

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

DATE: July 22, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Planned Agricultural District Permit and a Coastal Development Permit, to allow seasonal commercial recreation activities at the Arata Pumpkin Farm located at 185 Verde Road, approximately 4 miles south of the City of Half Moon Bay. This project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00084 (Gounalakis)

PROPOSAL

The applicant proposes seasonal commercial recreation uses in the Planned Agricultural District for a three-month period (August 1 through November 1) for two years (2015 and 2016) with the option to renew based on condition compliance and recommendation by the Agricultural Advisory Committee to the Planning Commission.

Proposed uses on “lands suitable for agriculture” consist of a portion of the hay maze, a play set/jumper, a snack bar, gravel surface parking areas, and an area used for hay bale storage. On prime soils, the applicant proposes to locate a portion of the hay maze, a snack bar, a store, a petting zoo, pony rides, a food truck, and a miniature ride-on train, a haunted barn, and parking spaces. Recreational uses on prime soils are clustered with existing development and, with the exception of the hay maze, are located in areas that are not farmed due to existing structures and access ways.

As currently proposed, agriculture would be the dominant use of the 8.37-acre property, occupying 3.77 acres during the three-month recreation season, where recreational uses would occupy 1.79 acres (21%) of the property. During the remaining nine months of the year, the entire property (with the exception of the developed area and the play set/jumper area) will be used for agricultural production, with seedling/starter plants (non-soil dependent) and agricultural storage in areas used for parking and crop production in all other areas. Crops to be grown are fava beans, pumpkins, corn, strawberries, bell beans, and Stone Pine Christmas trees.

The parcel is subject to a Williamson Act contract which was amended by the Board of Supervisors in September 2012 to include the above uses as potentially compatible uses under the contract.

RECOMMENDATION

Approve the Planned Agricultural District Permit and Coastal Development Permit, by making the required findings and adopting the conditions of approval listed in Attachment A of the staff report.

SUMMARY

Planned Agricultural District (PAD) Permit: The proposed seasonal commercial recreation use requires the issuance of a conditional PAD Permit. The applicant will minimize areas of prime soils that are temporarily converted. Structural elements of the recreational use (play set/jumper, snack bar, food truck, train) are small and clustered within developed areas of the property. In the proposed location, the hay maze would cover a small area of prime soils and would be located further from and be less visible from Cabrillo Highway. The hay maze will utilize hay bales, a natural building material that will blend in with the agricultural setting. The proposed commercial recreation use on Lands Suitable for Agriculture complies with Section 6353(B), which allows for “commercial recreation” uses on these lands. The proposal meets the setback requirements of the PAD District. The project complies with the Prime Agricultural Land, as the uses proposed by the applicant will be located in areas that are already considered developed or will be temporary in nature and will not deplete the productivity of the soil.

On June 8, 2015, the Agricultural Advisory Committee (AAC) reviewed the proposal and made no recommendation on the project.

Coastal Development Permit: The proposal is consistent with the County’s Local Coastal Program (LCP), as the proposal clusters development in areas of existing development. Although approximately 5,600 sq. ft. of the hay maze is located in an area of prime soil that could be farmed, the maze is temporary, located in an area used as an entrance to the property since 2005, and does not diminish the agricultural productivity of the soil. Areas proposed for temporary parking are located in areas used in the past for parking, directly adjoin developed areas, and are located at the entrance of the property. Areas of prime soil used for parking shall be farmed during non-recreational months. The proposed hay maze is located approximately 250 feet from Highway 1, in excess of the 100-foot scenic corridor setback required by LCP Policy 8.3.

Environmental Review: In 2011, Planning staff prepared an Initial Study/Mitigated Negative Declaration (2011 IS/MND) in compliance with the California Environmental Quality Act (CEQA) Guidelines, which analyzed the potential environmental impacts of seasonal recreation activities at the Arata Farm site from July 1 through November 31 annually, including a hay maze, pony rides, train rides, hay rides, haunted barn, pumpkin sales and private parties. The Board of Supervisors certified the IS/MND on September 13, 2011. The currently proposed project has been reduced in scope compared to the project that was analyzed by the 2011 IS/MND, and would not have the potential to introduce new significant environmental effects or result in a substantial increase in the severity of previously identified significant effects. Therefore, the preparation of an additional negative declaration is not required.

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

DATE: July 22, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Planned Agricultural District Permit, pursuant to Section 6350 of the San Mateo County Zoning Regulations, and a Coastal Development Permit, pursuant to Section 6328.4 of the San Mateo County Zoning Regulations, to allow seasonal commercial recreation activities at the Arata Pumpkin Farm located at 185 Verde Road approximately 4 miles south of the City of Half Moon Bay. This project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00084 (Gounalakis)

PROPOSAL

The applicant, Chris Gounalakis, proposes to conduct seasonal commercial recreation activities on an 8.37-acre parcel (Arata Farm) for three months, between August 1 and November 1 over a two-year period (2015 and 2016) with the option to renew based on condition compliance and recommendation by the Agricultural Advisory Committee to the Planning Commission.

Proposed commercial recreation activities would be limited to a hay maze, a haunted barn, a play set/jumper, a petting zoo, pony rides, a store, miniature ride-on train, a snack bar, food truck, associated gravel surface parking areas, and hay bale storage area. With the exception of the developed area, the play set/jumper area, small area of hay bale storage, and undisturbed areas, the entire property will be used for agricultural production during the remaining nine months of the year.

The proposed hours of operation are:

August 1 - November 1 (except October)

Monday - Friday: 9:00 a.m. - 6:00 p.m.

Saturday: 9:00 a.m. - 9:00 p.m.

Sunday: 9:00 a.m. - 8:00 p.m.

October

Monday - Thursday: 9:00 a.m. - 7:00 p.m.

Friday and Saturday: 9:00 a.m. - 10:00 p.m.

Sunday: 9:00 a.m. - 7:00 p.m.

The parcel is encumbered by a Williamson Act contract which was amended by the Board of Supervisors in September 2012 to include the above uses as compatible uses under the contract.

RECOMMENDATION

Approve the Planned Agricultural District Permit and Coastal Development Permit, by making the required findings and adopting the conditions of approval listed in Attachment A of the staff report.

BACKGROUND

Report Prepared By: Rob Bartoli, Project Planner, Telephone 650/363-1857

Owner/Applicant: Chris Gounalakis

Location: 185 Verde Road

APN: 066-310-080

Parcel Size: 8.37 acres

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

General Plan Designation: Agriculture

Sphere of Influence: Half Moon Bay

Existing Land Use: Agricultural uses, residence, barns, accessory buildings, and seasonal recreation activities

Water Supply: Riparian rights from Lobitos Creek for agriculture and spring for residential purposes

Sewage Disposal: On-site septic system; portable toilets used by the public during the recreation season

Flood Zone: Zone X (Area of Minimal Flood Hazard), FEMA Map Number 06081C0270E; effective October 16, 2012

Setting: The project parcel is located on Verde Road to the east of Cabrillo Highway and is relatively flat in terrain. Lobitos Creek runs along the northern perimeter of the parcel. The parcel contains a 0.88-acre developed area containing paved driveways and five (5) legal structures: with a 1,500 sq. ft. single-family residence, three barns (1,800 sq. ft., 500 sq. ft. and 300 sq. ft.), and a 900 sq. ft. store building. The buildings were constructed in the 1930s, prior to building permit requirements.

Environmental Evaluation: An Initial Study and Mitigated Negative Declaration (2011 IS/MND) under CEQA Guidelines were completed for seasonal commercial recreation uses. The public review period for this document was from April 20, 2011 to May 2, 2011. The Board of Supervisors certified the IS/MND on September 13, 2011. Further discussion is included in Section E of this report.

Williamson Act: The parcel is under a Williamson Act contract that was amended in September 2012 to include the proposed commercial recreation uses as compatible uses under the contract.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan

The County General Plan designates the property for Agriculture and describes the primary feasible uses associated with this land use designation as “resource management and production uses including, but not limited to, agriculture and uses considered accessory and ancillary to agriculture” (Table 7.1P, *General Plan Land Use Designations*). Policy 9.7 (*Rural Lands*) further defines such land uses to also include public or private recreation or open space.

The proposed commercial recreation use complies with General Plan Policies 9.4 (*Land Use Objectives for the Rural Lands*) and 9.38 (*Encourage Private Recreation Land Uses*) which promote the provision of diverse private and public outdoor recreational opportunities for existing and future County residents. An additional objective of these policies is the promotion of local employment opportunities and enhancement of creative enterprise by encouragement of visitor-serving facilities. The variety of proposed recreational uses, including a hay maze, a haunted barn, a play set/jumper, a petting zoo, and pony rides, offer diverse recreational activities specifically geared toward children and provide additional local employment opportunities at the property.

As shown in Table 2, below, with the approval of the proposed project, agriculture would be the dominant use of the property, occupying 3.77 acres during the three-month recreation season, where recreational uses would occupy 1.79 acres (21%) of the property, including 0.59 acres for the maze and play set and 1.2 acres for on-site parking. During the remaining nine months of the year, agricultural use would occupy 5.32 acres of the property, including 4.32 acres of farming and 1.0 acres of container-based agriculture within parking areas.

Table 2 Percentages of Land Use During the Recreation Season		
Proposed Use	Area in Acres	% of Property
<i>Non-Recreational</i>		
Permanent Agriculture	3.77	45%
Undisturbed (e.g., shrubs and trees)	1.93	23%
Permanent Developed Area (structures, driveways)	0.88	11%
<i>Subtotal</i>	<i>6.58</i>	<i>79%</i>
<i>Recreational</i>		
Parking	1.20	14%
Maze and Play Set/Jumper	0.59	7%
<i>Subtotal</i>	<i>1.79</i>	<i>21%</i>
Total	8.37	100%

During the seasonal recreation period, approximately 45% of the property would remain in permanent agriculture. During the remaining nine months of the year, the entire property (with the exception of the developed area and the play set/jumper area) will be used for agricultural production, with seedling/starter plants (non-soil dependent) and agricultural storage in areas used for parking and crop production in all other areas. Crops to be grown are fava beans, pumpkins, corn, strawberries, bell beans, and Stone Pine Christmas trees. As shown in Attachments C and D and described in Table 3, below, crops will be grown in six zones, Zone A through F, on the property.

Table 3 Crop Production By Zone, as Shown on Map (Attachment D)						
	A	B	C	D	E	F
November	No Crops	Fallow/Cover Crop				
December						
January						
February						
March						
April	No Crops	Peas*/ Stone Pines*/ Fava Beans	Fava Beans	Corn/ Pumpkins*	Stone Pines	Seedlings/ Starter Plants
May	No Crops	Peas*/ Stone Pines*/ Fava Beans	Fava Beans	Corn/ Pumpkins*	Stone Pines	None (Parking)
June						
July						
August						
September	No Crops	Harvest/Sales				None (Parking)
October	No Crops	Harvest/Sales				None (Parking)
*Entire zone planted, excluding areas of the hay maze for the month of August. Note: Crop type may change, as long as an active agricultural use is maintained.						

As proposed and conditioned, the project would comply with General Plan Policy 4.21 (*Scenic Corridors*), which seeks to protect and enhance the visual quality of scenic corridors by managing the location and appearance of structural development. The western edge of the property runs along a portion of Cabrillo Highway that is designated as a State Scenic Route. Consistent with the 2014 approval, the western portion of the property would remain in agricultural production (i.e., corn and pumpkin fields). The temporary hay maze structure and other commercial recreation uses would be located on the eastern half of the property, immediately adjacent to developed areas of the property (see Attachment C). In this location, the hay maze covers a smaller area of prime soils and would be located further and is less visible from Cabrillo Highway. Also, the applicant will locate the proposed food truck and miniature ride-on train ride at the center of the property adjacent to developed areas of the property.

2. Conformance with the Zoning Regulations

The property is located within the Planned Agricultural District (PAD). Location of uses permitted in this district is dependent upon the definition and classification of areas within the property as Prime Agricultural Lands and Lands Suitable for Agriculture and Other Lands. This is reiterated in Local Coastal Program Policy 5.5.

Prime Agricultural Lands include prime soils classifications as well as lands planted with crops normally returning on an annual basis from the production of the unprocessed agricultural plant production not less than \$1,509.87 per acre.¹ As defined, the areas on which crops are planted throughout the year, which includes a portion of the commercial recreation activities, are classified as Prime Agricultural Lands based on mapped prime soils and/or the income generated from the crops planted. Generally, commercial recreation activities are not included as uses permitted by right or conditionally on such lands (conditionally permitted on Lands Suitable for Agriculture and Other Lands). In this instance, the Department is prioritizing the protection of the mapped prime soils over the income generated by crops for classifying portions of the parcel as Prime Agricultural Lands given the minimal impact and temporary nature of the commercial recreation activities. Further, at the conclusion of the three months, the land will be restored to agricultural uses. The emphasis of the project will be placed on developed soils and will minimize conversion of prime soils.

A majority of the site is characterized by prime soils, consisting of Class II (TuB - Tunitas Clay Loam, gently sloping) and Class IV CId2 (Sandy Loam, moderately steep). Prime soils are mapped within the prime soils line in Attachment C. Existing uses on prime soils consist of agricultural use and a

¹ As calculated: \$200 per acre adjusted for inflation using the 1965 base year according to the recognized consumer price index based on LCP Policy 5.1.

developed area including a residence, a store, and agricultural structures. Proposed uses on prime soils within undeveloped areas include a smaller portion of the hay maze structure and gravel surface parking areas which adjoin developed areas. Proposed uses on prime soils within developed areas include a snack bar, petting zoo, and pony rides.

Remaining areas consist of Class VII (Ma - Mixed alluvial), areas considered "lands suitable for agriculture." These lands are mapped outside of the prime soils line in Attachment C. Existing uses on these lands consist of agricultural use, storage use, access driveways and undisturbed areas. Proposed uses consist of a larger portion of the hay maze, a play set/jumper, a store, gravel surface parking areas, and off-season hay bale storage.

a. Uses Permitted Subject to the Issuance of a PAD Permit on Prime Agricultural Lands

Section 6353.A (*Uses Permitted on Prime Agricultural Lands Subject to the Issuance of a PAD Permit*) of the Zoning Regulations allows for such uses as public recreation, permanent road stands, and uses ancillary to agriculture on prime agricultural lands. As described previously, areas of prime soils at the property contain developed areas and agricultural areas. The applicant proposes to locate a smaller portion of the hay maze, a snack bar, a petting zoo, pony rides, and parking spaces on prime soils. However, these elements of the proposed commercial recreation use are clustered with existing development and, with the exception of the hay maze, are located in areas that are not farmed due to existing structures and access ways. The area of the hay maze will be farmed the remaining nine months of the year per Zone B of Table 3, above.

In order to approve and issue a PAD Permit, the project must comply with the substantive criteria for the issuance of a PAD Permit, as delineated in Section 6355 of the Zoning Regulations. Table 4 illustrates project compliance with applicable criteria:

Table 4 Substantive Criteria for the Issuance of a PAD Permit		
General Criteria	Compliance Review	Complies with Substantive Criteria?
Criteria from PAD Regulations		
The encroachment of all development upon land which is suitable for agricultural uses and other lands shall be minimized.	A main portion of the maze would be constructed in areas of non-prime soil and immediately adjacent to developed areas of the property. The hay maze would cover a small area of prime soils. Areas of parking are also located off of prime soils, with the exception of parking located immediately adjacent to developed areas.	Yes
All development permitted on a site shall be clustered.	All structures and parking associated with recreational uses are clustered adjacent to or within developed areas.	Yes
Prime Agricultural Land within a parcel shall not be converted to uses permitted by a PAD Permit, unless it can be demonstrated that: <ul style="list-style-type: none"> 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. Permitted uses will not impair agricultural viability, including degraded air and water quality. 	Prime soils cover a majority of the property and include areas that can be farmed and areas that are developed. The applicant proposes to locate a food truck and children's train ride in the developed area. Areas of prime soil that can be farmed would be temporarily converted to accommodate a small portion of the hay maze, a snack bar, food truck, train ride, and parking. Converted areas are located immediately adjacent to developed areas. Such conversion is necessary to provide a reasonably sized and challenging maze activity and adequate parking. The maze use will not diminish soil productivity. Areas of parking (Zone F in Attachment C) would be used for container-based agriculture on Lands Suitable for Agriculture or restored and farmed in areas of Prime Agricultural Land.	Yes
All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural District Permit unless all of the following criteria are met: <ul style="list-style-type: none"> a. All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and b. 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). 	Prime soils and lands suitable for agriculture cover the entire property. Agriculturally unsuitable lands are heavily vegetated and undisturbed. The applicant has redesigned the project to minimize areas of agriculture which are temporarily converted, including prime soil and "lands suitable for agriculture." During the seasonal recreation period, approximately 45% of the property would remain in permanent agriculture. During the remaining nine months of the year, the entire property (with the exception of the developed area, the play set/jumper area, and undisturbed areas) will be used for agricultural production.	Yes

Table 4 Substantive Criteria for the Issuance of a PAD Permit		
General Criteria	Compliance Review	Complies with Substantive Criteria?
Applicable Development Review Criteria from Chapter 20A.2 of the Zoning Regulations, as Required by General Criteria for Issuance of a PAD Permit		
<p>Development shall be located, sited and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site and its surrounding is maintained to the maximum extent practicable.</p> <p>No use, development or alteration shall substantially detract from the scenic and visual quality of the County.</p> <p>Public views within and from Scenic Corridors shall be protected and enhanced, and development shall not be allowed to significantly obscure, detract from, or negatively affect the quality of these views. Vegetative screening or setbacks may be used to mitigate such impacts.</p>	<p>The proposal will locate the hay maze and other seasonal commercial recreation activities on the eastern half of the property, immediately adjacent to developed areas of the property. Agricultural production throughout the property for most of the year.</p>	Yes
<p>Small, separate parking areas are preferred to single large parking lots.</p>	<p>In order to both maximize on-site parking and minimize parking on prime soils, parking spaces are concentrated in one large parking area along the southern side of the property, with dense parking in developed areas and areas further from Highway 1.</p>	Yes
<p>The development shall employ colors and materials which blend in with, rather than contrast with, the surrounding soil and vegetative cover of the site. Materials shall absorb light (i.e., dark, rough textured materials). In grassland, or grassland/forest areas, all exterior materials shall be of the same earth and vegetative tones as the predominant colors of the site. Highly reflective surfaces and colors are discouraged.</p>	<p>The hay maze will utilize hay bales, a natural building material that will blend in with the agricultural setting. Structural elements of the recreational use (store, play set/jumper, snack bar) are small and clustered within developed areas of the property.</p>	Yes
<p>No off-premises outdoor advertising shall be permitted. Other permitted signs shall be carefully designed to harmonize with the scenic qualities of Scenic Corridors.</p>	<p>Condition No. 9 requires associated signage to maintain same earth and vegetative tones as the predominant colors of the site (as determined by inspections by Planning staff). Condition No. 23 prohibits off-premises outdoor advertising.</p>	Yes.

b. Uses Permitted Subject to the Issuance of a PAD Permit on Lands Suitable for Agriculture

The proposed commercial recreation use on Lands Suitable for Agriculture complies with Section 6353(B) (*On Lands Suitable for Agriculture and Other Lands*), which allows for “commercial recreation” uses on Lands Suitable for Agriculture and Other Lands.

c. Development Standards

Agricultural development in the PAD is subject to a minimum 30-foot front setback from the front property line, while non-agricultural development is subject to a minimum 50-foot front setback. The PAD Regulations require 20-foot minimum side and rear setbacks. The front of the property is located on Cabrillo Highway. Existing residential and agricultural structures on the site are located at the rear of the property and do not approach the minimum front yard setback. Existing structures also comply with the minimum rear and side yard setback (20 feet) requirements.

Structures associated with the commercial recreation use, including the hay maze, play set/jumper, store, snack bar, petting zoo, food truck, children train ride, and pony rides, are subject to setbacks relating to non-agricultural development and comply with the minimum front setback (50 feet), and rear and side yard setback (20 feet) requirements.

In addition to the development standards, commercial recreation uses consume density credits allotted to parcels based on the physical characteristics (e.g., landslide areas) of the land. Calculation of development densities is referenced in the PAD as outlined in Table 1.5 of the Local Coastal Program. The uses identified in Table 1.5 are dissimilar to the proposed commercial recreation uses in that the LCP and Zoning land uses assume a year-round, or near year-round, operation whereas the proposed activities are only occurring during a three-month period. Based on the short duration and temporary nature of the activities and the removal of development when not in seasonal use, the proposal does not consume density credits.

3. Conformance with the Local Coastal Program

The following is a discussion of project compliance with policies of the Local Coastal Program (LCP). The discussion focuses on applicable policies of the Agriculture, Sensitive Habitats and Visual Resource Components. It should be noted that LCP policies similar to policies of the PAD regulations

are not discussed below, as the discussion is already provided in Section C of this report.

a. Agriculture Component

Prime Agricultural Lands

LCP Policy 5.5 (*Permitted Uses on Prime Agricultural Lands*) permits agricultural and agriculturally-related development on prime agricultural lands; non-residential development customarily considered accessory to agricultural uses including barns, storage/equipment sheds, stables for farm animals, water wells, and water storage tanks; and temporary road stands for seasonal sale of produce grown in San Mateo County, among other uses.

For areas of prime soil, the current proposal involves the following: (1) the use of the existing barn and the location of the petting zoo and the pony ride within the developed area; (2) the temporary construction of a portion of the hay maze; and (3) location of temporary parking adjoining developed areas of the property for the proposed commercial recreation use. The following is a discussion of each project component and policy compliance:

- Use of Barn and the Location of Petting Zoo and Pony Ride within the Developed Area for Commercial Recreation Use: Proposed uses within the existing developed areas of prime soils are consistent with this policy, as the proposal clusters development in an area where existing development prevents the use of prime soil for agricultural production. The uses are located on already developed areas of the site.
- Temporary Construction of a Portion of the Hay Maze: The area of prime soil that would be occupied temporarily by a portion of the hay maze (approximately 5,600 sq. ft.) has been used in a similar matter since at least 2005. The hay maze is a temporary structure used from August 1 to November 1 and would not deplete the productivity of the soil.
- Location of Temporary Parking Adjoining the Developed Area: Temporary parking to support commercial recreation use would be located in areas used in the past for parking. These areas directly adjoin developed areas and are located at the entrance of the property. Leaks from automobiles may deplete the productivity of the soil. Contaminated soil can be removed and replaced with soil amendments to restore soil productivity in the future for agriculture in this area. Condition No. 24 has been

added to require the property owner to restore the productivity of the soil in all parking areas on prime soil immediately upon the conclusion of each annual event (i.e., during the month of November) and farm the land in these areas during non-recreational months. Therefore, as proposed and conditioned, parking would not permanently deplete the productivity of the soil.

Lands Suitable for Agriculture

LCP Policy 5.6 (*Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture*) permits agricultural and agriculturally-related development on lands suitable for agriculture, including agricultural and non-soil dependent agricultural uses such as greenhouses and nurseries. The policy also conditionally permits commercial recreation uses including country inns, stables, riding academies, campgrounds, rod and gun clubs, and private beaches. In portions of the property that are suitable for agriculture, but do not contain prime soil, the current proposal involves the following: (1) maintenance of a play set/jumper; (2) construction of a hay maze; (3) location of temporary parking to support commercial recreation uses; (4) hay bale storage during non-recreational months; and (5) container-based agriculture in parking areas. The proposed commercial recreation uses are permitted with the approval of a PAD Permit. Container-based agriculture is permitted as a type of non-soil dependent agricultural use.

b. Sensitive Habitat Component

Policy 7.11 (*Establishment of Buffer Zones*) requires a buffer zone of 50 feet from the edge of riparian vegetation for perennial streams. Lobitos Creek runs along the project parcel's northeastern property line. The section of Lobitos Creek adjoining the property does not contain riparian vegetation, per the biologist report prepared by Deborah Peterson, dated September 12, 2011 (Attachment I). The required buffer from the centerline of the stream is 30 feet. No activities or development is proposed in the required buffer zone. The creek is located down a slope from the proposed hay maze. Due to the location of the creek on the property, access to the creek by members of the public would be difficult.

c. Visual Resources Component

Policy 8.5 (*Location of Development*) requires that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; (2) is least likely to

significantly impact views from public viewpoints, including coastal roads; and (3) best preserves the visual and open space qualities of the parcel overall. The policy also requires clustering of new development with existing development. The hay maze would be located approximately 250 feet from Highway 1, in excess of the 100-foot scenic corridor setback required by LCP Policy 8.31 (below). Proposed structures and parking uses are clustered with existing development and minimize encroachments on prime soils.

In addition to applying the Primary Scenic Resources Areas Criteria of the RM Zoning District (addressed in Section C, above), Policy 8.31 (*Regulation of Scenic Corridors in Rural Areas*) requires a minimum setback of 100 feet from the right-of-way line, and greater where possible. The closest proposed recreational structure, the hay maze, is located approximately 250 feet from Highway 1.

Policy 8.21 (*Commercial Signs*) seeks to prohibit off-premises commercial signs, brightly colored, illuminated, rotating, reflective, blinking, flashing or moving signs, pennants or streamers and requires such directional signs to be simple, easy to read and harmonize with surrounding elements. Per Condition No. 12, during the Halloween/Pumpkin season (September 15 to October 31), the applicant is permitted to temporarily install on-site up to four (4) directional traffic signs, maximum 2 ft. x 3 ft., each visible from Cabrillo Highway. Signage is not allowed on or along Cabrillo Highway. Signage shall prohibit parking along Verde Road and Cabrillo Highway.

4. Conformance with the Confined Animal Regulations

Per Section 7700 of the San Mateo County Confined Animal Regulations, the keeping of up to five ponies on lands designated as Planned Agricultural District can be exempted by application to and approval by the Planning and Building Department. In 2003, the applicant applied for and received a Confined Animal Permit Exemption for the keeping of five ponies (County File No. PLN 2003-00264) for proposed pony rides. The applicant has met all requirements for manure and stormwater management per the stated regulations. Any increase in the number of ponies beyond five ponies will require an application for the keeping of confined animals.

B. CONFORMANCE WITH THE WILLIAMSON ACT

In 2015, the applicant submitted a Williamson Act survey confirming the minimum annual income requirement of \$10,000 from the sale of crops was generated by the agricultural activities on the property. While the property meets this requirement, the property does need an exception to the Williamson Act contract regarding the size of the parcel. The County's Williamson Act Program requires

lands defined as a mix of Prime and Non-Prime Agricultural Lands to have parcels be at least 40 acres in size; however, this parcel is only 8.37 acres. With exception to the minimum parcel size, all other Program requirements are met. Exceptions for existing contracts are reviewed by the Agricultural Advisory Committee (AAC) and Agricultural Commissioner for recommendation and consideration by the Community Development Director.

The requested minimum parcel size exception was heard by the Agricultural Advisory Committee at its June 8, 2015 meeting and received one recommendation of denial by the AAC and one recommendation of approval by the Agricultural Commissioner. In granting an exception, a determination must be made “that the land is highly productive and that maintaining the land in agricultural production has a significant public benefit.” During the June 8, 2015 AAC meeting, Fred Crowder, Agricultural Commissioner, presented his findings regarding the subject property and the Williamson Act exception request. Mr. Crowder reviewed the applicant’s financial records, including their Federal Income Tax records. In this review, Mr. Crowder was able to determine that the property had an agricultural income greater than the \$10,000 minimum required to be classified as “highly productive.” Based on this information, the Planning Department has granted the Exception to the Williamson Act regarding minimum parcel size due to the finding that the agriculture on the property is highly productive and that continued agricultural production has a significant public benefit.

C. REVIEW BY THE AGRICULTURAL ADVISORY COMMITTEE

On May 11, 2015, the Agricultural Advisory Committee (AAC) reviewed the project as proposed and asked for the item to be continued for further review of the amended Williamson Act contract and for the Agricultural Commissioner to review the financial records of the property. At the following meeting on June 8, 2015, the AAC reviewed the item again and made no recommendation on the development project.

D. REVIEW BY THE CALIFORNIA COASTAL COMMISSION

Planning staff provided a project referral to the California Coastal Commission (CCC). In a letter dated April 1, 2015, Renee Ananda, Coastal Program Analyst, outlines the CCC’s comments on the project. The following is a summary of the main points of the letter, followed by a response by Planning staff:

1. The CCC suggests that commercial recreation activities, including the children train ride, shall not be permitted on prime agricultural lands under the LCP. Planning staff agrees that the hay maze and parking spaces are part of a commercial recreation use and are located on prime agricultural lands. However, as conditioned, these elements are temporary (three months of the year), would not deplete soil productivity, are clustered with existing development, and minimize encroachment into areas of prime soil.

Proposed uses within existing developed areas of prime soils are consistent with LCP Policy 5.5, as the proposal clusters development in an area where existing development prevents the use of prime soil for agricultural production.

2. The CCC suggests that the applicant provide evidence to the County demonstrating compliance with all conditions of approval from the prior approval. The applicant has been compliant regarding the conditions of approval that were approved at part of the 2014 application. No complaints have been received by staff regarding the 2014 approval. Staff will continue to monitor the project's conditions of approval and take corrective action if necessary.
3. The CCC asked for clarification regarding when the commercial recreation activities will take place. The applicant proposes to conduct seasonal commercial recreation activities at the Arata Farm property for three months, between August 1 and November 1, annually. Staff is recommending that this permit be approved for a two-year period.
4. The CCC asked for clarification regarding the areas that will be planted and the areas that will be used for commercial recreation activities, specifically Zone F as shown on Attachment C. Areas of parking in Zone F would be used for container-based agriculture and starter plants between April and the beginning of August. The area would only be utilized for parking during the months of August, September, and October.
5. The CCC suggests that the applicant be required to identify measures that will be put in place to protect the prime soils and creek areas from the proposed commercial recreation activities. Such areas have been converted to non-agricultural use and, in such areas, soil productivity would not need to be restored. With the exception of parking uses, the proposed recreational uses in agricultural areas would not significantly deplete soil productivity. Condition No. 24 requires the property owner to restore the quality of the soil in all parking areas on prime soil, as necessary to reestablish prime soil characteristics, immediately upon the conclusion of each annual event, in consultation with an agricultural specialist familiar with County lands, and to the satisfaction of the Community Development Director. Parking areas on prime soil shall be farmed during non-recreational months. Lobitos Creek runs along the project parcel's north-eastern property line. The section of Lobitos Creek adjoining the property does not contain riparian vegetation, per the biologist report. The creek is down a steep slope, making access by the public difficult.

E. ENVIRONMENTAL REVIEW

In 2011, Planning staff prepared an Initial Study/Mitigated Negative Declaration (2011 IS/MND) in compliance with the California Environmental Quality Act (CEQA) Guidelines, which analyzed potential environmental impacts from recreational activities at the Arata Farm site from July 1 through November 31 annually, including a hay maze, pony rides, train rides, hay rides, haunted barn, pumpkin sales and private parties. The 2011 IS/MND is included as Attachment E. The public review period for this document was from April 20, 2011 to May 2, 2011. The Board of Supervisors certified the IS/MND on September 13, 2011.

The 2011 IS/MND analyzed potential environmental impacts of the 2011 proposal and included eight mitigation measures intended to reduce projects impacts by setting a limit on the conversion of agricultural land to 3 acres (Mitigation Measure 1), requiring parking attendants during pumpkin season to assist with pedestrian and vehicular traffic and parking, requiring 135 on-site parking spaces and prohibiting parking on Cabrillo Highway and Verde Road (Mitigation Measures 2, 3, and 4), crowd control through the enforcement of approved hours of operation (Mitigation Measures 5 and 6), and limiting the number and purpose of signs to four directional traffic signs to minimize view impacts to the Cabrillo Highway (a State Scenic Route) (Mitigation Measure 7). The applicant has verbally consented to the mitigation measures as presented in Attachment A.

F. REVIEWING AGENCIES

Building Inspection Section
Cal-Fire
California Coastal Commission
Department of Public Works
Environmental Health Division
San Mateo County Agricultural Advisory Committee

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map of Project Parcel
- C. Map of Prime Soils and Seasonal Commercial Recreation Activities 2015
- D. Applicant's Planting Plan
- E. Initial Study/Mitigated Negative Declaration (2011 IS/MND), dated April 20, 2011
- F. Amended Williamson Act Contract
- G. Letter from Agricultural Commissioner Fred Crowder
- H. Letter from the California Coastal Commission, dated April 1, 2015
- I. Biologist Report, prepared by Deborah Peterson, dated September 12, 2011
- J. Street Parking Plan

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00084

Hearing Date: July 22, 2015

Prepared By: Rob Bartoli
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

Based on the staff report and evidence presented at the hearing:

Regarding the Mitigated Negative Declaration, Find:

1. That on the basis of the 2011 Initial Study/Mitigated Negative Declaration (2011 IS/MND), comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project, if subject to the mitigation measures contained in the 2011 IS/MND, will have a significant effect on the environment. Project changes, from the 2011 Initial Study/Mitigated Negative Declaration (2011 IS/MND) to the current proposal, alter the hours of operation, propose a food truck, and children train ride in the developed area of the property. As the project does not involve any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, the preparation of an additional negative declaration is not required.
2. That the mitigation measures identified in the 2011 IS/MND have been agreed to by the applicant and placed as conditions on the project. The applicant has signed the mitigation concurrence letter, dated June 2, 2014. As mitigation measures have been incorporated into the conditions of approval for this project, in conformance with California Public Resources Code Section 21081.6, no separate Mitigation Monitoring and Reporting Plan is necessary.

Regarding the Planned Agricultural District Permit, Find:

3. That the proposed seasonal commercial recreation activities, associated with the traditional celebration of pumpkin season in the unincorporated San Gregorio area of San Mateo County, are consistent with Chapter 21A, Planned Agricultural District, of the County's Zoning Regulations. The project would not result in the permanent conversion of areas of prime soils, which have not already been converted. The proposed snack bar, petting zoo, and pony rides would be located

on prime soils, but are clustered with existing development and located in areas that are not farmed due to existing structures and access ways. A smaller portion of the hay maze and parking areas located on prime soils will be dedicated to an agricultural use the remaining nine months of the year. The project complies with applicable substantive criteria for the issuance of a PAD Permit, including the Development Review Criteria contained in Chapter 20A of the San Mateo County Zoning Regulations, as delineated in Section 6355 of the Zoning Regulations. Specifically, the hay maze would utilize hay bales, a natural building material that will blend in with the agricultural setting. Structural elements of the recreational use (store, play set, snack bar) are small and clustered within developed areas of the property.

Regarding the Coastal Development Permit, Find:

4. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program, specifically applicable policies of the Agriculture Component, Sensitive Habitat Component, and the Visual Resources Component, as described below:
 - a. Regarding project compliance with the applicable policies of the Agriculture Component, the proposal clusters development in an area where existing development prevents the use of prime soil for agricultural production; the proposal maintains structures on developed areas; the hay maze is a temporary structure and would not deplete the productivity of the soil; areas of proposed temporary parking would be located in areas used in the past for parking; contaminated soil would be removed and the soil amended to restore soil productivity in parking areas on prime soil annually.
 - b. Regarding project compliance with applicable policies of the Sensitive Habitat Component, the project would not impact sensitive habitat, as the section of Lobitos Creek adjoining the property does not contain riparian vegetation, per the biologist report prepared by Deborah Peterson, dated September 12, 2011. The project has an adequate buffer zone from the creek.
 - c. Regarding project compliance with applicable policies of the Visual Resources Component, where LCP Policy 8.31 requires a minimum setback of 100 feet from the right-of-way line, and greater where possible, along a scenic corridor in rural areas, the closest proposed recreational structure, the hay maze, is located approximately 250 feet from Highway 1.

RECOMMENDED CONDITIONS OF APPROVAL

Note: The language of the mitigation measures of the Initial Study/Mitigated Negative Declaration (IS/MND), certified on September 13, 2011, has been modified in order to further strengthen and clarify the required mitigation.

Current Planning Section

1. This approval applies only to the proposal described in this report and submitted to and approved by the Planning Commission on July 22, 2015. Minor revisions or modifications may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with the approval. Any other changes, modifications or additions shall require an amendment to the permit at a public hearing.
2. The Planned Agricultural District Permit and Coastal Development Permit shall expire two (2) years from the date of approval and shall be subject to annual administrative reviews in 2015 and 2016, including inspection, and the applicable fee. Annual inspections shall be scheduled by the applicant/property owner with Planning staff and shall be completed prior to September 30 of each year. Renewal/amendment of the permit shall be subject to review by the Agricultural Advisory Committee and the Planning Commission. Complaints received by the Planning and Building Department shall be considered by the Planning Commission in its review of any renewal or amendment of the permit. At the time of permit renewal, lengthening of the two-year term shall be considered based on permit compliance.
3. The applicant shall install a durable sign near or on the snack bar, outside of areas used for agricultural production, which provides contact information (name, phone number, and email address) of the applicant's designated representative who shall be responsible for responding to complaints regarding project operation. The sign shall be posted from August 1 to November 1, each year. The sign shall also include contact information to direct complaints to a designated County representative (Ana Santiago, Code Compliance Section, 650/363-4825). The complaint would be investigated within four (4) working days of the filing date of the complaint and, if confirmed, a violation case would be opened, written correspondence would be sent to the applicant/owner, and enforcement would be escalated according to standard procedure, until the violation is corrected to the satisfaction of the Community Development Director. The applicant shall submit the precise wording of the sign for review and approval by the Community Development Director at least two (2) weeks prior to August 1 of each year.
4. The applicant/property owner shall maintain and plant additional native vegetative outside of agricultural production areas to screen all aspects of the commercial recreation use (i.e., hay maze, jump houses, etc.) such that structures are minimally visible from Cabrillo Highway, to the extent feasible, in accordance with

a planting plan that shall be submitted for review and approval by the Community Development Director at least two (2) weeks prior to August 1, 2015.

5. The property owner is responsible for maintaining the health of intervening vegetation necessary for screening all structures associated with commercial recreation as viewed from the Cabrillo Highway. Per Section 6324.2 of the Zoning Regulations (Site Design Criteria), the removal of any mature trees (those over 55" in circumference) would be subject to the issuance of a PAD Permit.
6. The petting zoo shall be limited to animals traditionally associated with California coastal agriculture (i.e., sheep, goats, chickens, etc.).
7. Any increase in the number of ponies beyond five (5) ponies will require an application for the keeping of confined animals. The applicant shall comply with the approved manure and stormwater management plan per the San Mateo County Confined Animal Regulations.
8. The applicant shall locate all uses according to the site plans submitted by the applicant (Attachment C). Compliance with this requirement shall be demonstrated to the satisfaction of the Community Development Director prior to the start of project operation.
9. All structures (i.e., haunted barn and sales kiosk) and signage associated with the commercial recreation use are required to maintain the same earth and vegetative tones as the predominant colors of the site, as determined by and to the satisfaction of the Community Development Director.
10. The applicant/property owner shall maintain the gravel-surface parking lot, maze structures, and other development such that pollutants (including trash and sediment) do not enter Lobitos Creek or any right-of-way.
11. Mitigation Measure 6: The applicant/property owner shall strictly adhere to the following hours/days of operation:

July 1 - November 1 (except October)

Monday - Friday: 9:00 a.m. - 6:00 p.m.

Saturday: 9:00 a.m. - 9:00 p.m.

Sunday: 9:00 a.m. - 8:00 p.m.

October

Monday - Thursday: 9:00 a.m. - 7:00 p.m.

Friday and Saturday: 9:00 a.m. - 10:00 p.m.

Sunday: 9:00 a.m. - 7:00 p.m.

Violation of the hours of operation, as confirmed by Planning staff, may result in the revocation of this permit.

12. Mitigation Measure 7: During the Halloween/Pumpkin Season (September 15 to October 31), the applicant/property owner is permitted to temporarily install up to four (4) directional traffic signs, maximum 2 ft. x 3 ft. each in size, which may be visible from Cabrillo Highway. Such signs shall be installed on-site and not in the public right-of-way and shall be of the same earth and vegetative tones as the predominant colors of the site, as determined by and to the satisfaction of the Community Development Director. All signage shall be removed from the site by November 1. No signage shall be allowed on or along Cabrillo Highway.
13. Mitigation Measures 2 and 4: During the Halloween/Pumpkin Season (September 15 to October 31), the applicant/property owner shall employ at least three (3) parking attendants to assist in the facilitation of pedestrian and vehicular movement along Cabrillo Highway and Verde Road, and entering and exiting the site. The applicant/property owner shall be responsible to ensure that no parking or standing occurs on or along Cabrillo Highway or Verde Road.
14. The applicant/property owner is encouraged to explore off-site parking opportunities (i.e., a formal off-site parking agreement with property owner(s) in the area), to ease parking challenges at the site. Off-site parking shall comply with permitting requirements of the PAD and CD zoning districts.
15. At the end of the Halloween/Pumpkin Season on November 1, operation of all activities will cease immediately and, within 30 days, the applicant/property owner shall deconstruct the hay maze. Hay that is stacked for future use shall be clustered and located outside of prime soil areas and within areas minimally visible from Highway 1.
16. The applicant/property owner must commit areas of the property to active agricultural production, according to the timeframes in the table below:

Crop Production by Zone, as Shown on Map						
	A	B	C	D	E	F
November	No Crops	Fallow/Cover Crop				
December						
January						
February						
March						
April	No Crops	Peas*/ Stone Pines*	Fava Beans	Corn/ Pumpkins*	Pumpkins	Seedlings/ Starter Plants
May						
June						
July						
August						None (Parking)
September	No Crops	Harvest/Sales				None (Parking)
October						
*Entire zone planted, excluding areas of the hay maze for the month of August. Note: Crop type may change, as long as an active agricultural use is maintained.						

17. The applicant/property owner shall manage trash and debris by providing covered containers placed in locations throughout publicly accessible areas of the property. Trash shall be removed in a timely manner such that there is no trash overflow.
18. The use of flashing lights on the property is prohibited.
19. A building permit shall be obtained from the Building Inspection Section prior to any construction on the property, and all construction shall be in accordance with approved plans. No hay bale structure shall exceed 6 feet in height from grade.
20. The applicant shall apply for and obtain a farm-stand license from the Environmental Health Division for and prior to the operation of the store and sales kiosk. Copies of permits shall be submitted to the Current Planning Section. Depending on the extent of both food services and water use offered by Arata Farms during the recreation season, Arata Farms must remain in compliance with all directives of the San Mateo County Environmental Health and the California Department of Public Health - Drinking Water Division.
21. Additional demand on the existing septic system or the existing well to serve the commercial recreation use is subject to Environmental Health Division review and permitting.
22. The applicant/property owner shall apply for and obtain any required permits from Cal-Fire. Copies of permits shall be submitted to the Current Planning Section.
23. Off-premises commercial signs, brightly colored or illuminated, rotating, reflective, blinking, flashing or moving signs, and pennants or streamers are prohibited, per Local Coastal Program Policy 8.21 (*Commercial Signs*). Directional signs shall be simple, easy to read and harmonize with surrounding elements.
24. The property owner shall remove gravel and restore the quality of the soil in all parking areas on prime soil, as necessary to maintain the existing agricultural productivity of these soils, immediately upon the conclusion of each annual event (i.e., during the month of November). Specific remediation actions shall be determined in consultation with an agricultural specialist familiar with County lands, submitted for the review and approval of the Community Development Director by November 7 of each year, and completed no later than November 30. The property owner shall farm the land within areas of prime soil during non-recreational months (container farming is not allowed in this area).
25. Mitigation Measure 1: The applicant/property owner shall utilize no more than 1.79 acres of the total undeveloped area of land for recreational activities. This permit does not allow any intensification or expansion of use beyond the scope of the approved project. All structures associated with the recreational use of the property (other than the barns, store, snack bar, and single-family dwelling) shall

be removed, and the land made available for agricultural purposes, by November 7 of each year.

26. Mitigation Measure 3: The applicant/property owner shall maintain the 135 on-site parking spaces. All spaces shall be clearly marked with chalk prior to September 15; the applicant shall submit to the Planning Department for review and approval a parking management plan that includes placement of attendants and vehicular movement within the site. At no time shall vehicles be allowed to park along Cabrillo Highway or along areas of Verde Road where parking is prohibited.
27. Mitigation Measure 5: The applicant/property owner shall be responsible for ensuring that all visitors have left the premises within 30 minutes of the site activities' closing time.
28. Per LCP Policy 11.15(c)(2) (*Private Recreation and Visitor-Serving Facilities*), the property owner/applicant shall execute and record a deed restriction over the entire parcel and shall specify that: "Conversion of any portion of the commercial recreation facilities to a non-public, private, or member only use, or the implementation of any program to allow extended or exclusive use or occupancy of such facilities by an individual or limited group or segment of the public, shall require an amendment to the applicable permits." The applicant shall demonstrate compliance with this condition at least two (2) weeks prior to August 1, 2015.
29. The one bounce house shall be operated in compliance with the standards of the "Safe Inflatable Operators Training Organization" and/or other comparable best management practices for the safe operation of the bounce house.
30. The applicant shall comply with the Williamson Act contract, as amended by the Board of Supervisors on September 25, 2012. The contract allows for limited seasonal recreation uses, as listed in the contract. It should be noted that the contract does not permit the on-site sale of non-pre-packaged food.

Department of Public Works

31. All owners, employees, visitors and individuals otherwise associated with the property shall park on-site, or within the length of Verde Road approved by Cal-Fire and the Department of Public Works staff shown in Attachment J of the staff report. Parking along Verde Road shall accommodate a maximum of 58 parking spaces and maintain a minimum 20-foot wide paved road clearance. Applicant must discontinue use of on-street parking until Department of Public Works (DPW) requirements, including those listed below, have been met; otherwise, any on-street parking authorized by this permit will be void.

Prior to commencing any commercial recreation activities on the site, the applicant/property owner shall be required to: (1) submit a parking plan and traffic control plan to the County DPW and (2) install on standard poles with temporary CA Manual on Uniform Traffic Control Devices (MUTCD) M26F “No Parking - Fire Lane” signs at 300-foot intervals along Verde Road, with the exception of the portion of road described above, subject to the approval of the DPW via an encroachment permit. The signage plan shall describe the location, type, color, size, and mounting of proposed signage to be located along Verde Road. The applicant/property owner is responsible for the cost of all improvements and long-term maintenance of improvements. Violation of parking restrictions, as confirmed by County staff, may result in the revocation of this permit. Temporary signs shall be removed by November 7.

The applicant/property owner shall monitor all parking associated with this project within the Verde Road right-of-way. The applicant/property owner shall coordinate with Cal-Fire and the DPW to mark sections of Verde Road where parking is allowed, as well as the individual 58 parking spaces to promote efficient parking. As required by Condition No. 32, the applicant shall contact the County Sheriff’s Office immediately if there are violations of the “No Parking” zones. Furthermore, as required by Condition No. 32, the applicant shall hire security guards and after-hour police/sheriff’s officers to ensure that the “No Parking” zones are adequately enforced.

32. Prior to the start of operation, the applicant/property owner shall restrict parking on Verde Road by complying with the following requirements, subject to the approval of the Department of Public Works (non-compliance with this condition may result in the revocation of this permit):
 - a. Prior to the start of operation each year, the applicant shall obtain a Special Events Road Closure/Encroachment Permit for Verde Road from the Department of Public Works and comply with all applicable requirements of the permit. The applicant shall submit a plan, subject to the DPW review and approval, to restrict parking within the closed-off section of Verde Road and ensure adequate pedestrian safety along Verde Road (no pedestrians are allowed on Cabrillo Highway). Issuance of the permit requires proof of authorization by the California Highway Patrol (CHP), the County Sheriff’s Office, and Cal-Fire. The applicant shall pay the applicable fee to the Sheriff’s Office for the adequate enforcement of the parking plan (hourly or bihourly passing checks and ticketing as necessary). For all weekends of the month of October, the applicant shall utilize a minimum of six (6) parking attendants to ensure adequate levels of enforcement. The Road Closure Permit will allow local traffic, parking of patrons along designated areas of Verde Road, and access by emergency vehicles. The applicant shall maintain a minimum road clearance of 20 feet for emergency vehicles at all times.

- b. At no time should street parking block driveways to properties or impede vehicles turning along Verde Road (i.e., at Lobitos Creek Cutoff). The applicant shall coordinate with a fire service representative to mark the limits of parking along Verde Road prior to October 1 of each year or commencement of venue operations, whichever is later.

Cal-Fire

33. Project must meet 2013 California Fire Code Sections 907.2.12, 907.2.12.1, 907.2.12.2, and 907.2.12.3, Special Amusement Parks. An automatic smoke detection system shall be provided in special amusement buildings in accordance with Sections 907.2.12.1 through 907.2.12.3.
34. The Haunted House must meet Appendix K Sections K101 through K103 of the 2013 California Fire Code and Coastside Fire District Ordinance #PI-011, Haunted Houses.
35. An approved automatic fire system meeting the requirements of NFPA-13 shall be required to be installed for your project. Plans shall be submitted to the San Mateo County Building Inspection Section for review and approval by the San Mateo County Fire Department. The sprinkler system design shall be based on an at least Ordinary-Group 2 classification or higher classification based on stored commodity. Unobstructed fire sprinkler coverage shall extend to all areas in the occupancy. Any areas creating compartmentalization due to new walls shall have additional sprinklers heads installed to provide unobstructed coverage.
36. A Knox Box, Knox Key Switch, or Knox Padlock shall be installed to allow rapid response of emergency vehicles onto your property in case of a fire or medical emergency. For an application or further information, please contact the San Mateo County Fire Marshal's Office.
37. All buildings that have a street address shall have the number of that address on the building, mailbox, or other type of sign at the driveway entrance in such a manner that the number is easily and clearly visible from either direction of travel from the street. New residential buildings shall have internally illuminated address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least 6 feet above the finished surface of the driveway. An address sign shall be placed at each break of the road where deemed applicable by the San Mateo County Fire Department. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height, and have a minimum 1/2-inch stroke. Remote signage shall be a 6" x 18" green reflective metal sign.
38. Building plans shall include the proper exiting system (panic hardware and exit signs), including listing of hardware, as per the current California Building and

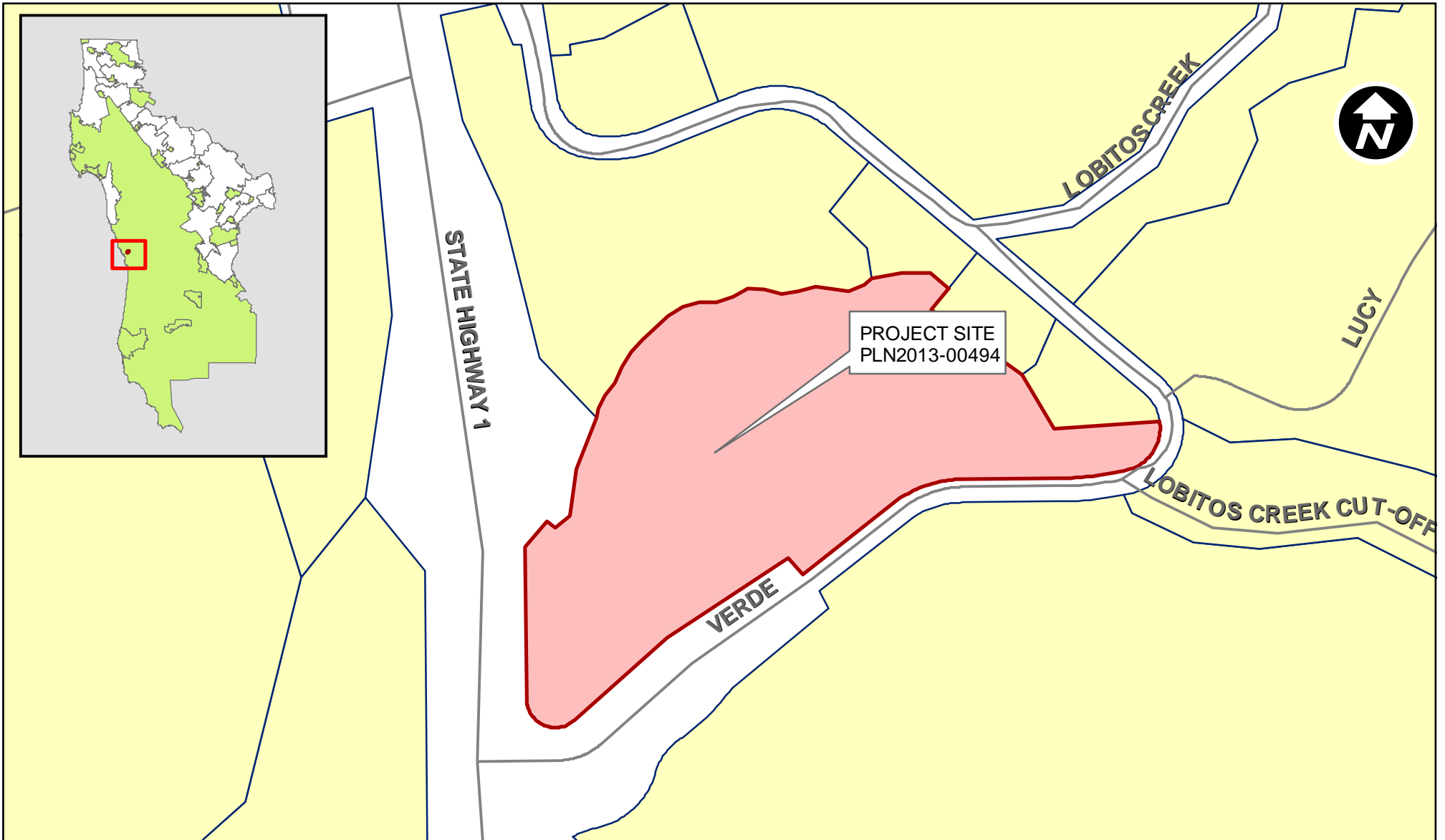
Residential Codes. The system must be installed and inspected, prior to Fire's final approval of a building permit.

39. All Occupancy Loads will be set by the San Mateo County Building Inspection Section and will be supported and enforced by the County Fire Department. Any room having an occupant load of 50 or more, where fixed seats are not installed, and which is used for a classroom, assembly, or similar purpose, shall have the capacity of the room posted in a conspicuous place.
40. A fire alarm system shall be installed meeting California Fire and Building Codes and NFPA-72.
41. Portable fire extinguishers with a minimum rating of 2A-10BC are required to be placed throughout your project. Contact a licensed/certified fire extinguisher company for proper placement of the required extinguishers. Documentation is required on building plans at the building permit application stage. Proper installation is required prior to Fire's final approval for the building permit.

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Vicinity Map

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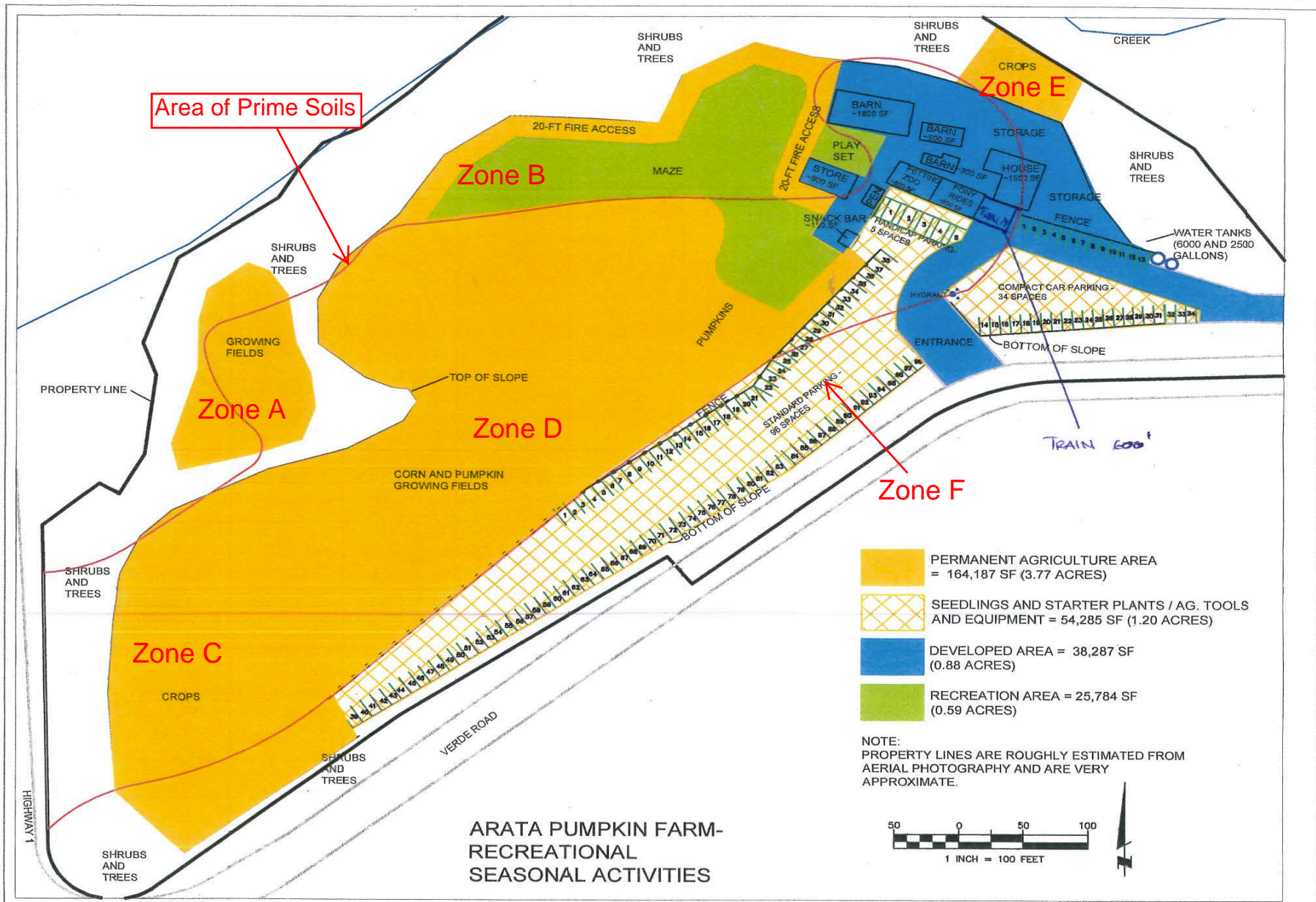


San Mateo County Agricultural Advisory Committee Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____



San Mateo County Agricultural Advisory Committee Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____

Table 3
Crop Production By Zone, as Shown on Map (Attachment D)

	A	B	C	D	E	F
November	No Crops	Fallow/Cover Crop				
December						
January						
February						
March						
April	No Crops	Peas*/ Stone Pines*/ Fava Beans	Fava Beans	Corn/ Pumpkins*	Stone Pines	Seedlings/ Starter Plants
May						
June						
July						
August		None (Parking)				
September	No Crops	Harvest/Sales				None (Parking)
October						

*Entire zone planted, excluding areas of the hay maze for the month of August.

Note: Crop type may change, as long as an active agricultural use is maintained.

PLN 2015-00084

Case

E

Attachment

APR 20 2015
DESZ DELA VELA
POSTING
ONLY

This document includes pages 6 and 7 which were inadvertently omitted in the Answers to Questions portion of this document as well as corrections to dates of operation on page 2 of the Notice of Intent document.

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

**NOTICE OF INTENT TO ADOPT
NEGATIVE DECLARATION**

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

FILE NO.: PLN 2010-00207

OWNER: Gary Arata/Lillian Arata

APPLICANT: Chris and Sunneva Gounalakis

ASSESSOR'S PARCEL NO.: 066-310-080

PROJECT LOCATION: 185 Verde Road, Half Moon Bay

PROJECT DESCRIPTION: Consideration of a Planned Agricultural Permit and a Coastal Development Permit to allow the incorporation of project activities at the Arata Farm site. Such activities include a hay maze, pony rides, train rides, hay rides, haunted barn, pumpkin sales and private parties.

These activities have been in existence for approximately ten (10) years without the benefit of permits, which the applicant is proposing to remedy by this application. The site is developed with a 1,500 sq. ft. single-family residence, three (3) barns measuring 1,800, 500 and 300 sq. ft., respectively, and a 900 sq. ft. store which sells packaged snacks, agricultural sales and local miscellaneous crafts. A Confined Animal Exemption for the keeping of four (4) ponies has previously been applied for and approved on the subject property.

The following table describes the applicant's requested months and time periods of operation, Staff has presented an alternative recommendation in order to lessen any negative impacts on the surrounding neighborhood.

Elements/Structures of the Facility	Proposed	Staff Recommendation
Hours of Operation	May – November Daily: 8:30 a.m. – 11:00 p.m.	July – November (excepting October) Monday-Friday 9:00 a.m. - 6:00 p.m. Saturday: 9:00 a.m. – 9:00 p.m. Sunday: 9:00 a.m. – 8:00 p.m. October Monday – Friday: 9:00 a.m. – 7:00 p.m. Saturday: 9:00 a.m. – 11:00 p.m. Sunday: 9:00 a.m. – 8:00 p.m.
Ponies/Rides	May - November	July – November
Maze/Labyrinth/Coliseum	May - November	July – November
Train Ride	May - November	July – November
Petting Zoo	May - November	July – November
Air Jumpers	May - November	July – November
Private Party Rentals	May - November	July – November
School Field Trips	May - November	July – November
Pumpkin Picking	September - November	September – November
Haunted Barn	September - November	September – November
Movie Nights	October (Friday and Saturday) Sunset – 11:30 p.m.	October (Saturday) Sunset – 11:00p.m.

The project parcel which is located on the east side of Cabrillo Highway is developed with a 1,500 sq. ft. single-family residence, three barns measuring 1,800, 500 and 300 sq. ft., respectively, and a 900 sq. ft. store building which is being used for pumpkin sales. The parcel has been a Williamson Act contract County File Number AP67-39, since 1968. The areas for project activities are located throughout the entire parcel with some of those activities occurring on prime soils.

The area for growing of pumpkins and corn is located toward the western portion of the parcel that is designated as prime soil. Parking for 144 vehicles is located toward the southern portion of the parcel. Lobitos creek runs along the northeast perimeter of the parcel and intersects with School House Creek intersects at the northwest portion of the property. Neither creek is impacted by the activities contained on the subject parcel.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

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

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.

3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment.
 - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
 - c. Create impacts for a project which are individually limited, but cumulatively considerable.
 - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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

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

Mitigation Measure 1: The applicant shall not be allowed to utilize more than 3 acres of the total area of land to activities not producing agriculture. At such time that the farm related uses cease, any structures (other than the barns and single-family dwelling) shall be removed and the land made available for agricultural purposes.

Mitigation Measure 2: During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ at least three (3) parking attendants to assist in the facilitation of pedestrian and vehicular movement from Cabrillo Highway and within the designated parking area on the site. During the Halloween/Pumpkin Festival season, the applicant shall install no more than four directional signs within the property for the purposes of directing traffic. Such signs may be double-sided and each sign shall not exceed twenty (20) sq. ft. in area.

Mitigation Measure 3: The applicant shall maintain the 144 parking spaces within the property. All spaces shall be clearly marked with chalk prior to September 1; the applicant shall submit to the Planning Department for review and approval a parking management plan that includes placement of attendants and vehicular movement within the site. At no time shall vehicles be allowed to park along Cabrillo Highway or along Verde Road.

During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ at least three (3) parking attendants to assist in facilitation of pedestrian and vehicular movement from Cabrillo Highway and within the property site.

During the Halloween/Pumpkin festival season (September 15 to October 31), the applicant no more than four signs within the property for the purposes of directing traffic only. Signs may be double-sided and each sign shall not exceed 20 sq. ft. in area.

Mitigation Measure 4: During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ at least three (3) parking attendants to assist in the facilitation of vehicular movement from and to Cabrillo Highway, and within the site.

Mitigation Measure 5: The applicant shall be responsible for ensuring that all visitors have left the premises within 30 minutes of the site activities closing time.

Mitigation Measure 6: The months, days and hours of operation are as follows: July 1 to November 30 (excepting October), Monday – Friday, 9:00 a.m. – 6:00 p.m., Saturday 9:00 a.m. – 9:00 p.m., and Sunday 9:00 a.m. – 8:00 p.m.

During the month of October, Monday - Friday 9:00 a.m. – 7:00 p.m., Saturday 9:00 a.m. – 11:00 p.m. and Sunday 9:00 a.m. – 8:00 p.m.

Mitigation Measure 7: During the Halloween/Pumpkin Season (September 15 to October 31) the applicant is permitted to temporarily install up to four (4) directional traffic signs, maximum 2 ft. x 3 ft. each visible from Cabrillo Highway. Such signs shall be installed on-site and not in the public right-of-way. No signage shall be allowed on or along Cabrillo Highway.

RESPONSIBLE AGENCY CONSULTATION

None.

INITIAL STUDY

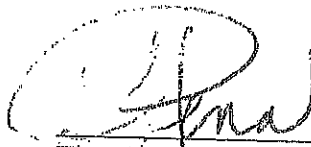
The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD: April 20, 2011 to May 2, 2011

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., May 2, 2011.**

CONTACT PERSON

Tiare Pefia, Project Planner
Telephone 650/363-1850



Tiare Pefia, Project Planner

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

I. BACKGROUND

Project Title: Arata Pumpkin Farm/Seasonal Recreational Activities

File No.: PLN 2010-00207

Project Location: 185 Verde Road, Half Moon Bay

Assessor's Parcel No.: 066-310-080

Applicant/Owner: Chris Gounalakis/Gary Arata and Lillian Arata

Date Environmental Information Form Submitted: April 2010

PROJECT DESCRIPTION

Consideration of a Planned Agricultural Permit and a Coastal Development Permit to allow the incorporation of seasonal and recreational activities into the normal pumpkin selling activities to occur at the Arata Farm site from July 1 through November 31. Such activities include a hay maze, pony rides, train rides, hay rides, haunted barn, pumpkin sales and private parties.

These activities have been in existence for approximately ten (10) years without the benefit of permits, which the applicant is proposing to remedy by this application. The site is developed with a 1,500 sq. ft. single-family residence, three (3) barns measuring 1,800, 500 and 300 sq. ft., respectively, and a 900 sq. ft. store which sells packaged snacks, agricultural sales and local miscellaneous crafts. A Confined Animal Exemption for the keeping of four (4) ponies has previously been applied for and approved on the subject property.

II. ENVIRONMENTAL ANALYSIS

Any controversial answers or answers needing clarification are explained on an attached sheet. For source, refer to pages 11 and 12.

	IMPACT				SOURCE
	NO	YES		Cumulative	
		Not Significant	Significant Unless Mitigated		
1. LAND SUITABILITY AND GEOLOGY					
Will (or could) this project:					
a.	X				B, F, O
b.	X				E, I
c.	X				Bc, D
d.	X				Bc, D
e.		X			M
f.	X				M, I
g.		X			A, M
h.	X				G
i.	X				D
j.	X				E

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

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

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

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

	IMPACT				SOURCE
	YES		CUMULATIVE		
	Not Significant	Significant Unless Mitigated	Significant	Cumulative	
i. Create significant amounts of solid waste or litter?	X				I
j. Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?	X				I
k. Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?	X				B
l. Involve a change of zoning?	X				C
m. Require the relocation of people or businesses?	X				I
n. Reduce the supply of low-income housing?	X				I
o. Result in possible interference with an emergency response plan or emergency evacuation plan?	X				S
p. Result in creation of or exposure to a potential health hazard?	X				S
7. AESTHETIC, CULTURAL AND HISTORIC					
Will (or could) this project:					
a. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?		X			A, Bb
b. Obstruct scenic views from existing residential areas, public lands, public water body, or roads?	X				A, I
c. Involve the construction of buildings or structures in excess of three stories or 36 feet in height?	X				I

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

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

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

IV. MITIGATION MEASURES

Yes No

Mitigation measures have been proposed in project application.

X _____

Other mitigation measures are needed.

_____ X _____

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

Mitigation Measure 1: The applicant shall not be allowed to utilize more than 3 acres of the total area of land to activities not producing agriculture. At such time that the farm related uses cease, any structures (other than the barns and single-family dwelling) shall be removed and the land made available for agricultural purposes.

Mitigation Measure 2: During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ at least three (3) parking attendants to assist in the facilitation of pedestrian and vehicular movement from Cabrillo Highway and within the designated parking area on the site. During the Halloween/Pumpkin Festival season, the applicant shall install no more than four directional signs within the property for the purposes of directing traffic. Such signs may be double-sided and each sign shall not exceed twenty (20) sq. ft. in area.

Mitigation Measure 3: The applicant shall maintain the 144 parking spaces within the property. All spaces shall be clearly marked with chalk prior to September 1; the applicant shall submit to the Planning Department for review and approval a parking management plan that includes placement of attendants and vehicular movement within the site. At no time shall vehicles be allowed to park along Cabrillo Highway or along Verde Road.

During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ at least three (3) parking attendants to assist in facilitation of pedestrian and vehicular movement from Cabrillo Highway and within the property site.

During the Halloween/Pumpkin festival season (September 15 to October 31), the applicant no more than four signs within the property for the purposes of directing traffic only. Signs may be double-sided and each sign shall not exceed 20 sq. ft. in area.

Mitigation Measure 4: During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ at least three (3) parking attendants to assist in the facilitation of vehicular movement from and to Cabrillo Highway, and within the site.

Mitigation Measure 5: The applicant shall be responsible for ensuring that all visitors have left the premises within 30 minutes of the site activities closing time.

Mitigation Measure 6: The months, days and hours of operation are as follows: July 1 to November 30 (excepting October), Monday – Friday, 9:00 a.m. – 6:00 p.m., Saturday 9:00 a.m. – 9:00 p.m., and Sunday 9:00 a.m. – 8:00 p.m. During the month of October, Monday - Friday 9:00 a.m. – 7:00 p.m., Saturday 9:00 a.m. – 11:00 p.m. and Sunday 9:00 a.m. – 8:00 p.m.

Mitigation Measure 7: During the Halloween/Pumpkin Season (September 15 to October 31) the applicant is permitted to temporarily install up to four (4) directional traffic signs, maximum 2 ft. x 3 ft. each visible from Cabrillo Highway. Such signs shall be installed on-site and not in the public right-of-way. No signage shall be allowed on or along Cabrillo Highway.

V. MANDATORY FINDINGS OF SIGNIFICANCE

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

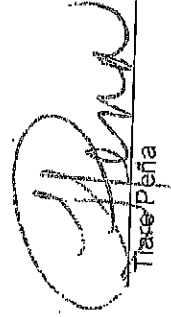
On the basis of this initial evaluation:

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

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

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

4/15/2011
Date


Tere Perla

Project Planner
(Title)

VI. SOURCE LIST

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

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

COUNTY OF SAN MATEO
Planning and Building Department

Initial Study Pursuant to CEQA
Project Narrative and Answers to Questions for the Negative Declaration
File Number: PLN 2010-00207
Arata Pumpkin Farm/Seasonal Recreational Activities

PROJECT DESCRIPTION

Consideration of a Planned Agricultural Permit and a Coastal Development Permit to allow the incorporation of seasonal and recreational activities into the normal pumpkin selling activities to occur at the Arata Farm site from July 1 through November 30. Such activities include a hay maze, pony rides, train rides, hay rides, haunted barn, pumpkin sales and private parties.

These activities have been in existence for approximately ten (10) years without the benefit of permits, which the applicant is proposing to remedy by this application. The site is developed with a 1,500 sq. ft. single-family residence, three (3) barns measuring 1,800, 500 and 300 sq. ft., respectively, and a 900 sq. ft. store which sells packaged snacks, agricultural sales and local miscellaneous crafts. A Confined Animal Exemption for the keeping of four (4) ponies has previously been applied for and approved on the subject property.

ANSWERS TO QUESTIONS

1. LAND SUITABILITY AND GEOLOGY

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

No Impact. The project site is located on the east side of Cabrillo Highway and does not involve a unique landform or biological area.

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

No Impact. The project area is relatively flat and no permanent construction is proposed.

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

No Impact. There are no known soil instability issues on this subject parcel.

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

ANSWERS TO QUESTIO.

County File No. PLN 2010-00207

Page 2

Yes, Not Significant. The San Andreas Fault is located approximately 13 miles northeast of the subject site. The proposed hay maze/coliseum will be constructed in compliance with current building codes and standards, therefore, no mitigation is necessary in the event of an earthquake.

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

Yes, Significant. The eight (8) acre parcel is designated as prime soils on the San Mateo Area Prime Soils Map specifically "Loamy Soil." This soil consists of sand, silt and clay to some extent. The proposed uses upon this soil are temporary by nature and no additional permanent structures are proposed.

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

No Impact. Breakdown is a natural occurring outcome of hay as it ages, the applicant spreads the spent hay throughout the site after each pumpkin season, therefore, the project is not expected to cause an unusually significant amount of erosion or siltation.

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

Yes, Not Significant. The proposed uses are temporary and do not require conversion of prime soils; therefore, no loss of agricultural lands is expected.

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

No Impact. The project site is located within Flood Zone C (area of minimal flooding) as defined by the Federal Emergency Map Act (FEMA) map number 060311 0225 C.

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

No Impact. There is no indication of the presence of a high water table occurring in this area.

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

No Impact. The proposed uses are located at least 100 feet away from both Lobitos Creek and School House Creek which run along the northeast and northwest perimeters of the parcel; therefore, no impact is identified.

2. **VEGETATION AND WILDLIFE**

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

No Impact. The project site is not located within or adjacent to a sensitive plant habitat, as determined by review of the California Natural Diversity Database (CNDDDB).

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

No Impact. No tree removal is proposed or required as part of this project.

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

No Impact. The project site is not located within or adjacent to a sensitive plant habitat, as determined by review of the California Natural Diversity Database (CNDDDB).

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

No Impact. The project will not have a significant effect on fish, wildlife, reptiles, or plant life.

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

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

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

No Impact. There are no identified sensitive habitats within the project site.

ANSWERS TO QUESTIONS

County File No. PLN 2010-00207

Page 4

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

No Impact. No grading is proposed or required for the proposed project.

3. PHYSICAL RESOURCES

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

No Impact. No removal of natural resources are proposed or required.

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

No Impact. This project does not involve grading.

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

Not Significant. The project site is under a Williamson Act (AP 67-39). The site is an active farm producing pumpkins and corn.

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

Yes, Significant Unless Mitigated. The property measures 8.37 acres, of which 2.2 acres has been designated for uses associated with project activities. However, the following mitigation measure is proposed to address the agricultural uses on the project site.

Mitigation Measure 1: The applicant shall not be allowed to utilize more than 3 acres of the total area of land to activities not producing agriculture. At such time that the commercial recreational uses cease, any structures (other than the barns and single-family dwelling) shall be removed and the land made available for agricultural purposes.

4. AIR QUALITY, WATER QUALITY, SONIC

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

No Impact. No pollutants will be generated by the farm related uses on the site.

- b. Will (or could) this project involve the burning of any material, including brush, trees and construction materials?

No Impact. The project does not involve the burning of any material.

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

Not Significant. During the pumpkin season, visitors to the site will generate some noise, however, such noise shall not exceed the levels determined appropriate according to the County Noise Ordinance standard.

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

No Impact. The project does not involve the application, use or disposal of potentially hazardous materials.

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

No Impact. There are no adjacent or nearby noise sources in excess of levels determined appropriate according to the County Noise Ordinance that would affect the project site and activities

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

Yes, Not Significant. The project activities would produce noise levels that would exceed the limits of the County Noise Ordinance standard. Implementation of Mitigation Measures 5 and 6 will limit site noise levels to the site and will ensure that they will not create a significant impact beyond the operating hours of the daily project activities.

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

No Impact. There is no anticipated polluted or increased surface water runoff.

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

No Impact. The installation of a septic tank/leachfield or hookup to an existing collection system is not required. The applicant provides portable facilities for use by visitors to the farm.

5. **TRANSPORTATION**

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

No Impact. The project will not affect access to commercial establishments, schools, parks or other amenities or services.

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

No Impact. All pedestrian traffic will be contained on the farm; no increase in pedestrian traffic will be on any adjacent property.

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

Yes, Significant Unless Mitigated. During the pumpkin season it is anticipated that the volume of traffic will increase at the entrance and exit of the farm and along Cabrillo Highway, therefore, the following mitigation is proposed to address vehicular traffic.

Mitigation Measure 2: During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ at least three (3) parking attendants to assist in the facilitation of pedestrian and vehicular movement from Cabrillo Highway and within the designated parking area on the site. During the Halloween/Pumpkin Festival season, the applicant shall install no more than four directional signs within the property for the purposes of directing traffic. Such signs may be double-sided and each sign shall not exceed twenty (20) sq. ft. in area. Signage shall be removed within thirty (30) days of the end of the seasonal activities.

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

No Impact. The project will not involve the use of off-road vehicles of any kind.

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

Yes, Significant Unless Mitigated. During the weekends of the Halloween/Pumpkin Festival season (September 15 to October 31), it is anticipated that traffic will increase, therefore, to mitigate any possible traffic hazards the following mitigation measure is proposed:

Mitigation Measure 3: The applicant shall maintain the 144 parking spaces within the property. All spaces shall be clearly marked with chalk prior to September 1; the applicant shall submit to the Planning Department for review and approval a parking management plan that includes placement of attendants and vehicular movement within the site. At no time shall vehicles be allowed to park along Cabrillo Highway or along Verde Road.

During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ at least three (3) parking attendants to assist in facilitation of pedestrian and vehicular movement from Cabrillo Highway and within the property site.

During the Halloween/Pumpkin festival season (September 15 to October 31), the applicant no more than four signs within the property for the purposes of directing traffic only. Signs may be double-sided and each sign shall not exceed 20 sq. ft. in area.

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

No Impact. The applicant is not proposing to provide for alternative transportation amenities at the site.

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

Yes, Significant Unless Mitigated. During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), it is anticipated that traffic will increase and affect carrying capacity along Cabrillo Highway, therefore, to mitigate any possible traffic hazards the following mitigation measure is proposed:

Mitigation Measure 4: During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ at least three (3) parking attendants to assist in the facilitation of vehicular movement from and to Cabrillo Highway, and within the site.

6. LAND USE AND GENERAL PLAN

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

Yes, Significant Unless Mitigated. The number of visitors congregating at the farm will vary with the ebb and flow of the nature of the farm related activities on the site; it could exceed 50 people at any given time. The following mitigation measures are proposed to address any significant impacts to the surrounding area.

Mitigation Measure 5: The applicant shall be responsible for ensuring that all visitors have left the premises within 30 minutes of the site activities closing time.

Mitigation Measure 6: The months, days and hours of operation are as follows: July 1 to November 30 (excepting October), Monday – Friday 9:00 a.m. – 6:00 p.m., Saturday 9:00 a.m. – 9:00 p.m., and Sunday 9:00 a.m. – 8:00 p.m. During the month of October, Monday – Friday 9:00 a.m. – 7:00 p.m., Saturday 9:00 a.m. – 11:00 p.m. and Sunday 9:00 a.m. – 8:00 p.m.

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

No Impact. While unincorporated Half Moon Bay is home to many farms that incorporate farm entertainment activities during the Halloween/Pumpkin Festival season, most of those farms are located along San Mateo Road. Further, the applicant has been providing these activities on the site for approximately ten (10) years.

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

No Impact. This project will not employ equipment that could interfere with existing communication and/or defense systems.

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

No Impact. This project will result in any changes in the current use of the land.

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

No Impact. This project will not encourage off-site development.

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

Not Significant. This project will not adversely affect the capacity of any public facilities. Cal-Fire, Environmental Health and the County Sheriff's Office, which are familiar with the activities on the site, conduct field inspections to confirm that the site meets with all requirements.

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

Not Significant. This project will not generate such demands. See discussion in previous question (6.f).

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

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

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

No Impact. Any solid waste associated with the project will be contained in a portable facility and removed from the site. Both the County Sheriff's Office and Environmental Health, which are familiar with the activities on the site, conduct field inspections to confirm that the site meets with all requirements.

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

No Impact. This project will not substantially increase fossil fuel consumption.

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

No Impact. This project does not require any amendments or exceptions.

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

No Impact. This project does not involve a change in zoning.

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

No Impact. This project will not require the relocation of people or businesses.

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

No Impact. This project will not reduce the supply of low-income housing.

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

No Impact. This project will not result in the interference with an emergency response or evacuation plan.

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

No Impact. This project will not result in the creation of or exposure to a potential health hazard.

7. AESTHETIC, CULTURAL AND HISTORIC

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

Yes, Significant Unless Mitigated. The project is located on the eastside of Cabrillo Highway a designated Scenic Highway. Signage is not permitted along a Scenic Highway, therefore, staff proposes the following mitigation measure:

Mitigation Measure 7: During the Halloween/Pumpkin Season (September 15 to October 31) the applicant is permitted to temporarily install up to four (4) directional traffic signs, maximum 2 ft. x 3 ft. each visible from Cabrillo Highway. Such signs shall be installed on-site and not in the public right-of-way. No signage shall be allowed on or along Cabrillo Highway.

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

No Impact. This project will not obstruct scenic views from existing residential areas, public lands, public water bodies or roads.

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

No Impact. This project will not involve the construction of buildings or structures in excess of three stories or 36 feet in height.

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

No Impact. This project will not directly or indirectly affect historical or archaeological resources on or near the site.

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

Not Significant. Although the proposed project is visible along Cabrillo Highway, the visual aspects of the project seek to blend with the rural scenic qualities of the site. The use of hay, corn and pumpkins grown on the site supports the goal of the preservation and continued farming along the San Mateo County Coastside.

ATTACHMENTS

- A. Initial Study Environmental Evaluation Checklist, March 30, 2011
- B. Site Plan
- C. Prime Soils Map
- D. Distance to Creeks Map


Recorded at the Request of,
and When Recorded Return to:
Melissa Ross, Project Planner
Planning and Building Department
455 County Center, 2nd Floor
Mail Drop PLN122
Redwood City, CA 94063
County File. No.: PLN 2012-00178

Exempt from Fees Pursuant to Government
Code § 27383

For Clerk

2013-034269

2:45 pm 03/04/13 WC Fee: NO FEE
Count of Pages 6
Recorded in Official Records
County of San Mateo
Mark Church
Assessor-County Clerk-Recorder



* R 0 0 0 1 6 1 1 3 2 8 *

County of San Mateo
Planning and Building Department

6p

**CALIFORNIA LAND CONSERVATION CONTRACT
(AMENDED)**

On June 15, 2012, the County of San Mateo Planning and Building Department received a request from the property owner of APN 066-310-080 to amend the existing California Land Conservation Contract (File No. AP67-39) entered into on March 29, 1967 and recorded in Volume 5502, page 686.

This is an amended contract between the County of San Mateo, a political subdivision of the State of California (the "County"), and Gary Jay Arata, Trust ("Owner").

WITNESSETH:

WHEREAS, Owner is the Owner of certain real property in the County of San Mateo, which property is presently devoted to agricultural use and is described in Exhibit "A" attached hereto; and

WHEREAS, said property is located in an agricultural preserve that the County proposes to establish or has heretofore established; and

WHEREAS, both Owner and County desire to limit the use of said property to agricultural purposes in order to discourage premature and unnecessary conversion of such land to urban use, recognizing that such land has substantial public value as open space and that the preservation of such land in agricultural production constitutes an important physical, social, esthetic and economic asset to County; and

WHEREAS, the parties have determined that the highest and best use of such land during the life of the within contract, or any renewal thereof, is for agricultural purposes:

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. The within Agreement is made and entered into pursuant to the California Land Conservation Act of 1965, as amended.
2. During the term of this Agreement the above described land shall not be used for any purpose, other than the production of agricultural commodities for commercial purposes and certain compatible uses of the underlying land use designation and zoning of the parcel and subject to applicable permits, as follows: structures that are directly related to and compatible with agricultural use; residence buildings for such individuals as may be engaged in the management of said land, and their families; and agriculturally related seasonal visitor serving uses such as pony rides, hay rides, a farm animal petting zoo, a children's play area (including up to two inflatable play structures), a seasonally decorated barn, a farm-themed children's train ride, and a hay bale maze, provided, however, that for all such seasonal visitor serving uses the Owner will secure, at Owner's expense, private or public agency traffic safety services satisfactory to the Community Development Director, and further provided that no food shall be prepared on site for sale to visitors. Regardless of the applicability of permit requirements, any seasonal installation of compatible use structures and other materials on the parcel is subject to the timely approval by the Community Development Director of a site plan to ensure that annual agricultural productivity of the parcel is not substantially affected by seasonal activities. Nothing in this Agreement shall prohibit the use of the property as a farm education center pursuant to necessary permits issued by the County so long as the farm continues to be dedicated to the production of agricultural commodities for commercial purposes.
3. In the event that an action in eminent domain for the condemnation of any land described herein is hereafter filed by any public agency, the within contract shall be null and void upon the filing of such action and shall not thereafter be binding on any party hereto.
4. This Agreement shall be effective commencing on the 25th day of September, 2012, and shall remain in effect for a period of ten (10) years therefrom.

This Agreement shall be automatically renewed at the end of each year for an additional ten (10) year period, unless notice of non-renewal is given as provided in Section 51245 of the California Government Code.

5. Owner shall not receive any payment from County in consideration of the obligations imposed hereunder, it being recognized and agreed that the

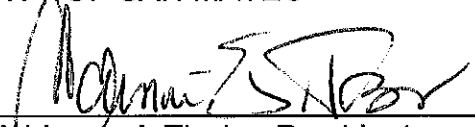
consideration for the execution of the within Agreement is the substantial public benefit to be derived therefrom and the advantage which will accrue to Owner as a result of any reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein.

6. The within Agreement shall run with the land described herein and shall be binding upon the heirs, successors and assigns of the parties hereto.
7. This Agreement may be canceled by mutual agreement of parties to the contract after a public hearing has been held in accordance with the provisions of Section 51284 of the Government Code. Upon such cancellation and as soon thereafter as the land to which it relates is reassessed by the Assessor, the landowner shall pay to the County an amount equal to fifty percent of the new assessed valuation of the property. If at the date of cancellation the Agreement has less than ten years to run, the amount due shall be reduced in proportion to the number of years that the Agreement would have remained in effect had it not been cancelled.

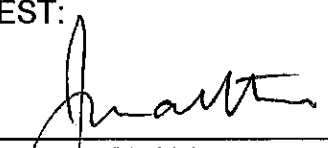
IN WITNESS WHEREOF, the parties hereto have executed the within Agreement on September 25, 2012.

COUNTY OF SAN MATEO

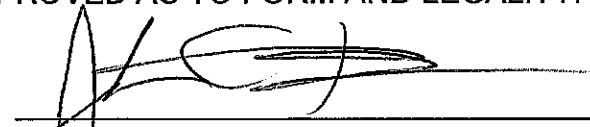
Dated: SEPTEMBER 25, 2012

By: 
Adrienne J. Tissier, President
Board of Supervisors

ATTEST:

By: 
John L. Maltbie
County Manager/Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

By: 
John C. Beiers
County Counsel

PROPERTY OWNER:

GARY JAY ARATA, TRUST

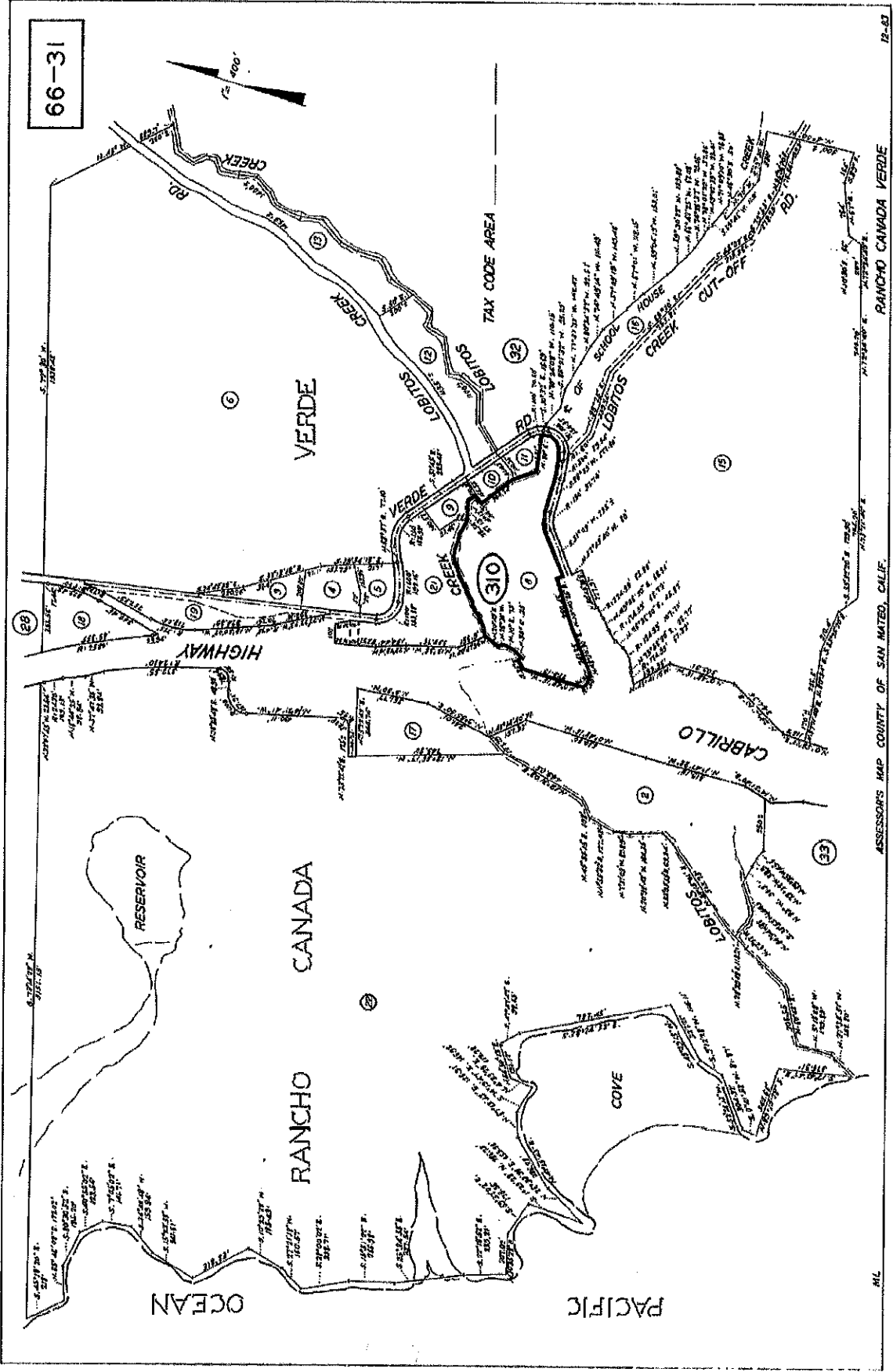
By: *Gary Jay Arata*
Gary Jay Arata, Trustee

Dated: *Feb. 25, 2013*

Exhibits:

A – Property Map and Description

RECEIVED
2013 MAR 13 A 10:11
SAN MATEO COUNTY
PLANNING AND BUILDING
DEPARTMENT



APN: 066-310-080

Legal Description: 8.37 ACS MOL BND WLY & SL Y BY CABRILLO HWY ELY & SELY BY VERDE RD NLY BY LOBITOS CRK PTN OF RANCHO CANADA VERDE CABRILLO UNIFIED SCH DISTRICT

Owner: Arata Gary Jay, Trust

EXHIBIT A

Agricultural Advisory Committee
 Arata Farms
 PAD Permit Proposal / Williamson Act Determination
 June 8, 2015

On May 14, 2015, I visited Arata Farms and met with Mr. Chris Gounalakis. This visit was at the request of the Agricultural Advisory Committee to review Arata Farm, agricultural production sales records to establish they met the minimum income requirements as specified in the San Mateo County Uniform Rules and Procedures for Williamson Act Properties.

This effort was intended to address the question proposed at the May 11, 2015 Agricultural Advisory Committee meeting regarding the Williamson Act contract for the property and minimum parcel size exception. Specifically:

“What does the AAC and Agricultural Commission(er) determine for the minimum parcel size exception? In order to grant an exception to the minimum parcel size, the Agricultural Commissioner and Agricultural Advisory Committee must determine that the land is highly productive and that maintaining the land in agricultural production has a significant public benefit”

The minimum parcel size exemption refers to page 14 of the San Mateo County Uniform Rules and Procedures for Williamson Act Properties, specifically:

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.

The Arata Farms property is presently under Williamson Act contract for Crop Production though it does not meet the minimum property size of 10 acres for prime agricultural land, or 40 acres for non-prime land. The history provided by Planning Department states that it was of the placed under contract prior to Mr. Gounalakis leasing it, and was presumably granted an exemption to the minimum parcel size as described in the second to the last paragraph above.

That the Planning Department is asking the Agricultural Advisory Committee, to make a determination regarding the "minimum parcel size exception", concerns the last paragraph of item 3. *Lot Size and Contracted Area*. The standard stated in the item 3. is that the Agricultural Commissioner and the Agricultural Advisory Committee determine whether the land is highly productive, and that maintaining it in agricultural production has a significant public benefit.

In determining whether the land is highly productive the *San Mateo County Uniform Rules and Procedures for Williamson Act Properties* established a standard for crops and grazing land to help with determining whether an agricultural property meets the criteria of "highly productive". This standard is found on page 18 of this document:

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.

A possible item of discussion, or clarification by the Planning Department would be that the specific policy language is "...that maintaining the land in agricultural production has a significant public benefit". Is "maintaining the land in agricultural production has significant public benefit" itself an additional criteria (to "highly productive") for Williamson Act contract consideration? There is no such criteria or standard in the policy - leading to the conclusion that agricultural properties under Williamson Act contract meeting the minimum income requirements are by definition providing a "significant public benefit", however, clarification of the intent by the Planning Department and updating the policy language to reflect the intention, might simplify future determinations on this matter.

Additionally, review of the History provided by the Planning Department on May 11, 2015 agenda indicates that in September of 2012 the San Mateo County Board of Supervisors reviewed and amended the Williamson Act Contract for the Arata property to identify and allow in the contract certain compatible commercial recreational uses. This would indicate that the BOS has made a determination that the activities on the property are compatible and that farm income meets the standard of "

In making a determination as to whether the agricultural income for Arata Farms met the \$10,000 minimum, I reviewed the Federal Income Tax records for Chris Gounalakis and Arata Farms, specifically Schedule F (farm income). The farm income figures submitted to the Internal Revenue Service, well exceeded the \$10,000 minimum standard established in the San Mateo County policy. Given this, and the previous determinations of the San Mateo County BOS, I believe Arata Farms meets the County policy's definition of "highly productive".

Fred Crowder
County of San Mateo
Agricultural Commissioner
June 8, 2015

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL COAST DISTRICT OFFICE
45 FREMONT ST, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5260
FAX (415) 904-5400
TDD (415) 597-5885



April 1, 2015

Ms. Roberto Bartoli
Planning and Building Department
455 County Center, 2nd Floor
Mail Drop PLN122
Redwood City, CA 94063

RE: San Mateo County PLN2015-00084 (Gounalakis 185 Verde Road, Half Moon Bay)

Dear Mr. Bartoli,

Thank you for forwarding the Planning Permit Application Referral for PLN2015-00084, (Goulanakis), dated March 16, 2015 for Commission staff review. The referral, which we received on March 18, 2015, includes copies of the following site plans: *Arata Pumpkin Farm-Recreational Seasonal Activities*, *Arata Pumpkin Farm-Agricultural Activities*, and *Arata Pumpkin Farm-Agricultural Activities, Off Season*. The application submitted by the property owner seeks Planned Agricultural and Coastal Development permits (PAP and CDP respectively) for activities located on 8.3 acres of land at 185 Verde Road, in Half Moon Bay.

The subject property is within the County's Planned Agricultural District (PAD). The PAD's purpose is to preserve and foster existing agricultural operations within the County in order to retain the maximum amount (acreage) of prime agricultural lands. The purpose of the PAD is more fully outlined in the County's Local Coastal Program (LCP) Zoning Regulations in Chapter 21A, Section 6350. Commercial recreation is a permitted use in the PAD, upon issuance of a PAP pursuant to LCP Section 6353. Such commercial recreational activities, however, can only occur on "lands suitable for agriculture and other lands" if they are consistent with LCP Policy 5.6 and meet the criteria of LCP Section 6355. Commercial recreation is not a permitted use on prime agricultural lands under the LCP. Only agricultural and agriculturally-related development and conditionally permitted uses as outlined in LCP Policy 5.5 are permitted on prime agricultural lands.

In June of 2014, the County approved a PAP and CDP with conditions for the subject property. The applicant should provide evidence to the County demonstrating compliance with all conditions of the prior approval including the requirement that the soil quality in all parking areas be restored at the conclusion of each annual event. As required by the County's condition, the restoration is to be completed in consultation with an agricultural specialist.

The subject property comprises both prime agricultural lands and other lands suitable for agriculture, respectively meeting the definitions of LCP Policies 5.1 and 5.3. The applicant, as indicated on the application forms, is seeking authorization to operate commercial recreation activities such as a Halloween pumpkin patch with a straw bale maze, a haunted house, petting zoo, hay rides, train, pony rides, and "other activities" on the subject property. Please provide clarification on the length of time for which the applicant is seeking authorization, i.e., for one

year similar to the prior approval. The uses under consideration for a PAP and CDP must be consistent with the policies and standards of the County's certified LCP including LCP Policies 5.1, 5.3, 5.5, 5.6, 5.8 along with Chapter 21A of the LCP Zoning Regulations which afford the protection of prime soils/agricultural lands within San Mateo County.

The proposal includes a train located in an area of prime agricultural lands. There is no evidence to support that this is an agricultural use permissible on prime soils consistent with the LCP. The applicant should be required to remove any proposed uses from prime agricultural lands that are not permitted uses on these lands or are inconsistent with the LCP policies and standards discussed for these lands. These uses may be acceptable as commercial recreation (as defined in Zoning Regulations, Chapter 21A) and allowed on lands suitable for agriculture as provided by LCP Policy 5.6 and LCP Section 6353B, as long as they are consistent with LCP Section 6355 and other applicable LCP policies and standards. Furthermore, any commercial recreational use at the property cannot be given priority over agricultural use, as provided under LCP Policy 11.5.

Staff also notes that the plan for farm-agricultural activities shows five "zones" allotted to agricultural use, i.e., growing fava beans, peas, Christmas trees, and bell beans. There is an area however, that was previously designated "Zone F" which was used for growing seedlings and starter plants. This area is now designated for parking as depicted on the plan. Further, the area currently proposed for the "compact car parking" was previously used for the storage for hay bales. The applicant should clarify why these areas previously used for agriculture and storage are being converted to parking areas. The applicant should also provide an updated breakdown of the amount of acreage of lands designated as prime agricultural lands and lands suitable for agriculture allotted for permanent agriculture, developed areas, recreation area, and for the different crops grown. This would assist with keeping track of the amount of actual land in agricultural use at the property.

Commission staff suggests that the applicant also be required to identify measures that will be put in place to protect impacts from the development sited in areas that are Lands Suitable for Agriculture at the property particularly in areas that are directly adjacent to prime soil and creek areas, i.e. identify best management practices or measures that will be implemented to treat storm water runoff from the parking lot. An erosion control plan should be developed for the site and submitted to the County for review and approval.

Please feel free to contact me regarding this matter. You can reach me by telephone at 415-904-5260; or in writing at the address listed in the letter head or via e-mail at rananda@coastal.ca.gov.

Sincerely,



Renée T. Ananda, Coastal Program Analyst
North Central Coast District



BioMaAS

333 Valencia St. #324, San Francisco, CA 94103

Phone (510)814-0433 Fax (925)887-4702 www.BioMaAS.com

September 12, 2011

Mr. Chris Gounalakis
Arata's Pumpkin Farm
185 Verde Road
Half Moon Bay, CA 94019

Re: Riparian vegetation along Lobitos Creek

Dear Mr. Gounalakis,

As requested, I have prepared an evaluation of the vegetation along the stretch of Lobitos Creek that lies roughly north of the maze site and runs parallel with it. The question of concern is whether or not the portion of the Lobitos Creek riparian area that is adjacent to the maze site is a "riparian corridor" as defined by San Mateo County Local Coastal Program (SMCLCP) Riparian Corridor Policies, Sensitive Habitat Component, Section 7.7. According to this definition, the boundaries of riparian corridors are to be determined by the "limit of riparian vegetation" and "riparian vegetation" is defined as consisting of red alder, jaumea, pickleweed, big leaf maple, narrow-leaf and broadleaf cattail, arroyo willow, horsetail, creek dogwood, black cottonwood, and box elder. It is further specified, "Such a corridor must contain at least a 50% cover of some combination of the plants listed."

To evaluate the species composition of the vegetation in the riparian area and determine the extent of riparian vegetation, two approaches were taken. First, at the site (on September 9, 2011), a tape was laid along the margin of the vegetation bordering the maze site. Visual estimates of vegetation were made within sequential 30-foot wide swathes (quadrats) extending across the creek along the length of the maze site. Visual observations along the margin of the riparian area were not entirely satisfactory because of the terrain's steepness and impenetrable brush, which, along with trees blocking views, made it difficult and even impossible to see all the area within a quadrat. However, it was possible to record significant components of the vegetation and establish the location of larger features, at least, while also developing a baseline estimate for riparian cover and boundaries.

For the second approach, the data from visual observation were used in conjunction with GoogleEarth to map areas of SMCLCP-defined riparian vegetation onto a recent (5/1/2011) aerial view of the area. With GoogleEarth, areas not visible from the margins of the riparian area could be viewed, but this method also had drawbacks, as discussed below. However, using both



methods together created a more reliable estimate by establishing the likely range of values for percent riparian cover within the area.

Of the listed riparian plant species, only three are present at the site: red alder (*Alnus rubra*), creek dogwood (*Cornus sericea*), and arroyo willow (*Salix lasiolepis*). By far the most abundant of these is red alder. From the visual estimates on site, riparian vegetation comprised 36% of the vegetation in the area (red alder 29%, creek dogwood 5%, and arroyo willow 2%). The balance of vegetation could largely be described as being coastal scrub and/or understory species, e.g., coyote brush (*Baccharis pilularis*), poison oak (*Toxicodendron diversilobum*), California blackberry (*Rubus ursinus*), hedge nettle (*Stachys* sp.), red elderberry (*Sambucus racemosa* var. *racemosa*), cream bush (*Holodiscus discolor*), and asters (*Symphotrichum* sp.). There were also a number of non-native and/or non-riparian trees: Monterey pine (*Pinus radiata*, both live and dead specimens), Douglas fir (*Pseudotsuga menziesii*), and *Eucalyptus* sp.

Estimating percent cover from the GoogleEarth aerial (map provided in Figure 1, below), total riparian cover was 41% (an estimated 18,100 sq. ft. of 44,000 sq. ft. total area), with red alder comprising 38% of cover, creek dogwood 3%, and arroyo willow 1%. The tendency with this method would be to over-estimate riparian vegetation because resolution in GoogleEarth aeriels does not allow for fine distinctions within patches of vegetation. This would be especially true at this site where plant species are so tightly intermingled. For example, it is virtually impossible to distinguish red elderberry from red alder on a GoogleEarth aerial. In addition, estimates of area were made assuming that patches were rectangular in shape, which would also tend to overestimate extent of area. For these reasons, the estimates from GoogleEarth should be considered at the high end of the likely range of values for percent riparian vegetation cover.

Taking both estimates into consideration, total riparian vegetation cover in the riparian area of Lobitos Creek is likely between 36% and 41%. Although elements of riparian vegetation are present, the high level of disturbance apparent in this section of the creek has likely prevented full development of a riparian plant community. My professional opinion would be that this riparian area does not qualify as a riparian corridor as defined by San Mateo County Local Coastal Program (SMCLCP) Riparian Corridor Policies, Sensitive Habitat Component, Section 7.7.

Sincerely,

Deborah Petersen
Botanist

**ARATA FARM
STREET PARKING TALLY**

TOTAL CARS=58
(Approximation, based on
aerial photography)

Number of cars based on length
divided by 23 feet.

----- Parking Side of Street

