas, watercourses, riparian areas and wells.
5. Site plan showing all agritourism uses and activities, and existing/proposed parking areas.

6. Statement of operations (days/hours).
7. Number of employees on-site for agritourism purposes.

G. RECOMMENDED FINDINGS

When considering proposals to establish agritourism uses, the Agricultural Advisory Committee and relevant decision makers should determine:

1. That the agritourism use is compatible with the long-term agricultural uses of the land.
2. That the agritourism operation will not adversely affect the health or safety of persons in the area and will not be materially detrimental to the public welfare or injurious to agricultural property.
3. That the agritourism operation is in substantial conformance with the goals set forth in the San Mateo County Agritourism Guidelines. Specifically, that the operation is secondary and supplemental to existing agricultural operation on said land.
4. That the proposed use and activities comply with all relevant provisions of the General Plan, Local Coastal Program, Zoning Regulations, and Williamson Act (where applicable).

TGP:fc/pac/jlh – TGPW0230_WFR.DOCX (9/25/12)



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

Williamson Act

San Mateo County Land Conservation (Williamson) Act

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

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

Uniform Rules and Procedures

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SAN MATEO COUNTY LAND CONSERVATION ACT UNIFORM RULES AND PROCEDURES

PURPOSE

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

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

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

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

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

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

DEFINITIONS

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

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

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

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

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

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

Board – The Board of Supervisors for San Mateo County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL POLICIES AND ADMINISTRATION

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

A. Conformance with State Law and County Ordinances and Resolutions

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

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

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

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

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

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

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

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

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

D. Property Tax Reduction

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

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

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

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

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

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

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

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

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

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

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

G. Application Requirements

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

H. Interpretation of Guidelines

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

I. Reports

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

J. Public Education

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

K. Parcel Audit

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

L. Permission to Enter and Inspect Property

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

M. Enforcement

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

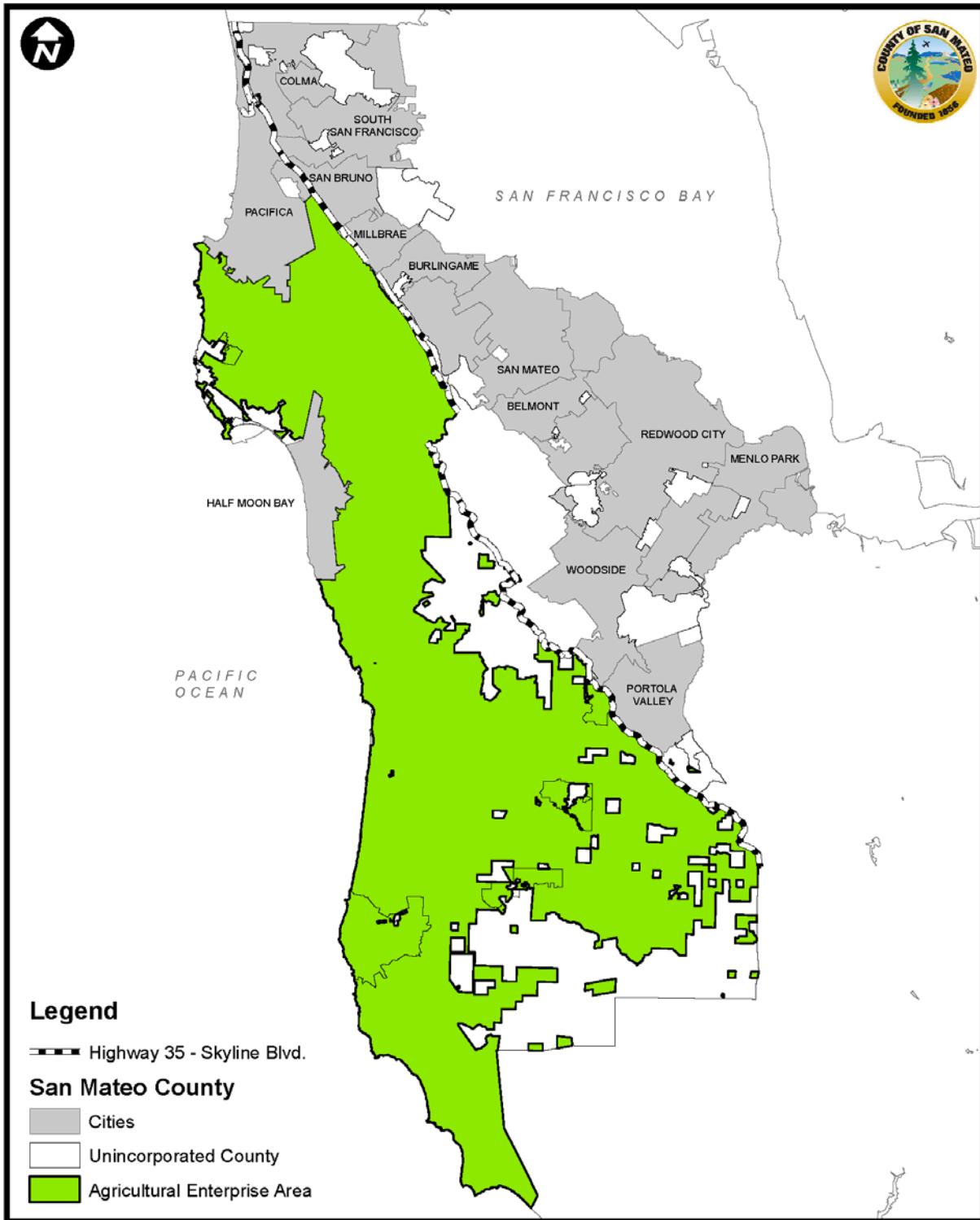
UNIFORM RULE 1: AGRICULTURAL ENTERPRISE AREA AND AGRICULTURAL PRESERVES

A. AGRICULTURAL ENTERPRISE AREA (AEA)

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

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

Proposed Agricultural Enterprise Area



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B. AGRICULTURAL PRESERVES (AGP)

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

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

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

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

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

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

UNIFORM RULE 2: TYPES OF CONTRACTS

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

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

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

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

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

1. Land Designation

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

2. Zoning

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

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

3. Lot Size and Contracted Area

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

Parcel size requirements are as follows:

a. Crop Production:

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

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

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

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

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

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

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

5. **Land Uses**

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

a. Agricultural Uses

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

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

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

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

b. Compatible Uses

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

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

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

- (b) The proposed compatible use would not substantially interfere with the existing agricultural use on the subject parcel or any other property within the AGP.
- (c) The proposed compatible use would not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population of the area.
- (d) The proposed compatible use would not significantly displace or impair current or reasonably foreseeable agricultural operations on the parcel, or any other property within the AGP.
- (e) The remaining portion of the parcel not subject to the proposed compatible use would be able to sustain the agricultural use.

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

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

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

The percentage of a parcel's total area used for compatible uses on contracted lands cannot exceed the percentage used for agricultural uses (e.g., crop production, grazing operation, and horse breeding) and the portion of the parcel used for compatible uses cannot exceed 25 percent of the parcel size.

When calculating the agricultural area for commercial horse breeding operations, the number of broodmares dictates the area as opposed to the area utilized for the commercial horse breeding operations; one broodmare is equal to one acre.

In calculating the maximum allowance of compatible uses, exclude the following: unpaved roads, farm labor housing, buildings/structures used to support the agricultural use (e.g., barns), and underground utilities.

6. **Income Requirements for Crops**

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

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

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

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

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

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

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

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

7. Land Utilization for Grazing

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

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

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

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

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

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

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

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

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

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

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

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

UNIFORM RULE 3: APPLICATION PROCEDURE

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

A. Application Requirements

1. Application Form

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

2. Supporting Documents

a. All Contracts/Agreements – Required Documents

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

- (1) Legal parcel description.
- (2) A site plan, drawn to scale and legible, of the parcel(s) for which the contract or agreement is requested. Site plans will be recorded along with the approved contract or agreement. The following must be shown on the plan(s):
 - (a) Parcel boundaries and dimensions, Assessor's Parcel Number(s), total gross acreage of the parcel(s), zoning designation, parcel address (if applicable), and owner's name and address.
 - (b) Agricultural use area(s), shown outlined and acreage noted (e.g., 10 acres of Brussels sprouts, and 5 acres of cattle grazing).
 - (c) Location, size, and use of all existing and proposed buildings and structures (e.g., residence, fences, and roads).
 - (d) Existing and proposed utilities (e.g., wells).

(e) All watercourses and water impoundments.

b. All Contracts/Agreements – Proof of Legal Parcel

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

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

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

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

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

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

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

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

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

4. Ownership Report

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

5. Signature of Owners

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

6. Fees

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

B. Processing Applications

1. Filing Deadline

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

2. **Review and Approval Process**

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

3. **Completion of Contracts**

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

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

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

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

A. Rescission/Reentry

1. Applicability

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

2. Lot Line Adjustments

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

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

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

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

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

3. **Filing Deadline**

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

B. Non-Renewal

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

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

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

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

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

C. Cancellation

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

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

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

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

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

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

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

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