

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

**DATE:** March 23, 2016

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Coastal Development Permit and a Planned Agricultural District Permit to convert an existing agricultural well to domestic use to serve an existing residence at 150 North Street in the unincorporated Pescadero area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00517 (Robert Card)

**PROPOSAL**

The applicant proposes to convert an existing agricultural well to domestic use to serve an existing residence on the property located at 150 North Street in Pescadero (APN 087-100-080). The well is located approximately 500 feet north from the existing legal single-family residence. The existing domestic water source is taken from springs on the property. One solar panel unit, consisting of four panels, located on steel poles will be installed adjacent to the proposed domestic well.

**RECOMMENDATION**

That the Planning Commission approve the Coastal Development Permit and Planned Agricultural District Permit for County File Number PLN 2015-00517, by making the required findings and adopting the conditions of approval listed in Attachment A.

**SUMMARY**

The conversion of an existing agricultural well to domestic use, as proposed and conditioned, complies with the applicable policies and standards of the General Plan, Local Coastal Program, and Zoning Regulations.

The 79-acre parcel is developed with one single-family dwelling, accessory buildings, spring, roads, water tanks, and has 8 to 10 head of cattle grazing on the property. The San Mateo County Environmental Health Division reviewed the existing source of domestic water on the property, a spring. Based on the results of a test of the spring, the Environmental Health Division considered the spring failed as a domestic water source due to the lack of water flow, approximately 0.5 gallon per minute. The existing

agricultural well provides water for the 8 to 10 cattle on the property. The agricultural well produces approximately 5 gallons per minute and can support both the domestic and agricultural uses on the property.

The project complies with the General Plan Policies regarding Vegetative, Water, Fish and Wildlife Resources, as well as General Plan Policies relating to agriculture. The project also meets the Local Coastal Program Policies for Visual Resources and Land Use in that the well is existing, is located in an already disturbed area, there are no prime soils in the area of the well or the proposed solar panels, and the solar panels will be located on steel poles, to minimize ground disturbance. The project will also not impact the ongoing agriculture on the property.

Further, the project complies with the Planned Agricultural Zoning District for issuance of a Planned Agricultural District Permit (e.g., setbacks maintained, clustered development, etc.).

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

**DATE:** March 23, 2016

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Coastal Development Permit and a Planned Agricultural District Permit, pursuant to Sections 6328.4 and 6353 of the San Mateo County Zoning Regulations, to convert an existing agricultural well to domestic use to serve an existing residence at 150 North Street in the unincorporated Pescadero area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2015-00517 (Robert Card)

**PROPOSAL**

The applicant proposes to convert an existing agricultural well to domestic use to serve an existing residence on the property located at 150 North Street in Pescadero (APN 087-100-080). The well is located approximately 500 feet north from the existing legal single-family residence. The existing domestic water source is taken from springs on the property. The domestic well will connect to existing water tanks located on the property approximately 300 feet west of the well. New water pipes will be installed to connect the water tanks to the well. One solar panel unit, consisting of four panels, located on steel poles will be installed adjacent to the proposed domestic well.

**RECOMMENDATION**

That the Planning Commission approve the Coastal Development Permit and Planned Agricultural District Permit for County File Number PLN 2015-00517, by making the required findings and adopting the conditions of approval listed in Attachment A.

**BACKGROUND**

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

Applicant: Kerry Burke

Owner: Robert Card

Location: 150 North Street, Pescadero

APN: 087-100-080

Parcel Size: 79.29 acres

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

General Plan Designation: Agriculture/Rural

Local Coastal Program Designation: Agriculture

Existing Land Use: Single-family dwelling, accessory buildings, spring, roads, water tanks, and grazing of 8 to 10 head of cattle

Water Supply: The property currently relies on an existing agricultural well for agricultural uses and a spring for domestic use. There are two existing water tanks approximately 300 feet to the west of the well.

Sewage Disposal: The property relies on on-site septic systems

Flood Zone: The project site is located in Zone X (area of minimal flooding); FEMA FIRM Panels 06081C0388E; effective October 16, 2012

Williamson Act: The property is not a Williamson Act contracted parcel

Environmental Evaluation: Categorically exempt pursuant to Section 15301, Class 1 (Existing Facilities)

Setting: The project parcel is accessed via North Street. The developed areas of the 79-acre parcel are toward the rear of the property. The southern portions of the property are relatively flat, with the northern portion consisting of hills. The property is adjacent to agricultural use and open space on all sides.

Chronology:

<u>Date</u>	<u>Action</u>
September 19, 2015	- Application submitted and approved for a Coastal Development Exemption for a new agricultural well (PLN 2015-00334).
November 12, 2015	- Application submitted for a Coastal Development Permit and Planned Agricultural District Permit to convert the approved agricultural well (PLN 2015-00334) to a domestic well.

## DISCUSSION

### A. KEY ISSUES

#### 1. Conformity with the General Plan

Staff has reviewed and determined that the project complies with all of the applicable General Plan Policies, including the following:

##### a. Vegetative, Water, Fish and Wildlife Resources

Policy 1.23 (*Regulate Development to Protect Vegetative, Water, Fish and Wildlife Resources*) and Policy 1.27 (*Protect Fish and Wildlife Resources*) seek to regulate land uses and development activities to prevent, and/or mitigate to the extent possible, significant adverse impacts on vegetative, water, fish and wildlife resources.

The proposed domestic well will convert an approved existing agricultural well on the property. The well has already been constructed on the property and the conversion of the well will not impact any agricultural land. The proposed ground-mounted solar system for the proposed domestic well will sit on steel posts to minimize ground disturbance. The new water pipe will be trenched under the existing road on the property, which will then connect to an existing water line that serves the water tanks. No sensitive biological communities were identified within the project area.

##### b. Soil Resources

Policy 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*) and Policy 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Soil Erosion*) seek to minimize grading; prevent soil erosion and sedimentation, among other ways by ensuring disturbed areas are stabilized; and protect and enhance natural plant communities and nesting and feeding areas of fish and wildlife.

The proposed domestic well will convert an approved existing agricultural well on the property. The well has already been constructed on the property and the conversion of the well will not impact the soil or require grading. The proposed ground-mounted solar system for the proposed domestic well will sit on steel posts to minimize ground disturbance. The new water pipe will be located under an existing dirt road.

c. Visual Quality

Policy 4.15 (*Appearance of New Development*), Policy 4.21 (*Utility Structures*), Policy 4.24 (*Rural Development Design Concept*) and Policy 4.25 (*Location of Structures*) seek to regulate development to promote and enhance good design, site relationships and other aesthetic considerations; minimize the adverse visual quality of utility structures, including by clustering utilities; protect and enhance the visual quality of scenic corridors; minimize grading; allow structures on open ridgelines and skylines as part of a public view when no alternative building site exists; screen storage areas with fencing, landscape or other means; and install new distribution lines underground.

The subject property is located in the Pescadero Road County Scenic Corridor. The project area is located over 2,200 feet from North Street. Due to the topography, vegetation and distance from the road, staff has concluded that there will be no visual impact from the project. The proposed project will be indistinguishable from the existing development on the property. The project will be located in a way that will not require the alteration of the existing topography of the site.

e. Rural Land Use

Policy 9.23 (*Land Use Compatibility in Rural Lands*) and Policy 9.30 (*Development Standards to Minimize Land Use Conflicts with Agriculture*) (a) encourage compatibility of land uses in order to promote the health, safety and economy, and seek to maintain the scenic and harmonious nature of the rural lands; and (b) seek to (1) promote land use compatibility by encouraging the location of new residential development immediately adjacent to existing developed areas, and (2) cluster development so that large parcels can be retained for the protection and use of vegetative, visual, agricultural and other resources.

The subject parcel has a General Plan land use designation of "Agriculture." The domestic well will be converted from an existing agricultural well on the property. The well will have sufficient water to supply both the domestic and agricultural uses on the property. The ground-mounted solar system associated with the new domestic well will be clustered in the developed area around the well in order to retain the remaining acreage for agricultural uses. While the subject property is located in the Pescadero Road County Scenic Corridor, due to the topography, vegetation and distance from the road, staff concludes that there will be no visual impact from the project.

f. Water Supply

Policy 10.15 (*Water Supplies in Rural Areas*) and Policy 10.19 (*Domestic Water Supply*) encourage the use of wells, water systems or springs instead of surface water for domestic water supply.

The San Mateo County Environmental Health Division reviewed the existing source of domestic water on the property, a spring. Based on the results of a test of the spring, the Environmental Health Division considered the spring failed as a domestic water source due to the lack of water flow, approximately 0.5 gallon per minute. The existing agricultural well provides water for the 8 to 10 cattle on the property. The agricultural well produces approximately 5 gallons per minute and can support both the domestic and agricultural uses on the property.

2. Conformance with the Local Coastal Program

Policy 1.1 of San Mateo County's adopted Local Coastal Program (LCP) requires a Coastal Development Permit (CDP) for all development in the Coastal Zone. This project is consistent with applicable LCP Policies as discussed below.

a. Land Use Component

Policy 1.8 (*Land Uses and Development Densities in Rural Areas*) states that new development in rural areas shall not: (1) have significant adverse impacts, either individually or cumulatively on coastal resources, or (2) diminish the ability to keep all prime agricultural land and other lands suitable for agriculture in agricultural production.

As discussed in the General Plan (*Rural Land Use*) Section above, the converted well unit would not increase the development footprint on the property. The proposed solar panels would be located near the well. The new water pipes would be located under an existing dirt road. Coastal resources are not significantly impacted due to the well already in place and located in a disturbed area where agricultural activities are not present, where visual impacts are minimized, and impacts to water resources and sensitive habitats are avoided.

c. Agriculture Component

Applicable policies are: Policy 5.6 (*Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture*) conditionally allows domestic wells for residential usage provided the criteria in Policy 5.10 (*Conversion of Land Suitable for Agriculture Designated as Agriculture*) are met. These policies allow for conditionally permitted uses, including domestic wells, provided the following can be met as discussed below:

- (1) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable.

The parcel contains steep slopes in the northern portions of the property. The areas that are generally flat are located on the southern portion of the property, where the ongoing cattle grazing is occurring. The well and solar panels are located on the northern portions of the parcel and would not impact the agricultural activities on the property. The new water pipes would be located under an existing dirt road and would not impact agricultural activities on the property as well.

- (2) Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act.

This project is located in an already disturbed area. There are no prime soils in the area of the well or the proposed solar panels. The solar panels will be located on steel poles, to minimize ground disturbance. The project will reserve a large area of the property for agricultural activities.

- (3) Clearly defined buffer areas are provided between agricultural and non-agricultural uses.

The project is located in an existing disturbed area. The existing road and other structures in the area provide for a clearly defined buffer between cattle grazing and the proposed project.

- (4) The productivity of any adjacent agricultural land will not be diminished.

The facility does not impact the use of adjacent lands for agriculture.

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

The conversion of the existing agricultural well to a domestic well will not degrade the air and water quality as conditioned (Condition No. 8). The existing agricultural well provides water for the 8 to 10 cattle on the property. The agricultural well currently produces approximately 5 gallons per minute, which will be able to support both the domestic and agricultural uses on the property.

d. Sensitive Habitats Component

Policy 7.3 (*Protection of Sensitive Habitats*) states that development in areas adjacent to sensitive habitats be sited and designed to prevent impacts that could significantly degrade these resources. Further, all uses shall be compatible with the maintenance of biologic productivity of the habitats.

The subject site is not mapped for any candidate, sensitive or special status species or habitat, as listed in plans associated with the County Local Coastal Program (LCP), the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service. The nearest creek from the project location is over 2,000 feet to the east of the site. There are no riparian resources within the area of the property. The project site is mostly disturbed ground developed with an agricultural well. The proposed solar panels will be mounted on steel poles to minimize ground disturbance. New water pipes will be trenched under an existing dirt road as to not disturb new areas. The project site is not located within any established native resident, migratory wildlife corridors, or includes any native wildlife nursery.

e. 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 Scenic Roads; (2) is least likely to impact views from public view points; and (3) best preserves the visual and open space qualities of the parcel overall.

While the subject property is located in the Pescadero Road County Scenic Corridor, due to the topography, vegetation and distance from the road, staff concludes that there will be no visual impact from the project.

3. Conformity with the Planned Agricultural District (PAD) Zoning Regulations

a. Conformity with the PAD Development Standards

Domestic wells are a conditionally allowed use on Land Suitable for Agriculture subject to the issuance of a Planned Agricultural District Permit.

The proposed facility is fully compliant with the PAD development standards as shown on the chart below:

Development Standards	Allowed	Proposed
Maximum Height of Structures	36 feet	32 feet
Minimum Front Yard Setback	50 feet	Approximately 2,200 feet
Minimum Side Yard Setbacks	20 feet	Approximately 530 feet (left side); 520 feet (right side)
Minimum Rear Yard Setback	20 feet	Approximately 700 feet

b. Conformance with the Criteria for Issuance of a PAD Permit

Issuance of a Planned Agricultural District Permit requires the project to comply with Section 6355 of the Zoning Regulations (*Substantive Criteria for Issuance of a Planned Agricultural Permit*). The applicable sections are discussed below.

(1) General Criteria

Per Section 6355.A (*General Criteria*), the project must be consistent with the following:

- (a) That the encroachment of all development upon land which is suitable for agricultural uses shall be minimized.
- (b) That all development shall be clustered.
- (c) That every project shall conform to Chapter 20A.2 of the Zoning Regulations (*Site Design Criteria*). Applicable criteria stated in these sections include location, siting and design to: (1) fit the environment and preserve the pre-existing character; (2) preserve and fit to the natural topography and minimization of grading; and (3) not substantially detract from natural characteristics or wildlife habitats. In addition, all development is to be sited to minimize the impacts of noise, light and glare on adjacent properties and the larger community.

As previously discussed, the project complies with the above criteria. For compliance with Items “(a)” and “(b)” above, see the discussion of the LCP in Section A.2, and for compliance with Item “(c)” above, see the discussion of the General Plan Policies in Section A.1 of this report.

(2) Criteria for the Conversion of Lands Suitable for Agriculture

Conversion of lands suitable for agriculture designated as agriculture requires that (a) all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable; (b) continued or renewed agricultural use of the

soils is not feasible as defined by Section 30108 of the Coastal Act; (c) clearly defined buffer areas are developed between agricultural and non-agricultural uses; (d) the productivity of any adjacent agricultural lands is not diminished; and (e) public service and facility expansions and permitted uses do not impair agricultural viability, including by increased assessment costs or degrading air and water quality.

As previously discussed in the LCP Agriculture Component, the project will not impact the agricultural activity or lands on the property or the surrounding area. The well is located in an already disturbed area on the property. The proposed ground-mounted solar system for the proposed domestic well will sit on steel posts to minimize ground disturbance. The well and solar panels are located in a steep area of the property that is unsuitable for agricultural activities. The conversion of the agricultural well to domestic use will not impact the existing agricultural activities on the property. The permitted use will not degrade the air and water quality as conditioned (Condition No. 8).

c. Agricultural Advisory Committee Review

At its February 8, 2016 meeting, the Agricultural Advisory Committee recommended approval of this project on the basis that it will have no negative impact to the surrounding agricultural uses on the property.

B. ENVIRONMENTAL REVIEW

The project is categorically exempt from CEQA review pursuant to Section 15301, Class 1 (Existing Facilities).

C. REVIEWING AGENCIES

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

**ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Elevations

County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2015-00517          Hearing Date: March 23, 2016

Prepared By: Rob Bartoli, Project Planner          For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. That this project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, relating to the minor alteration to an existing facility.

For the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14 of the Zoning Regulations, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP). The plans and materials have been reviewed against the application requirement in Section 6328.7 of the Zoning Regulations and the project has been conditioned to minimize impacts to land use, agriculture, sensitive habitats, and visual resources in accordance with the components of the LCP.
3. That the project conforms to the specific findings required by policies of the San Mateo County LCP.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section

1. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission at the March 23, 2016 meeting. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for one (1) year. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees.

3. The applicant shall have been issued a building permit and a completed inspection (to the satisfaction of the Building Inspector) within one (1) year of final approval of this permit. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
4. This permit does not allow for the removal of any trees. Removal of any tree with a circumference of 55 inches or greater, as measured 4.5 feet above the ground, shall require additional review by the Community Development Director prior to removal. Only the minimum vegetation necessary shall be removed to accommodate the construction of the solar panel and the trenching of the new water pipes.
5. Access to the proposed facility shall utilize the existing roadway. No additional vegetation shall be removed to provide access to the well.
6. The provision of the San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Prior to any on-site grading, the applicant may be required to obtain a grading permit, or grading permit exemption from the Current Planning Section. A grading permit is required if 250 cubic yards or more of earth is to be removed or if a cut or fill exceeds two (2) feet in vertical depth, measured from ground level. No grading, requiring a permit or exemption, shall occur until after such permit is approved.
7. Any exterior lights shall be designed and located so as to confine direct rays to the subject property and prevent glare in the surrounding area. Any proposed lighting shall be reviewed and approved by the Planning Department during the building permit process to verify compliance with this condition.
8. The applicant shall require construction contractors to implement all Bay Area Air Quality Management District's Basic Construction Mitigation Measures, listed below:
  - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
  - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
  - h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
9. Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo Ordinance Code Section 4.88.360).

#### Building Inspection Section

10. A building permit is required and shall be applied for and obtained prior to the commencement of any construction or staging activities.

#### Environmental Health Division

11. Upon receipt of the approved Coastal Development Permit (CDP), the applicant shall submit application for a Well Drilling Permit, Certification (pump test and quality test), and a Permit to Operate to San Mateo County Environmental Health Division with the approved CDP. The proposed well will need to meet the minimum standards of quantity and quality for domestic use. Note: A fee waiver should apply per the Board of Supervisors Resolution No. 73536 for Failed Domestic Well.
12. The applicant shall meet all requirements from the San Mateo County Environmental Health Division.

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