

COUNTY OF SAN MATEO

Inter-Departmental Correspondence
Planning and Building Department



DATE: Auc

August 29, 2011

BOARD MEETING DATE: SPECIAL NOTICE/HEARING:

September 13, 2011 10-Day Notice/300

Feet

VOTE REQUIRED: Majority

TO:

Honorable Board of Supervisors

FROM:

Jim Eggemeyer, Community Development Director

SUBJECT:

EXECUTIVE SUMMARY: Consideration of two appeals of the

Planning Commission's decision to: (1) certify a Mitigated Negative Declaration; (2) approve an After-the-Fact Planned Agricultural District Permit; and (3) approve an After-the-Fact 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.

RECOMMENDATION:

Deny the appeals and uphold the decision of the Planning Commission by taking the following actions: (1) certify the Mitigated Negative Declaration; (2) approve an After-the-Fact Planned Agricultural Permit (PAD) expiring on December 31, 2011; (3) approve an After-the-Fact Coastal Development Permit (CDP), by making the required findings and subject to the conditions of approval listed in Attachment A of the staff report.

BACKGROUND:

The 8.37-acre project parcel is located on Verde Road to the east of Cabrillo Highway and is bordered by Lobitos Creek along its northern property line. The property contains 2.94 acres under agricultural production located in a western portion of the parcel. The applicant proposes to legalize and continue the following on-site, seasonal activities: a hay maze/labyrinth/coliseum, sword-fighting events, a haunted barn, a petting zoo, pony rides, and a train ride, as well as a children's play area consisting of a mini-maze, a bounce house, and a sales kiosk (for the sale of pre-packaged foods). The property also contains a single-family residence, three barns, and a covered sales building.

At its June 29, 2011 meeting, the Planning Commission certified the Mitigated Negative Declaration and approved the After-the-Fact PAD Permit and CDP, subject to conditions that, among other things, establish a December 31, 2011 PAD Permit expiration date, allow for 22 parking spaces on Verde Road, and require a reduction in on-site parking by 22 spaces to avoid prime soil. After finding that the hay maze and the coliseum

structures are not "ancillary to agriculture," the Planning Commission required the relocation of the hay maze and the coliseum structures to on-site areas of non-prime soils, and the subsequent commitment of those areas to agricultural production, as a condition of any future renewal of the PAD Permit.

DISCUSSION:

Planning staff received two (2) appeals of the Planning Commission's decision to approve the project and associated Mitigated Negative Declaration.

The appeal by Lillian Arata contends that the Board of Supervisors should deny the project for the following reasons: (1) the County lacks jurisdiction because the appellant (an owner of one-half interest in the subject property) does not consent to the applicant's permit request; (2) the project is inconsistent with the County's General Plan; (3) the proposed use is not allowed on prime or non-prime agricultural lands within the PAD District or under the Local Coastal Program; (4) the proposed use is prohibited by the Williamson Act contract on the property as well as by the Williamson Act itself; (5) the Mitigated Negative Declaration associated with the application is insufficient and an Environmental Impact Report (EIR) is required under CEQA; (6) new Condition No. 33 is subject to the same flaws raised by the appellant regarding revised Condition No. 11; and (7) the proposed use is unlike any other seasonal recreational farm use in the County.

The appeal by the applicant requests the Board of Supervisors to modify the project conditions of approval to: (1) allow additional parking along Verde Road, where minimum fire clearance requirements are met; (2) allow the sword-fighting use and train ride use in areas of prime soil; (3) allow the venue to close later on Fridays (10:00 p.m.), but earlier on Saturdays (10:00 p.m.) and Sundays (7:00 p.m.) in October; and (4) allow the applicant to retain 22 on-site parking spaces on prime soils.

Staff's analysis of the appeals concludes that the project approved by the Planning Commission is consistent will the relevant standards of review, and that the Mitigated Negative Declaration complies with the requirements of the California Environmental Quality Act. Staff recommends minor adjustments to the Planning Commission's conditions of approval and mitigation measures that respond to issues raised by the appeals regarding parking and hours of operation. Specifically, these changes: increase the number of parking spaces that can be provided on-site without impacting prime soils; allow for managed and signed parking along Verde Road in areas deemed safe by Cal-Fire and the Department of Public Works; and, adjust the hours of operation during the month of October in a manner that requires the venue to close at 9:00 p.m. on Friday nights, 10:00 p.m. on Saturday nights, and 7:00 on Sunday nights. These adjustments maintain consistency with applicable policies and regulations, and will not result in new environmental impacts. Finally, with regard to Lillian Arata's objection to the processing of the application, this is the subject of pending legal action between Gary Arata and Lillian Arata, with a trial date set in January 2012. The lawsuit will clarify which party has authority over the use of the property, and does not preclude or interfere with the County's responsibility to determine whether the proposed project is consistent with established development standards.

County Counsel has reviewed and approved the materials as to form and content.

The approval of the project contributes to the 2025 Shared Vision outcome of a Livable Community by allowing the continuation and regulation of recreational activities at the site, which contribute to the regional celebration of pumpkin season and the diversity of recreational opportunities on the Coastside.

FISCAL IMPACT:

Nominal cost to Planning and Building Department to monitor compliance with conditions of approval for the project.



COUNTY OF SAN MATEO

Inter-Departmental Correspondence Planning and Building Department



DATE: August 29, 2011

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VOTE REQUIRED: Majority

TO:

Honorable Board of Supervisors

FROM:

Jim Eggemeyer, Community Development Director (

SUBJECT:

Consideration of two appeals of the Planning Commission's decision to: (1) certify a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act; (2) approve an After-the-Fact Planned Agricultural District Permit, pursuant to Section 6353 of the San Mateo County Zoning Regulations; and (3) approve an After-the-Fact 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 2010-00207 (Gounalakis)

RECOMMENDATION:

Deny the appeals and uphold the decision of the Planning Commission by taking the following actions:

- Certify the Mitigated Negative Declaration, by making the required findings listed in 1. Attachment A of this report.
- Approve an After-the-Fact Planned Agricultural Permit expiring on December 31, 2. 2011, by making the required findings and subject to the conditions of approval listed in Attachment A of this report.
- Approve an After-the-Fact Coastal Development Permit, by making the required findings and subject to the conditions of approval listed in Attachment A of this report.

BACKGROUND:

The requested permits would legalize and allow for a variety of agriculture-related and non-agriculture-related commercial recreation activities (referred to in this report as

"agritainment") to take place at the Arata Farm property on a seasonal basis. Specifically, the applicant has applied for the permits required to legalize and continue the following activities, between July 1 and November 30 of each year:

- a hay maze,
- sword-fighting events,¹
- a haunted barn,
- a petting zoo,
- pony rides, and
- train rides.

The applicant also proposes a children's play area for birthday parties and school field trips, consisting of the following:

- a mini-maze,
- a bounce house, and
- a sales kiosk (for the sale of pre-packaged foods).

No new permanent structures are proposed, nor are permanent improvements to the property required for these activities. The property has been in a Williamson Act contract (AP 67-73) since 1967.

	Table A					
Dates and Hours of Operation						
Elements and Structures	Structures Staff Recommendation					
Dates and Hours of Operation	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 – <u>Thursday</u> : 9:00 a.m. – 7:00 p.m.					
	Friday: 9:00 a.m 9:00 p.m.					
	Saturday: 9:00 a.m. – 10:00 p.m.					
	Sunday: 9:00 a.m. – 7:00 p.m.					
Ponies Rides	July - November					
Hay Maze	July – November					
Sword Fighting in Coliseum	Use is Not Permitted					
Train Ride	July - November					

¹ Previously described in error as "jousting."

<u>Table A</u> Dates and Hours of Operation					
Elements and Structures	Staff Recommendation				
Petting Zoo	July - November				
Bounce House	July – November				
Private Party Rentals	July – November				
School Field Trips	July - November	, , ,			
Haunted Barn	July – November				
Movie Nights	Use is Not Permitted				

DISCUSSION: KEY ACTIONS

A. PLANNING COMMISSION ACTION

During the Planning Commission public hearing of June 8, 2011, two Commissioners (Ranken and Hansson) had to leave the meeting due to prior commitments, while three Commissioners (Dworetzky, Slocum, and Wong) remained to review the item. After deliberation, the Commission continued the item until additional Commissioners could be present, in order to obtain the three votes required to carry a motion. The Commission continued the item to the meeting of June 29, 2011 and directed staff to work with Sigma Prime (civil engineering firm retained by the applicant) to revise the site plan to better delineate the areas of parking required to support the proposed recreational uses. Staff worked with Sigma Prime to prepare a revised site plan (Attachment C) that more accurately represents the proposed uses of the site, as well as an "As-Conditioned" Site Plan (Attachment D) that complies with the recommended conditions.

At the Planning Commission meeting of June 29, 2011, the Planning Commission certified the Mitigated Negative Declaration and approved the After-the-Fact Planned Agricultural District (PAD) Permit and Coastal Development Permit (CDP), subject to the findings and conditions in Attachment A. The Commission denied the interim operating conditions and revised the conditions of approval recommended by staff. Specifically, the Commission:

- 1. Revised Condition No. 2 to set a PAD Permit expiration date of December 31, 2011, instead of the two-year timeframe proposed by staff.
- Added New Condition No. 32 to require the operation of the bounce house to comply 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.
- Added New Condition No. 33 to require the relocation of the hay maze and the coliseum structures to areas of non-prime soils, finding that these uses are not

considered "ancillary to agriculture" and are, therefore, not permitted on prime soil. (Initially, in a staff report dated June 8, 2011, Planning staff recommended the Planning Commission find that the uses are "ancillary to agriculture" as both structures consist of stacked hay bales, which could be considered stockpiling of materials traditionally associated with agriculture.)

Additionally, the Planning Commission stated that the condition restricting parking on Verde Road to an area that could accommodate 22 parking spaces (Condition No. 11) and reduction of on-site parking by 22 spaces to minimize recreation used on prime soil (Condition No. 30) significantly reduced parking for the agritainment venue.

Based on the foregoing, new Condition No. 33 requires the applicant to submit the following information, for Planning Commission review, as part of any future application to renew the PAD Permit:

- a. Revised site plan showing the relocation of the hay maze and the coliseum structures to areas of the site that do not contain prime soils. Subsequently, the current locations of the hay maze and the coliseum structures shall be committed to agricultural production.
- b. The applicant/property owner is required to establish off-site parking (i.e., a formal off-site parking agreement with property owner(s) in the area) providing a minimum of 200 parking spaces for use by visitors and employees of the Arata farm, to ease parking challenges at the site. The applicant shall submit a traffic control plan showing the location and number of off-site parking spaces and associated access roads to demonstrate compliance with this condition.

B. APPEALS FILED

During the appeal period for the Planning Commission action, which ended on July 14, 2011, Planning staff received two (2) appeals of the Planning Commission's decision to approve the permits and certify the Mitigated Negative Declaration. One of the appeals was filed by the applicant and Gary Arata (owner of one-half interest in the subject property), and the other appeal was filed by Lillian Arata (the other owner of one-half interest in the subject property).

Summary and Analysis of Appeals

1. Appeal of Lillian Arata

On July 13, 2011, Ms. Arata filed an appeal of the Planning Commission's decision to approve the project, requesting the Board of Supervisors deny the project for the following reasons, as further described in the attachments to the appeal (Attachment F):

a. The County lacks jurisdiction because the appellant (an owner of one-half interest in the subject property) does not consent to the applicant's permit request. At the June 29, 2011 Planning Commission hearing, one of the Commissioners requested County Counsel to clarify the significance of Ms. Arata's non-consent to the project application. In past correspondence, Ms. Arata's counsel, Andrew Bell, stated that the application of a use permit burdens the property and that a co-tenant cannot burden a property without the consent of all the property owners.

County Counsel opined that, while some municipalities have zoning regulations that allow applications to be made or consented to by any owner, the County's regulations require "the owner's" consent. County Counsel characterized the legal issue as being a dispute between the owners that is best resolved by court proceedings, and that neither the Planning Department nor the Planning Commission is well-suited to resolve disputes between owners. As of June 29, 2011, there is a pending action for partition between Gary Arata and Lillian Arata, with a trial date set in January 2012. The partition lawsuit would clarify which party has authority over the use of the property. Any action by the Board of Supervisors to weigh in on the proper resolution of that dispute would intrude upon what is essentially a court function. The purpose of Zoning Regulations is to say what the County allows, not to resolve what the owner allows.

County Counsel believes that the role of the Board of Supervisors (as with the Commission), in this instance, is to merely decide whether County Zoning Regulations allow the proposed use.

b. The project is inconsistent with the County's General Plan. In a letter dated June 7, 2011, Mr. Bell states that the proposed seasonal agriculture and non-agriculture-related commercial recreation activities are not consistent with the General Plan's agricultural land use designation for the property. The primary feasible uses associated with this land use designation are "resource management and production uses including but not limited to agriculture and uses considered accessory and ancillary to agriculture." It should be noted that, as-conditioned, the proposed commercial recreation use (2.19 acres) is secondary to the agricultural use (3.03 acres) of the property in terms of acreage of use. The Planning Commission partly concurred with this contention, by determining that the uses proposed on prime soils (i.e., hay maze and coliseum) are

² The County Zoning Regulations require the owner's consent or the consent of the owner's authorized representative, to ensure that the applicant has the authority to implement the project conditions and mitigation measures imposed by the Board or other applicable decision making body. In other words, the purpose behind the Zoning Regulations' requirement that "the owner" consent to a permit application is so that the County knows that someone is liable to implement the project conditions and mitigation measures that are incumbent on the owner.

considered commercial recreation. Thus, the Commission required that any application to renew the PAD Permit provide for the relocation of those uses to areas of non-prime soils, where commercial recreation uses are allowed with the issuance of a PAD Permit per Section 6353.B.7 of the Zoning Regulations (Condition No. 33.a). In approving the project for the remainder of this year only, the Planning Commission allowed the use to continue on a temporary basis, in a manner that will not impact the viability of on-site prime soils. To this end, the currently recommended conditions of approval include new Condition No. 35, which requires the applicant/ property owner to restore the quality of the soil in areas of the hay maze and coliseum, as necessary to reestablish prime soil characteristics, by January 1, 2012. In order to ensure compliance, the condition requires the applicant to submit a \$5,000 bond³ to the County, prior to continuing any commercial recreation activities at the site.

- c. The proposed use is not allowed on prime or non-prime agricultural lands within the PAD District or under the Local Coastal Program. As previously stated, commercial recreation uses are allowed on non-prime soils with the issuance of a PAD permit. Condition No. 33.a requires the relocation of the hay maze and coliseum structures to areas of non-prime soils for the renewal of the PAD permit.
- d. The proposed use is prohibited by the Williamson Act contract on the property as well as by the Williamson Act itself. During the applicant's tenancy of the property, the property has been devoted to agricultural production and agriculture- and non-agriculture related commercial recreation. Section 2 of the Williamson Act contract on the property (Attachment N) states that the property "shall not be used for any purpose, other than the production of agricultural commodities for commercial purposes." ⁴

 The contract further states that "No structures shall be erected upon said land except structures as may be directly related to and compatible with agricultural use, and residence buildings for such individuals as may be engaged in the management of said land, and their families."

³ Amount of bond based on staff's cost estimate for restoration of 1 acre of land, per discussion with Rice Soil Farm in Half Moon Bay.

⁴ It should be noted that this language is unusually restrictive for a Williamson Act contract, which typically also allows uses that are compatible with agriculture.

During the applicant's tenancy of the property, the property has been devoted to agricultural production and agriculture- and non-agriculture related commercial recreation. The Williamson Act defines "agricultural use" to include specific types of recreational uses⁵ (Cal. Gov't. Code § 51205). Thus, the current and proposed use of the property is in substantial conformance with the Williamson Act.

- e. The Mitigated Negative Declaration associated with the application is insufficient and an Environmental Impact Report (EIR) is required under CEQA. In a letter dated June 7, 2011, and in Exhibit D of that letter, Mr. Bell states the project may result in potential environmental impact in the following areas: Land Suitability and Geology; Vegetation and Wildlife; Physical Resources; Air Quality, Water Quality, Sonic; Transportation; Land Use and General Plan; and Aesthetic, Cultural and Historic. Evidence of environmental impact provided in the letter and Exhibit D is based on personal opinion that is not supported by facts or expert opinion and third-party accounts of past activities that are not proposed by the applicant. Pursuant to CEQA Section 15064, an effect shall not be considered significant in the absence of substantial evidence.
- New Condition No. 33 is subject to the same flaws raised by the appellant f. regarding revised Condition No. 11. In a letter dated June 28, 2011, Mr. Bell states that the revision of Condition No. 11 to allow restricted parking on Verde Road, where the published draft Mitigated Negative Declaration (MND) prohibited all parking on Verde Road, requires analysis in a re-circulated/revised MND, as to its potential effects on traffic and pedestrian safety. As approved by the Planning Commission and as currently recommended by staff, 58 parking spaces (formerly 22 spaces) could be accommodated along lengths of Verde Road in a manner that is consistent with minimum fire clearance requirements. Per Condition No. 34, parking and pedestrian access must comply with the requirements of Cal-Fire, Sheriff's Office, Department of Public Works, and the California Highway Patrol. Therefore, the implementation of Condition Nos. 11 and 33 would not result in any hazard that would be considered a new significant impact. CEQA allows for minor changes to the project without recirculation of the environmental document as long as the changes would not result in new significant impacts. Therefore, recirculation of the MND is not required.

⁵ As defined by Section 51201(n) of the Williamson Act, "Recreational Use" is the use of land in its agricultural or natural state by the public, with or without charge, for any of the following: walking, hiking, picnicking, camping, swimming, boating, fishing, hunting, or other outdoor games or sports for which facilities are provided for public participation. Any fee charged for the recreational use of land as defined in this subdivision shall be in a reasonable amount and shall not have the effect of unduly limiting its use by the public. Any ancillary structures necessary for a recreational use shall comply with the provisions of Section 51238.1.

g. The proposed use is unlike any other seasonal recreational farm use in the County. The County has issued PAD permits for the operation of similar recreation uses at Lemos Farm (12320 San Mateo Road; PLN 2000-00711), Pastorino Farm (12391 San Mateo Road; PLN 2000-00730) and Cozzolino Farm (11881 San Mateo Road; PLN 2002-00712). With the exception of the hay maze, the project activities approved by the Planning Commission also exist at the other farm venues, as shown in the table below. The hay maze is unique to the subject property and is constructed from materials typically associated with agriculture (i.e., hay bales). As proposed and conditioned, the hay maze would conform to a 50-foot riparian setback this year (Condition No. 4) and would be required to be relocated to areas of non-prime soils prior to any permit renewal.

<u>Table B</u> Agritainment Venues in Unincorporated Areas of San Mateo County							
	Size	Prime Soils	Recreation on Prime		Ag. Contract?		
Lemos	100 acres	Very small portion in north corner	No	Petting zoo, haunted house, train ride, wagon ride, air jumpers, children's area	No		
Pastorino	9.12 acres	All prime	Yes – ag. and non- ag. related	Petting zoo, pony rides, haunted house, train ride, air jumpers	Yes		
Cozzolino	19 acres	About 50% prime	Minimal to none	Petting zoo, pony rides	Yes		
Arata	8.37 acres	About 75%	Yes – ag. related	Petting zoo, haunted house, children's area, pony rides, hay maze	Yes		

2. Appeal of Applicant

On July 14, 2011, the applicant filed an appeal of the Planning Commission decision to approve the project, requesting the modifications listed below to the project conditions of approval (appeal included as Attachment G). An additional letter prepared by the applicant's legal counsel, Michael McCracken, is also included as Attachment G.

a. The applicant requests parking along Verde Road, when minimum fire clearance requirements are met. At the June 29, 2011 public hearing, Planning Commissioners expressed concern about the reduction of parking spaces available to visitors during peak weekends of the pumpkin season (weekends in October) associated with staff recommended parking restrictions that required the applicant to remove 22 on-site parking spaces located on prime soils, and prohibited parking along Verde Road, except for 22 parking spaces that were identified as being consistent with minimum fire clearance requirements. These restrictions were based on the allowance of parking on one side of the road in areas where the paved road width exceeds 26 feet, and parking on both sides of the street where the paved road width exceeds 32 feet).

Since that hearing, Planning staff has clarified the above restrictions in a manner that allows parking on one side of the street, on a gravel shoulder, where the minimum paved road width is 20 feet. Per the Department of Public Works (DPW), no parking is allowed on vegetated shoulders or within areas containing drainage ditches. Planning staff has worked with Sigma Prime to measure the widths of both the paved and flat, non-vegetated gravel areas of the Verde Road right-of-way, and has identified 58 total parking spaces along Verde Road that meet these requirements (Attachment J).

In order to provide a regulatory mechanism for the implementation and enforcement of parking restrictions along Verde Road, DPW staff recommends new Condition No. 34, which requires the applicant to: (1) apply for and obtain a Special Events Road Closure/Encroachment Permit for the implementation of temporary parking restrictions; or, (2) pay fees for the implementation of permanent parking restrictions (subject to Board of Supervisors approval). The map prepared by Sigma Prime will be used by DPW to establish temporary or permanent parking restrictions.

The map was reviewed by Cal-Fire and DPW and preliminarily approved, subject to comments from these agencies, as addressed by new Condition No. 34.c. The condition prohibits street parking in areas that block driveways to properties or impede vehicle turning along Verde Road and requires the applicant to coordinate with a fire service representative to mark the limits of parking along Verde Road, prior to the commencement of project operations. Final approval of the map by the agencies will be subject to an application for a Special Events Road Closure/Encroachment Permit, as required by Condition No. 34. Based on the foregoing, staff recommends that the specified lengths of Verde Road remain eligible for project visitor parking, in order to ease parking constraints at the site. It should be noted that the applicant explored parking opportunities on nearby properties, as required by Condition No. 15. However, establishment of parking on such properties for this year was restricted by terrain, as well as zoning and coastal permitting requirements.

b. Allow sword-fighting use and train rides on prime soil. As previously described, the sword-fighting coliseum and the train ride are located on prime soil. Section 6353(6) allows for "Uses Ancillary to Agriculture" on prime soils subject to the issuance of a PAD permit; commercial recreation uses are not permitted on prime soil. As previously stated, at its June 29, 2011 meeting, the Planning Commission found that these uses are not considered "ancillary to agriculture" but are considered commercial recreation and are, therefore, not permitted on prime soil. Condition No. 26 requires the applicant either remove the sword-fighting coliseum and associated uses, or to replace the proposed sword-fighting event with an agriculture-related commercial recreation use, subject to the approval of the Community Development Director. Condition No. 24 requires relocation of the train ride to areas of non-prime soil, prior to the opening day of the 2011 season.

As stated in the staff report addendum dated June 29, 2011, the applicant had proposed to add a produce car to the train ride to qualify the use as "ancillary to agriculture." The Planning Commission did not find that the train use with the produce car is ancillary to agriculture.

- c. Allow venue to close later on Fridays (10:00 p.m.), but earlier on Saturdays (10:00 p.m.) and Sundays (7:00 p.m.) in October. As recommended to the Planning Commission, Condition No. 10 required the venue to close at 7:00 p.m. on Fridays, by 11:00 p.m. on Saturdays, and by 8:00 p.m. on Sundays during the month of October. The applicant requests to close three hours later on Fridays (10:00 p.m. instead of 7:00 p.m.), and one hour earlier on Saturdays (10:00 p.m. instead of 11:00 p.m.). This request was reviewed by the County's Noise Specialist in the Environmental Health Division, who recommends a Friday night closure time of 9:00 p.m. due to the potential for noise to disturb neighbors in the area. The currently recommended version of Condition 10 has been revised accordingly.
- d. Allow applicant to retain 22 on-site parking spaces on prime soils. Condition No. 30 requires the 22 on-site parking spaces originally proposed on prime soils to be removed and the area returned to agricultural use. The applicant requests to retain the parking spaces on prime soils to ease project parking constraints. Due to the substantial increase in the number of parking spaces that have been determined to be available within the Verde Road right-of-way (from 22 to 58 parking spaces), and an increase

⁶ The PAD regulations define ancillary uses as agricultural grading equipment supplies, agricultural rental supplies, topsoil stockpiling, and other similar uses determined to be appropriate by the Community Development Director.

of 7 on-site parking spaces (described below), staff does not support this request.

C. MINOR REVISIONS TO THE CONDITIONS OF APPROVAL MADE BY PLANNING STAFF

Since the Planning Commission's approval of the project on June 29, 2011, Planning staff has made revisions to the conditions of approval as described previously in this report. In addition, staff has revised Condition No. 28 to address the revised parking plan, which maximizes on-site parking in areas of non-prime soils. Based on the revised map, on-site parking increases from 128 to 135 parking spaces (including 34 compact spaces and 5 handicapped parking spaces). The revisions to recommended Condition No. 28 are shown in tracked changes (strike-through and underline) in Attachment A.

D. <u>COMPLIANCE WITH THE COUNTY'S GENERAL PLAN, LOCAL COASTAL PROGRAM, AND ZONING REGULATIONS</u>

At the Planning Commission meeting of June 29, 2011, the Planning Commission found that the project, as proposed and conditioned, complies with the applicable policies of the County's General Plan, Local Coastal Program, and Zoning Regulations. Detailed staff analysis is contained within staff reports included as Attachments K (staff report, dated June 8, 2011) and L (staff report addendum, dated June 29, 2011). The necessary findings regarding project compliance are included in Attachment A.

E. ENVIRONMENTAL REVIEW

Minor revisions to Mitigation Measures 3 (Condition No. 28) and 6 (Condition No. 10) would not result in new significant impacts, as discussed below:

Revision to Mitigation Measure 3: Formerly, the mitigation measure required the applicant to maintain 144 parking spaces on-site and prohibited parking along Verde Road, as shown in Attachment I.

This mitigation measure has been revised to require the applicant/property owner to maintain a total of 135 on-site parking spaces. The revised parking plan, which includes revisions to on-site traffic circulation, was prepared by a licensed civil engineer and will not result in any new significant environmental impacts. The closure of the secondary driveway needed to achieve the increase in on-site parking was reviewed and approved by Cal-Fire and will not impact emergency access. As proposed and conditioned, the project will remove 22 parking spaces from areas of prime soil and create additional parking spaces in an area of non-prime soil. Therefore, the revised on-site parking plan will reduce project impacts to prime soil resources and would further relieve demands on street parking in the area.

Regarding street parking, the Planning Commission approved 22 parking spaces on Verde Road in an area that is 26 feet or greater in paved road width. As described in Section B.2.a of this report, staff has since worked with the applicant's civil engineer to identify a total of 58 parking spaces in areas along the Verde Road right-of-way where the provision of parking on the gravel shoulder will not impede through traffic, as shown by the map included as Attachment J. Based on preliminary review of the map by Cal-Fire and DPW, and subject to the requirements of Condition No. 34 (Requirement for Special Events Road Closure/Encroachment Permit), the approval and implementation of additional street parking will not result in any new significant impacts to emergency or pedestrian access in the area. The required signage of areas of restricted parking is a safety measure that will reduce the potential of illegal parking and associated impacts to emergency access.

Revision to Mitigation Measure 6: Mitigation Measure 6 has been revised to allow the venue to close two (2) hours later on Fridays (9:00 p.m. instead of 7:00 p.m.), but one hour earlier on Saturdays (10:00 p.m. instead of 11:00 p.m.) and one hour earlier on Sundays (7:00 p.m. instead of 8:00 p.m.) in October. The changes to the hours of operation will reduce project impacts to neighboring residences on Saturdays and Sundays in October, by reducing hours of operation on those days. Allowing the venue to close two (2) hours later on Fridays in October, extension of operating hours would not violate County noise control standards and will not extend into late night hours. Nor will the extension of operating hours on Fridays generate additional traffic locally or regionally. Venue closure at 9:00 p.m., rather than 7:00 p.m., will minimize the number of vehicles exiting the site onto Cabrillo Highway and local streets in Half Moon Bay during commute hours. Due to the rather remote location of the site and because no meals are provided at the site, it is unlikely that a large number of additional visitors will be traveling to the site during evening commute hours. Therefore, the extension of operating hours on Fridays will not result in a significant environmental impact.

CEQA allows for minor changes to the project without recirculation of the environmental document as long as the changes would not result in new significant impacts.

F. REVIEWING AGENCIES

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

County Counsel has reviewed and approved the materials as to form and content.

The approval of the project contributes to the 2025 Shared Vision outcome of a Livable Community by allowing the continuation and regulation of recreational activities at the site, which contribute to the regional celebration of pumpkin season and the diversity of recreational opportunities on the Coastside.

FISCAL IMPACT:

Nominal cost to Planning and Building Department to monitor compliance with conditions of approval for the project.

ATTACHMENTS:

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Proposed Site Plan
- D. As-Conditioned Site Plan
- E. Revised As-Conditioned Site Plan to Increase On-Site Parking
- F. Appeal Filed by Lillian Arata and Attachments
- G. Appeal Filed by Applicant and Letter from Michael McCracken
- H. Initial Study Checklist and Negative Declaration
- Measurements Along Verde Road at Cabrillo Highway
- J. Measurements Along Length of Verde Road
- K. Staff Report, dated June 8, 2011 (excludes attachments)
- L. Staff Report Addendum, dated June 29, 2011 (excludes attachments)
- M. Letter of Decision
- N. Williamson Act Contract for Property
- O. Certificate of Liability Insurance
- P. Letter of Concurrence from Gary Arata, dated June 15, 2011
- Q. Public Comments Received on the Mitigated Negative Declaration
- R. Letters of Support
- S. Letter from County Regarding Exhibits, dated October 21, 2010
- T. September 2010 Interim Operating Conditions
- U. Williamson Act Survey/Receipts for Seed
- V. Receipts for Traffic Security Firm
- W. Receipts for Portable Facilities

COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL THROUGH DECEMBER 31, 2011

Permit File Number: PLN 2010-00207

Board Meeting Date: September 13, 2011

Prepared By: Tiare Peña, Project Planner

For Adoption By: Board of Supervisors

Camille Leung, Project Planner

RECOMMENDED FINDINGS:

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

Regarding the Mitigated Negative Declaration, Find:

- 1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines. An Initial Study and a Mitigated Negative Declaration were prepared and issued with a public review period from April 20, 2011 to May 2, 2011, per the provisions of the CEQA.
- 2. That certain mitigation measures identified in the circulated Mitigated Negative Declaration are infeasible or otherwise undesirable, such that deletion of those mitigation measures and substitution of other measures (as shown in underline and strike-out) would be equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment; and that the new measures will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than, the original measure and will create no more adverse effect of its own than would have the original measure.
- 3. That on the basis of the Initial Study, 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 Mitigated Negative Declaration, will have a significant effect on the environment. The mitigation measures contained in the Mitigated Negative Declaration and the conditions of approval in this document adequately mitigate any potential significant effect on the environment.
- 4. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.

5. That the mitigation measures identified in the Mitigated Negative Declaration have been agreed to by the applicant and property owner and placed as conditions on the project. 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 Mitigation Monitoring and Reporting Plan is necessary.

Regarding the After-the-Fact Planned Agricultural District Permit, Find:

- 6. As proposed and conditioned, the project complies with the regulations of the Planned Agricultural District. The uses proposed on prime soils (i.e., hay maze and coliseum) are considered commercial recreation and relocation of those uses to areas of non-prime soils (where commercial recreation uses are allowed with the issuance of a PAD permit) is required for the renewal of the PAD permit (Condition No. 33.a). The project consists of a temporary use that would not impact the viability of on-site prime soils. Condition No. 35 requires the applicant/property owner to restore the quality of the soil in areas of the hay maze and coliseum, as necessary to reestablish prime soil characteristics, by January 1, 2012. Agriculture would remain the predominant use of the property, occupying 3.03 acres, where recreation uses would occupy 2.-19 acres of the property.
- 7. That the project conforms to the Development Review Criteria contained in Chapter 20A of the San Mateo County Zoning Regulations, specifically relating to the protection of scenic resources. Based on staff's review contained in the staff report dated August 29, 2011, the project, as proposed and conditioned, complies with applicable Development Review Criteria, including, but not limited to, those relating to protection of views within scenic corridors and minimization of development on prime agricultural soils. As discussed in the staff report, Condition No. 5 requires the applicant/property owner to maintain and plant additional vegetative screening of all aspects of commercial recreation use. As proposed and conditioned, the project minimizes development on prime soils by requiring the relocation of the train ride to an area of non-prime soils (Condition No. 24), the location of the hay maze and coliseum to areas of non-prime soil as a condition of permit renewal (Condition No. 34), and the restoration of soils within the footprint of the hay maze and coliseum prior to January 1, 2012 (Condition No. 35).
- 8. That the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain animal grazing. As discussed in the staff report dated <u>August 29</u>, 2011, no new permanent structures or uses are proposed which would result in the permanent conversion of agricultural lands.
- 9. That all development on the site is clustered. As discussed in the staff report dated August 29, 2011, proposed development is clustered on the eastern part of the property.

10. That the encroachment of all development upon prime soils, land which is suitable for agricultural uses, and other lands is minimized. As proposed and conditioned, the project minimizes development on prime soils by requiring the relocation of the train ride to an area of non-prime soils (Condition No. 24), the location of the hay maze and coliseum to areas of non-prime soil as a condition of permit renewal (Condition No. 34), and the restoration of soils within the footprint of the hay maze and coliseum prior to January 1, 2012 (Condition No. 35).

Regarding the After-the-Fact Coastal Development Permit, Find:

- 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, Recreation/Visitor Serving Facilities Component and the Visual Resources Component. In compliance with the applicable policies of the Agriculture Component, the project minimizes development on prime soils by requiring the relocation of the train ride to an area of non-prime soils (Condition No. 24), the location of the hay maze and coliseum to areas of nonprime soil as a condition of permit renewal (Condition No. 34), and the restoration of soils within the footprint of the hay maze and coliseum prior to January 1, 2012 (Condition No. 35). Condition No. 4 requires the applicant/property owner to locate the hay maze outside of the required 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek, in compliance with applicable policies of the Sensitive Habitat Component. In compliance with applicable policies of the Sensitive Habitat Component, Condition No. 5 requires the applicant/property owner to maintain and plant additional vegetative screening of all aspects of commercial recreation use and Condition No. 12 regulates the number, location, size and color of signs at the property. The project also complies with applicable policies of the Recreation/Visitor Serving Facilities Component, specifically the encouragement of commercial recreation facilities that would permanently subsidize agriculture, when conversion policies have been met.
- 12. The project is in conformity with the public access and public recreation policies of the San Mateo County Local Coastal Program. The project site is not located between the nearest public road and the sea and will not impact coastal access or recreation opportunities.
- 13. That the project, as conditioned, conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program (LCP), as described above.

RECOMMENDED CONDITIONS OF APPROVAL:

Current Planning Section

- 1. This approval applies only to the proposal described in this report and submitted to and approved by the Planning Commission Board of Supervisors on June 29 September 13, 2011. 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 PAD permit shall expire on December 31, 2011.
- 3. The applicant/property owner shall coordinate with the project planner to record the Notice of Determination and pay an environmental filing fee of \$2,044 (or current fee), as required under Fish and Game Code Section 711.4(d), plus a \$50 recording fee to the San Mateo County within four (4) working days of the final approval date of this project.
- 4. Within 30 days of permit approval and prior to undertaking any additional construction of commercial recreation elements on the parcel, the applicant/ property owner shall submit for approval by the Community Development Director a site plan developed by an engineer. Such plan shall include all project elements and shall delineate the location of the hay maze in relation to the required 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek.
- 5. The applicant/property owner shall maintain and plant additional vegetative screening of all aspects of commercial recreation use (i.e., hay maze, jump houses, etc.) such that structures are minimally visible from Cabrillo Highway, to extent feasible, as determined by Community Development Director.
- 6. 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) shall be subject to the issuance of a PAD permit.
- 7. The petting zoo shall be limited to animals traditionally associated with California coastal agriculture (i.e., sheep, goats, chickens, etc.).
- 8. 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 and to the satisfaction of the Community Development Director.
- 9. The applicant/property owner shall maintain the dirt-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.

10. Mitigation Measure 6: The applicant/property owner shall strictly adhere to the following months, days and hours of operation:

July - November (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 – Friday Thursday: 9:00 a.m. – 7:00 p.m.

<u>Friday: 9:00 a.m. – 7:00 9:00 p.m.</u> Saturday: 9:00 a.m. – <u>11:00 10:00 p.m.</u> Sunday: 9:00 a.m. – <u>8:00 7:00 p.m.</u>

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

11. All owners, employees, visitors and individuals otherwise associated with the property shall park on-site, or within the 450-foot-lengths of Verde Road approved by Cal-Fire and the Department of Public Works staff shown in Attachment H J of the staff report. Parking along Verde Road shall accommodate a maximum of 22 58 parking spaces and maintain a clear 26 20-foot wide paved road width. 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, (2) submit a signage plan to include the placement of "No Parking – Fire Lane" signs at intervals along Verde Road, with the exception of the portion of road described above, subject to the approval of the DPW, and (3) enter into a maintenance agreement with DPW for maintenance of signage as approved by DPW. The traffic control plan shall show any shuttle routes and any off-site parking spaces, as well as a plan to turn away visitors if all authorized parking spaces are full. 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.

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 permanently mark the start and end of the 450 foot sections of Verde Road along which parking is allowed, as well as the individual 22 58 parking spaces to promote efficient parking. As required by Condition No. 34, Tthe applicant shall contact the County Sheriff's Office immediately if there are

violations of the "No Parking" zones. Furthermore, <u>as required by Condition No.</u> 34, the applicant shall hire security guards or <u>and</u> after-hour police/sheriff's officers, as needed, to ensure that the "No Parking" zones are <u>adequately</u> enforced. able at all times.

- 12. 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 and shall be of the same earth and vegetative tones as the predominant colors of the site, as determined and to the satisfaction of the Community Development Director. All signage shall be removed from the site within 30 days of the end of seasonal activities.
- 13. No signage shall be allowed on or along Cabrillo Highway.
- 14. Mitigation Measures 2 and 4: During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant/property owner shall employ at least three (3) parking attendants in September and a minimum of six (6) parking attendants for weekends in October (per Condition No. 34) to assist in the facilitation of pedestrian and vehicular movement from Cabrillo Highway and Verde Road, vehicles entering and exiting the site, and within the designated parking area on the site. During the Halloween/Pumpkin Festival Season, the applicant shall install no more than four (4) 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. The applicant/property owner shall be responsible to ensure that no parking occurs on or along Cabrillo Highway or within areas of Verde Road where parking is prohibited.
- 15. 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.
- 16. At the end of the Halloween/Pumpkin Season on November 30, operation of all activities will cease and within 30 days, the applicant/property owner shall deconstruct the hay maze and coliseum. Hay that is stacked for future use shall be clustered and located at least 50 feet away from the edge of riparian vegetation on lands deemed Class IIV (non-prime soils).
- 17. During winter to spring months of December 1 to May 30, the applicant/property owner must commit all areas of prime soils available for agricultural production to viable agricultural production, including but not limited to the harvesting of winter crops and grazing uses. In discussion with the Department of Agricultural Weights and Measures, Brussels sprouts, cabbage, leeks, broccoli, cauliflower, and artichokes could be cultivated during the winter months, for harvest in the spring. The applicant/property owner shall supply financial records to the Current Planning Section by June 15 of each year to confirm compliance with this condition.

- 18. The applicant/property owner shall submit for review and approval a trash and debris management plan that, at the minimum, addresses immediate removal of trash and debris and its management on the property in a contained area that avoids any health or safety impact to the public, riparian buffer zones and areas used for agricultural operation. The plan shall be submitted for review and approval by the Community Development Director within 30 days of the approval of the permit.
- 19. The use of flashing lights on the property is prohibited.
- 20. 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.
- 21. The applicant/property owner 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.
- 22. 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.
- 23. 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.
- 24. The applicant/property owner shall relocate the train ride and the bounce house to areas of non-prime soil, prior to the opening day of the 2011 season. The train ride and the bounce house shall be located and maintained outside of areas of prime soils for the life of the project.
- 25. 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.
- 26. The applicant/property owner shall either remove the sword-fighting coliseum and associated uses, or replace the proposed jousting sword-fighting event/movie use within the coliseum/viewing area with an agriculture-related commercial recreation use, subject to the approval of the Community Development Director.
- 27. Mitigation Measure 1: The applicant/property owner shall utilize less than 3.03 acres of the total area of land for recreational activities. This permit does not allow any intensification or expansion of use beyond the scope of the approved project. At such time that the farm-related-agritainment use ceases, any structures (other than the barns and single-family dwelling) shall be removed and the land made available for agricultural purposes.

- 28. Mitigation Measure 3: The applicant/property owner shall maintain the 128 135 parking spaces within the property. 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.
- 29. 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.
- 30. The applicant/property owner shall utilize areas of prime soils where the 22 parking spaces were removed on-site, for agricultural production, for the life of the project.
- 31. 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."
- 32. 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.
- 33. In order to renew the PAD Permit, the applicant shall submit the following information for the review and approval of the relevant decision making body:
 - a. Revised site plan showing the relocation of the hay maze and the coliseum structures to on-site areas of non-prime soils. Current location of hay maze and the coliseum structures shall be committed to agricultural production.
 - A traffic control plan showing location and number of off-site parking spaces and associated access roads, in compliance with Condition No. 15.
- Prior to the start of operation, the applicant/property owner shall restrict parking on Verde Road by complying with one of the following options, subject to the approval of the Department of Public Works (non-compliance with this condition may result in the revocation of this permit):
 - a. Option No. 1: Condition of the Temporary Use Permit

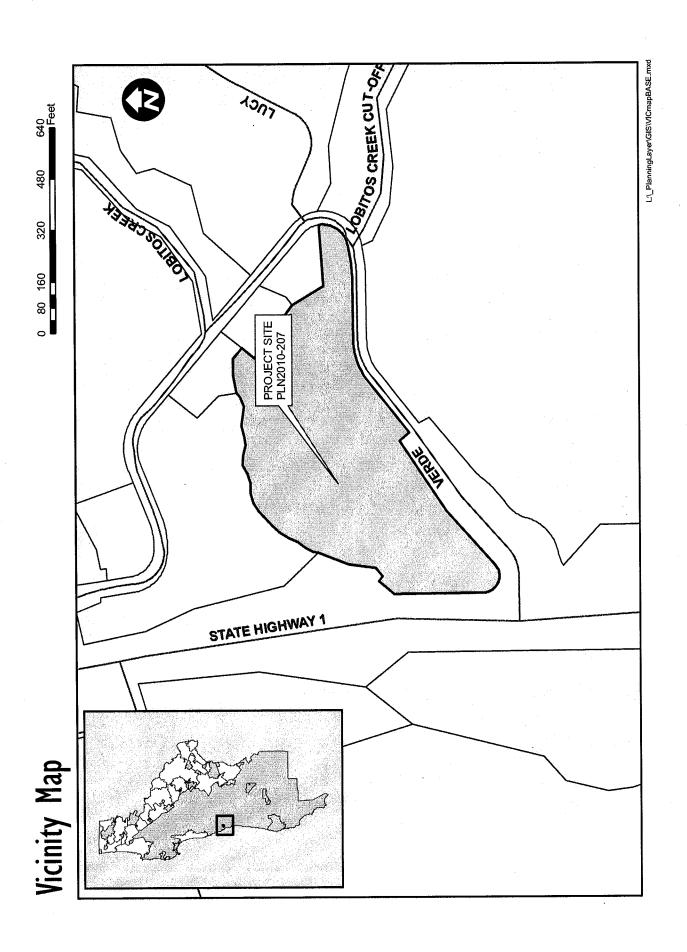
For all weekends of the month of October, the applicant shall apply for and obtain a Special Events Road Closure/Encroachment Permit and comply with all applicable requirements of the permit. The applicant shall submit a plan, subject to DPW review and approval, to restrict parking within the closed 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)7, as approved by DPW. The applicant shall utilize a minimum of six (6) parking attendants, as deemed necessary by DPW, 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 16-20 feet for emergency vehicles at all times.

- b. Option No. 2: The applicant shall pay for the implementation of permanent parking restrictions along the entire length of Verde Road, including, but not limited to, staff time involved in presenting an Ordinance to the Board of Supervisors. The Ordinance process normally takes approximately three (3) months to implement.
- C. At no time should street parking block driveways to properties or impede vehicle 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, 2011 or commencement of venue operations, whichever is later.
- The applicant/property owner shall restore the quality of the soil in areas of the hay maze and coliseum, as necessary to reestablish prime soil characteristics, by January 1, 2012. In order to ensure compliance, the condition requires the applicant to submit a \$5,000⁸ bond to the County, prior to commencing any commercial recreation activities at the site. Such surety shall only be released upon confirmation by Planning staff of soil restoration, which includes, but is not limited to, (1) the submittal of receipts for any soils amendments purchased and (2) a site visit performed **during** the soil restoration operation.

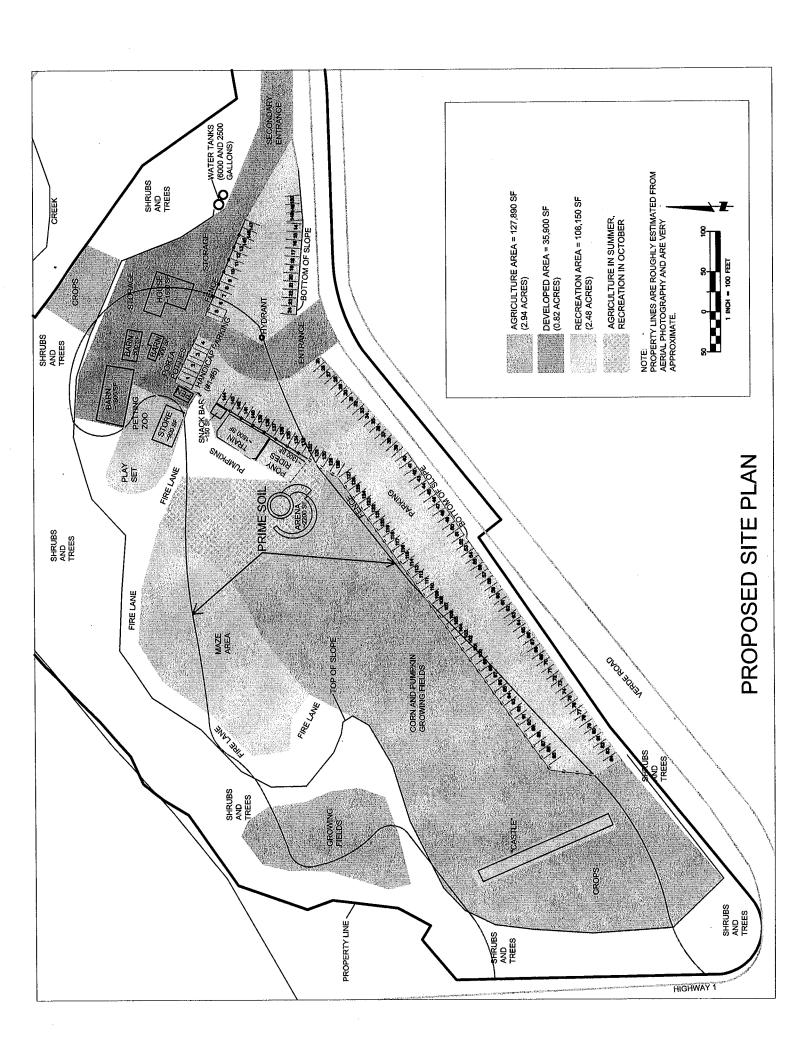
² Based on a phone conversation with Sgt. Scott Kirkpatrick on August 19, 2011.

⁸ Amount of bond based on staff's cost estimate for restoration of one (1) acre of land, per discussion with Rice Soil Farm in Half Moon Bay.

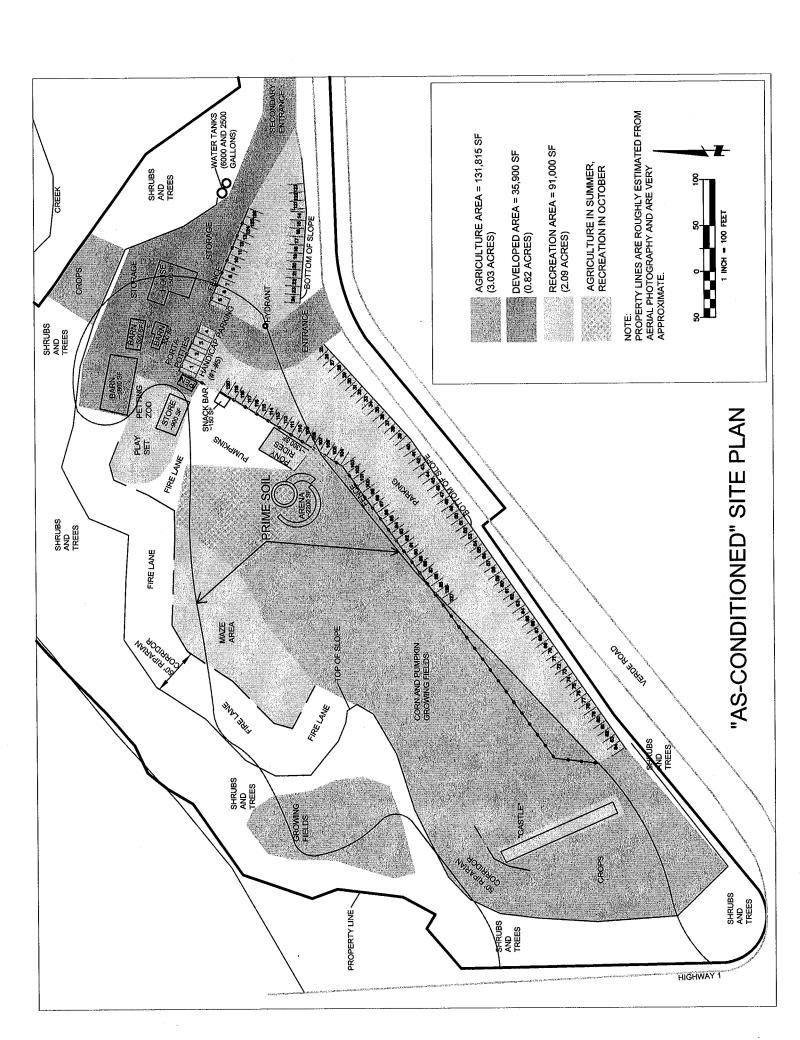
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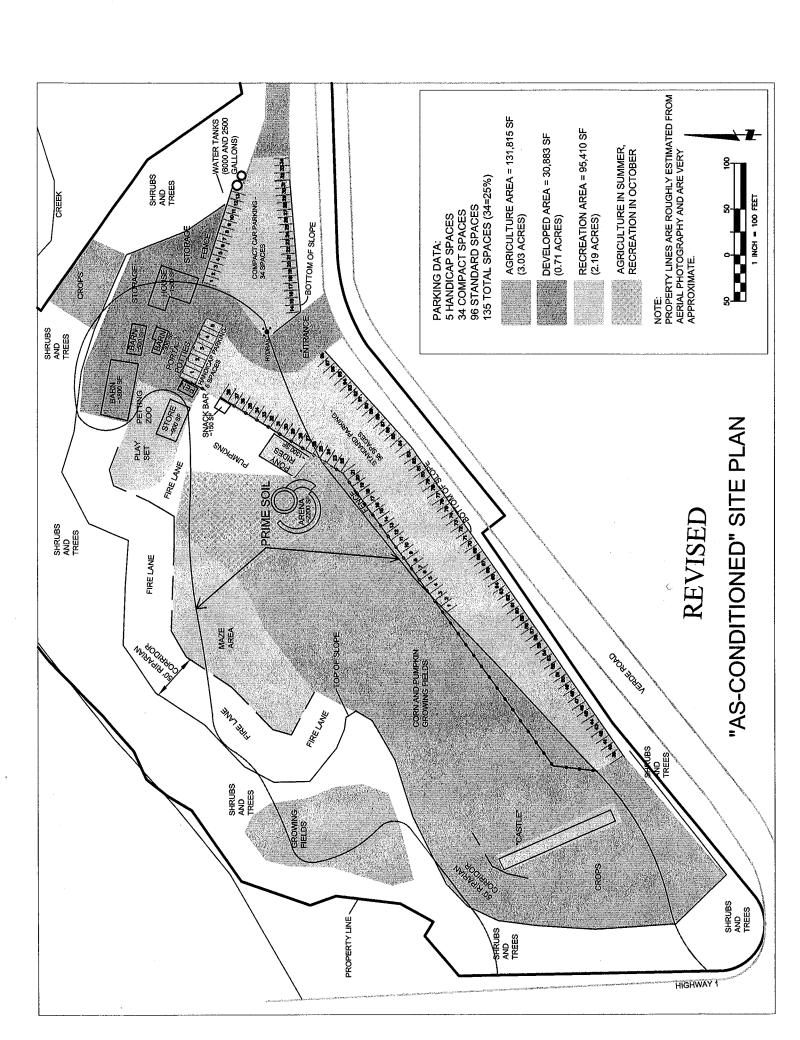


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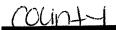


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Application for Appeal

- To the Planning Commission
- To the Board of Supervisors

County Government Center = 455 County Center, 2nd Floor Redwood City = CA = 94063 = Mail Drop PLN 122 Phone: 650 = 363 = 4161 Fax: 650 = 363 = 4849

Name: Lillian Arata	Addres	Address: 3225 Pompino Creek Road				
	San Gregorio, CA					
Phone, W: 6502811825 H: 6507264785	Zip:	94074	RECEIVED			
	i		JUL 1 3 2011			
Permit Numbers involved:		V.	San Mateo County			
File No. PLN 2010-00207	I have read and understood the attraction and Building Department and appeal process and alternatives.					
(PAD and CD Permits)						
I hereby appeal the decision of the:						
Staff or Planning Director	Appell	ant's Signature:				
Zoning Hearing Officer	1 ''					
Design Review Committee		Date: July 13 - 2011				
Planning Commission	Date: July 13 - 2011					
made on 6/29 20 11, to approve/deny the above-listed permit applications.		ν ν				

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

Appellant requests reversal of the Planning Commission's decision on 29 June 2011 to approve PLN 2010-00207, for the following reasons:(i)the County lacks jurisdiction because appellant does not consent to the applicant 's permit request(ii)general plan inconsistency(iii)the use is not allowed on prime or non-prime agricultural lands within the PADdistrict or under the Local Coastal Program (iv) the use is prohibited by the Williamson Act contract on the property as well as by the Williamson Act itself (v) the Mitigated Negative Declaration associated with the application is insufficient and an EIR is required under CEQA; (vi) new Condition of Approval 33 is subject to the same flaws raised by appellant regarding Revised COA 11; (vii) the use is unlike any other seasonal recreational farm use in the County. For precise objections regarding each issue above, please refer to appellant's 7 June, 22 June and 28 June opposition letters and memorandum and to the Committee for Green Foothills 29 June opposition letter regarding item (vii) above. Please attach each of the above-referenced letters and memorandum to the staff report to ensure review by the Board.



7 June 2011

BY EMAIL

San Mateo County Planning Commission County Government Center 455 County Center, 2nd Flr. Mail Drop PLN122 Redwood City, CA 94063.

Re: <u>Opposition of Lillian Arata to Land Use Entitlements Requested for Arata Pumpkin Farm (PLN 2010-0027)</u>.

Dear Planning Commissioners:

On 8 June 2011, you will consider a request of Chris and Sunneva Gounalakis ("Applicant") for the adoption of a mitigated negative declaration and approval of a coastal development permit ("CDP") and planned agricultural permit ("PAP") for the operation of a "pumpkin patch" theme park ("Theme Park") at 185 Verde Road in San Mateo County (APN: 066-310-080) ("Property").

My client, Lillian Arata, owns an undivided, one-half interest in the Property. Mrs. Arata respectfully requests that you not adopt the mitigated negative declaration, that you deny the Applicant's request for a CDP and PAP, and that you ask the San Mateo District Attorney to initiate an action to abate, remove and enjoin the Theme Park from operating on the Property, for the following reasons, described in detail further below:

- Mrs. Arata has not consented to the request for a CDP and PAP to authorize the Theme Park use:
- The Theme Park is not an allowed use under the Planned Agricultural District zoning designation applicable to the Property;
- The Theme Park is not an allowed use under the Local Coastal Program policies applicable to the Property;

The Law Office of Andrew C. Bell | P.O. Box 40580, San Francisco, California 94140-0580 p: +1.415.666.2296 | f: +1.415.666.2298 | andrew@andrewcbell.com | andrewcbell.com

- The Theme Park is prohibited by a Williamson Act contract and is not a compatible Williamson Act use;
- The 1 September 2010 Interim Operating Conditions temporarily authorizing the Theme Park are null and void because the Theme Park is a public nuisance that should be abated, removed and enjoined by the San Mateo County District Attorney; and
- The mitigated negative declaration associated with the request for a CDP and PAP is inappropriate and an EIR is required because the administrative record contains substantial evidence of significant impacts even after mitigation.

Introduction.

The Property consists of 8.37 acres of land farmed since the 1930s for the commercial sale of pumpkins under the common ownership of brothers John and Clarence Arata. In 1999, John Arata bequeathed his one-half undivided interest in the property to his son Gary Arata. In 2006, Clarence's one-half undivided interest was bequeathed to his widow Lillian Arata.

In 1999, the Applicant leased the Property. In 2000, the Applicant began operating seasonal entertainments on the Property. After Clarence Arata's death in 2006, the Applicant began to greatly expand the seasonal entertainments on the Property into what is now an agricultural theme park consisting of a graveled parking lot for 144-parking spaces, a roughly two-acre hay bale maze, a hay bale coliseum with gladiator fights, a petting zoo, pony rides, train rides, a haunted barn, birthday parties, movie nights, and late night "raves" hosted party promoters and featuring D.J.s and adult-themed cabaret. The Theme Park currently operates from May through November.

The Applicant did not seek a permit from the County for any of the Theme Park uses until 28 June 2010, after the County Planning and Building Department, Cal-Fire, Environmental Health, the District Attorney's Office and the Sherriff's department required all unpermitted activities on the property to cease until the required permits were secured. On 1 September 2010, County Planning issued an "Interim Operating Conditions" letter purporting to authorize the Theme Park use on a temporary basis until the Planning Commission decides on the PAP and CDP.

The Applicant seeks permits for the following uses on the Property seven days a week from May through November from 8:30 am to 11:00 pm: pony rides, train ride, hay bale maze, hay bale coliseum with gladiator fights, jousting events, petting zoo, air jumpers, private party rentals, school field trips, prepared food sales, and a 144-space parking lot. Pumpkin picking and a haunted barn would operate September through November. Movie nights would occur in October on Friday and Saturday nights until 11:30 p.m.

The Planning Commission Cannot Approve the Theme Park Use Because the Applicant Has Not Obtained Landowner Consent.

Lillian Arata owns a one-half, undivided interest in the Property. She does not consent to the Applicant's request for a PAP and CDP authorizing the Theme Park.

Section 6353 of the San Mateo County Zoning Regulations requires the County to process a PAP by the same procedures as a use permit under Section 6503 of the San Mateo County Zoning Regulations. Section 6503 states that "If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application."

The "owner" under Section 6503 is both Gary Arata and Lillian Arata, as holders of their respective one-half, undivided interests in the Property. As such, the purported letter of consent from Gary Arata included as an exhibit to the 8 June staff report to the Planning Commission is insufficient evidence of owner consent. Because Lillian Arata has not provided the Applicant with written authorization to act on her behalf with regard to this proceeding, the Planning Commission cannot process – let alone authorize – the PAP and CDP for the Theme Park.

The Theme Park Use is Inconsistent with the San Mateo County General Plan.

The Property is subject to an Agricultural land use designation under the San Mateo County General Plan, which allows "resource management and production uses including but not limited to agriculture and uses considered accessory and ancillary to agriculture." The Theme Park use is not an agriculture use – as the 8 June Staff Report to the Planning Commission acknowledges, it is a "commercial recreation" use. As demonstrated below, the Theme Park use is the primary use of the Property, it is not accessory and ancillary to agricultural use of the Property. The Theme Park use is inconsistent with the San Mateo County General Plan because it is neither an agricultural use nor a use accessory and ancillary to agriculture.

The Theme Park Use Is Not Allowed by the Planned Agricultural District Zoning Designation.

The Property is governed by a Planned Agricultural District (PAD) zoning designation. The purpose of the Planned Agricultural District is to "1) preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production, and 2) minimize conflicts between agricultural and non-agricultural land uses..." San Mateo Zoning Regulations Section 6350.

Allowed uses within the PAD differ based on whether the use is located on or off prime agricultural land. According to the Theme Park site plan, the Theme Park use occurs almost entirely on prime agricultural land, with the limited exception of roughly 0.75 acres of crops, a portion of the hay-bale maze, and the majority of the 144-space parking lot.

The Theme Park use is not allowed on prime agricultural lands within the PAD, either as a primary use or as an ancillary agricultural use.

The Planning Staff report for the 8 June 2011 Planning Commission hearing defines the Theme Park use as a "commercial recreation" use. Commercial recreation uses are only allowed within the PAD on non-prime agricultural lands by PAP. As admitted in the staff report, commercial recreation uses are <u>not</u> allowed on prime agricultural land in the PAD. 8 June Staff Report to Planning Commission, page 9.

The staff report tries to work around this obvious road block by individually assessing each of the Theme Park entertainments on prime agricultural lands and deeming each of them to be ancillary agricultural uses allowed on prime soils by PAP in the PAD. This turns the County's Zoning Regulations on their head. It attempts to allow a prohibited, primary commercial recreation use as an allowed ancillary "agriculture" use by "piecemealing" the Theme Park use into multiple uses rather than recognizing it as a single unified, large-scale operation.

The Theme Park use is not an "ancillary to agriculture" use allowed by a PAP on prime agricultural lands. The PAD defines "uses ancillary to agriculture" as "agricultural grading equipment supplies, agricultural rental supplies, topsoil stockpiling, and other similar uses determined to be appropriate by the Planning Director." San Mateo Zoning Regulations Section 6351(E).

As a matter of kind or type of use, in no way can pony rides, train rides, hay bale mazes, hay bale coliseums with gladiator fights, jousting events, movie nights, petting zoos, air jumpers, private party rentals, school field trips and prepared food sales be characterized as "similar" to agricultural grading equipment sales, agricultural rental supplies, and topsoil stockpiling. Unlike the ancillary agricultural uses defined by the PAD, the Theme Park entertainments do not involve the sale or rent of agricultural farming equipment or

¹ The Theme Park does not qualify as a permitted use on prime agricultural lands in the PAD. The Theme Park is not an "agricultural" use allowed "by right" because pony rides, train rides, hay bale mazes, hay bale coliseums with gladiator fights, jousting events, petting zoos, air jumpers, private party rentals, school field trips and prepared food sales are not activities that involve "the cultivation of food, fiber, or flowers, and the grazing, growing or pasturing of livestock" or other similar uses. San Mateo Zoning Regulations Section 6351(D).

the storage of raw materials used for farming (the Applicant does not purchase \$100,000 of hay each year to support agricultural operations on an 8-acre farm).

The 8 June staff report recognizes as much with regard to the jousting events, movie nights, train ride and air jumpers by prohibiting them on prime agricultural lands. But the same holds with regard to the other proposed Theme Park entertainments as well, which the staff report attempts to permit as ancillary agriculture uses because they are "agriculture-related."

This is inapt. An agriculturally-themed use is not the same as an ancillary agricultural use. For example, the staff report deems the hay maze/labyrinth/coliseum/mini-maze to be ancillary agricultural uses because they "involve the storage of materials traditionally associated with agriculture." But, unlike the PAD definition of "ancillary agriculture", the hay maze/labyrinth/coliseum will not be *used* for agricultural purposes, they will be used for commercial entertainment purposes instead, and are therefore not allowed on prime agricultural lands within the PAD. There would be no room for argument if they were made of wood or plastic, for example.

The same holds for the "haunted barn"; it may be agriculturally themed, but in no way can a haunted house be deemed ancillary to the agricultural operations of a farm; it is of no agricultural value. The petting zoo is used for entertainment as well – petting animals – the animals are not used for commercial agricultural purposes. The zoo may be agriculturally themed, but it is not used for ancillary agricultural purposes; it's strictly for entertainment. The sales kiosk isn't even agriculturally themed, let alone ancillary to agriculture; as stated in the staff report, it is ancillary to the (impermissible) commercial recreation use because it "...is necessary to support other recreational uses of the property". 8 June Staff Report to Planning Commission, page 10. Finally, replacing the jousting/movie night use with another agriculture-related commercial recreation use, as proposed by Condition of Approval 26, is impermissible on the Property's prime agricultural lands for the same reasons.

Nor as a matter of degree can the Theme Park be deemed "ancillary" to agricultural uses in a more general sense. The staff report repeatedly asserts that the Theme Park use is ancillary because it will occupy only 0.94 acres of the Property while corn and pumpkins – the purported primary use – are grown on 2.94 acres of the Property.

This is an incorrect assertion for two reasons. First, because Theme Park site plan attached to the staff report, and attached hereto as Exhibit A, shows that the Theme Park use occupies much more than 0.94 acres of the Property. The site plan indicates that 0.94 acres of the property will be occupied by most of the hay bale maze and the petting zoo. But that total does not include a substantial portion of the rest of the hay bale maze and the extensive fire lanes it requires, other hay bale structures such as an "arena", access roads, the pony rides, the train, the snack bar, the porta-potties, or the massive 144-space parking

lot that alone occupies roughly two acres of the Property. Nor does the 0.94-acre estimate include a substantial portion of the "corn and pumpkin growing fields" that are occupied by a "castle" and giant metal gorilla statute on the western side of the Property, as well as by extensive hay bale ride access roads, as observable from aerial photos of the Theme Park during high season, attached hereto as Exhibit B. As such, the Theme Park use occupies more than three acres of the Property.²

Second, distinguishing primary uses from ancillary uses based on the acreage occupied by each use completely ignores the nature and intensity of the uses that occur on them. No one would define a house on a one-acre lot with a large yard as an open space use. Nor would a football stadium surrounded by a large parking lot be defined as a parking lot use. Here, the Theme Park and its own ancillary uses are clearly the primary, most intensive use of the property, not the pumpkin and corn field, as demonstrated by the large volumes of people who visit the property each year. The Theme Park operates seven days a week during all dry months of the year and is only closed during the months when rain is likely to interfere with open air operations.

The Theme Park is the primary revenue source on the Property, as well, with ancillary cultivation of corn and pumpkins serving to facilitate the "pumpkin patch" theme, not the other way around. For example, the Applicant sells pumpkins on the Property for one dollar a piece and up, depending on the size of the pumpkin, but charges the following for Theme Park activities:

Minotaur's Labyrinth Hay Maze	\$ 7	Unlimited Admittance for the Day
Haunted Barn	\$ 5	Single Entry per Purchase
Hay Ride	\$5	Single Entry per Purchase
Petting Zoo	\$ 3	Unlimited Admittance for the Day
Pony Ride	\$5	Single Entry per Purchase
Train Ride	\$4	Single Entry per Purchase
Play Land	\$3	Unlimited Admittance for the Day
October Weekend Nights	\$15	Night-time Entry to Minotaur's Labyrinth, Haunted Barn and Movie

Source: http://www.aratapumpkinfarm.com/pricing.html (Accessed 2 June 2011).

These fees apply, per person, May through November – a period much longer than the period during which pumpkins are sold (September through November). Notably, the

² San Mateo County Zoning Regulations Section 6355(D)(3) requires the conversion of prime agricultural lands by PAP for ancillary agriculture uses to be as small as possible and occupy no more than three acres.

Applicant has not provided any evidence demonstrating that sales of pumpkins grown on site are the predominant source of revenue for Property.³

The Theme Park use is not allowed on non-prime agricultural lands within the PAD.

Commercial recreation uses are allowed by PAP on non-prime agricultural lands within the PAD if they meet certain criteria. San Mateo County Zoning Regulations Section 6353(B)(7); 6355. As demonstrated in the following table, the Theme Park use does not meet such criteria. The table compares and opposes many of the staff report's compliance determinations. Unlike the staff report, the rebuttals generally do not address prime agricultural lands issues because, as explained above, a PAD permit for Theme Park uses is not allowed on prime agricultural lands.

Staff report compliance review.	Why non-compliant.
Compliant. Petting zoo, haunted barn and sales kiosk are limited to areas that are already developed. Condition No. 24 requires the property owner to relocated areas of train ride and the bounce house to areas of non-prime soil. Hay maze, minimaze and the pony ride areas are located on prime soils, but do not involve the construction of any permanent structures.	Non-compliant. More than two acres of the Theme Park use encroach on substantial portions of the non-prime agricultural lands of the Property, as follows: 144-space parking lot, hay bale maze, fire lane for hay bale maze and other recreation area, putting it out of agricultural operation for at least at least five months out of the year.
Compliant. Proposed development is clustered on the eastern part of the property, next to existing agricultural development.	Non-compliant. The 144-space parking lot occupies the entire length of the non-prime lands portion of the property. Uses could be clustered more tightly on non-prime developed lands marked in blue on the Theme Park site plan or on small portions of non-prime agricultural lands to along the eastern edge of the Property.
[staff report evaluates project against criteria]	Not applicable. As explained above, Theme Park uses are not allowed on prime agricultural lands within the PAD.
	barn and sales kiosk are limited to areas that are already developed. Condition No. 24 requires the property owner to relocated areas of train ride and the bounce house to areas of non-prime soil. Hay maze, minimaze and the pony ride areas are located on prime soils, but do not involve the construction of any permanent structures. Compliant. Proposed development is clustered on the eastern part of the property, next to existing agricultural development. [staff report evaluates project

The sheer volume of pumpkins visible on the Property from aerial photographs taken during high season (See Exhibit B to this letter) call into question whether all of the pumpkins could have been cultivated on a mere 2.94 acres of fields that are not rotated and are grown with corn at the same time.

Criteria	Staff report compliance review.	Why non-compliant.
all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and	Compliant. The property consists predominantly of prime soils. Areas considered "lands suitable for agriculture" are proposed for parking and hay maze uses. Agriculturally unsuitable lands are heavily vegetated and undeveloped. The property will maintain current agricultural production of 2.94 acres of the property. The applicant states that the addition of the revenue-generating commercial recreational uses will allow the property to remain in agricultural production.	Non-compliant. Uses could be clustered more tightly on non-prime developed lands marked in blue on the Theme Park site plan or on small portions of non-prime agricultural lands to along the eastern edge of the Property.
2. continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act), and	Compliant. Same as above.	Non-compliant. The Property had been successfully farmed for 70 years prior to conversion to Theme Park uses and, based on that record, could continue to do so if returned to its former condition.
clearly defined buffer areas are developed between agricultural and nonagricultural uses, and	Compliant. The proposed site plan provides for clear division of agricultural and recreational uses on the property.	Non-compliant. Corn and pumpkin fields are adjacent to hay maze, arena and parking lot; corn and pumpkin fields are part of Theme Park use ("river" of pumpkins, "castle" and hay ride roads).
4. the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing, and	Compliant. The productivity of adjacent agricultural land will not be diminished.	Non compliant. The productivity of the adjacent prime agricultural lands within the Property are diminished by extending Theme Park uses onto prime agricultural land (hay bale maze, fire lane, pony rides, snack bar, parking spaces, porta potties) and by growing pumpkins interspersed with corn to facilitate the Theme Park use (hayride, "river" of pumpkins, hayride access roads, "castle"), rather than intensive commercial pumpkin production. The extension of Theme Park use places much of the Property's prime agricultural lands out of production for seven (proposed) to five months (staff

Criteria	Staff report compliance review.	Why non-compliant.
		suggested limit) out of the year.
5. public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and	Compliant. There is no change to existing public services, including facility expansions. The productivity of adjacent agricultural land will not be diminished.	Non-compliant. As evidenced in 2009 and 2010 complaints against Theme Park use and consequent enforcement actions, the intensive Theme Park use requires additional public fire and safety service.
in Chapter 20A.2 of the San Mateo (See specific criteria below)	e Development Review Criteria cont County Ordinance Code.	ained
- 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 possible.	Compliant. The pre-existing character of the site is vegetated and undeveloped, as well as agricultural in use. Per condition No. 5, non-agricultural use will be screened to the extent feasible and minimally visible from Cabrillo Highway (Hwy 1). Agricultural use, as seen from	Non-compliant. The pre-existing character of the Property was an operating pumpkin farm. The Theme Park use now dominates the entire Property, as evidenced by the Theme Park site plan and by aerial photos of the Property (See Exhibits A and B to this letter).
- Small, separate parking spaces are preferred to single large parking lots.	Hwy 1 will remain. Compliant. In order to 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.	Non-compliant. Single large parking lot currently in use and proposed for approval by PAP and CDP.
- All development shall be sited and designed to minimize the impacts of noise, light, glare and odors on adjacent properties and the community-at-large.	Impacts from noise and light from the proposed commercial recreation uses to surrounding agricultural and residential areas are minimized by limiting the hours of operation in the month of October from 9 a.m. to 7 p.m. Monday through Friday; 9 a.m. to 11 a.m. on Saturdays; and 9 a.m. to 8 p.m. on Sundays, per Condition No. 10. Condition No. 19 prohibits flashing lights. The applicant does not proposed any new lighting.	Non-compliant. The Theme Park use still generates excessive noise during operations, as evidenced by comments of neighbors on the proposed mitigated negative declaration and as documented in police reports.
- Where possible, structural uses shall be located away from prime agricultural soils.	Compliant. Petting zoo, haunted barn, sales kiosk, are limited to areas that are already developed. Condition No. 24 requires the property owner to relocate areas of train ride and the bounce house to areas of non-prime soil. Hay maze, minimaze and the pony ride area are	Non-compliant. The "castle hay bale maze, arena, snack bar, pony ride, porta-potties, and portions of the 144-space parking lot are all located on prime agricultural land. Each of these are structural uses that will prevent cultivation of prime agricultural lands for at least at

Criteria	Staff report compliance review.	Why non-compliant.
	located on prime soils, but do not	least five months out of the year,
	involve the construction of any	including the cultivation of
	permanent structures. Condition	pumpkins.
	No. 17 requires that on-site areas	
	of prime soils shall be utilized for	
	agricultural production of winter	
	crops during the winter months.	
	In discussion with the	
	Department of Agricultural	
	Weights and Measures	
	Department, Brussels sprouts,	
	cabbage, leeks, broccoli,	
	cauliflower, and artichokes could	
	be cultivated during the winter	
	months, for harvest in the spring.	

For the reasons described above, a PAP cannot be issued for the Theme Park use on the non-prime agricultural lands portions of the Property.

The Theme Park use is antithetical to the goals of the PAD.

It comes as no surprise that the Theme Park is not allowed in the PAD because the use itself is antithetical to the goal of the PAD to "preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production" (emphasis supplied).

As indicated by the Theme Park site plan attached hereto as Exhibit A, a substantial portion of the prime agricultural lands on the Property are removed from cultivation by the haybale maze and its associated fire lane, by the pony ride, train ride, snack bar and "pumpkin" area, and by approximately 40 graveled parking spaces. And the remaining prime agricultural land actually under cultivation is cultivated for low-yield entertainment purposes (i.e., mixed corn and pumpkins) rather than for higher-yield, intensive commercial agriculture (e.g., pumpkins only). A review of the site plan similarly demonstrates that much of the non-prime agricultural land on the Property is placed out of agricultural production by the graveled parking lot, the snack bar, the maze and its associated fire lane.

By converting a substantial portion of the Property from agricultural production into a theme park use that cannot be cultivated for seven months out of the year (as proposed by the Applicant) or five months out of the year (as conditioned by Planning staff), the Theme Park can hardly be deemed "to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production." It instead reduces the

amount of land in production and reduces the yield of those few acres that remain in production.

The Theme Park Use Is Not Allowed by the Local Coastal Program.

The Property is governed by a Coastal District zoning overlay because it lies within the Coastal Zone. The Coastal District zoning overlay regulations require a CDP for the Theme Park use because it qualifies as a "project". San Mateo County Zoning Regulations Section 6328.4. A project must conform to the policies of the San Mateo County Local Coastal Program in order to obtain a CDP. San Mateo County Zoning Regulations Section 6328.15(a), (c).

A CDP cannot be issued for the Theme Park use because Policy 11.5 of the San Mateo County Local Coastal Program expressly states that commercial recreation facilities are not to be given preference over agriculture: "11.5 Priority to Visitor-Serving and Commercial Recreation Facilities. Give priority to visitor-serving and commercial recreation facilities on designated Mid-Coast lands and throughout the South Coast over private residential, general industrial or general commercial development but not over agriculture or coastal-dependent industry" (emphasis supplied). As explained above with regard to the PAD, the Theme Park use is clearly the primary use of the Property and dominates the traditional agricultural use of the Property. Granting the CDP would contravene Policy 11.5 by preferring a commercial recreation use over an agricultural use.

In addition, the Property is subject to the Agriculture policies of the San Mateo County Local Coastal Program (San Mateo County Local Coastal Program Sections 5.1-5.16). The "by-right" and conditionally permitted uses allowed under the Agricultural Policies of the San Mateo County Local Coastal Program are essentially the same as those of the PAD. The Theme Park does not conform to the applicable policies of the San Mateo County Local Coastal Program for the same reasons described above with regard to the PAD.

Finally, the staff report asserts that no "conversion" of prime agricultural soils will occur because "all uses are deemed temporary" and Condition of Approval 17 will require cultivation of on-site prime soils during winter months. 8 June Staff Report to Planning Commission, page 18. However, "conversion" still occurs because, by definition, both the San Mateo County Local Coastal Program and the San Mateo County Zoning Regulations deem the issuance of a CDP and PAP on prime and non-prime agricultural soils to constitute a "conversion". See San Mateo County Local Coastal Program Sections 5.8, 5.10; San Mateo County Zoning Regulations, Sections 6355(D), (F). Even if this were not the case, removing prime and non-prime agricultural lands from cultivation for at least five months out of the year, every year, is not a temporary use.

The Theme Park Use is Prohibited by a Williamson Act Contract on the Property and by the Williamson Act.

The Property is subject to a Williamson Act contract signed by John Arata, Sr. (the father of Clarence and John Arata, Jr.) on 29 March 1967 that took effect in May 1968. A copy of the contract is attached hereto as Exhibit C. Section 2 of the contract provides that the Property "shall not be used for any purpose, other than the production of agricultural commodities for commercial purposes. No structure shall be erected upon said land except such structures as may be directly related to and compatible with agricultural use..." The Theme Park is prohibited by the Williamson Act contract because (i) none of the Theme Park uses (other than the sale of pumpkins grown on-site) involves the production of agricultural commodities for commercial purposes; (ii) the hay bale maze, arena, castle, train ride, store, food stand and parking lot are structures that are not directly related to agricultural use; and (iii) the hay bale maze, arena, castle train ride, store, food stand and parking lot are structures that are not compatible with agricultural use, as demonstrated by their displacement of arable land depicted in the Applicant's site plan.

Even if the Williamson Act contract on the Property were more permissive, the Theme Park fails to meet certain principles of the Williamson Act by which a proposed use can be allowed on land subject to a Williamson Act Contract. The Theme Park has – and if authorized will continue to – significantly compromise the long-term productive agricultural capability of the Property, and is therefore an incompatible use under the Williamson Act. Gov't Code Section 51238.1(a)(1). As indicated by the Applicant's site plan, the Theme Park has removed a substantial portion of formerly cultivated lands from cultivation as a result of the hay-bale maze and its associated fire lane, the pony ride, train ride, snack bar and "pumpkin" area, and the 144-space graveled parking lot. Condition of Approval Number 17 attempts to remedy the displacement by requiring the Property to be cultivated with commercial crops during the off-season, but the Theme Park will still significantly compromise the long-term productive agricultural capability of the Property by preventing cultivation of much of the Property for at least five months out of the year.

For the same reasons, the Theme Park will also significantly displace or impair current or reasonably foreseeable agricultural operations on the Property. Gov't Code Section 51238.1(a)(2). Such displacement is incompatible with the Property's Williamson Act contract because the arena, castle, hay-bale maze and its associated fire lane, the hay ride access roads, the pony ride, train ride, snack bar and "pumpkin" area, and the 144-space graveled parking lot do not relate directly to the production of commercial agricultural products in the manner that other Williamson Act compatible activities such as harvesting, processing, or shipping do. Id. Even with Condition of Approval Number 17, much of the Property will remain out of agricultural production for at least five months out of the year – a significant displacement and impairment of current and foreseeable agricultural operations on the Property.

The Interim Operating Conditions are Null and Void because they Violate the San Mateo County Zoning Regulations and CEQA.

Section 6590 of the San Mateo County Zoning Regulations declares the issuance of any license or permit in conflict with the provisions of the San Mateo County Zoning Regulations to be automatically null and void. The 1 September 2010 Interim Operating Conditions constitute a permit that conflicts with the San Mateo County Zoning Regulations because they temporarily authorize a Theme Park use that is not allowed under the PAD and Coastal Development District policies of the San Mateo County Zoning Regulations. The Interim Operating Conditions and the use authorization they purport to issue are therefore null and void. Mrs. Arata opposes any continuation of the Interim Operating Conditions for the same reason.

Issuance of the 1 September 2010 Interim Operating Conditions also violates CEQA because they constitute a "project" under the CEQA for which no environmental analysis in the form of an exclusion, exemption, negative declaration or environmental impact report were adopted in advance of issuance of the Interim Operating Conditions.

The Current Theme Park Use is a Public Nuisance Requiring Abatement, Removal and Enjoinment.

Section 6594 of the San Mateo County Zoning Regulations declares any use of any land contrary to the provisions of the San Mateo County Zoning Regulations to be a public nuisance for which the County District Attorney must commence abatement, removal and enjoinment upon request by the Planning Commission. The Theme Park's past and current operation is a public nuisance because it operated without a permit for years, operated under a null and void Interim Operating Conditions authorization for the past nine months, and is not an allowed use under the PAD and Coastal Development District policies of the San Mateo County Zoning Regulations. The San Mateo County Planning Commission is entrusted with the duty of upholding the San Mateo County Zoning Regulations. It is therefore the Planning Commission's duty to request the San Mateo County District Attorney to commence abatement, removal and enjoinment of the Theme Park use. This is particularly the case given the extensive history of code violations associated with the current use.

The Theme Park Use Requires an EIR.

CEQA bears a strong presumption in favor of preparing an EIR. A negative declaration is invalid and an EIR must be prepared if either:

- There is substantial evidence in the record supporting a fair argument that the project may have a significant effect on the environment;⁴ or
- There is no substantial evidence in the record supporting the agency's analysis of the project's potential environmental impacts.⁵

As described in <u>Exhibit D</u>, attached hereto, the mitigated negative declaration prepared for the Theme Park use triggers one or both of the above standards under the following general environmental categories, thereby requiring preparation of an EIR: Land Suitability and Geology; Vegetation and Wildlife; Physical Resources; Air Quality, Water Quality, Sonic; Transportation; Land Use and Genera Plan; and Aesthetic, Cultural and Historic.

Conclusion.

For the reasons stated above, Lillian Arata requests that the Planning Commission not adopt the mitigated negative declaration, that it deny the Applicant's request for a CDP and PAP, and that it ask the San Mateo District Attorney to initiate an action to abate, remove and enjoin the Theme Park from operating on the Property.

Very truly yours,

Andrew C. Bell

⁴ No Oil, Inc. v City of Los Angeles (1974) 13 C3d 68, 75, 82; Quail Botanical Gardens Found., Inc. v City of Encinitas (1994) 29 CA4th 1597, 1602; Friends of "B" St. v City of Hayward (1980) 106 CA3d 988, 1002.

⁵ See Sundstrom v County of Mendocino (1988) 202 CA3d 296, 311. See also City of Redlands v County of San Bernardino (2002) 96 CA4th 398, 408; Silveira v Las Gallinas Valley Sanitary Dist. (1997) 54 CA4th 980, 989; Gentry v City of Murrieta (1995) 36 CA4th 1359, 1379.

Exhibit A to 7 June 2011 Opposition Letter of Lillian Arata (PLN: 2010-0027) Site Plan

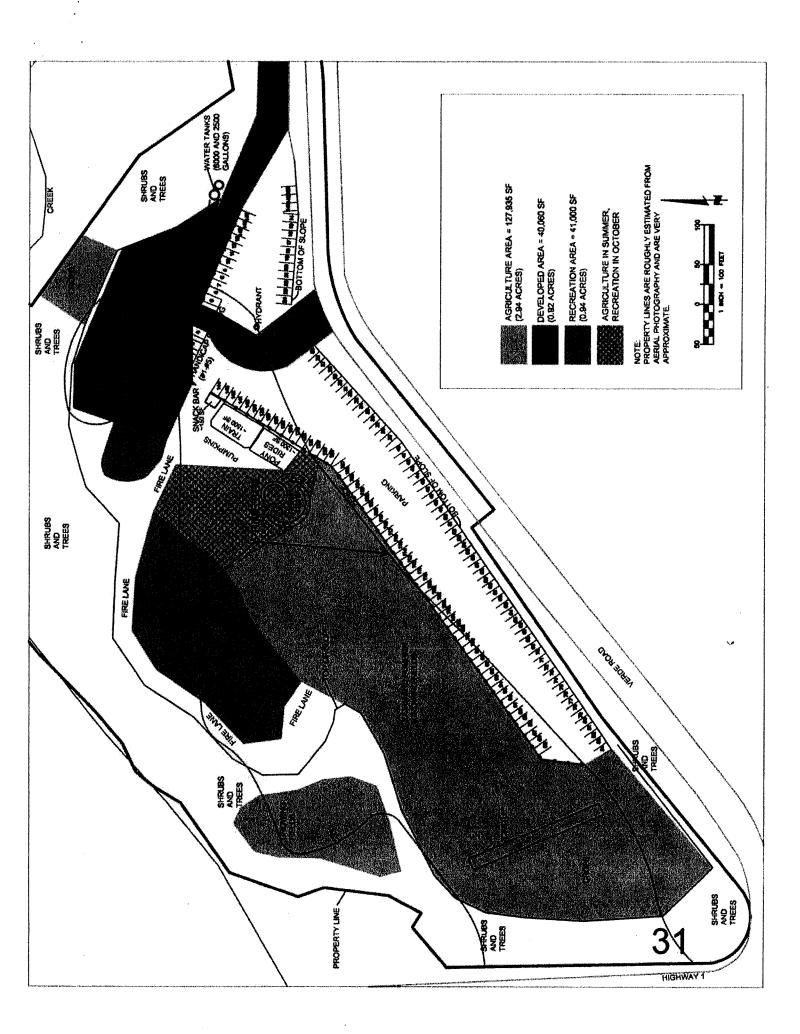
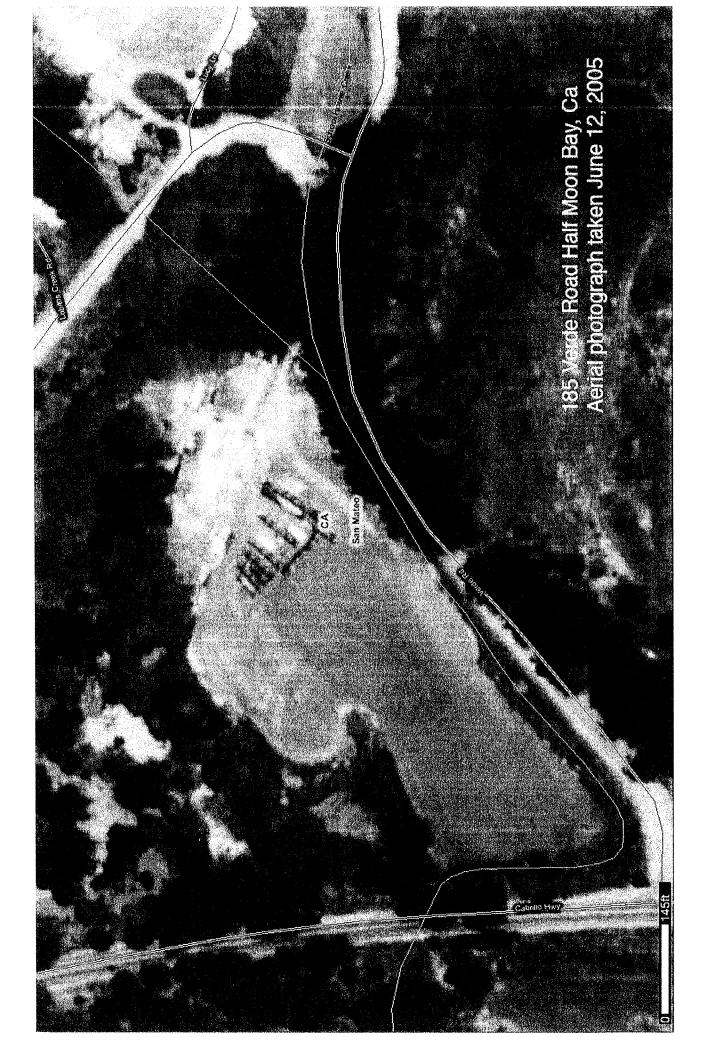


Exhibit B to 7 June 2011 Opposition Letter of Lillian Arata (PLN: 2010-0027) Aerial Photographs of Property





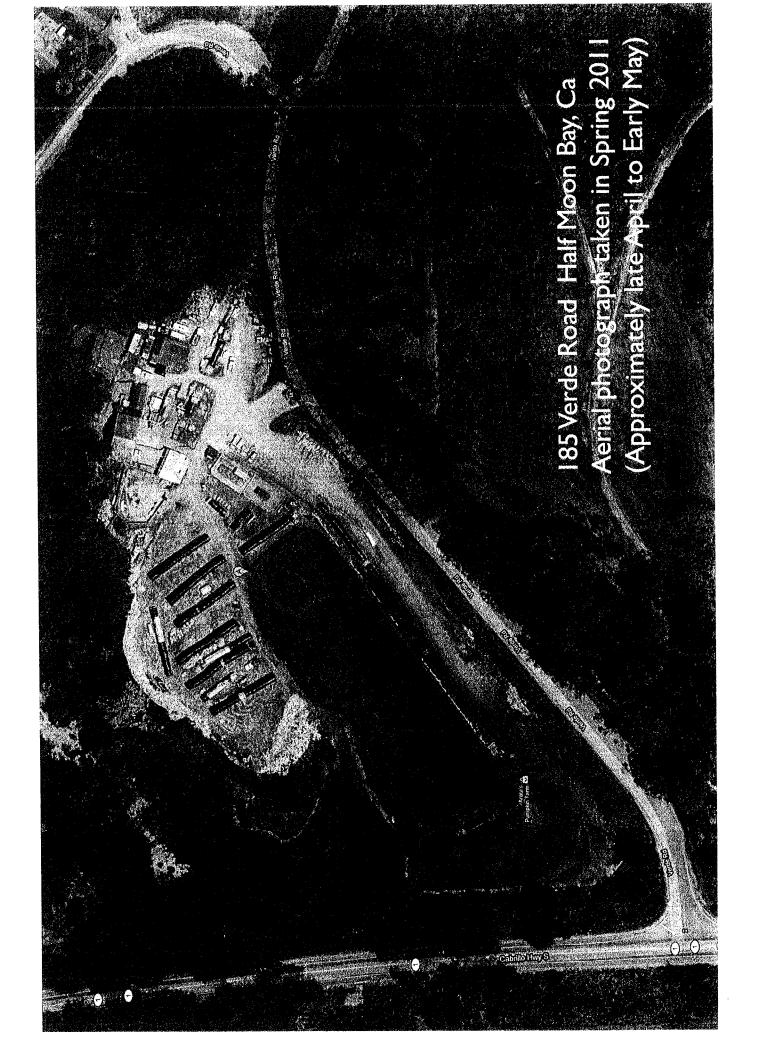


Exhibit C to 7 June 2011 Opposition Letter of Lillian Arata (PLN: 2010-0027) Williamson Act Contract

LAND CONSERVATION AGREEMENT

THIS AGREEMENT, made and entered into this will day of the country of SAN MATEO, a political subdivision of the State of California, hereinafter referred to as "County",

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:

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

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sursuant to the California Land Conservation Act of 1965.

- 2. During the term of this Agreement the above described and shall not be used for any purpose, other than the production of agricultural commodities for commercial purposes. No structures shall be erected upon said land except such structures as may be directly related to and compatible with agricultural use, and residence buildings for such individuals as may be engaged in the management of said land, and their families.
- 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 $\frac{7 \cdot s}{s}$ day of $\frac{1968}{s}$, 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.

1 parties to the contract after a public hearing has been held accordance with the provisions of Section 51284 of the Government Code. Upon such cancellation and as soon thereafter as the ind to which it relates is reassessed by the Assessor, the landwiner shall pay to the County an amount equal to fifty percent f the new assessed valuation of the property. If at the date f cancellation, the Agreement has less than ten years to run he amount due shall be reduced in proportion to the number of ears that the Agreement would have remained in effect had it of been cancelled.

IN WITNESS WHEREOF, the parties hereto have executed the within Agreement the day and year first above written.

•
John British.
"Owner"
COUNTY OF SAN MATEO
By (17/7) (1 de
ATTEST: CA Chairman, Board of Supervisors
Str. X Poplaring
Clerk.of said Board
STATE OF CALIFORNIA) SS.
COUNTY OF San Matic
on with 29, 1967 before me, the under-
signed, a Notary Public in and for said State, personally
appeard the Wester We
known to me to be the person whose name is subscribed
to the within instrument and acknowledged that
executed the same.
WITNESS my hand and official seal.
OFFICIAL CALL
Signature MARCORE IN BAUER
MARICARE M. BAUER My Compressor Lamber May 1 1909 My Compressor Lamber May 1 1909
Name (Typed or Printed)

DESORIPTION

All that cortain real property situate in the County of San Mateo, State of California, described as follows:

PARCEL ONE

DEGINNING at the intersection of Lobitos Orcek with the South line of a certain tract conveyed by Nicholas R. Martin and Ira E. Martin to Franz Wille, by Deed dated August 3, 1868 and recorded in Book 8 of Deeds at page 174, Records of San Mateo County, said point being the junction of the center line and ereck with a ravine; running thence up said ravine North 77° East 4 chains, South 80° East 4.50 chains, South 57° East 3 chains; thence leaving said ravine, North 83° East 8.50 chains; South 71° East 4.68 chains, North 72° 30° East 2.50 chains, to the center line of the old County Road; thence along said center line North 10° 30° East 1 chain, North 67° East 4 chains, South 89° East 2.50 chains to the southwesterly corner of the School House tract; thence North 4° West 6.25 chains to South line of tract conveyed to Michael Rodgers by William W. McCoy andwife, by Deed dated January 28, 1861 and recorded in Book 2 of Deeds at page 408, Records of San Mateo County; thence along the South line of said land South 79° 30° West 5 chains, North 70° West 7 chains, North 58° West 5.28 chains, North 71° 30° West 12 chains to a small ravine near the junction of the old and new County Road; thence foll-cowing said ravine South 80° West 3.50 chains and North 78° West 2 chains to the intersection of Lobitos Creek withthe mouth of gulch; thence southerly along said creek to the point of beginning and being portion of the Purissima Rancho.

EXCEPTING THEREFROM thefollowing:

COMMENCING at a point on the southerly side of the new or present

(in 1878) County Road, leading from Half Moon Bay to Poscadero, a
short distance westerly of the house on said tract; thence North 71°

East 241 links, along said road; thence South 83° 30' East 279 links;
thonco South 9° East 175 links; thence North 17° Wost 172 links, to
the southerly side of the County Road and the point of commencement.

ALSO EXCEPTING THEREFROM the lands described in Parcels 1 and 2 of the Doed from John O. Arata and wife to the State of California, dated March 27, 1950 and recorded September 24,1951 in Book 2132 of Official Records of San Mateo County at page 568 (613531).

ALSO EXCEPTING THEREFROM the following:

PASCEL 1

STICLIFIED at the paint of intersection of the Easterly line of that certain 11.538 are pasced secrebal as Percel 1 in Deed from John O. Araina et um. 11.538 are pasced secrebal as Percel 1 in Deed from John O. Araina et um. 11.538 are pasced secrebal as Percel 1 in Deed from John O. Araina et um. 11.538 are pasced secrebal from John O. Araina et um. 11.539 are pasced from John O. Araina et um. 15.151 in onthe 1117 of Oficicial Recerts at pasced John O. Araina et um. 15.151 in onthe 1117 of Oficicial Recerts at pasced John O. Araina, et um. 15.251 in onthe 1117 of Oficicial Recerts and John O. Araina, et um. 15.251 in onthe 1117 of Indiana and John O. Araina, et um. 15.251 in onthe 1117 of Indiana and John O. Araina, et um. 15.251 in onthe 1117 of Indiana and Indian

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Exhibit D to 7 June 2011 Opposition Letter of Lillian Arata (PLN: 2010-0027) Assessment of Adequacy of Mitigated Negative Declaration

Exhibit D to 7 June 2011 Opposition Letter of Lillian Arata (PLN: 2010-0027)

Land Suitability and Geology:

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

County response: 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.

<u>EIR required</u>: Neighboring property owners commenting on the mitigated negative declaration stated that they observed the Applicant bulldozing and/or dumping straw to the edge of a creek bank, expressing concerns regarding erosion, siltation and fouling of the creek, which is the only source of water for several downstream neighbors. The personal observations of the neighboring property owners constitute substantial evidence supporting a fair argument that the project may have a significant siltation or erosion effect.¹

Land Suitability and Geology:

g. Will (or could) this project result in damage to soil capability or loss of agricultural land? County response: Yes, Not Significant. The proposed uses are temporary and do not require conversion of prime soils; therefore, no loss of agricultural lands is expected.

EIR required: Substantial evidence in the record demonstrates that the Theme Park use will result in damage to soil capability and loss of agricultural land. The Theme Park site plan indicates that only 2.2 acres of the Property will be cultivated (even though aerial photographs show that much of the 2.2 acres is uncultivated due to hay-ride/access roads and a "pumpkin river"), with several acres of land converted to hay-bail maze, train and pony ride and parking lot uses during seven to five months of the year. Implementation of Mitigation Measure 1/Condition of Approval 17 would not mitigate this effect to a point where clearly no significant effect on the environment would occur because (i) agricultural land still would not be under cultivation for five to seven months out of the year that include the late summer/fall harvesting period; and (ii) the parking of cars on 144 previously graveled parking spaces for five months out of the year may damage soil capability as a result of oil and other deposits from the underside of vehicles, as clearly demonstrated by any paved parking lot currently in use.

¹ It should be noted that the 8 June Staff Report to the Planning Commission is incomplete because it did not include the comments made by neighbors during the comment period for the mitigated negative declaration. Those comments, which were timely submitted, have been resubmitted by Mrs. Arata concurrently with her 7 June 2011 letter of opposition. References in this exhibit to neighbor comments are based on the resubmitted comments on the mitigated negative declaration.

Land Suitability and Geology:

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

<u>County response</u>: 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.

<u>EIR required</u>: Neighboring property owners commenting on the mitigated negative declaration stated that they observed the Applicant bulldozing and/or dumping straw to the edge of a creek bank, expressing concerns regarding erosion, siltation and fouling of the creek, which is the only source of water for several downstream neighbors. The personal observations of the neighboring property owners constitute substantial evidence supporting a fair argument that the project may affect a natural drainage channel or streambed. Moreover, the mitigated negative declaration failed to assess whether a storm water permit was required for the project as a result of such evidence.

Vegetation and Wildlife

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?

<u>County response</u>: 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 (CNDDB).

<u>EIR required</u>: The County Response provides no substantial evidence supporting its conclusion; as the proximity of the Theme Park use to a sensitive plant habitat has no bearing on the question of whether the Theme Park use will be adjacent to or include the habitat of listed wildlife species.

The online CNDDB online Quick Viewer tool provided by the California Department of Fish & Game indicates the following observed state and federal listed species within the San Mateo 7.5 minute quadrangle map in which the Property lies:

QUADNAM E	ELMCODE	COMMON NAME	<u>FEDSTATUS</u>	CALSTAT US
Half Moon Bay	AAABH010 22	California red-legged frog	Threatened	None
Half Moon Bay	AFCHA020 9G	steelhead - central California coast DPS	Threatened	None
Half Moon Bay	ARADB361 3B	San Francisco garter snake	Endangered	Endangere d

Source: CNDDB Quick Viewer (accessed 3 June 2011).

Moreover, California red-legged frog designated critical habitat Unit SNM-2 lies within 2 miles of the Property.² The above constitutes substantial evidence demonstrating that the Theme Park could be adjacent to or include a habitat food source, water source, nesting place or breeding place for three federal or state listed rare or endangered wildlife species, thereby supporting a fair argument that the project may adversely affect such species. In addition, the mitigated negative declaration failed to assess whether the project may require consultation with the California Department of Fish and Game regarding the California Endangered Species Act and the U.S. Fish and Wildlife Service regarding the federal Endangered Species Act (indeed, it appears as though the County failed to circulate the mitigated negative declaration to any state or federal trustee agencies, or to other agencies with a potential interest in the project, such as the California Department of Transportation).

Vegetation and Wildlife

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

<u>County response</u>: No Impact. The project will not have a significant effect on fish, wildlife, reptiles, or plant life.

<u>EIR required</u>: The County's response is a conclusory statement unsupported by substantial evidence. Comments on the negative declaration made by neighbors regarding observed dumping/bulldozing to the edge of a creek bank and the CNDDB and critical habitat data supplied above each provide substantial evidence supporting a fair argument that the Theme Park may have a significant effect on fish, wildlife, reptiles or plant life.

Physical Resources

b. Will (or could) this project involve grading in excess of 150 cubic yards? County response: No Impact. This project does not involve grading.

<u>EIR required</u>: Comments on the negative declaration made by neighbors regarding observed grading for a drive way and for the covering of hay in a meadow near a creek provide substantial evidence supporting a fair argument that the Theme Park may have a significant effect as a result of grading in excess of 150 cubic yards.

Physical Resources

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

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

<u>EIR required</u>: The County lacks substantial evidence in support of its conclusion. Furthermore, as in the 7 June 2011 opposition letter of Lillian Arata, the proposed Theme Park use involves a request for a series of entertainment activities over a substantial portion of the Property that are prohibited by the Property's Williamson Act contract and

² See, http://www.fws.gov/sacramento/es/maps/CRF 2010 Final Revised Critical Habitat Designation/SNM-1-2 2010 CRLF fCH.pdf

are incompatible with agriculture under the compatibility principles of the Williamson Act. This constitutes substantial evidence supporting a fair argument that the Theme Park may have a significant adverse impact due to Williamson Act conflicts.

Physical Resources

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

County response: 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.

EIR required: The site plan for the project indicates that approximately three acres of the Property would be used for Theme Park uses that do not allow for the cultivation of crops (i.e., the hay bail maze, pony and train rides, snack bar and 144-space parking lot). Implementation of Mitigation Measure 1 would not mitigate the significant effect on existing and potential agricultural uses to a point where clearly no significant effect on the environment would occur because (i) agricultural land still would not be under cultivation for five to seven months out of the year that include the late summer/fall harvesting period; and (ii) the parking of cars on 144 previously graveled parking spaces for five months out of the year may damage soil capability as a result of oil and other deposits from the underside of vehicles, as clearly demonstrated by any paved parking lot currently in use. Substantial evidence therefore exists in support of the fair argument that the Theme Park use may have a significant effect on existing and potential agricultural uses of the Property.

Air Quality, Water Quality, Sonic

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?

County response: 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.

<u>EIR required</u>: The County provides no substantial evidence, such as a noise study, in support of its conclusion. It assumes that the use will only generate noise during the pumpkin season even though operations will occur from July through November. Neighbor comments on the mitigated negative declaration for the Theme Park use include statements that the noise from the Theme Park use is bothersome and unbearable, nighttime uses in particular, and that the Sherriff has been called on multiple occasions to resolve the matter. These observations constitute substantial evidence supporting a fair argument that the Theme Park use may cause significant noise levels in excess of what would otherwise exist in the area.

Air Quality, Water Quality, Sonic

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

<u>County response</u>: No Impact. There is no anticipated polluted or increased surface water runoff.

<u>EIR required</u>: The County provides no substantial evidence, such as a hydrology study, in support of its conclusions. Neighbor comments on the negative declaration for the Theme Park use include statements that the disposal of rotting hay in or near a creek may adversely affect water quality. In addition, the removal of vegetated arable land and compaction of soil caused by the 144-space parking lot constitutes substantial evidence in support of a fair argument that the Theme Park use may significantly increase surface water runoff.

Transportation

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

<u>County response</u>: No Impact. All pedestrian traffic will be contained on the farm; no increase in pedestrian traffic will be on any adjacent property.

<u>EIR required</u>: Neighbor comments on the negative declaration for the Theme Park use include observations of noticeable increases in pedestrian traffic as a result of the Theme Park. These observations constitute substantial evidence in support of a fair argument that the Theme Park use may result in a significant adverse pedestrian traffic impact.

Transportation

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

<u>County response</u>: 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.

<u>EIR required</u>: Mitigation measure 2 would not mitigate the significant noticeable effect on vehicle patterns and volumes to a point where clearly no significant effect on the environment would occur. Parking attendants and onsite-signs will not significantly mitigate the change in vehicle patterns and volume of trips along the Cabrillo Highway and

Verde Road caused by large numbers of individuals driving to the Property to enjoy the Theme Park use because the measure does nothing to alter patterns and volumes of traffic; it merely includes directional signs and parking attendants.

Transportation

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

<u>County response</u>: 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.

EIR required: Mitigation measure 3 would not mitigate traffic hazards resulting from or increased by the project to a point where clearly no significant effect on the environment would occur. The preparation of a parking management plan, the employment of parking attendants and the use of directional signs do not clearly demonstrate they will reduce traffic hazards resulting from the project, as evidenced by comments on the mitigated negative declaration made by neighbors regarding the inadequacy of the currently operating 144-space parking lot and the resulting parking of cars along Verde Road. Nor does the mitigated negative declaration include or refer to any substantial evidence in the record – such as a traffic study - demonstrating that mitigation measure 3 will be effective; the reader is instead asked to take it on good faith that the mitigation will be effective. Finally, mitigation measure 3 only applies from September 15 to October 31. It would not apply to the other 3.5 months during which the Theme Park would operate and would similarly increase traffic hazard risks through the increased levels of traffic it generates along Highway 1 and Verde Road.

Transportation

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

County response: 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.

<u>EIR required</u>: Mitigation measure 4 would not mitigate adverse effects to the carrying capacity of Cabrillo Hwy or Verde Road to a point where clearly no significant effect on the environment would occur, for the same reasons described with regard to transportation checklist item "e", above.

Land Use and General Plan

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

<u>County response:</u> 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.

EIR required: Mitigation measures 5 and 6 would not mitigate the adverse effects of congregating more than 50 people on a regular basis to a point where clearly no significant effect on the environment would occur because mitigation measures 5 and 6 merely regulate the opening and closing times of the Theme Park use; they do not regulate the volume of individuals attending the use or the potential impacts generated by such volumes. Nor does the mitigated negative declaration contain any substantial evidence demonstrating how mitigation measures 5 and 6 would do so. On the basis of 144 parking spaces and comments submitted by neighbors during the mitigated negative declaration comment period, substantial evidence exists supporting a fair argument that more than 50 people will congregate at the Property on a regular basis. An EIR is required because no analysis of the mitigated negative declaration assesses the potential adverse effects of

congregations of 50 people or more and mitigation measures 5 ad 6 do not regulate the volume of individuals attending the use.

Land Use and General Plan

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

<u>County response</u>: No Impact. This project will result in any changes in the current use of the land.

<u>EIR required:</u> The Applicant proposes new uses in addition to those currently conducted on site and all Theme Park uses have substantially changed the former agricultural use of the land.

Land Use and General Plan

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?

<u>County response</u>: 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.

EIR required: Substantial evidence exists in the record demonstrating a fair argument that the project will adversely affect the capacity of public facilities. The 144-space parking lot and the traffic-related comments of neighbors on the mitigated negative declaration provide substantial evidence supporting a fair argument that the project will adversely affect street, highway and freeway capacity. The comments of neighbors on the mitigated negative declaration regarding illegal activity and repeated calls to the San Mateo County Sherriff and the history of enforcement visits by the San Mateo County Sherriff, Cal-Fire and San Mateo County building staff to Property provide substantial evidence in support of a fair argument that the project will adversely affect police and fire capacities.

Land Use and General Plan

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

<u>County response</u>: Not Significant. This project will not generate such demands. See discussion in previous question (6.f).

EIR required: See response to 6.f, above.

Land Use and General Plan

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

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

<u>EIR required:</u> The 7 June 2011 opposition letter of Lillian Arata provides substantial evidence supporting a fair argument that the project requires an amendment or exception from adopted general plans, specific plans or community plans of goals because the project does not comply with the applicable provisions of the County general plan, County zoning regulations or the County Local Coastal Program.

Land Use and General Plan

l. Will (or could) this project involve a change in zoning?County response: No Impact. This project does not involve a change in zoning.

EIR required: See response to "k" immediately above.

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?

<u>County response:</u> 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 onsite and not in the public right-of-way. No signage shall be allowed on or along Cabrillo Highway.

<u>EIR required:</u> The mitigated negative declaration fails to respond to the call of the question. Limiting signage to four temporary directional traffic signs does not clearly mitigate effects on the scenic highway to a point where clearly no significant effect would occur; the signs do not mitigate visual impacts of views of the Theme Park use on travelers along Highway 1. Substantial evidence in the form of comments by neighbors on the mitigated negative declaration that the project includes rusting cars, rotting hay, large hay mazes, large metal statues, brightly colored plastic bounce houses, a fire truck, broken down tractors and trucks that create a visual environment that more closely resembles an amusement park than blending in with the rural scenic qualities and other Cabrillo Highway adjacent properties used for farming supports a fair argument that the project may have an adverse effect on natural scenic qualities.

Aesthetic, Cultural and Historic

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

<u>County response:</u> No Impact. This project will not obstruct scenic views from existing residential areas, public lands, public water bodies or roads.

<u>EIR required</u>: Substantial evidence in the record in the form of neighbor comments on the mitigated negative declaration stating that the Theme Park use obstructs scenic views from their homes supports a fair argument that the project will have a significant adverse impact

on scenic views from existing residential areas. Substantial evidence in the form of comments by neighbors on the mitigated negative declaration that the project includes rusting cars, rotting hay, large hay mazes, large metal statues, brightly colored plastic bounce houses, a fire truck, broken down tractors and trucks that create a visual environment that more closely resembles an amusement park than blending in with the rural scenic qualities and other Cabrillo Highway adjacent properties used for farming supports a fair argument that the project may have an adverse effect on natural scenic qualities.

Aesthetic, Cultural and Historic

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

<u>County response</u>: No Impact. This project will not directly or indirectly affect historical or archaeological resources on our near the site.

<u>EIR required:</u> The mitigated negative declaration contains no substantial evidence in support of its conclusion, such as a desktop survey of the potential cultural and historic values of the Property. In addition, the fact that the Property is the site of one of the oldest if not the first pumpkin farms in San Mateo County constitutes substantial evidence supporting a fair argument that the Theme Park use may adversely affect a historic resource by converting it to a Theme Park use.

Aesthetic. Cultural and Historic

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

<u>County response</u>: 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.

EIR required: Substantial evidence in the form of comments by neighbors on the mitigated negative declaration that the project includes rusting cars, rotting hay, large hay mazes, large metal statues, brightly colored plastic bounce houses, a fire truck, broken down tractors and trucks that create a visual environment that more closely resembles an amusement park than blending in with the rural scenic qualities and other Cabrillo Highway adjacent properties used for farming supports a fair argument that the project may have an adverse effect on natural scenic qualities.



THE LAW OFFICE OF ANDREW C. BELL

Memorandum

To: San Mateo County

Andrew C. Bell From: 22 June 2011

Date:

Co-owner Consent Requirement for Land Use Permits Re:

(PLN 2010-027)

<u>Issue</u>

If two individuals each own an undivided one-half interest in a property as co-owners, does the County of San Mateo have jurisdiction to consider the application of a lessee of the property for a Planned Agricultural Permit (PAP) and Coastal Development Permit (CDP) when one of the property owners authorized the PAP and CDP applications but the other owner actively opposes them?

Conclusion

San Mateo County lacks jurisdiction to consider the PAP and CDP applications. One co-owner cannot confer jurisdiction on another body to impose burdens on or prejudice the interests of his or her co-owners in the property without their consent. California case law has applied this rule to land use permits. An exception of implied consent applies to unopposed actions that wholly benefit the entire property without imposing any burdens on it. Here, San Mateo County cannot consider the PAP and CDP applications because they impose burdens on and prejudice the interests of a coowner who opposes the PAP and CDP applications.

<u>Analysis</u>

Neither a joint tenant nor a tenant in common can do any act to the prejudice of his co-owners in their estate. Tompkins v. Superior Court of City & County of San Francisco (1963) 59 Cal. 2d 65, 69. One co-owner cannot, by his or her act alone, and without special authority, encumber or charge the entire estate or confer jurisdiction on any body or tribunal to impose burdens on the interests of his or her co-owners. Los Angeles Lighting Co. v. City of Los Angeles (1895) 106 Cal. 156, 159-160; King v. Oakmore Homes Assn. (1987) 195 Cal. App. 3d 779, 783. These principles apply to discretionary land use approvals in addition to deeds of trust, mortgages, easements, equitable servitudes, claim settlements, and third party contracts. Gordon v. City Council of City of Santa Ana (1961) 188 Cal. App. 2d 680 (variance); King v. Oakmore Homes Assn. (1987) 195 Cal. App. 3d 779, 783 (referencing other interests listed above).

An exception of implied consent applies in instances where the act of a co-owner protects the entire estate to the benefit of the other co-owners without imposing any burdens, such as by resisting an

22 June 2011 Page 3

in light of the common law rule of co-owner consent cited above), one of whom opposes the use (emphasis supplied).

Second, San Mateo County lacks jurisdiction because the PAP and CDP would burden and prejudice the interests of the opposing co-owner in the property, as evidenced by the fact of the co-owner's opposition and because the PAP and CDP would burden the entire property as functional equivalents of a conditional use permit. Moreover, consent cannot be implied by operation of the beneficial action exception because, unlike *Gordon*, a co-owner *actively* objects to the PAP and CDP request. Even supposing for the sake of argument that, as in *Gordon*, a co-owner was not openly opposing the proceedings, consent still could not be implied because (i) the PAP and CDP are the functional equivalents of conditional use permits, which impose burdens as well as benefits on the property; and (ii) the PAP and CDP are not a condition precedent to the fulfillment of another act to which both co-owners have already agreed.



28 June 2011

BY EMAIL

San Mateo County Planning Commission County Government Center 455 County Center, 2nd Flr. Mail Drop PLN122 Redwood City, CA 94063.

Re: Opposition of Lillian Arata to Land Use Entitlements Requested for Arata Pumpkin Farm (PLN 2010-00207).

Dear Commissioners:

As you are aware, my client, Lilian Arata, owns an undivided one-half interest in the property located at 185 Verde Road in San Mateo County (APN: 066-310-080) ("Property"). As stated at length in a 7 June 2011 opposition letter and a 22 June 2011 memorandum to the Planning Commission, Mrs. Arata opposes the request of Chris and Sunneva Gounalakis ("Applicant") for the adoption of a mitigated negative declaration and approval of a coastal development permit ("CDP") and planned agricultural permit ("PAP") for the operation of a "pumpkin patch" theme park ("Theme Park") at the Property. This letter addresses several new items of concern raised by the 29 June 2011 staff report addendum to the Planning Commission.

The 29 June 2011 Staff Report Ignores Lillian Arata's Opposition Letter and Memorandum.

Ms. Arata is perplexed that her many concerns, including those raised by experts in comment letters, were not addressed or even acknowledged in the staff report addendum.

San Mateo County Planning Commission 28 June 2011 Page 3

pumpkins grown on them are designed to facilitate the Theme Park use, not the other way around.

In short, even if the Planning Commission attempts to determine which use of the Property predominates by comparing acreages instead of the relative intensity of uses, the Theme Park use still predominates over agricultural use of the Property.

Adding a Produce Car to the Train Ride Will Not Make it an "Ancillary to Agriculture" Use Allowed by PAP on Prime Agricultural Lands.

The 29 June staff report suggests that the Applicant's addition of a produce car to the train ride use may make it an allowable "ancillary to agriculture" use on prime agricultural land within the PAD. As stated in the 7 June opposition letter, an "ancillary to agriculture" use on prime agricultural land must be a functioning, bona-fide agricultural use - such as "agricultural grading equipment supplies, agricultural rental supplies, topsoil stockpiling and other similar uses" – not an entertainment use veneered with an agricultural theme in the hope of rendering the use consistent with the PAD, as appears to be the case here. San Mateo Zoning Regulations Section 6351(E).

Additional Non-Compliance with Non-Prime Agricultural Land PAP Criteria, Local Coastal Program Policies and Williamson Act.

Revised Condition of Approval 17 allows all non-prime agricultural lands occupied by the Theme Park to be removed from agricultural production for the entire year, thereby removing approximately two acres of non-prime agricultural lands occupied by the parking lot and fire lanes from agricultural production year round. In addition to the reasons stated in the 7 June opposition letter, this development further deepens non-compliance with PAP General Criterion Number 1, which requires that "The encroachment of all development upon land which is suitable for agricultural use shall be minimized", as well as with the general goal of the PAD to "...keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production." San Mateo County Zoning Regulations Sections 6351(A)(1), 6350. The same holds with regard to (i) Policy 11.5 of the San Mateo County Local Coastal Program, which prohibits preferring commercial recreational uses over agricultural uses, and (ii) Section 2 of the Williamson Act contract covering the Property, which states that the Property "...shall not be used for any purpose, other than the production of agricultural commodities for commercial purposes." (See, Exhibit C of 7 June 2011 opposition letter of Lillian Arata); and (ii) the

San Mateo County Planning Commission 28 June 2011 Page 5

of neighbors on the Draft Mitigated Negative Declaration. 14 Cal. Code of Reg. Section 15073.5(b). The public must be afforded a right to fully review the MND in its final form.

As a separate matter, the draft Mitigated Negative Declaration concludes without analysis that the Theme Park use will not obstruct existing views from roads. However, Condition of Approval Number 5 requires installation of vegetative screening of all aspects of the Theme Park use, which will necessarily obstruct existing views from a Scenic Highway. This constitutes substantial evidence in support of a fair argument that the Theme Park use may result in a significant impact to existing views from a Scenic Highway.

Finally, the MND fails to analysis the Theme Park as a permanent, seasonal use. The MND incorrectly concludes that proposed project uses are "temporary" and therefore pose insignificant impacts to agricultural lands. This linguistic categorization flies against the undisputed evidence that project activities will occur seasonally for at least 5 months on a fixed, routine, and repetitive basis every year. Further, additional time will be needed each year for project activities pre-seasonally to set up and prepare the Theme Park and post-seasonally to disassemble the Theme Park. No specific analysis is provided regarding the total time needed for Theme Park activities; nor is any analysis provided regarding how this allegedly "temporary" project would impact agriculture through soil impaction, impingement on the growing seasons of specific crops, or otherwise. See Pub. Res. Code sections 21104(c), 21153(c) (public agencies must support conclusions with specific documentation). A fair argument exists that taking agricultural lands out of use every year for an unanalyzed amount of time that is at least 5 months will significantly affect the agricultural value of those lands.

The Theme Park Requires Permanent Improvements.

Page 2 of the 29 June Staff Report states "No new permanent structures are proposed, nor are permanent improvements to the property required for these activities". This is an incorrect statement. As observed by Lillian Arata and other members of her immediate family, the proposed train ride has a gravel foundation; the parking lot has been laid with gravel in the past and would exist year-round; the snack shack has a concrete foundation; the children's play area presently consists of a permanent fence and wooden play structure; the pony ride arena remains on-site year-round; and the hay bales for the hay maze remain stacked on-site year-round, as evidenced by the aerial photographs contained in Exhibit B of the 7 June opposition letter.

San Mateo County Planning Commission 28 June 2011 Page 7

prejudiced by authorizing a use she did not consent to. Her interest in the Property would also be burdened by the exclusive effect of an authorized Theme Park use vis a vis other potential uses and by the restrictions of the conditions of approval, which run with the land. As stated in our 22 June 2011 memorandum to the Planning Commission, these facts alone should decide the matter in favor of Mrs. Arata, as the County lacks jurisdiction to process the PAP and CDP without her prior consent.

Color Maps Should Be Provided to the Public.

Critical to the staff report addendum is the "As-Conditioned" site plan found in Attachment D. This plan is intended to delineate project modifications designed to address certain concerns raised in the June 8, 2011 hearing regarding impacts on agricultural lands. Despite its importance, the hardcopies mailed to interested parties and the Planning Commission's website version of this site plan are provided only in black-and-white. Please recirculate the addendum and provide color copies for the public, as it is not possible to fully and accurately read the black-and-white version of the As-Conditioned site plan.

Very truly yours,

THE LAW OFFICE OF ANDREW C. BELL

By: Andrew C. Bell



June 29, 2011

Steve Dworetzky, Chairman and Members San Mateo County Planning Commission 455 County Center, 2nd Floor Redwood City, CA 94063

Re: Consideration of an After-the-Fact Planned Agricultural District Permit (PAD) and a Coastal Development Permit (CDP) for temporary commercial entertainment facilities, including a proposed hay maze/labyrinth/coliseum, jousting events, a haunted barn, a petting zoo, pony rides, train rides, and a children's play area that includes a mini-maze, bounce house, and the sale of prepared foods; requested season of use is from May through November.

Dear Chairman Dworetzky and Members of the Commission,

Committee for Green Foothills (CGF) respectfully requests that you **deny** the After-the-Fact Coastal Development Permit and PAD Permit for the proposed "agritainment" uses and facilities at the Arata Pumpkin Farm. CGF also requests that you **not approve** any Interim Operating Conditions. Furthermore, you should not certify the Mitigated Negative Declaration, since denial of the project does not trigger a requirement for compliance with CEQA.

Mr. Gounalakis has been constructing facilities and sponsoring uses and activities on this property without benefit of required permits since 2005. His operations have caused numerous complaints from neighbors and have necessitated much County time and expense in attempting to get him to come into compliance with County building and zoning regulations as well as public health and safety codes. By operating without permits, he has been able to do what he wants, when he wants, and where he wants to operate. He should not be rewarded for this flaunting of County regulations.

Are the proposed uses accessory to agriculture? CGF believes that nearly all of the proposed uses are <u>not</u> related to or accessory to agriculture. Pony rides and petting zoos composed of animals customarily found on coastal farms have been found to be allowable as accessory uses in the PAD for a limited season or within a limited area of a larger property along Highway 92. The entertainment facilities proposed at this site, including the hay maze/labyrinth/coliseum, jousting events, train rides, and bounce house and mini-maze, are NOT accessory to agriculture, particularly since the proposed season of use (June 1 through November 30) would be much longer than the "pumpkin season" and would commit 3 acres of the site to non-agricultural uses for six months of the year, the prime growing and harvesting season. The crops cited in Condition 17 of the Staff Report, particularly Brussels sprouts, cabbage, broccoli, cauliflower, and artichokes, cannot be feasibly grown between January and June, due to the long period of time these crops require to mature, and the difficulty of plowing and planting crops during January, the rainiest month of the year.

Are the proposed "agri-tainment" uses comparable to other coastal venues? CGF believes that this proposal and site is materially different from the Lemos Farm, Pastorino Farm, and Cozzolino Farm in several important ways.

The Arata Farm site is only 8.37 acres. Of this acreage, approximately three acres is comprised of sensitive habitat (creek, riparian area, and buffer). Of the remaining five acres, two acres are proposed to be devoted to agri-tainment uses for six months of the year. This leaves just three acres for year round agriculture, which is too small an area for too short a period of time to maintain a viable commercial agricultural operation. The agri-tainment uses thus would become the predominant land uses, and replace rather than support the agricultural uses.

In comparison, the Pastorino Farm (nine acres) on Highway 92 is devoted primarily to raising and selling of locally grown flowers, including orchids, sunflowers, statice, bells of Ireland, and Queen Anne's lace. During the Halloween/pumpkin season (September 15 to October 31) the property is also used for a petting zoo of farm animals, pony rides, a haunted house, a wagon train, hay rides and food booths. The six weeks of seasonal entertainment activities are subordinate to the year-round agricultural use of the Pastorino/Ahlbach property.

The Lemos Farm (100 acres) on Highway 92 is comprised of the valley of Corinda Los Trancos Creek, with moderate slopes above. The flatter terrace prime soils are used to grow a variety of crops. Farm-themed year-round activities are confined to approximately one-quarter of an acre next to Highway 92. These activities include pony rides, petting zoo of farm animals, and wagon train ride, plus children's play slide and air jumpers. Sales include locally grown produce, pumpkins, and Christmas trees. The amount of land committed to year-round non-agricultural uses is less than one percent of the total, and thus these uses are subordinate to the year round agricultural use of the rest of the Lemos property.

The Cozzolino Farm (19 acres) is adjacent to Highway 92 and is bisected by Pilarcitos Creek. The farm is used for growing a variety of crops, including Christmas trees and pumpkins. During the Halloween/pumpkin season (October 1-31), less than one acre out of the farm's 19 acres is used for a petting zoo, pony rides, children's air balloon slide and sales of prepared food. The seasonal entertainment activities for one month are subordinate to the year-round agricultural use of the Cozzolino property.

In 2003, the County Planning Commission (and upon appeal, the Board of Supervisors), denied the portion of a Coastal Development Permit (PLN 2002-00712) that would have allowed the use of exotic animals, including zebras and elephants, at the Cozzolino property on Highway 92, finding that these carnival-like uses were inconsistent with the Planned Agricultural District zoning regulations. The Planning Commission and Board of Supervisors did approve the use of the petting zoo, pony rides and other farm-related entertainment activities from October 1 through October 31. Denial of the hay maze, labyrinth, coliseum, jousting events, and train rides at the Arata property would be consistent with the County's decision on the Cozzolino property.

The Agricultural Advisory Committee found that the proposed uses were not consistent with the Planned Agricultural District. The Agricultural Advisory Committee spent two meetings

discussing the After-the-Fact PAD and Coastal Development Permits, and concluded that the proposed entertainment uses were not in conformance with the allowable uses in the Planned Agricultural District, and further found that the entertainment uses had overwhelmed the agricultural uses of the property.

CGF concurs with the Agricultural Advisory Committee. For the reasons cited in our previous letter, as well as this supplemental letter, CGF requests that your Commission deny the permits for this project, and not certify the Mitigated Negative Declaration.

Sincerely,

Cennie Robert

Lennie Roberts, Legislative Advocate Committee for Green Foothills

	San	Mateo	County
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Application for Appeal

Planning and Evilding Department

☐ To the Planning Commission

County Government Center • 455 County Center, 2nd Floor Redwood City • CA • 94063 • Mail Drop PLN 122 Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

To the Board of Supervisors

Averbrall and control of

ESumera Gounalakandress: 185 VERDE 726-7548 Zip: Amielėsis laptoparkt I Permit Numbers involved: 00207 I have read and understood the attached information regarding appeal process and alternatives. no I hereby appeal the decision of the: ☐ Staff or Community Development Director Appellant's Signature: Zoning Hearing Officer Design Review Committee Planning Commission Date: made on the above-listed permit applications.

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

DO TO HARVEST GARY ARATA EAN NOT PARTICIPATE IN AUGUST AND HE IS A VITAL PART TO OUR APEAL.

a. Allow Parking Along One Side of Verde Road at the intersection of Purisma Creek Road, where road width is over 26-feet in width (Number of Spaces to be shown on a map prepared by

Sigma Prime)

OUR ATTERNEY CREGORY ANTONE DO TO PERSONAL & HELL ISSUES CAN NOT CONTINUE AND A NEW ATTERNEY MIKE MCRAKEN NEEDS TIME TO CATCHUP EMMO RECTU

D. Allow sword fighters to perform in coliseum DOLUMENTATION FROM MR. ANTONES.

- c. Allow Venue to Close later on Friday (10pm), but earlier on Saturdays (10pm) and Sundays (7pm) in October
- d. Allow Applicant to Retain 22 Parking Spaces on Prime Soils
- e. Allow Applicant to Keep Train on Prime Soils
- Proposed Changes to "As-Conditioned" Site Plan to Add Additional On-site Parking Spaces (Number of Spaces to be shown on a map prepared by Sigma Prime)

LAW OFFICES OF MICHAEL D. McCRACKEN, ESQ.

a PROFESSIONAL CORPORATION 870 MITTEN ROAD BURLINGAME, CALIFORNIA 94010-1304 TEL: (650) 697-4890 FAX: (650) 697-4895

August 4, 2011

Tiare Pena and Camille Leung, Project Planners San Mateo County Planning and Building Department

Re:

PLN2011-00207:

Grounds of Appeal re Applicant's Appeal of June 29, 2011 Planning

Commission Decision

Dear Tiare and Camille:

This supplements the July 14, 2011appeal by the Applicant of the Planning Commission's June 29, 2011decision. Per my understanding at that time, I was to provide you more details of the appeal, centered around the governing statutes and ordinances.

The legal basis of the Applicant's appeal concerns the conditions imposed by the Commission as part of its 3-1 decision.

The Commission's decision constitutes a prejudicial abuse of the discretion vested in it by law. It is not supported by legally adequate findings [California Code of Civil Procedure 1094.5(b)]. Such findings as do exist are not supported by substantial evidence in light of the whole record [CCP 1094.5(c)].

Thank you for the opportunity to present our legal argument.

Mike McCracken
Attorney for Applicant/Appellant

CC:

Chris Gounalakis Sunniva Gounalakis

APR 2 0 20" 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:

<u>Mitigation Measure 1</u>: 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.

<u>Mitigation Measure 4</u>: 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.

<u>Mitigation Measure 5</u>: 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 Peña, Project Planner Telephone 650/363-1850

Tiare Peña, Project Planner

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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?

<u>Yes, Not Significant</u>. 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?

<u>Yes, Significant</u>. 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?

<u>Yes, Not Significant</u>. 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 cannel 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 (CNDDB).

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 (CNDDB).

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.

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.

<u>Mitigation Measure 1</u>: 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?

<u>No Impact</u>. 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?

<u>Yes, Not Significant</u>. 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:

<u>Mitigation Measure 3</u>: 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:

<u>Mitigation Measure 4</u>: 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.

<u>Mitigation Measure 5</u>: 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?

<u>No Impact</u>. 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?

<u>No Impact</u>. 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?

<u>Not Significant</u>. 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 our 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

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Oounty of San Mateo Planning and Building Department

INITIAL STUDY ENVIRONMENTAL EVALUATION CHECKLIST

(To Be Completed By Current Planning Section)

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 900 sq. ft. store which sells packaged snacks, agricultural sales and local miscellaneous crafts. A Confined Animal Exemption for the keeping of four (4) 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 ponies has previously been applied for and approved on the subject property.

ENVIRONMENTAL ANALYSIS

<u>=</u>

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

		SOURCE			B,F,O	E,I	Bc,D	Вс, D	×	M,I	A,M	9	۵	ш
		Čumulative									7	_		
	YES	Significant												-
IMPACT	100	Significant Unless Mitigated												
		Not Significant						:	×		×			
		No			×	×	×	×		×		×	×	×
			LAND SUITABILITY AND GEOLOGY	Will (or could) this project:	a. Involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?	b. Involve construction on slope of 15% or greater?	c. Be located in an area of soil instability (subsidence, landslide or severe erosion)?	d. Be located on, or adjacent to a known earthquake fault?	e. Involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?	f. Cause erosion or siltation?	g. Result in damage to soil capability or loss of agricultural land?	h. Be located within a flood hazard area?	i. Be located in an area where a high water table may adversely affect land use?	Affect a natural drainage channel or streambed, or watercourse?
			1. L	3	ю	Þ.	ن ن	Ö	αύ	4	ත්	خ	. <u></u> :	<u> </u>

					IMPACT			
						YES		
			No	Not Significant	Significant Unless Mitigated	Significant	Cumulative	SOURCE
2.		VEGETATION AND WILDLIFE						
	Ν	Will (or could) this project:						
	roi	Affect federal or state listed rare or endangered species of plant life in the project area?	×					LL.
	نه ا	Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?	×					Α,
	ن	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?	×					L
	Ö	Significantly affect fish, wildlife, reptiles, or plant life?	×					
	σύ	Be located inside or within 200 feet of a marine or wildlife reserve?	×					E,F,O
	-	Infringe on any sensitive habitats?	×					L L
	တ်	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?	×					I,F,Bb
က်	리	PHYSICAL RESOURCES						
	Š	Will (or could) this project:						
	æ	Result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)?	×					_

					IMPACT			
					>	YES		
			9	Not Significant	Significant Unless Mitigated	Significant	Cumulative	SOURCE
	نو	Involve grading in excess of 150 cubic yards?	×					
	ن	Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?		×				
	ġ.	Affect any existing or potential agricultural uses?			×			A,K,M
4.	AR	AIR QUALITY, WATER QUALITY, SONIC						
	Mil	Will (or could) this project:						
	roi	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?	×	·				I,N,R
	نم	Involve the burning of any material, including brush, trees and construction materials?	×					· .
	ن	Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?		×				Ba,I
	ö	Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?	×		•			_
	ού	Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?	×					A,Ba,Bc
	4 <u>-</u> -	Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?	×					

					IMPACT			
					1	YES		
			9	Not Significant	Significant Unless Mitigated	Significant	Cumulative	SOURCE
	ن ق	Generate polluted or increased surface water runoff or affect groundwater resources?	×					_
	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?	×	·	·			S
<u>ئ</u>	I.R.	TRANSPORTATION						
	Wil	Will (or could) this project:			:			
	rö	Affect access to commercial establishments, schools, parks, etc.?	×					A,I
	نه	Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?	×					A,I
	ن	Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?			×			_
	ठं	Involve the use of off-road vehicles of any kind (such as trail bikes)?	×					
	ού	Result in or increase traffic hazards?			×			တ
	بيد	Provide for alternative transportation amenities such as bike racks?	×			-		
	တ်	Generate traffic which will adversely affect the traffic carrying capacity of any roadway?			×			S

				IMPACT	9		
				7.7	E2		
		9	Nof Significant	Significant Unless Mitigated	Significant	Cumulative	SOURCE
6. LAI	LAND USE AND GENERAL PLANS				-		
Wil	Will (or could) this project:						
roi	Result in the congregating of more than 50 people on a regular basis?	×					_
Ď.	Result in the introduction of activities not currently found within the community?	×					_
ပ	Employ equipment which could interfere with existing communication and/or defense systems?	×					-
ġ.	Result in any changes in land use, either on or off the project site?	×					
σ	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)?	×					1,Q,S
4	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?	×					8,1
Ď	Generate any demands that will cause a public facility or utility to reach or exceed its capacity?	•	×				S.'
ਦ	Be adjacent to or within 500 feet of an existing or planned public facility?	×					А

					IMPACT	YES		
			NO	Not Significant	Significant Unless Mitigated	Significant	Cumulative	SOURCE
	:	Create significant amounts of solid waste or litter?	×					
	· ·	Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?	×					
	귝.	Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?	×					В
		Involve a change of zoning?	×					U
	Ë.	Require the relocation of people or businesses?	×			,		
	n.	Reduce the supply of low-income housing?	×			-		
	o	Result in possible interference with an emergency response plan or emergency evacuation plan?	×					v
	ġ	Result in creation of or exposure to a potential health hazard?	×					S
7.	AE	AESTHETIC, CULTURAL AND HISTORIC						
	Wil	Will (or could) this project:						
	ю	Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?			×			A,Bb
	Ġ.	Obstruct scenic views from existing residential areas, public lands, public water body, or roads?	×					A,I
	ن	Involve the construction of buildings or structures in excess of three stories or 36 feet in height?	×					_

	SOURCE	I	A,I
	Cumulative		
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IMPACT Significant	Mitigated		
	Significant		
	ON.	×	×
		Directly or indirectly affect historical or archaeological resources on or near the site?	Visually intrude into an area having natural scenic qualities?
		Ö	ού

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

ACENCY	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

2 Yes Mitigation measures have been proposed in project application. Other mitigation measures are needed.

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

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 ₹ 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. for agricultural purposes.

parking area on the site. During the Halloween/Pumpkin Festival season, the applicant shall install no more than four directional signs within the property 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 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.

ਲ Mitigation Measure 4: During the weekends of the Halloween/Pumpkin Festival Season (September 15 to October 31), the applicant shall employ 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

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.

(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. Mitigation Measure 7: During the Halloween/Pumpkin Season (September 15 to October 31) the applicant is permitted to temporarily install up to four No signage shall be allowed on or along Cabrillo Highway

V. MANDATORY FINDINGS OF SIGNIFICANCE

		Yes	<u>o</u>
<u>-</u>	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?		×
2	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?		×
က	3. Does the project have possible environmental effects which are individually limited, but cumulatively considerable?		×
4.	4. Would the project cause substantial adverse effects on human beings, either directly or indirectly?		×

On the basis of this initial evaluation:

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

Project Planner (Title)

Date

SOURCE LIST ⋚

- Field Inspection ď
- County General Plan 1986 ത്
- General Plan Chapters 1-16
- Local Coastal Program (LCP) (Area Plan) ο'n
 - Skyline Area General Plan Amendment

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- Montara-Moss Beach-El Granada Community Plan
 - Emerald Lake Hills Community Plan ø
- County Ordinance Code ပ
- Geotechnical Maps Ö
- **USGS Basic Data Contributions**
- #43 Landslide Susceptibility
- #44 Active Faults ம்ப்
- #45 High Water Table
- Geotechnical Hazards Synthesis Maps κi
- San Mateo County Rare and Endangered Species Maps, or Sensitive Habitats Maps ட்

USGS Quadrangle Maps, San Mateo County 1970 Series (See F. and H.)

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- Flood Insurance Rate Map National Flood Insurance Program Ö
- County Archaeologic Resource Inventory (Prepared by S. Dietz, A.C.R.S.) Procedures for Protection of Historic and Cultural Properties 36 CFR 800 (See R.) ij
- Project Plans or EIF
- Airport Land Use Committee Plans, San Mateo County Airports Plan
- Aerial Photography or Real Estate Atlas REDI نح
- Aerial Photographs, 1941, 1953, 1956, 1960, 1963, 1970
- Coast Aerial Photos/Slides, San Francisco County Line to Año Nuevo Point, 1971 Aerial Photographs, 1981 ← 7 ° ° 4
 - Historic Photos, 1928-1937

Soil Survey, San Mateo Area, U.S. Department of Agriculture, May 1961 Ξ

Air Pollution Isopleth Maps - Bay Area Air Pollution Control District ż

California Natural Areas Coordinating Council Maps (See F. and H.) Ö

Forest Resources Study (1971) ۵. Experience with Other Projects of this Size and Nature ġ

Environmental Regulations and Standards œ

Review Procedures for CDBG Programs Federal

NEPA 24 CFR 1500-1508

Protection of Historic and Cultural Properties

Vational Register of Historic Places

Executive Order 11988 Executive Order 11990

36 CFR Part 800

24 CFR Part 58

24 CFR Part 51B

24 CFR 51C

24 CFR 51D HUD 79-33

Floodplain Management

Protection of Wetlands

Endangered and Threatened Species

Explosive and Flammable Operations **Noise Abatement and Control**

oxic Chemicals/Radioactive Materials

Airport Clear Zones and APZ

Ambient Air Quality Standards State

Article 4, Section 1092

Noise Insulation Standards

Consultation with Departments and Agencies:

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County Health Department نے نہ

City Fire Department

California Department of Forestry

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Department of Public Works

Disaster Preparedness Office

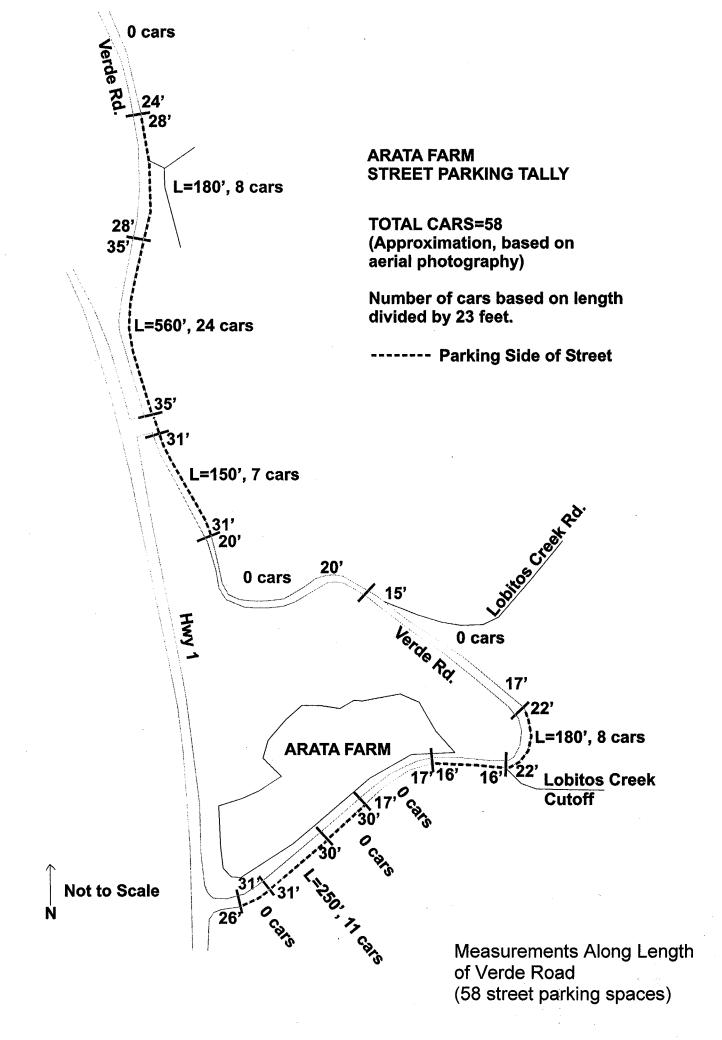
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450 ft. of area that could accommodate vehicles on South Edge of Verde Rd.

Applicant Proposed Parking

Measurements Along Verde Road at Cabrillo Highway (22 street parking spaces)



ITEM #8 ARATA PUMPKIN **FARM** PLN2010-00207

COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: June 8, 2011

TO:

Planning Commission

PROJECT FILE

FROM:

Planning Staff

SUBJECT:

EXECUTIVE SUMMARY: Consideration of an After-the-Fact Planned Agricultural District Permit and a Coastal Development Permit, and certification of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, to allow seasonal agriculture and non-agriculture-related commercial recreational activities to occur at the Arata Pumpkin Farm located at 185 Verde Road in the unincorporated Half Moon Bay area of San Mateo County. This project is

appealable to the California Coastal Commission.

PROPOSAL

The proposed project would legalize and allow the incorporation of a variety of seasonal agriculture and non-agriculture-related commercial recreational activities, referred to as "agritainment" activities in this report, into the normal pumpkin selling activities at the Arata Farm. Approximately 0.94 acres of the property would be designated for the proposed agritainment activities for the period between May 1 through November 30 each year. Specifically, the applicant proposes the following seasonal activities: a hay maze/labyrinth/coliseum, jousting events, a haunted barn, a petting zoo, pony rides, train rides, and a children's play area, which includes a mini-maze, bounce house, and the sale of prepared foods. No new permanent structures are proposed, nor are permanent improvements to the property required for these activities. The western edge of the property runs along the Cabrillo Highway, a portion that is designated a State scenic corridor.

RECOMMENDATION

Planning staff recommends that the Planning Commission certify the Mitigated Negative Declaration and approve the After-the-Fact Planned Agricultural District Permit and Coastal Development Permit, County File Number PLN 2010-00207, by making the required findings and adopting the conditions of approval in the staff report. As of the time of the writing of this staff report, the applicant has not agreed to mitigation measures of the Mitigated Negative Declaration intended to minimize parking impacts along Cabrillo Highway and Verde Road and limit the hours of operation to minimize project impacts to the surrounding community.

SUMMARY

Since 1932, the Arata Pumpkin Farm has operated as a working pumpkin farm. In 1999, Mr. Gounalakis (project applicant) leased the property from the Arata family and continued the pumpkin farm operation. In 2005, in an effort to attract customers and sell agricultural products, the applicant initiated the commercial recreational use, including many of the proposed uses, at the property during the months of May through October,

In 2009, a complaint was filed by Joann Arata, daughter of Lillian Arata, regarding the expansion of the activities and safety concerns associated with late night activities. The applicant was contacted by the County Planning and Building Department, Cal-Fire, Environmental Health, the District Attorney's Office and the Sheriff's Office and directed to cease all unpermitted activities on the property until the required permits were secured. On September 1, 2010, Planning staff issued "Interim Operating Conditions" for the 2010 season in anticipation that the proposal would be presented to the Planning Commission for a decision on said permits.

The proposal is subject to criteria set forth in the County General Plan, the Local Coastal Program (LCP) and the County Zoning Regulations. The proposed activities have been reviewed against General Plan policies pertaining to Land Use Objectives on Rural Lands, LCP policies pertaining to Agriculture, Sensitive Habitats and Visual Resources, and Planned Agricultural District (PAD) regulations specific to uses permitted on prime soils and lands suitable for agriculture subject to the issuance of a PAD Permit and the conversion of prime soils. Staff has determined that the project, as proposed and conditioned, would be considered ancillary to agriculture in areas of prime soils and considered commercial recreation on lands suitable for agriculture.

Staff circulated a Mitigated Negative Declaration and has received numerous comments regarding the proposed commercial recreational activities. Concerns expressed by the public pertain to the project's conformance with permitted uses within the PAD and project compatibility with the Williamson Act contract for the property.

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COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: June 8, 2011

TO:

Planning Commission

FROM:

Planning Staff

SUBJECT:

Consideration of an After-the-Fact Planned Agricultural District and Coastal Development Permit, pursuant to Sections 6353 and 6328.4, respectively, of the San Mateo County Zoning Regulations, and certification of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act, to allow seasonal agriculture and non-agriculture-related commercial recreational activities at the Arata Pumpkin Farm located at 185 Verde Road in the unincorporated Half Moon Bay area of San Mateo County. This project is appealable to the California Coastal Commission.

County File No. PLN 2010-00207 (Gounalakis)

PROPOSAL

The requested permits would legalize and allow the incorporation of a variety of seasonal agriculture and non-agriculture-related commercial recreational activities, referred to as "agritainment" activities in this report, into the normal pumpkin selling activities at the Arata Farm property. Approximately 0.94 acres of the 8.37-acre property would be designated for the proposed agritainment activities for the period between May 1 and November 30 each year. Specifically, the applicant is proposing to legalize and continue the following on-site, seasonal activities:

- a hay maze/labyrinth/coliseum,
- jousting events,
- a haunted barn,
- a petting zoo,
- · pony rides, and
- train rides.

The applicant also proposes a children's play area for birthday parties and school field trips, consisting of the following:

- a mini-maze,
- a bounce house, and
- a sales kiosk (for the sale of prepared foods).

No new permanent structures are proposed, nor are permanent improvements to the property required for these activities. These activities have been in existence on the Arata farm for approximately ten (10) years without the benefit of permits, which the applicant is proposing to remedy by this application.

The following table describes the applicant's requested months and times of operation as well as staff's recommendation.

Table A Dates & Hours of Operation			
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	
Hay Maze	May – November	July - November	
Coliseum	May – November	Use is Not Permitted	
Train Ride	May – November	July – November	
Petting Zoo	May – November	July – November	
Bounce House	May – November	July - November	
Private Party Rentals	May – November	July - November	
School Field Trips	May – November	July - November	
Haunted Barn	September - November	September – November	
Movie Nights	October (Friday and Saturday) Sunset – 11:30 p.m.	Use is Not Permitted	

The subject property currently contains 2.94 acres dedicated to agricultural uses in active production of corn and pumpkins. The property also has been a Williamson Act contract (AP 67-73) since 1967.

RECOMMENDATION

Applicant's Concurrence to Mitigation Measures of the Mitigated Negative Declaration
At the time of the writing of this staff report, the applicant has not agreed to Mitigation Measure
3 (which prohibits parking along Cabrillo Highway and Verde Road) and Mitigation Measure 6
(which limits the hours of operation) of the Mitigated Negative Declaration. The California

Environmental Quality Act (CEQA) requires the applicant to agree to identified mitigation measures prior to the certification of the Mitigated Negative Declaration.

At the time of the writing of this staff report, the applicant has stated his desire to make various changes to his proposal to address staff concerns regarding the hours of operation and parking on Verde Road. The applicant will discuss these in further detail at the public hearing. If, at the close of the public hearing, the applicant has not agreed to the proposed mitigation measures then the Planning Commission would not be able certify the Mitigated Negative Declaration or approve the project.

Consideration in the Continuation or Denial of the Project

As described in this report, should the Planning Commission desire to continue or deny the proposed project at this hearing, staff recommends that the Planning Commission consider extending the 2010 "Interim Operating Conditions," (Attachment M) to allow the applicant to conduct the proposed commercial recreation activities for this year. This would allow the applicant to operate during the continuation period or appeal a decision to deny the project until the final local decision is made.

Based on the foregoing and once the applicant agrees to the mitigation measures, staff recommends that the Planning Commission:

- 1. Certify the Mitigated Negative Declaration, pursuant to the California Environmental Quality Act.
- 2. Issue an After-the-Fact Planned Agricultural Permit, by making the required findings and adopting the conditions of approval listed in Attachment A.
- 3. Issue an After-the-Fact Coastal Development Permit, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND

Report Prepared By: Tiare Peña and Camille Leung, Project Planners

Owner: Gary Arata/Lillian Arata

Applicants: Chris and Sunneva Gounalakis

Location: 185 Verde Road, Half Moon Bay

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 several

agritainment activities

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

purposes

Sewage Disposal: On-site septic system

Flood Zone: Flood Zone C (Area of Minimal Flooding) FEMA map number 060311 0225 C;

effective date July 5, 1984

Environmental Evaluation: Initial Study and Negative Declaration issued, public review period

from April 20, 2010 to May 2, 2010.

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 property contains 2.94 acres under agricultural production located in a western portion of the parcel. The parcel contains a 0.92-acre developed area containing paved driveways and five (5) legal structures: a 1,500 sq. ft. single-family residence, three barns measuring 1,800 sq. ft., 500 sq. ft. and 300 sq. ft., and a 900 sq. ft. covered sales building. These buildings were constructed in the 1930s, prior to building permit requirements. The property owner proposes to locate agritainment activities in a 0.94-acre area located in a north/northeast section of the parcel. The remaining 3.57 acres contains unpaved areas (used for parking and fire access) and undeveloped areas.

Chronology

<u>Date</u>	Action
1932 -	Commencement of pumpkin farm operations at the property.
1967 -	Property Owner (John Arata Sr.) enters into Williamson Act contract (AP 67-73) with San Mateo County for the 23-acre parcel. Subsequently, portions of the property were sold to different parties, with the remaining parcel measuring 8.37 acres in size.
1999 -	Applicant (Mr. Gounalakis) leases the 8.37-acre property from the Arata family.
2003 -	Applicant receives a Confined Animal Exemption from the County for the keeping of five (5) ponies (County File No. PLN 2003-00264).

Approx. 2005

Agricultural operation is expanded without the benefit of permits to include seasonal commercial recreation activities (including those proposed under this application) during the months of May through October.

2009

- Complaint filed to the County by Joann Arata on behalf of her mother Lillian Arata regarding the expansion of the activities and safety concerns associated with late night activities, i.e., raves and musical events. Applicant is directed by the County to cease all unpermitted activities on the property until the required permits are secured.

June 2010

- Applicant submits the required applications, including a letter of concurrence from Mr. Gary Arata (Attachment G), for the operation of agritainment activities on the property.

July 2010

- Applicant constructs hay maze without the required and issued building permit and submits an application for a building permit. The Planning and Building Department determines that the hay maze does not comply with the building code and directs the applicant to lower the maze to a maximum height of six feet, such that a building permit would not be required. Subsequently, Cal-Fire conducts inspections to ensure that the hay maze complies with fire safety requirements. During building inspections, the Chief Building Official discovers a coliseum/viewing area (used for jousting events and movie nights) constructed in excess of 14 feet without the benefit of a building permit.

September 2010

- Due to public use of the agritainment activities by the public in advance of the public hearing, Planning staff issues "Interim Operating Conditions" (Attachment M) for the 2010 season. Conditions limited the hours of operation. Over the course of inspections, the Sheriff's Department confirmed that the applicant adhered to conditions.

October 21, 2010

- Applicant is directed by County to cease any public activities with the coliseum/viewing area until a building permit had been issued for the structure (proposed jousting and movie night use is the subject of this application).

March 15, 2011

 Building Inspection Section issues a building permit (BLD 2010-01218) for the coliseum/viewing area. Inspections under the issued building permit are currently ongoing.

April 20, 2010

- Public release date and start of 20-day public comment period for Mitigated Negative Declaration.

May 2, 2010

- End of 20-day public comment period for Mitigated Negative Declaration. Comments received.

April 14 & May 9, 2011

- Agricultural Advisory Committee reviewed the project over two meetings and determined that the proposed recreational activities were <u>not</u> in conformance with the Planned Agricultural District (PAD) regulations, in that the on-site agricultural uses were ancillary to the commercial recreation uses and recommended that the applicant should consider scaling back the operations. The Committee also determined that the proposed commercial recreation uses are incompatible with the Williamson Act contract.

June 8, 2011

- Planning Commission public hearing.

DISCUSSION

A. History of Commercial Recreational Use at the Arata Farm

Property Owners and Tenants

The Arata Pumpkin Farm was owned by brothers John and Clarence Arata and became a working pumpkin farm in 1932. In 1999, John Arata bequeathed his interest in the property to his son Gary Arata. In 2006, Clarence's interest was bequeathed to his widow Lillian Arata. In 1999, Mr. Gounalakis (applicant) leased the property from the Arata family and continued the pumpkin farm operation. In 2003, the applicant applied for and received a Confined Animal Exemption per Section 7700 of the San Mateo County Confined Animal Regulations for the keeping of five ponies (County File No. PLN 2003-00264), which are currently used for pony rides, an existing commercial recreational use at the property.

Applicant's Addition of Unpermitted Commercial Recreation Uses at the Property In or about 2005, the applicant initiated the commercial recreational use at the property to include seasonal agriculture and non-agriculturally-related commercial recreational activities (referred to as agritainment in this report) during the months of May through October, including a hay bale maze, a hay bale coliseum, a petting zoo, jousting exhibits, hay rides, train rides, a haunted house, and areas for the hosting of birthday parties, school field trips and movie nights. The applicant added these recreational activities to the property without the required permits, and currently seeks to obtain the permits on an after-the-fact basis through the current application.

County Involvement in Violation Case

In 2009, a complaint was filed by Joann Arata, daughter of Lillian Arata, regarding the expansion of the activities, including raves and musical events, and associated safety concerns. The applicant was contacted by the County Planning and Building Department, Cal-Fire, Environmental Health, the District Attorney's Office and the Sheriff's Office and directed to cease all unpermitted activities on the property until the required permits were secured.

On June 28, 2010, after conference with County officials, the applicant submitted the required applications, including a letter of concurrence from Mr. Gary Arata (Attachment G), for the operation of agritainment activities on the property.

In July 2010, without benefit of a building permit, the applicant constructed the hay maze. Subsequently, the applicant submitted "as-built" engineering plans of the hay structures to the Building Inspection Section, in hopes that the plans would conform to the Uniform Building Code. After numerous resubmittals it became evident that the hay maze could not be made to conform with building code requirements. The Building Inspection Section Manager directed the applicant to lower the maze to a maximum height of six feet, such that the structure would qualify for an exemption in the Uniform Building Code and would no longer require a building permit. Also, Cal-Fire required and conducted inspections to ensure that the hay maze complied with fire safety requirements.

During a site inspection, the Building Inspection Section Manager discovered an additional illegal structure, a coliseum/viewing area which had been constructed in excess of 14 feet without the benefit of a building permit. The applicant stated that he was not aware that the coliseum/viewing area required a permit. In a letter from Planning and Building Department staff, dated October 21, 2010 (Attachment N), the applicant was directed to cease any public activities with the coliseum/viewing area until a building permit had been issued. In 2011, the applicant submitted engineered plans for the coliseum for the 2011 season, and on March 15, 2011, was issued a building permit (BLD 2010-01218) for the structure. Inspections under the issued building permit are currently ongoing. It should be noted that the proposed jousting events and movie night uses are not a subject of this permit application and have not been approved or recommended for approval via action on this permit.

County's Interim Operating Conditions for the 2010 Season

In September 2010, due to the fact that the maze and other activities were open to the public, but that the Planning application was some months away from consideration at a public hearing, Planning staff issued "Interim Operating Conditions" (Attachment N) for the 2010 season. The terms strictly limited the terms and hours of operation whereas this proposal allows for longer hours of operation. Staff coordinated with the Sheriff's Office to conduct weekend evening visits to monitor adherence to the days/hours of operation set forth in the interim operating conditions. Reports from the Sheriff's Office confirmed that the applicant adhered to the day/hours of the conditions. However, in a letter dated October 21, 2010 (Attachment N), the Community Development Director noted that the applicant was out of compliance with permitting requirements for the coliseum, as well as Environmental Health food sales permitting requirements.

Should the Planning Commission desire to continue or deny the proposed project at this hearing, staff recommends that the Planning Commission consider the extension of the 2010 "Interim Operating Conditions," (Attachment M) to allow the applicant to conduct the proposed commercial recreation activities for this year (in order to allow the applicant to operate during the continuation period or to appeal a decision to deny the project), until the final local decision is made.

B. Conformance with the County's 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 pro-

duction uses including but not limited to agriculture and uses considered accessory and ancillary to agriculture." As shown in Attachment C, with the approval of the proposed project, agriculture would remain the predominant use of the property, occupying 2.94 acres, where recreation uses would occupy 0.94 acres of the property. The proposed agriculture-related commercial recreation use would comply 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 this policy 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 pony rides, hay rides, petting zoo, the hay maze and other commercial recreation activities, offer diverse recreational activities specifically geared toward children and provide additional local employment opportunities at the property. During the pumpkin season, the applicant employs approximately 15 individuals at the property.

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 the Cabrillo Highway, a portion designated a State scenic corridor. The project would maintain the property's appearance from Cabrillo Highway, as 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 are located on the eastern half of the property and are somewhat visible from Cabrillo Highway. Condition No. 5 requires the property owner to maintain and plant additional vegetative screening of all aspects of commercial recreational use (i.e., hay maze, jump houses, etc.) such that structures are not visible from Cabrillo Highway, to the extent feasible, as determined by Community Development Director. The property owner is responsible for maintaining the health of intervening vegetation and replacing such vegetation, should vegetation trimming/removal become necessary. 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.

C. Conformance with Planned Agricultural District (PAD) Regulations

The property is located within the Planned_Agricultural District (PAD). The proposed seasonal commercial recreation use is not a use allowed by right in the PAD Zoning District and requires the issuance of a conditional PAD permit. The PAD regulations allow a variety of conditionally-permitted uses based on soil types. As shown in Attachment D, a majority of the site is characterized by prime soils, consisting of Class II_(TuB - Tunitas clay loam, gently sloping) and Class IV Cld2 (Sandy Loam, moderately steep). Existing and proposed uses on prime soils consist of agricultural use, structures associated with the agricultural use, approximately 50% of the hay maze structure, and dirt surface parking areas. Remaining areas consist of Class VII (Ma - Mixed alluvial), areas considered "lands suitable for agriculture." Existing and proposed on-site uses on such lands consist

of agricultural use, approximately 50% of the hay maze structure, and dirt surface parking areas.

1. <u>Uses Permitted Subject to the Issuance of a PAD Permit on Prime Agricultural Lands</u>

Section 6353(A) (*Uses Permitted Subject to the Issuance of a Planned Agricultural Permit*) does not specifically allow commercial recreational uses. Section 6353(6) allows for "Uses Ancillary to Agriculture" on prime soils subject to the issuance of a PAD permit. The PAD regulations define ancillary uses as agricultural grading equipment supplies, agricultural rental supplies, topsoil stockpiling, and other similar uses determined to be appropriate by the Community Development Director. The following table includes a compliance review of each of the proposed uses with this section:

Table B Compliance with Uses Permitted on Prime Soils with a PAD Permit			
Commercial Recreation Use	Compliance Review	Complies with Uses Permitted on Prime Soils with a PAD Permit?	
Hay maze/ labyrinth/ coliseum	Involves storage of materials traditionally associated with agriculture (i.e., hay bales); Promotes agriculture	Yes	
Jousting Events/Movie Nights	Use is Unrelated to Agriculture	No, building permit has been issued for the coliseum structure but uses have not been approved.	
Haunted Barn	Involves the use of a structure traditionally associated with agriculture (i.e., barn); Promotes agriculture	Yes	
Petting Zoo	Involves the use of a animals traditionally associated with agriculture (i.e., sheep, goats); promotes agriculture	Yes	
Pony Rides	Involves the use of animals traditionally associated with agriculture (i.e., ponies); Promotes agriculture	Yes	
Train Ride	Use is Unrelated to Agriculture	No, relocate to area of non- prime soils	
Mini-maze (Children's Area)	Involves storage of materials traditionally associated with agriculture (i.e., hay bales); Promotes agriculture	Yes	

Table B Compliance with Uses Permitted on Prime Soils with a PAD Permit		
Commercial Recreation Use	Compliance Review	Complies with Uses Permitted on Prime Soils with a PAD Permit?
Bounce House (Children's Area)	Use is Unrelated to Agriculture	No, relocate to area of non- prime soils
Sales kiosk (Prepared Foods only) (Children's Area)	Use is necessary to support other recreational uses of the property	Yes

Based on the review above, the proposed commercial recreation uses are related to agriculture, with the exception of the train ride, the bounce house, and the proposed jousting event/movie night use. With regard to the ancillary nature of the proposed uses, it should be noted that the word "ancillary" means subordinate or subsidiary; auxiliary or assisting. As shown in Attachment C, with the approval of the proposed project, agriculture would remain the predominant use of the property, occupying 2.94 acres, where recreation uses would occupy 0.94 acres of the property. Therefore, the agriculture-related recreation uses would be considered ancillary to agriculture. Staff recommends relocation of the train and bounce house uses which are not related to agriculture to areas of non-prime soil. Condition No. 26 has been added to require the applicant to replace the proposed jousting event/movie night use (as proposed in the coliseum/viewing area) with an agriculture-related commercial recreation use, subject to the approval of the Community Development Director.

2. <u>Uses Permitted Subject to the Issuance of a PAD Permit on Lands Suitable for Agriculture and Other Lands</u>

The proposed commercial recreation use 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. This section defines commercial recreation as "country inns, commercial stables, riding academies, campgrounds, rod and gun clubs, private beaches, food/gasoline/telephone services, hostels," and other similar uses determined to be appropriate by the Planning Commission.

Approximately half of the area utilized for the hay maze is considered "lands suitable for agriculture." As discussed above, staff recommends relocation of the train ride and the bounce house to areas of non-prime soil (Lands Suitable for Agriculture), such as the area designated Ma soils. The applicant could accommodate these uses within areas designated for the hay maze by reducing the size of the hay maze and maintaining a minimum of 50-feet from the edge of riparian vegetation along Lobitos Creek.

3. <u>Development Standards</u>

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 permanent structures on the site, all of which are associated with agricultural development, comply with the minimum front setback (30 feet) and rear and side yard setback (20 feet) requirements.

Structures associated with the commercial recreation use, the hay maze, mini-maze, bounce house¹, and sales kiosk, are all considered non-agricultural development and comply with the minimum front setback (50 feet) and rear and side yard setback (20 feet) requirements. It should be noted that the hay maze is located 92 feet away from the centerline of Lobitos Creek (where a minimum 20-foot side setback is required). However, as discussed in this report, Condition No. 4 requires the property owner to maintain the hay maze so as to provide an additional 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek. Policies that apply to riparian corridors are provided in Attachment E.

4. Criteria for Issuance of a Planned Agricultural District (PAD) Permit

In order for the County to issue a PAD Permit, the project must comply with the substantive criteria for the issuance of a PAD Permit, as applicable and as delineated in Section 6355 of the Zoning Regulations. Below is a discussion of the project's compliance with applicable substantive criteria.

Table C Substantive Criteria for the Issuance of a PAD Permit		
Criteria	Compliance Review	Complies with Substantive Criteria?
General Criteria		
The encroachment of all development upon land which is suitable for agricultural uses and other lands shall be minimized.	Petting zoo, haunted barn and sales kiosk are limited to areas that are already developed. Condition No. 24 requires the property owner to relocate areas of train ride and the bounce house to areas of non-prime soil. Hay maze, mini-maze and the pony ride areas are located on prime soils, but do not involve the construction of any permanent structures.	Yes

¹ Staff recommends conditioning the permit on relocation of the bounce house to an area of non-prime soils.

Table C Substantive Criteria for the Issuance of a PAD Permit		
Criteria	Compliance Review	Complies with Substantive Criteria?
All development permitted on a site shall be clustered.	Proposed development is clustered on the eastern part of the property, next to existing agricultural development.	Yes
Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.	The proposed commercial recreation use would necessitate additional consumer demand for drinking water at the site. Commercial water demand would be met with sales of bottled water.	Yes
Prime Agricultural Land within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless it can be demonstrated that: a. No alternative site exists on the parcel for the use, b. Clearly defined buffer areas are provided between agricultural and non-agricultural uses, c. The productivity of an adjacent agricultural land will not be diminished, and d. Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.	Approximately 50% of the proposed hay maze structure is located on prime soils. Due to the location of existing areas of agricultural production, existing development, required setbacks and necessary buffering of the commercial recreation use from the State Scenic Corridor (Hwy 1), no alternative site exists. Therefore, the proposed location of half of the hay maze on prime soils is reasonable. Additionally, the temporary nature of the hay maze allows for agricultural production of winter crops in the area during the winter months, as required by Condition No. 17. The proposed site plan provides for clear division of agricultural and recreational uses on the property. There is no change to existing public services, including facility expansions. The productivity of adjacent agricultural land will not be diminished.	Yes
All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met ² :	The property consists predominantly of prime soils. Areas considered "lands suitable for agriculture" are proposed for parking and hay maze uses. Agriculturally unsuitable lands are heavily vegetated and undeveloped. The property will maintain	Yes

² Includes but does not repeat analysis of criteria elsewhere in this table.

Table C Substantive Criteria for the Issuance of a PAD Permit		
Criteria		Complies with Substantive
1. All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and 2. Continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act).	current agricultural production of 2.94 acres of the property. The applicant states that the addition of the revenue-generating commercial recreational uses will allow the property to remain in agricultural production.	Criteria?
Project shall conform to Chapter 20A.2 (Development Review Criteria) of the Zoning Regulations (applicable policies only).	(See specific criteria below)	Yes
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.	The pre-existing character of the site is vegetated and undeveloped, as well as agricultural in use. Per Condition No. 5, non-agricultural use will be screened to the extent feasible and minimally visible from Cabrillo Highway (Hwy 1). Agricultural use, as seen from Hwy 1 will remain.	Yes
Small, separate parking areas are preferred to single large parking lots.	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.	Yes
No use, development or alteration shall substantially detract from the scenic and visual quality of the County; or substantially detract from the natural characteristics of existing major water courses,	Per Condition No. 5, non-agricultural use will be screened to the extent feasible and minimally visible from Cabrillo Highway (Hwy 1). The project does not involve the removal of any vegetation or riparian vegetation.	Yes

Table C Substantive Criteria for the Issuance of a PAD Permit		
Criteria	Compliance Review	Complies with Substantive Criteria?
established and mature trees and other woody vegetation, dominant vegetative communities or primary wildlife habitats.		
All development shall be sited and designed to minimize the impacts of noise, light, glare and odors on adjacent properties and the community-at-large.	Impacts from noise and light from the proposed commercial recreation uses to surrounding agricultural and residential areas are minimized by limiting the hours of operation in the month of October from 9 a.m. to 7 p.m. Monday through Friday; 9 a.m. to 11 a.m. on Saturdays; and 9 a.m. to 8 p.m. on Sundays, per Condition No. 10. Condition No. 19 prohibits flashing lights. The applicant does not proposed any new lighting.	Yes
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 (as determined by on-site inspections). Highly reflective surfaces and colors are discouraged.	Condition No. 12 requires the proposed structures (haunted barn and sales kiosk) and associated signage to maintain same earth and vegetative tones as the predominant colors of the site (as determined by inspections by Planning staff).	Yes
Suitability for septic tank installation or other treatment facility must be demonstrated where no sewer system exists.	The proposed commercial recreation use would necessitate consumer use of on-site portable toilet facilities at the site. Commercial waste disposal services would be utilized to maintain the toilets. No additional demand would be placed on the existing septic field, which serves the residence.	Yes

Table C Substantive Criteria for the Issuance of a PAD Permit		
Criteria	Compliance Review	Complies with Substantive Criteria?
Projects shall clearly demonstrate methods to be employed for management of vegetative cover, surface water runoff, groundwater recharge, and erosion and sedimentation processes to assure stability of downstream aquatic environments.	Per Condition No. 9, the property owner shall maintain the dirt-surface parking lot, maze structures, and other development from producing pollutants (including trash and sediment) that could potentially enter Lobitos Creek or any right-of-way.	Yes
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.	Condition No. 5 requires the property owner to maintain and plant additional vegetative screening of all aspects of commercial recreational use (i.e., hay maze, jump houses etc.) such that structures are not visible from Cabrillo Highway, to the extent feasible. The property owner is responsible for maintaining the health of intervening vegetation and replacing such vegetation, should vegetation trimming/removal become necessary. 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.	Yes
No off-premise outdoor advertising shall be permitted. Other permitted signs shall be carefully designed to harmonize with the scenic qualities of Scenic Corridors.	Condition No. 12 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. 25 prohibits off-premise outdoor advertising.	Yes

Table C Substantive Criteria for the Issuance of a PAD Permit		
Criteria	Compliance Review	Complies with Substantive Criteria?
Where possible, structural uses shall be located away from prime agricultural soils.	Petting zoo, haunted barn, sales kiosk, are limited to areas that are already developed. Condition No. 24 requires the property owner to relocate areas of train ride and the bounce house to areas of non-prime soil.	Yes
	Hay maze, mini-maze and the pony ride area are located on prime soils, but do not involve the construction of any permanent structures. Condition No. 17 requires that on-site areas of prime soils shall be utilized for agricultural production of winter crops during the winter months. In discussion with the Department of Agricultural	
	Weights and Measures Department, Brussels sprouts, cabbage, leeks, broccoli, cauliflower, and artichokes could be cul- tivated during the winter months, for harvest in the spring.	

5. Maximum Density of Development

The PAD regulations establishes a system for determining the maximum total number of density credits accumulated on any parcel for residential use, non-agricultural uses except for visitor-serving uses, and visitor-serving and commercial recreation uses. For visitor-serving and commercial recreation uses, the regulations require one (1) density credit for the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. The regulations require one (1) additional density credit for each 630 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. As previously stated, the proposed commercial recreation use would necessitate additional consumer demand for drinking water at the site. Recreational water demand would be met with sales of bottled water. The proposed commercial recreation use would necessitate consumer use of on-site portable toilet facilities at the site, which require no water. Water use on the site may be increased minimally (less than 945 gallons over 2 months) for hand-washing associated with portable toilet use.

D. Conformance with the Local Coastal Program (LCP)

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.

1. Agriculture Component

LCP Policy 5.1 (Definition of Prime Agricultural Soils and Use of Land) and County Zoning Regulations Section 6351(A) define prime agricultural land as "all lands which qualify as Class I or Class II in the United States Department of Agriculture (USDA) Soil Conservation Service Land Use Capability Classification as well as Class III lands classified as Lands Suitable for Agriculture." The subject property contains Prime Soils and is designated as Prime Agricultural Land. The subject property, including areas proposed for commercial recreation use, contains Class II prime soils (TuB), designated as prime agricultural land, as well as Class IV non-prime soils (Ma), designated as lands suitable for agriculture.

Staff has confirmed with the United States Department of Agriculture (USDA) that the proposed commercial recreation activities, including parking on the site, do not render the soil damaged for any future agricultural uses. Of the 8.37 acres of land, 2.94 acres are dedicated to agricultural uses and remain in active production of corn and pumpkins. This is confirmed by the returned Williamson Act survey submitted by the owner (Attachment J) and receipts for seed submitted by the applicant (Attachment J).

LCP Policy 5.5 (Permitted Uses on Prime Agriculture Lands) permits agricultural and agriculturally related development on prime agricultural lands, specifically agriculture, 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. In addition, the policy conditionally permits single-family residences, farm labor housing, public recreation and shoreline access trails, non-soil-dependent greenhouses and nurseries, uses ancillary to agriculture, and permanent road stands for the sale of produce, among other uses. As discussed in Section C, Table B of this report, the proposed commercial recreation uses are related to agriculture, with the exception of the train ride, the bounce house, and the jousting events/movie nights use (as proposed in the coliseum/viewing area). Condition No. 24 requires relocation of those uses that are not related to agriculture to areas of non-prime soil, as defined in the PAD regulations. Condition No. 26 requires the applicant to replace the proposed jousting event/movie night use (as proposed in the coliseum/viewing area) with an agriculture-related commercial recreation use, subject to the approval of the Community Development Director. With the approval of the proposed project, agriculture would remain the predominant use of the property, occupying 2.94 acres, where recreation uses would occupy 0.94 acres of the property. Therefore, the agriculture-related recreation uses would be considered ancillary to agriculture.

The commercial recreation elements do not require the conversion of any designated prime soils as all uses are deemed temporary. Further, those uses comprise 0.92 acres of an 8.37-acre parcel. Condition No. 17 requires that on-site areas of prime soils shall be utilized for agricultural production of winter crops during the winter months. In discussion with the Department of Agricultural Weights and Measures Department, Brussels sprouts, cabbage, leeks, broccoli, cauliflower, and artichokes could be cultivated during the winter months, for harvest in the spring.

2. 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, a perennial stream containing primary riparian vegetation, runs along the project parcel's northeastern property line. Attachment C delineates the proposed area for the hay maze. The closest edge of the temporary hay-maze is located 92 feet away from the centerline of Lobitos Creek. Per Condition No. 4, the applicant shall hire a licensed civil engineer to confirm the 50-foot buffer zone requirement is met and shall submit such plan to the Planning and Building Department for review and approval prior to construction of the hay maze.

3. <u>Visual Resources Component</u>

The proposed site is located along a portion of the Cabrillo Highway (Highway 1), which is designated a State Scenic Corridor. The following LCP policies apply:

Policy 8.21 (Commercial Signs) seeks to prohibit off-premises commercial signs, brightly colored illuminated colored, 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.

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, per Condition No. 12 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. Signage shall include verbiage prohibiting parking along Verde Road and Cabrillo Highway. Signage shall be removed within 30 days of the end of seasonal activities.

E. <u>Conformance with the Confined Animal Regulations</u>

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 Department. A Confined Animal Exemption for the keeping of up to five ponies (PLN 2003-00234) has been previously applied for and approved on the subject property. Any increase in the number of ponies beyond five will require an application for the keeping of Confined Animals. The applicant has met all requirements for manure and storm water management per the stated regulations.

F. Conformance with the Williamson Act

In 1967, the property owner, John Arata Sr., placed the then 23-acre parcel under a Williamson Act Contract (AP 67-73). Since that time two of the parcels have been sold, with 8.37 acres of the subject parcel remaining under the ownership of the Arata Family. In 2008, the property owner returned the Williamson Act survey to the County confirming that active agriculture was occurring on the site. Further, the survey (Attachment J) states that the land has returned annual gross revenues of not less than \$200 per acre, a requirement of the Agriculture Component of the Local Coastal Program (LCP).

In order to be approved, the proposed commercial recreation use shall comply with the existing Williamson Act Contract, which allows for uses that can be considered "compatible uses" on agricultural lands. The Williamson Act handout (Attachment I), identifies specific uses which may be permitted subject to the issuance of a use permit, which, in this case, would be a PAD permit. Those uses are riding academies; commercial stables; the keeping or raising of more than 25 turkeys, ducks, or geese; a commercial kennel for the breeding, boarding, or training of dogs or cats; temporary trailer parks for seasonal farm labor; motorcycle parks; dude ranches; and temporary camping uses.

The proposed commercial recreation use, in conjunction with the existing agricultural use, is analogous to a "dude ranch." A dude ranch, also known as a guest ranch, is a type of ranch oriented toward visitors or tourism. While the project site would not contain guest rooms for overnight stay, the proposed use is oriented towards vistors and tourism and promote agriculture as a way of life. Therefore, the proposed commercial recreation use, is a use that is compatible with the existing Williamson Act contract for the property.

G. Review by the Agricultural Advisory Committee

On April 14 and May 9, 2011, the Agricultural Advisory Committee reviewed the project as proposed. The Committee heard comments and concerns from the public in attendance, as well as the applicant. The Committee disagreed with Planning staff's assessment, stating that various recreational activities proposed were not in conformance with what is allowed within the Planned Agricultural District (PAD), and does not consider the proposed commercial recreation components to be compatible uses with uses allowed under the Williamson Act contract for the property. The Committee determined that the agricultural uses were ancillary to the commercial recreation uses, and that the applicant should consider scaling back the operations. As discussed previously, with the approval of the proposed project, agriculture would remain the predominant use of the property, occupying 2.94 acres, where recreation uses would occupy 0.94 acres of the property. Therefore, staff

has determined that the agriculture-related recreation uses, as proposed and conditioned, would be considered ancillary to agriculture.

H. Environmental Review

An Initial Study and Mitigated Negative Declaration under CEQA Guidelines were completed for this project. The public review period for this document was from April 20, 2011 to May 2, 2011.

The Mitigated Negative Declaration's discussion of environmental impacts identified potential traffic impacts associated with the proposal. Specifically, 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. During the weekends of the Halloween/Pumpkin Festival Season (September 15 through 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 Verde Road. The applicant shall be responsible to ensure that no parking occurs along Verde Road or Cabrillo Highway. As mitigated, the applicant shall install no more than four (4) directional signs within the property for the purposes of directing traffic. Such signs may be double-sided and each sign shall not exceed 20 sq. ft. in area. Signage shall be removed within 30 days of the end of seasonal activities. Also, all parking for the agritainment uses are required to occur on-site with no parking allowed on or along Verde Road. Prior to commencing any commercial activities on the site, the applicant shall be required to apply for and be issued a temporary parking restriction permit from the Department of Public Works and shall be responsible for placing "No Parking" signs along Verde Road. Condition No. 15 encourages the applicant to explore off-site parking opportunities.

Staff has received comments regarding the document. The concerns expressed by commenters are generally discussed in this report and will be addressed in more detail during the public hearing on the proposed project.

At the time of the writing of the staff report the applicant has not agreed to the Mitigation Measures as recommended by staff, in particular Mitigation Measure 3 prohibiting parking along Cabrillo Highway and Verde Road and Mitigation Measure 6 regarding months, days and hours of operation. The California Environmental Quality Act (CEQA) requires the applicant agree to the identified Mitigation Measures prior to the certification of the Negative Declaration.

At the time of the public hearing, if the applicant has agreed to the Mitigation Measures then staff recommends that the Planning Commission: (1) certify the Negative Declaration, and (2) approve the Planned Agricultural Permit and Coastal Development Permit by making the required findings and adopting the conditions of approval.

If at the close of the public hearing the applicant has not agreed to the mitigation measures, then no further action can be taken.

I. REVIEWING AGENCIES

- 1. Building Inspection Section
- 2. Cal-Fire
- 3. California Coastal Commission
- 4. Department of Public Works
- 5. Environmental Health
- 6. San Mateo County Agricultural Advisory Committee

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Site Plan
- D. Prime Soils Maps
- E. LCP Policy for Riparian Buffer Zone
- F. Map Delineating Riparian Buffer Zone
- G. Owner Gary Arata's Letters of Concurrence
- H. Williamson Act Contract
- I. Williamson Act Handout
- J. Williamson Act Survey/Receipts for Seed
- K. Receipts for Traffic Security Firm
- L. Receipts for Portable Facilities
- M. September 2010 Interim Operating Conditions
- N. October 2010 Letter Regarding Exhibits
- O. Initial Study Checklist and Negative Declaration
- P. Measurements Along Verde Road
- Q. Letters of Support
- R. Public Comments received on the Mitigated Negative Declaration

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County of San Mateo Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2010-00207 Hearing Date: June 8, 2011

Prepared By: Tiare Peña/Camille Leung 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 the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
- 2. That on the basis of the Initial Study, 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 Mitigated Negative Declaration, will have a significant effect on the environment.
- 3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
- 4. That the mitigation measures identified in the Mitigated Negative Declaration, have been agreed to by the applicant and property owner and placed as conditions on the project. 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 Mitigation Monitoring and Reporting Plan is necessary.

Regarding the After-the-Fact Planned Agricultural District Permit, Find:

5. That the proposed seasonal commercial recreation activities associated with the traditional celebration of pumpkin season in the unincorporated area of San Mateo County constitute a non-residential use ancillary to agriculture, per Section 6353(a)(6), and are considered a commercial recreation use, per Section 6353(b)(7) of Chapter 21A, Planned Agricultural District, of the County Zoning Regulations.

- 6. That the project conforms to the Development Review Criteria contained in Chapter 20A of the San Mateo County Zoning Regulations, specifically relating to the protection of scenic resources.
- 7. That the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain animal grazing.
- 8. That all development on the site is clustered.
- 9. That the encroachment of all development upon prime soils, land which is suitable for agricultural uses, and other lands is minimized.

Regarding the After-the-Fact Coastal Development Permit, Find:

- 10. 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.
- 11. That the project, as conditioned, conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program, particularly those findings that the proposed seasonal commercial recreation activities associated with the traditional celebration of pumpkin season in the unincorporated area of San Mateo County constitute a non-residential use ancillary to agriculture and are considered a commercial recreation use.

RECOMMENDED CONDITIONS OF APPROVAL

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 June 8, 2011. 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 shall expire five (5) years from the date of approval and shall be subject to annual administrative reviews and the applicable fee. Annual inspections shall be scheduled by the applicant/property owner with Planning staff and shall occur no later than September 30 of each year.
- 3. The applicant/property owner shall coordinate with the project planner to record the Notice of Determination and pay an environmental filing fee of \$2,044 (or current fee), as required under Fish and Game Code Section 711.4(d), plus a \$50 recording fee to the San Mateo County within **four (4) working days of the final approval date of this project**.

- 4. **Prior to construction of any of the commercial recreation elements on the parcel,** the applicant/property owner shall submit for approval by the Community Development Director a site plan developed by an engineer. Such plan shall include all elements for the upcoming season and shall delineate the location of the hay maze in relation to the required 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek.
- 5. The applicant/property owner shall maintain and plant additional vegetative screening of all aspects of commercial recreation use (i.e., hay maze, jump houses, etc.) such that structures are minimally visible from Cabrillo Highway, to extent feasible, as determined by Community Development Director.
- 6. 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.
- 7. The petting zoo shall be limited to animals traditionally associated with California coastal agriculture (i.e., sheep, goats, chickens, etc.).
- 8. 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 and to the satisfaction of the Community Development Director.
- 9. The applicant/property owner shall maintain the dirt-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.
- 10. The applicant/property owner shall strictly adhere to the following hours/days of operation:

July – November (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 - 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.

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

- 11. All owners, employees, visitors and individuals otherwise associated with the property shall park on-site. At no time shall parking associated with the property be allowed on or along Verde Road. Prior to commencing any commercial recreation activities on the site, the applicant/property owner shall be required to (1) apply for and obtain a temporary parking restriction permit from the County Department of Public Works, and (2) place "No Parking" signs at intervals determined appropriate by the Department of Public Works along all of Verde Road. Violation of parking restrictions, as confirmed by Planning staff, may result in the revocation of this permit.
- 12. 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 and to the satisfaction of the Community Development Director. All signage shall be removed from the site within 30 days of the end of seasonal activities.
- 13. No signage shall be allowed on or along Cabrillo Highway.
- 14. 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 occurs on or along Cabrillo Highway or Verde Road.
- 15. 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.
- 16. At the end of the Halloween/Pumpkin Season on November 30, operation of all activities will cease and within 30 days, the applicant/property owner shall deconstruct the hay maze and coliseum. Hay that is stacked for future use shall be clustered and located at least 50 feet away from the edge of riparian vegetation on lands deemed Class IIV.
- 17. During winter to spring months of December 1 to May 30, the applicant/property owner must commit all areas of commercial recreation to viable agricultural production, including but not limited to the harvesting of winter crops and grazing uses. In discussion with the Department of Agricultural Weights and Measures, Brussels sprouts, cabbage, leeks, broccoli, cauliflower, and artichokes could be cultivated during the winter months, for harvest in the spring. The applicant/property owner shall supply financial records to the Current Planning Section by June 15 of each year to confirm compliance with this condition.
- 18. The applicant/property owner shall submit for review and approval a trash and debris management plan that, at the minimum, addresses immediate removal of trash and debris and its management on the property in a contained area that avoids any health or safety

impact to the public, riparian buffer zones and areas used for agricultural operation. The plan shall be submitted for review and approval by the Community Development Director within 30 days of the approval of the permit.

- 19. The use of flashing lights on the property is prohibited.
- 20. 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.
- 21. The applicant/property owner 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.
- 22. 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.
- 23. 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.
- 24. The applicant/property owner shall relocate the train ride and the bounce house to areas of non-prime soil, prior to the opening day of the 2011 season.
- 25. 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.
- 26. The applicant/property owner shall replace the proposed jousting event/movie night use (as proposed in the coliseum/viewing area) with an agriculture-related commercial recreation use, subject to the approval of the Community Development Director.

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COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: June 29, 2011

TO:

Planning Commission

PROJECT FILE

FROM:

Planning Staff

SUBJECT:

STAFF REPORT ADDENDUM: Consideration of an After-the-Fact Planned Agricultural District and Coastal Development Permit, pursuant to Sections 6353 and 6328.4, respectively, of the San Mateo County Zoning Regulations, and certification of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act, to allow seasonal agriculture and non-agriculture-related commercial recreational activities at the Arata Pumpkin Farm located at 185 Verde Road in the unincorporated Half Moon Bay area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2010-00207 (Gounalakis)

PROPOSAL

The requested permits would legalize and allow the incorporation of a variety of seasonal (May 1 and November 30 each year) agriculture and non-agriculture-related commercial recreational activities, referred to as "agritainment" activities in this report, into the normal pumpkin selling activities at the Arata Farm property. Specifically, the applicant is proposing to legalize and continue the following on-site, seasonal activities:

- a hay maze/labyrinth/coliseum,
- jousting events,
- a haunted barn.
- a petting zoo,
- pony rides, and
- train rides.

The applicant also proposes a children's play area for birthday parties and school field trips, consisting of the following:

- a mini-maze,
- a bounce house, and
- a sales kiosk (for the sale of prepared foods).

No new permanent structures are proposed, nor are permanent improvements to the property required for these activities. The property also has been in a Williamson Act contract (AP 67-73) since 1967.

Table A Dates and Hours of Operation				
Elements/Structures of the Facility	Proposed	Staff Recommendation		
Dates and 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.		
		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		
Hay Maze	May – November	July – November		
Coliseum	May – November	Use is Not Permitted		
Train Ride	May - November	July – November		
Petting Zoo	May - November	July – November		
Bounce House	May November	July – November		
Private Party Rentals	May – November	July - November		
School Field Trips	May - November	July – November		
Haunted Barn	September - November	September – November		
Movie Nights	October (Friday and Saturday) Sunset – 11:30 p.m.	Use is Not Permitted		

RECOMMENDATION

Staff recommends that the Planning Commission:

- 1. Certify the Mitigated Negative Declaration, pursuant to the California Environmental Quality Act.
- 2. Issue an After-the-Fact Planned Agricultural Permit, by making the required findings and adopting the conditions of approval listed in Attachment A.
- 3. Issue an After-the-Fact Coastal Development Permit, by making the required findings and adopting the conditions of approval listed in Attachment A.

4. Approve the 2011 "Interim Operating Conditions" (Attachment E) to allow the applicant to conduct certain commercial recreation activities during the appeal period and prior to the final local decision, for the 2011 calendar year only.

DISCUSSION

- A. Previous Planning Commission Public Hearing
- 1. Applicant's Requested Modifications

The Planning Commission considered the project at its June 8, 2011 meeting. During the public hearing, Mr. Gounalakis and his counsel, Greg Antone, stated their concurrence to the mitigation measures of the Mitigated Negative Declaration and the conditions of approval, but requested the modifications, as described with staff's analysis below.

a. Applicant Requests to Extend the Hours of Operation from 7:00 p.m. until 11:00 p.m. for Fridays in October

The applicant explained that, since the County would allow the applicant to close the farm at 11:00 p.m. on Saturdays in October, closure by 11:00 p.m. on Fridays should also be allowed. He questions the purpose of requiring the early closure time on Fridays in October. Commissioners expressed that the property's hours of operation should be comparable with other agritainment venues in the area. However, in light of public comment regarding late night parties conducted at the property in the past, Commissioners indicated a desire that nighttime activities should only be allowed on a limited basis, at least initially, to ensure the safety of the community.

Other agritainment venues in the area are Lemos Farm (12320 San Mateo Road), Pastorino Farm (12391 San Mateo Road) and Cozzolino Farm (11881 San Mateo Road). Per the conditions of approval of the Lemos Farm use permit (PLN 2000-00711), entertainment activities at the property must cease by 11:30 p.m. in the month of October and by 9:30 p.m. for other months of the year. However, published hours of operations on the Lemos Farm website state that the farm closes at 5:00 p.m. on a daily basis. Per the conditions of approval of the Pastorino Farm Use Permit (PLN 2000-00730), entertainment activities at the property must cease by 9:30 p.m. Similarly, published hours of operations on the Pastorino Farm website state that the farm closes at 5:30 p.m. Mondays through Saturdays and at 5:00 p.m. on Sundays. The use permit for Cozzolino Farm (PLN 2002-00712) does not regulate the hours of operation. As of the writing of this report, Planning staff was unable to reach the Cozzolino family regarding the hours of operation at their property.

In summary, while County use permits for the Lemos and Pastorino properties allow nighttime operation of the venues, the venues, which cater primarily to children, have limited their hours of operations to the daytime. In light of the hours of operations of other agritainment venues, a recommendation for close of the Arata Farm by 7:00 p.m. on Fridays in the month of October is comparable to other

agritainment operations in the unincorporated County. Depending on the results of required annual reviews, the hours of operation could be reconsidered and adjusted during upcoming use permit renewals.

b. <u>Applicant Requests to Defer Moving the Train Ride for 1 Year, Stating Time and Financial Hardship in Moving the Train this Year</u>

As described in the staff report dated June 8, 2011, Section 6353(6) of the Planned Agricultural District (PAD) regulations allows for "Uses Ancillary to Agriculture" on prime soils, subject to the issuance of a PAD permit. As the train ride is currently located on prime soils and, as currently configured, is not related to agriculture, Condition No. 24 requires the applicant/ property owner to relocate the train ride to areas of non-prime soil, prior to the opening day of the 2011 season, if the train remains unrelated to agriculture. The relocation or non-operation of the ride for this season is reasonable in that the applicant has many other agritainment features available on-site which, as proposed and conditioned, comply with the PAD regulations.

Staff does not support deferral of the implementation of this condition, as the train ride and other agritainment activities have operated without the benefit of permits for many years. The applicant has not provided substantial evidence of a hardship on the basis of which the Commission should defer the timely correction of this violation.

On June 16, 2011, Mr. Antone stated that the applicant proposes to add a produce car to the train ride as an educational feature to illustrate the method by which much produce is distributed. No additional information regarding the revised train ride proposed has been submitted to staff. Should the Planning Commission determine that the train with the produce car is related to agriculture, Condition No. 24 should be amended to require the applicant to move the train ride to an area of non-prime soils unless and until the ride operates with a produce car.

c. Applicant Requests to Defer Discontinuation of Jousting Use in the Coliseum for 1 Year, Due to Contract with the Jousting Company and Additional Time Needed to Build Another Structure to Accommodate the Use

As described in the staff report dated June 8, 2011, Section 6353(6) of the PAD regulations allows for "Uses Ancillary to Agriculture" on prime soils, subject to the issuance of a PAD permit. Staff does not recommend the approval of the jousting use, as the use is non-agriculture related and located within the coliseum, a permitted structure located in an area of prime soils. Condition No. 26 requires the applicant/property owner to replace the proposed jousting event/movie night use (as proposed in the coliseum/viewing area) with an agriculture-related commercial recreation use, subject to the approval of the Community Development Director. At the hearing, the property owner stated that he has already entered into a contract with the jousting company for the event to occur 6–8 days a year and would need additional time to build another structure to accommodate the use.

The applicant has entered into a contract that calls for a land use that has not been permitted, but is still under review by the Planning Commission. The applicant was aware of the status of the review of his project, but entered into a contract with the jousting company at his own risk. Therefore, the contract itself is not a hardship on the basis of which the Commission should allow the non-agriculture related use to take place on prime soils, which is not permitted by the PAD regulations. Staff does not recommend alteration of this condition.

d. Applicant Requests a Movie Use, Which is Not Supported by the Staff Report, on Friday and Saturdays Only

As described in the staff report dated June 8, 2011, Section 6353(6) of the PAD regulations allows for "Uses Ancillary to Agriculture" on prime soils, subject to the issuance of a PAD permit. Staff does not recommend the approval of the movie use as the use is not related to agriculture and is located within the coliseum, a permitted structure located in an area of prime soils. Condition No. 26 requires the applicant/property owner to replace the proposed movie use (as proposed in the coliseum/viewing area) with an agriculture-related commercial recreation use, subject to the approval of the Community Development Director. At the hearing, the property owner stated that the movie use of the coliseum structure is necessary to entertain visitors who are resting and already seated within the coliseum structure.

Due to the property's location within a scenic corridor and its proximity to residential uses, introduction of a movie use could result in significant noise and light impacts. While noise and light impacts could be minimized by limiting show times and volume levels, it is anticipated that allowing the use would result in complaints from the community regarding such impacts (as noise and light are experienced subjectively) and create monitoring challenges for the County. It should be noted that movie uses have not been permitted at the other agritainment venues in the area.

e. <u>Applicant Requests to Use 22 Parking Spaces on Verde Road to be Enforced by Parking Attendants</u>

At the hearing, John Riddell, Deputy Fire Marshal, Coastside Fire Protection District, stated that parking on Verde Road could be accommodated within a southern part of the right-of-way, as shown on Attachment H. Within the 450-foot area, a total of 22 parking spaces can be accommodated without compromise to fire, life, and safety clearances, as the width of the roadway exceeds 26 feet. With the addition of 22 street parking spaces, Commissioners stated that an equivalent number of on-site parking spaces currently located on prime soils should be removed in order to minimize encroachments onto prime soils. Condition No. 11 has been revised to reflect this requirement. Staff has worked with project engineers at Sigma Prime to revise the site plan to eliminate the 22 parking spaces on prime soils, as shown in Attachments C (Proposed Site Plan) and D (As-Conditioned Site Plan). Condition No. 30 requires the applicant to utilize this area for agricultural production.

On June 21, 2011, the applicant delivered a letter to the Planning Department from Gary Arata (Attachment J) stating his concurrence with the revised conditions of approval, which include the mitigation measures of the Mitigated Negative Declaration.

2. Planning Commission Discussion

During the public hearing, two Commissioners (Ranken and Hansson) had to leave the meeting due to prior commitments, while three Commissioners (Dworetzky, Slocum, and Wong) remained to review the item. It became clear in deliberation amongst the remaining Commissioners that any motion on the substance of the permit application would likely result in a split vote. County Counsel advised that on this permit application, a 2–1 split vote by three Commissioners would result in a failed motion, and therefore, Counsel recommended that the Commission consider a motion to continue the item until additional Commissioners could be present and a motion could carry three votes. The item was continued to the Planning Commission meeting of June 29, 2011.

In its deliberation, the remaining Commissioners discussed a variety of concerns, including those described below¹:

a. Shorten Term of Use Permit

At the hearing, Commissioners stated a preference for a shorter term for the use permit than the five-year term originally recommended by staff. While a five-year term is consistent with use permit terms of other agritainment venues in the area, in light of past violations at the property (i.e., use and construction related), staff recommends a two-year term for this use permit. Condition of approval No. 2 has been revised accordingly.

b. Revise Sigma Prime Site Plan to Better Reflect Proposed Areas of Recreation

The Commission reviewed the color-coded proposed site plan prepared by Sigma Prime and provided the following feedback:

- Commissioners noted that the green color-coding for all recreation areas should include the area of the 150-space parking lot, which would more accurately represent the uses of the site.
- Commissioners noted that the project, as conditioned, would represent a reduction in the total area dedicated to recreation use on-site, stating that the application of a 50-foot riparian buffer zone as required by Condition No. 4 would reduce the size of the hay maze.

¹ Commissioners also discussed the applicant's requests to change the hours of operation for Fridays in October and to utilize a 450-foot area of Verde Road for 22 parking spaces, which are described in Section A.1.e of this report.

• Commissioners noted that implementation of Condition No. 24 would reduce the total area of recreation use located on prime soils, as the applicant would be required to move the bounce house and train ride to areas of non-prime soil.

Planning staff worked with staff at Sigma Prime to revise the proposed site plan to represent the parking areas as recreation use. Staff identified other areas that should also be color-coded as recreation, specifically areas of the petting zoo, store, and castle. The revised proposed site plan (Attachment C) more accurately represents the uses of the site, with recreation areas totaling 2.48 acres, where the original map presented a total of 0.94 acres as recreation use.

Table B Project and As-Conditioned Site Plans: Change in Size of Areas of Use				
	Proposed Site Plan	As-Conditioned Site Plan	Change in Acres (Sq. Ft.)	
Agriculture Area	2.94	3.03	+0.09 (+3,920)	
Recreation Area	2.48	2.09	-0.39 (-16,988)	
Developed Area	0.82	0.82	0	

In order to better represent the uses of the property with the implementation of conditions, staff worked with Sigma Prime staff to create an "'As-Conditioned' Site Plan" (Attachment D). This site plan represents the resulting areas of use after the implementation of Condition No. 4 (requirement for 50-foot buffer zone), Condition No. 24 (requirement to move the train ride to areas of non-prime soil), and new Condition No. 30 (requirement to remove the 22 on-site parking spaces and use the area for agricultural production). As conditioned, the project would result in 2.09 acres of recreation use, compared to the 2.48 acres of proposed recreation use. Implementation of Condition No. 30 would increase the area of the property under agricultural production from 2.94 to 3.03 acres, an increase of 0.09 acres or 3,920 sq. ft. As conditioned, agriculture would remain the predominant use of the property, occupying 3.03 acres, where recreation uses would occupy 2.09 acres of the property.

B. Other Changes Made to the Findings and Conditions of Approval

The revised Attachment A includes conditions added based on the discussion at the Planning Commission meeting of June 8, 2011. Also, staff has made further edits to the findings and conditions of approval to provide additional clarity and to incorporate all the mitigation measures of the Mitigated Negative Declaration. All edits made to Attachment A of the staff report dated June 8, 2011 are shown in underline and strike-outs.

C. Applicant's Concurrence to Mitigation Measures of the Mitigated Negative Declaration

During the public hearing, Mr. Gounalakis and his counsel, Greg Antone, stated their concurrence to the mitigation measures of the Mitigated Negative Declaration and the conditions of approval, but requested the modifications, as described in Section A.1 of this

report. On June 21, 2011, the applicant delivered a letter to the Planning Department from Gary Arata (Attachment J) stating his concurrence with the revised conditions of approval, which include the mitigation measures of the Mitigated Negative Declaration.

D. Alternatives

1. Denial of the Project

Should the Planning Commission be unable to approve the proposed project at this hearing, staff recommends that the Planning Commission consider allowing the continuation of the 2010 "Interim Operating Conditions" (Attachment F) in the form of the 2011 "Interim Operation Conditions" (Attachment E), in anticipation of an appeal of the decision to the Board of Supervisors. This would allow the applicant to conduct the proposed commercial recreation activities (with daytime hours of operation only and no parking on Verde Road) for the 2011 calendar year, during the appeal period until the final local decision is made.

If the Planning Commission were inclined to allow the agritainment activities to continue during the pendency of an appeal to the Board of Supervisors, staff believes such approval would itself require certification of an environmental document. Thus, staff also recommends that the Planning Commission, prior to its approval of the 2011 Interim Operating Conditions, certify the Mitigated Negative Declaration in connection with the approval of the Interim Operating Conditions if the Planning Commission is able to make the required California Environmental Quality Act (CEQA) findings in Attachment A. The reduced scope of the project under the Interim Operating Conditions would result in less impacts than the project as proposed. CEQA allows for minor changes to the project description without re-circulation of the environmental document as long as the changes would not result in new significant impacts.

Should the Planning Commission desire to **deny** the proposed project, staff recommends that the Planning Commission:

- a. Deny the After-the-Fact Planned Agricultural Permit and/or the After-the-Fact Coastal Development Permit by making the appropriate findings.
- b. Certify the Mitigated Negative Declaration, pursuant to the California Environmental Quality Act.
- c. Approve the 2011 "Interim Operating Conditions" (Attachment E) to allow the applicant to conduct certain of the commercial recreation activities for the 2011 calendar year only.

2. Continuation of the Public Hearing

Should the Planning Commission desire to continue the public hearing, staff recommends that the Planning Commission direct staff to work with the applicant and/or public to address remaining concern(s) and consider approving the 2011 "Interim Operating Conditions" (Attachment E) to allow the applicant to conduct the proposed commercial recreation activities for the 2011 calendar year. This would allow the applicant to conduct

the proposed commercial recreation activities (with daytime hours of operation only and no parking on Verde Road) for the 2011 calendar year, until the final local decision is made.

Again, if the Planning Commission were inclined to allow the agritainment activities to continue during further proceedings before the Commission, staff believes such approval would itself require certification of an environmental document. Thus, staff also recommends that the Planning Commission, prior to its approval of the 2011 Interim Operating Conditions, certify the Mitigated Negative Declaration in connection with the approval of the Interim Operating Conditions if the Planning Commission is able to make the required CEQA findings in Attachment A. The reduced scope of the project under the Interim Operating Conditions would result in less impacts than the project as proposed.

Should the Planning Commission desire to **continue** the public hearing, staff recommends that the Planning Commission:

- a. Continue the item and direct staff to work with the applicant and/or public to address remaining concern(s).
- b. Certify the Mitigated Negative Declaration, pursuant to the California Environmental Quality Act.
- c. Approve the 2011 "Interim Operating Conditions" (Attachment E) to allow the applicant to conduct the proposed commercial recreation activities for the 2011 calendar year only.

REVIEWING AGENCIES

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

ATTACHMENTS

- A. Revised Recommended Findings and Conditions of Approval
- B. Location Map
- C. Revised Proposed Site Plan
- D. As-Conditioned Site Plan
- E. September 2011 Interim Operating Conditions
- F. September 2010 Interim Operating Conditions
- G. Initial Study Checklist and Negative Declaration
- H. Measurements Along Verde Road
- I. Staff Report dated June 8, 2011 (excludes attachments)
- J. Letter of Concurrence from Gary Arata, dated June 15, 2011

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County of San Mateo Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2010-00207 Hearing Date: June 29, 2011

Prepared By: Tiare Peña, Project Planner For Adoption By: Planning Commission

Camille Leung, Project Planner

RECOMMENDED FINDINGS

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

Regarding the Mitigated Negative Declaration, Find:

- 1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines. An Initial Study and a Mitigated Negative Declaration were prepared and issued with a public review period from April 20, 2011 to May 2, 2011, per the provisions of the CEQA. It should be noted that minor changes to mitigation measures have been made (as shown in underline and strike-outs) to provide additional clarity and would not result in new significant impacts. Therefore, CEQA does not require re-circulation of the Mitigated Negative Declaration.
- 2. That on the basis of the Initial Study, 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 Mitigated Negative Declaration, will have a significant effect on the environment. The mitigation measures contained in the Mitigated Negative Declaration and the conditions of approval in this document adequately mitigate any potential significant effect on the environment.
- 3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
- 4. That the mitigation measures identified in the Mitigated Negative Declaration, have been agreed to by the applicant and property owner and placed as conditions on the project. 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 Mitigation Monitoring and Reporting Plan is necessary.

Regarding the After-the-Fact Planned Agricultural District Permit, Find:

- 5. That the proposed seasonal commercial recreation activities associated with the traditional celebration of pumpkin season in the unincorporated area of San Mateo County constitute a non-residential use ancillary to agriculture, per Section 6353(a)(6), and are considered a commercial recreation use, per Section 6353(b)(7) of Chapter 21A, Planned Agricultural District (PAD), of the County Zoning Regulations. Based on staff's review contained in the staff report dated June 8, 2011, the proposed commercial recreation uses are related to agriculture, with the exception of the train ride, the bounce house, and the proposed jousting event/movie night use. Condition No. 24 requires relocation of the train and bounce house uses to areas of non-prime soil and Condition No. 26 requires the applicant to replace the proposed jousting event/movie night use (as proposed in the coliseum/ viewing area) with an agriculture-related commercial recreation use. Agriculture would remain the predominant use of the property, occupying 3.03 acres, where recreation uses would occupy 2.09 acres of the property. As proposed and conditioned, the project complies with the regulations of the Planned Agricultural District.
- 6. That the project conforms to the Development Review Criteria contained in Chapter 20A of the San Mateo County Zoning Regulations, specifically relating to the protection of scenic resources. Based on staff's review contained in the staff report dated June 8, 2011, the project, as proposed and conditioned, complies with applicable Development Review Criteria, including, but not limited to, those relating to protection of views within scenic corridors and minimization of development on prime agricultural soils. As discussed in the staff report, Condition No. 5 requires the applicant/property owner to maintain and plant additional vegetative screening of all aspects of commercial recreational use and Condition No. 24 requires the property owner to relocate areas of train ride and the bounce house to areas of non-prime soil.
- 7. That the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain animal grazing. As discussed in the staff report dated June 8, 2011, no new permanent structures or uses are proposed which would result in the permanent conversion of agricultural lands.
- 8. That all development on the site is clustered. As discussed in the staff report dated June 8, 2011, proposed development is clustered on the eastern part of the property.
- 9. That the encroachment of all development upon prime soils, land which is suitable for agricultural uses, and other lands is minimized. As discussed in the staff report dated June 8, 2011, Condition No. 4 requires the applicant/property owner to locate the hay maze outside of the required 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek thereby reducing the size of development on prime soil and Condition No. 24 requires the property owner to relocate areas of the train ride and the bounce house to areas of non-prime soil.

Regarding the After-the-Fact Coastal Development Permit, Find:

- That the project, as described in the application and accompanying materials required by 10. 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, Recreation/Visitor Serving Facilities Component and the Visual Resources Component. As discussed in the staff report dated June 8, 2011, the proposed agriculturerelated recreation uses would be considered ancillary to agriculture, a conditionally permitted use on prime agricultural lands. Condition No. 4 requires the applicant/property owner to locate the hay maze outside of the required 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek, in compliance with applicable policies of the Sensitive Habitat Component. In compliance with applicable policies of the Sensitive Habitat Component, Condition No. 5 requires the applicant/property owner to maintain and plant additional vegetative screening of all aspects of commercial recreational use and Condition No. 12 regulates the number, location, size and color of signs at the property. As described in staff presentation to the Planning Commission on June 8, 2011, the project complies with applicable policies of the Recreation/Visitor Serving Facilities Component, specifically the encouragement of commercial recreation facilities that would permanently subsidize agriculture, when conversion policies have been met.
- 11. That the project, as conditioned, conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program (LCP), particularly those findings that the proposed seasonal commercial recreation activities associated with the traditional celebration of pumpkin season in the unincorporated area of San Mateo County constitute a non-residential use ancillary to agriculture and are considered a commercial recreation use. As discussed in the staff report dated June 8, 2011, the proposed agriculture-related recreation uses would be considered ancillary to agriculture, a conditionally permitted use on prime agricultural lands. The project, as proposed and conditioned, complies with requirements pertaining to the location of commercial recreation facilities outside of rural service centers in that the project benefits from a location surrounded by open land, provides needed visitor services in an isolated area of attraction, and does not require new structures which obstruct or detract from existing views.

RECOMMENDED CONDITIONS OF APPROVAL

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 June 29, 2011. 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 PAD Permit shall expire five (5) two (2) years from the date of approval and shall be subject to annual administrative reviews and the applicable fee. Annual inspections shall

be scheduled by the applicant/property owner with Planning staff and shall occur no later than September 30 of each year.

- 3. The applicant/property owner shall coordinate with the project planner to record the Notice of Determination and pay an environmental filing fee of \$2,044 (or current fee), as required under Fish and Game Code Section 711.4(d), plus a \$50 recording fee to the San Mateo County within four (4) working days of the final approval date of this project.
- 4. **Prior to construction of any of the commercial recreation elements on the parcel,** the applicant/property owner shall submit for approval by the Community Development Director a site plan developed by an engineer. Such plan shall include all elements for the upcoming season and shall delineate the location of the hay maze in relation to the required 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek.
- 5. The applicant/property owner shall maintain and plant additional vegetative screening of all aspects of commercial recreation use (i.e., hay maze, jump houses, etc.) such that structures are minimally visible from Cabrillo Highway, to extent feasible, as determined by Community Development Director.
- 6. 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.
- 7. The petting zoo shall be limited to animals traditionally associated with California coastal agriculture (i.e., sheep, goats, chickens, etc.).
- 8. 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 and to the satisfaction of the Community Development Director.
- 9. The applicant/property owner shall maintain the dirt-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.
- 10. <u>Mitigation Measure 6</u>: The applicant/property owner shall strictly adhere to the following hours/days of operation: months, days and hours of operation:

July – November (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 - 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.

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

11. All owners, employees, visitors and individuals otherwise associated with the property shall park on-site, with the exception of the 450-foot length of road. At no time shall parking associated with the property be allowed on or along Verde Road, as identified by Cal-Fire staff and shown in Attachment H of the staff report, to accommodate a maximum of 22 parking spaces and maintain a clear 26-foot wide road width. 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) apply for and obtain a temporary parking restriction permit submit a parking plan and traffic control plan from to the County DPW, (2) submit a signage plan to include the placement of "No Parking – Fire Lane" signs at intervals along Verde Road, with the exception of the portion of road described above, subject to the approval of the DPW, and (3) enter into a maintenance agreement with DPW for maintenance of signage as approved by DPW. The traffic control plan shall show any shuttle routes and any off-site parking spaces, as well as a plan to turn away visitors if all authorized parking spaces are full. 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 Planning County staff, may result in the revocation of this permit.

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 permanently mark the start and end of the 450-foot section of Verde Road along which parking is allowed, as well as the individual 22 parking spaces to promote efficient parking. Temporary barricades shall be used to prohibit parking on all areas of Verde Road (both sides of the road) where parking is prohibited. The applicant shall contact the County Sheriff's Office immediately if there are violations of the "No Parking" zones. Furthermore, the applicant shall hire security guards or after-hour police/sheriff's officers, as needed, to ensure that the "No Parking" zones are enforceable at all times.

12. 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 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 and shall be of the same earth and vegetative tones as the predominant colors of the site, as determined and to the satisfaction of the Community Development Director. All signage shall be removed from the site within 30 days of the end of seasonal activities.

- 13. No signage shall be allowed on or along Cabrillo Highway.
- 14. 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. Mitigation Measures 2 and 4: During the weekends of the Halloween/Pumpkin Festival 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 from Cabrillo Highway and Verde Road, vehicles entering and exiting the site, 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. The applicant/property owner shall be responsible to ensure that no parking occurs on or along Cabrillo Highway or within areas of Verde Road where parking is prohibited.
- 15. 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.
- 16. At the end of the Halloween/Pumpkin Season on November 30, operation of all activities will cease and within 30 days, the applicant/property owner shall deconstruct the hay maze and coliseum. Hay that is stacked for future use shall be clustered and located at least 50 feet away from the edge of riparian vegetation on lands deemed Class IIV (non-prime soils).
- 17. During winter to spring months of December 1 to May 30, the applicant/property owner must commit all areas of <u>prime soils available for agricultural production eommercial recreation</u> to viable agricultural production, including but not limited to the harvesting of winter crops and grazing uses. In discussion with the Department of Agricultural Weights and Measures, Brussels sprouts, cabbage, leeks, broccoli, cauliflower, and artichokes could be cultivated during the winter months, for harvest in the spring. The applicant/property owner shall supply financial records to the Current Planning Section by June 15 of each year to confirm compliance with this condition.
- 18. The applicant/property owner shall submit for review and approval a trash and debris management plan that, at the minimum, addresses immediate removal of trash and debris and its management on the property in a contained area that avoids any health or safety impact to the public, riparian buffer zones and areas used for agricultural operation. The

plan shall be submitted for review and approval by the Community Development Director within 30 days of the approval of the permit.

- 19. The use of flashing lights on the property is prohibited.
- 20. 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.
- 21. The applicant/property owner 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.
- 22. 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.
- 23. 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.
- 24. The applicant/property owner shall relocate the train ride (if found to be unrelated to agriculture) and the bounce house to areas of non-prime soil, prior to the opening day of the 2011 season. The train ride (if found to be unrelated to agriculture) and the bounce house shall be located and maintained outside of areas of prime soils for the life of the project.
- 25. 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.
- 26. The applicant/property owner shall replace the proposed jousting event/movie night use (as proposed in the coliseum/viewing area) with an agriculture-related commercial recreation use, subject to the approval of the Community Development Director.
- 27. <u>Mitigation Measure 1</u>: The applicant/<u>property owner</u> shall not be allowed to utilize moreless than 3.03 acres of the total area of land to for recreational activities not producing agriculture. This permit does not allow any intensification or expansion of use beyond the scope of the approved project. 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.
- 28. <u>Mitigation Measure 3</u>: The applicant/<u>property owner</u> shall maintain the 144 128 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 areas of Verde Road where parking is prohibited.
- 29. <u>Mitigation Measure 5</u>: The applicant/<u>property owner</u> shall be responsible for ensuring that all visitors have left the premises within 30 minutes of the site activities closing time.
- 30. The applicant/property owner shall utilize areas of prime soils where the 22 parking spaces were removed on-site, for agricultural production, for the life of the project.
- 31. 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 permit.

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County of San Mateo



Planning & Building Department

455 County Center, 2nd Floor Redwood City, California 94063 650/363-4161 Fax: 650/363-4849 Mail Drop PLN122 plngbldg@co.sanmateo.ca.us www.co.sanmateo.ca.us/planning

July 1, 2011

Chris and Sunneva Gounalakis 185 Verde Road Half Moon Bay, CA 94019

Gary Arata 2001 Green Hollow Road Colfax, WA 99111

Lillian Arata P.O. Box 15 San Gregorio, CA 94074

Dear Mr. and Mrs. Gounalakis, Mr. Arata and Ms. Arata:

SUBJECT:

LETTER OF DECISION

County File Number PLN 2010-00207 185 Verde Road, Half Moon Bay; APN 066-310-080

On June 29, 2011, the San Mateo County Planning Commission considered a Planned Agricultural District Permit and a Coastal Development Permit, pursuant to Sections 6530 and 6328, respectively, of the San Mateo County Zoning Regulations, and certification of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act, to allow farm related seasonal and recreational activities to occur at the Arata Pumpkin Farm located at 185 Verde Road in the unincorporated Half Moon Bay area of San Mateo County. This project is appealable to the California Coastal Commission. Application filed June 28, 2010. PROJECT PLANNERS: Tiare Peña and Camille Leung. Telephone Numbers: 650/363-1850 and 650/363-1826.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission voted 3-1 on the actions listed below, including revising and adding conditions of approval. See Attachment A for the complete set of Findings and Conditions of Approval.

1. Certification of the Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, with a deletion of a proposed mitigation measure to require the applicant to take measures to prevent all parking on Verde Road, and substitution of a equivalent or more effective measure to prevent parking on portions of Verde Road, and to cooperate with the Department of Public Works to implement traffic control measures for the remainder.

- 2. Approval of an After-the-Fact Planned Agricultural Permit, by making the required findings, subject to the following amendments to the conditions of approval, as listed below and in Attachment A.
 - a. Revised Condition No. 2 to read: The PAD Permit shall expire on December 31, 2011.
 - b. Added new Condition No. 32: 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.
 - c. Added new Condition No. 33: For the renewal of this permit, the Planning Commission requires that the applicant submit the following information for its review:
 - (1) Revised site plan showing the relocation of the hay maze and the coliseum structures to on-site areas of non-prime soils. Subsequently, the current locations of the hay maze and the coliseum structures shall be committed to agricultural production.
 - (2) The applicant/property owner is required to establish off-site parking (i.e., a formal off-site parking agreement with property owner(s) in the area) providing a minimum of 200 parking spaces for use by visitors and employees of the Arata farm, to ease parking challenges at the site. The applicant shall submit a traffic control plan showing the location and number of off-site parking spaces and associated access roads to demonstrate compliance with this condition.
- 3. Approval of an After-the-Fact Coastal Development Permit, by making the required findings and adopting the Conditions of Approval listed in Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on July 14, 2011**.

The Board of Supervisors' approval is appealable to the California Coastal Commission. Any aggrieved person who has exhausted local appeals may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the Board decision. Please contact the Coastal Commission's North Central Coast District Office at 415/904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal

periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

If you have questions regarding this matter, please contact Tiare Peña or Camille Leung, Project Planners, at 650/363-1850 or 650/363-1826.

Rosario Fernandez

Planning Commission Secretary RF/TPG:cdn - TGPV0497 WCN.DOC

Attachments

Singerely

Enclosure: San Mateo County Survey - An online version of our Customer Survey is also

available at: http://www.co.sanmateo.ca.us/planning/survey

cc: Andrew C. Bell

Barbara Bocca

Bob Lania

Brooke B. Knier

Cal-Fire

Corey Bruce

Department of Public Works

Gary Arata

Half Moon Bay Planning Dept.

Irini Gounalakis

Jennifer Cayne

Joann Arata

Josh Petrick

Laura Camozzi

Leonard Priestly

Manoli Gounalakis

Oliveno Silva

Rex Geitner

Shannon Crespo

Tim von Nieda

April Vargas

Bill Johnston

Brandon Spitzack

Building Inspection Section

Coastside Fire Protection

County Assessor

Environmental Health Division

Gregory J. Antone

Heather Gordon

James Birkelurd

Jennifer Chapman

Joseph M. Tamez

Kathleen Lee

Lennie Roberts

Luke Bruce

Michael Miller

R. J. Brown

Robin Camozzi

Tara Benjamin

W. R. Cochran

Attachment A

County of San Mateo Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL THROUGH DECEMBER 31, 2011

Permit or Project File Number: PLN 2010-00207

Hearing Date: June 29, 2011

Prepared By: Tiare Peña, Project Planner

Camille Leung, Project Planner

Adopted By: Planning Commission

FINDINGS

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

Regarding the Mitigated Negative Declaration, Found:

- 1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines. An Initial Study and a Mitigated Negative Declaration were prepared and issued with a public review period from April 20, 2011 to May 2, 2011, per the provisions of the CEQA.
- 2. That certain Mitigation Measures identified in the circulated Mitigated Negative Declaration are infeasible or otherwise undesirable, such that deletion of those Mitigation Measures and substitution of other measures (as shown in underline and strike-out) would be equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment; and that the new measures will avoid or reduce the significant effect to at least the same degree as, or to a greater degree than the original measure and will create no more adverse effect of its own than would have the original measure.
- 3. That on the basis of the Initial Study, 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 Mitigated Negative Declaration, will have a significant effect on the environment. The Mitigation Measures contained in the Mitigated Negative Declaration and the conditions of approval in this document adequately mitigate any potential significant effect on the environment.

- 4. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
- 5. That the Mitigation Measures identified in the Mitigated Negative Declaration have been agreed to by the applicant and property owner and placed as conditions on the project. 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 Mitigation Monitoring and Reporting Plan is necessary.

Regarding the After-the-Fact Planned Agricultural District Permit, Found:

- 6. That the proposed seasonal commercial recreation activities associated with the traditional celebration of pumpkin season in the unincorporated area of San Mateo County constitute a non-residential use ancillary to agriculture, per Section 6353(a)(6), and are considered a commercial recreation use, per Section 6353(b)(7) of Chapter 21A, Planned Agricultural District (PAD), of the County Zoning Regulations. Based on staff's review contained in the staff report dated June 8, 2011, the proposed commercial recreation uses are related to agriculture. with the exception of the train ride, the bounce house, and the proposed jousting event/movie night use. Condition No. 24 requires relocation of the train and bounce house uses to areas of non-prime soil and Condition No. 26 requires the applicant to replace the proposed jousting event/movie night use (as proposed in the coliseum/viewing area) with an agriculture-related commercial recreation use. Agriculture would remain the predominant use of the property, occupying 3.03 acres, where recreation uses would occupy 2.09 acres of the property. As proposed and conditioned, the project complies with the regulations of the Planned Agricultural District.
- 7. That the project conforms to the Development Review Criteria contained in Chapter 20A of the San Mateo County Zoning Regulations, specifically relating to the protection of scenic resources. Based on staff's review contained in the staff report dated June 8, 2011, the project, as proposed and conditioned, complies with applicable Development Review Criteria, including, but not limited to, those relating to protection of views within scenic corridors and minimization of development on prime agricultural soils. As discussed in the staff report, Condition No. 5 requires the applicant/property owner to maintain and plant additional vegetative screening of all aspects of commercial recreational use and Condition No. 24 requires the property owner to relocate the train ride and the bounce house to areas of non-prime soil.

- 8. That the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain animal grazing. As discussed in the staff report dated June 8, 2011, no new permanent structures or uses are proposed which would result in the permanent conversion of agricultural lands.
- 9. That all development on the site is clustered. As discussed in the staff report dated June 8, 2011, proposed development is clustered on the eastern part of the property.
- 10. That the encroachment of all development upon prime soils, land which is suitable for agricultural uses, and other lands is minimized. As discussed in the staff report dated June 8, 2011, Condition No. 4 requires the applicant/property owner to locate the hay maze outside of the required 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek thereby reducing the size of development on prime soil and Condition No. 24 requires the property owner to relocate the train ride and the bounce house to areas of non-prime soil.

Regarding the After-the-Fact Coastal Development Permit, Found:

- 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, Recreation/Visitor Serving Facilities Component and the Visual Resources Component. As discussed in the staff report dated June 8, 2011, the proposed agriculture-related recreation uses would be considered ancillary to agriculture, a conditionally permitted use on prime agricultural lands. Condition No. 4 requires the applicant/property owner to locate the hay maze outside of the required 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek, in compliance with applicable policies of the Sensitive Habitat Component. In compliance with applicable policies of the Sensitive Habitat Component, Condition No. 5 requires the applicant/property owner to maintain and plant additional vegetative screening of all aspects of commercial recreational use and Condition No. 12 regulates the number, location, size and color of signs at the property. As described in the staff presentation to the Planning Commission on June 8, 2011, the project complies with applicable policies of the Recreation/Visitor Serving Facilities Component, specifically the encouragement of commercial recreation facilities that would permanently subsidize agriculture, when conversion policies have been met.
- 12. That the project, as conditioned, conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program (LCP), particularly those findings that the proposed seasonal commercial recreation activities associated

with the traditional celebration of pumpkin season in the unincorporated area of San Mateo County constitute a non-residential use ancillary to agriculture and are considered a commercial recreation use. As discussed in the staff report dated June 8, 2011, the proposed agriculture-related recreation uses would be considered ancillary to agriculture, a conditionally permitted use on prime agricultural lands. The project, as proposed and conditioned, complies with requirements pertaining to the location of commercial recreation facilities outside of rural service centers in that the project benefits from a location surrounded by open land, provides needed visitor services in an isolated area of attraction, and does not require new structures which obstruct or detract from existing views.

CONDITIONS OF APPROVAL

<u>Current Planning Section</u>

- 1. This approval applies only to the proposal described in the staff reports and submitted to and approved by the Planning Commission on June 29, 2011. 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 permits at a public hearing.
- 2. The PAD Permit shall expire on December 31, 2011.
- 3. The applicant/property owner shall coordinate with the project planner to record the Notice of Determination and pay an environmental filing fee of \$2,044 (or current fee), as required under Fish and Game Code Section 711.4(d), plus a \$50 recording fee to the San Mateo County within four (4) working days of the final approval date of this project.
- 4. Prior to construction of any of the commercial recreation elements on the parcel, the applicant/property owner shall submit for approval by the Community Development Director a site plan developed by an engineer. Such plan shall include all elements for the upcoming season and shall delineate the location of the hay maze in relation to the required 50-foot buffer zone from the edge of riparian vegetation along Lobitos Creek.
- 5. The applicant/property owner shall maintain and plant additional vegetative screening of all aspects of commercial recreation use (i.e., hay maze, jump houses, etc.) such that structures are minimally visible from Cabrillo Highway, to extent feasible, as determined by Community Development Director.

- 6. The property owner is responsible for maintaining the health of intervening vegetation necessary for screening all structures associated with commercial recreation as viewed from 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.
- 7. The petting zoo shall be limited to animals traditionally associated with California coastal agriculture (i.e., sheep, goats, chickens, etc.).
- 8. 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 and to the satisfaction of the Community Development Director.
- 9. The applicant/property owner shall maintain the dirt-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.
- 10. <u>Mitigation Measure 6*</u>: The applicant/property owner shall strictly adhere to the following hours/days of operation: <u>months</u>, days and hours of operation:

July - November (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 - 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.

Violation of the hours of operation, as confirmed by Planning staff <u>County</u>, may result in the revocation of this permit.

11. All owners, employees, visitors and individuals otherwise associated with the property shall park on-site, with the exception of the 450-foot length of road along Verde Road, as identified by Cal-Fire staff and shown in Attachment H of the staff report, to accommodate a maximum of 22 parking spaces and maintain a clear 26-foot wide road width. Applicant must discontinue use of on-street parking until

^{*} Changes made by the Planning Commission to the published Mitigation Measures of the project Mitigated Negative Declaration are shown in strike-outs (deletions) and underlines (additions).

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, (2) submit a signage plan to include the placement of "No Parking – Fire Lane" signs at intervals along Verde Road, with the exception of the portion of road described above, subject to the approval of the DPW, and (3) enter into a maintenance agreement with DPW for maintenance of signage as approved by DPW. The traffic control plan shall show any shuttle routes and any off-site parking spaces, as well as a plan to turn away visitors if all authorized parking spaces are full. 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.

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 permanently mark the start and end of the 450-foot section of Verde Road along which parking is allowed, as well as the individual 22 parking spaces to promote efficient parking. The applicant shall contact the County Sheriff's Office immediately if there are violations of the "No Parking" zones. Furthermore, the applicant shall hire security guards or after-hour police/sheriff's officers, as needed, to ensure that the "No Parking" zones are enforceable at all times.

12. 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 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 and shall be of the same earth and vegetative tones as the predominant colors of the site, as deter-

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mined and to the satisfaction of the Community Development Director. All signage shall be removed from the site within 30 days of the end of seasonal activities.

- 13. No signage shall be allowed on or along Cabrillo Highway.
- During the Halloween/Pumpkin Season (September 15 to October 31), the 14. 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. Mitigation Measures 2 and 4*: During the weekends of the Halloween/Pumpkin Festival 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 from Cabrillo Highway and Verde Road, vehicles entering and exiting the site, 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. The applicant/property owner shall be responsible to ensure that no parking occurs on or along Cabrillo Highway or within areas of Verde Road where parking is prohibited.
- 15. 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.
- 16. At the end of the Halloween/Pumpkin Season on November 30, operation of all activities will cease and within 30 days, the applicant/property owner shall deconstruct the hay maze and coliseum. Hay that is stacked for future use shall be clustered and located at least 50 feet away from the edge of riparian vegetation on lands deemed Class IIV (non-prime soils).
- 17. During winter to spring months of December 1 to May 30, the applicant/property owner must commit all areas of prime soils available for agricultural production to viable agricultural production, including but not limited to the harvesting of winter crops and grazing uses. In discussion with the Department of Agricultural Weights and Measures, Brussels sprouts, cabbage, leeks, broccoli, cauliflower, and artichokes could be cultivated during the winter months, for harvest in the spring. The applicant/property owner shall supply financial records to the Current

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Planning Section by June 15 of each year to confirm compliance with this condition.

- 18. The applicant/property owner shall submit for review and approval a trash and debris management plan that, at the minimum, addresses immediate removal of trash and debris and its management on the property in a contained area that avoids any health or safety impact to the public, riparian buffer zones and areas used for agricultural operation. The plan shall be submitted for review and approval by the Community Development Director within 30 days of the approval of the permit.
- 19. The use of flashing lights on the property is prohibited.
- 20. 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.
- 21. The applicant/property owner 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.
- 22. 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.
- 23. 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.
- 24. The applicant/property owner shall relocate the train ride and the bounce house to areas of non-prime soil, prior to the opening day of the 2011 season. The train ride and the bounce house shall be located and maintained outside of areas of prime soils for the life of the project.
- 25. 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.
- 26. The applicant/property owner shall replace the proposed jousting event/movie use (as proposed in the coliseum/viewing area) with an agriculture-related commercial recreation use, subject to the approval of the Community Development Director.

- 27. <u>Mitigation Measure 1*</u>: The applicant/<u>property owner</u> shall not be allowed to utilize more <u>less</u> than 3.03 acres of the total area of land to <u>for recreational</u> activities not producing agriculture. This permit does not allow any intensification or expansion of use beyond the scope of the approved project. 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.
- 28. <u>Mitigation Measure 3*</u>: The applicant/<u>property owner</u> shall maintain the 144 128 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 <u>areas of Verde Road where parking is prohibited</u>.
- 29. <u>Mitigation Measure 5*</u>: The applicant/<u>property owner</u> shall be responsible for ensuring that all visitors have left the premises within 30 minutes of the site activities closing time.
- 30. The applicant/property owner shall utilize areas of prime soils where the 22 parking spaces were removed on-site, for agricultural production, for the life of the project.
- 31. 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 permit.
- 32. 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.
- 33. For the renewal of this permit, the Planning Commission requires that the applicant submit the following information for its review:

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- a. Revised site plan showing the re-location of the hay maze and the coliseum structures to on-site areas of non-prime soils. Current location of hay maze and the coliseum structures shall be committed to agricultural production.
- b. The applicant/property owner is required to establish off-site parking (i.e., a formal off-site parking agreement with property owner(s) in the area) providing a minimum of 200 parking spaces for use by visitors and employees of the Arata farm, to ease parking challenges at the site. The applicant shall submit a traffic control plan showing the location and number of off-site parking spaces and associated access roads to demonstrate compliance with this condition.

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Resided June 14, 1966 Vol. 5180 P. 339

O66-310-080
LAND CONSERVATION AGREEMENT

SEE OGG 310-020 file for APZ CAUTERST

, hereinafter referred to as

"Owner", and the COUNTY OF SAN MATEO, a political subdivision of the State of California, hereinafter referred to as "County",

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

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LAND CONSERVATION AGREEMENT

of Mark , 1966, by and between the Cuts of hereinefter referred to as

"Owner", and the COUNTY OF SAN MATEO, a political subdivision of the State of California, hereinafter referred to as "County",

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

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pursuant to the California Land Conservation Act of 1965.

- 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. No structures shall be srected upon said land except such structures as may be directly related to and compatible with agricultural use, and residence buildings for such individuals as may be engaged in the management of said land, and their families.
- 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.
- the day of , 1966, 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 agree-

ment of all 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 the day and year first above written.

COUNTY OF SAN MATEO

ATTEST:

STATE OF CALIFORNIA. COUNTY OF NAW MILLE

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POSEPHINE K CAPLAN
By Commission Craires August 22, 1966

Name (Typed or Printed)

ACORD CERTIFICATE OF LIABILITY INSURANCE					DATE (MM/DD/YYYY) 07/22/2011	
PROQUEER Phone 408-280-2100 Fax 408-280-2110 ONEPOINT BUSINESS & INSURANCE SERVICES 950 S. BASCOM AVE., SUITE 2118 SAN JOSE CA 95128		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.				
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.ILLIAN ARATA PO BOX 15 SAN GREGORIO, CA	AUTHORIZED F	AUTHORIZED REPRESENTATIVE				
Attention: TPENA@COSANMATEO.C	CA US			Jeff T	atro	
			Jen Tano			

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San Mateo County
Planning and Building Department

June 15,2011

Dear Planning Commission Members and Staff,

I own one half of the property at 185 Verde Rd. Half Moon Bay, Ca,. which is known as the Arata Pumpkin Farm. I would like to take this opportunity to apologize to you that you are being dragged into what has become a personal and civil issue between my "family" and the Gounalakis'. My aunt has filed a partition action with the court against me and the Gounalakis', which is the proper place to settle these issues, not by the planning commission. The issue before the planning commission should be the use permit to operate the farm, no matter who operates it.

This was the first pumpkin farm in Half Moon Bay, having its beginning in the 1930's. My grandfather John Arata Sr. was a pioneer in the "pick your own" marketing concept. Clarence Arata obtained the seeds for the first pumpkins, and it was my father John Arata Jr. who sold the first pumpkins in 1935. My grandfather was the one who first had the idea to have farm animals on display in order to attract people to the farm to buy pumpkins. Mr. Gounalakis has rented the farm since 1991 and he came up with the idea of a straw maze as an attraction.

I feel that I have been a responsible owner and have been sensitive to neighbors and others with genuine concerns about the operation of the farm. Mr. Gounalakis has been approached by several promoters of night time "music events". After some discussion he and I came to a decision that these events have grown so much that we can not accomodate them on our small farm. Any reference to these events that have occurred in the past are irrelevent, as none of these events have taken place for the last 2 years and will not occur at this location in the future. The use permit being considered is not for these events, therefore it is a dead issue and should not be a part of the discussion or decision.

Certain family members have stated that my 78 year old aunt wants to farm the property herself. The fact is that she has a one thousand three hundred (1,300) acre farm that she lives on that is not being farmed to capacity . I find it difficult to believe that she wants to come to this small farm surrounded by so much controversy to practice her farming skills.

Regarding the Williamson Act and the use of "prime soils"for commercial recreation, these activities do not permanently harm the soil. The intent of the Williamson Act was to protect prime farmland from non-agricultural development, which is now being done. The farm could be put back to strictly agricultural use if need be. The land has been used to grow pumpkins and corn to show the public how these crops grow. I did not put the land in the Williamson Act. I inherited land that my grandfather had put under contract. I have always paid my fair share of taxes.

The farm is 8.37 acres total . Approximately 5 of them are usable for

agriculture. It is not possible or practical to survive in todays economy without the added revenue of some other activities. Most of the land surrounding the pumpkin farm is not being used for agricultural production. This is mainly because of economics. If this permit is denied the land will most likely not remain in agriculture.

The pumpkin farm as it exists today is known world wide (through internet and other media). It brings many people to the Half Moon Bay area who would not come otherwise and helps local businesses such as stores, restaurants ,gift shops, gas stations, motel etc. This helps to generate revenue for Half Moon Bay.

The mitigation measures proposed by the staff seems adequate to me to address the genuine concerns. This farm does an excellent job with public relations and provides educational opportunities for many children. It would be a shame lose it. I urge you to approve this use permit.

Thank you for your time and consideration,

Gary Arata

Colfax, Washington 1-509-397-6499

G

Attention: Tiare Peña, Project Planner

REGARDING 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

Concerns, questions and comments regarding the correctness, completeness, or adequacy of the Notice of Intent to Adopt Negative Declaration.

Attention: Tiare Peña, Project Planner

Included you will find 38 pages (including this page) expressing concerns, questions and comments regarding the correctness, completeness, or adequacy of the following Notice of Intent to Adopt Negative Declaration. These concerns, questions and comments are from Lillian Arata, Joann Arata, Corey Bruce and Jennifer Chapman and also include a compilation and summary of the concerns, questions and comments from neighborhood residents Robert Lanig (500 Verde Road), Rob Coburn (515 Verde Road), Dick Cochran (101 Meyn Road) and Jennifer Marsh (1300 Lobitas Creek Cut Off). We plan to present additional information at the upcoming Planning Commission meeting.

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

We feel that it is very important to note that Lillian Arata, half owner of the property in question (Parcel #066-310-080 at 185 Verde Road, Half Moon Bay) does not support this request for a use permit nor does she support the current activities that go on at the above listed property. She has not given her permission as a property owner for many of the listed activities, including the Hay Maze/Labyrinth/Coliseum, Air Jumpers, Private Party Rentals, Haunted Barn, Movie Nights, nor the previous addition of gravel to the parking area or the way in which the spent hay/straw is disposed of on the property.

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.		

OUESTIONS REGARDING PROPOSED DATES AND HOURS:

We feel that the number of months proposed for these commercial activities will significantly reduce the potential agricultural use of this property and possible growing seasons.

- How will the proposed hours be enforced?
- Will the following activities be allowed after dark? If so is this safe? Train Ride, Petting Zoo, Air Jumpers, School Field Trips, Pumpkin Picking
- What would be the purpose of allowing school field trips between from July through September 15th, is school in session?
- What would be the purpose of allowing pumpkin picking past October 31st?
- What would be the purpose of allowing the "Haunted Barn" to be open past October 31st?

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. Please note that the entire property is considered "Prime Soil".

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

Please see our comments on the following points (1 through 5d) within the "project Narrative and Answers to Questions for the Negative Declaration" section.

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.

Please see our comments on the above points (1 through 5d) within the "project Narrative and Answers to Questions for the Negative Declaration" section.

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

<u>Mitigation Measure 1</u>: 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.

- How will the square footage/acreage be calculated, at what time of year will it be calculated and by whom?
- How will the land use requirements and maximum acreage used for activities not producing agriculture be enforced? By whom?
- The "temporary" structure(s) such as the parking area, train ride area, petting zoo area, play set area, as well as the building materials (hay/straw) used to construct the hay maze/labyrinth/coliseum are currently, and have been in previous years, being stored on prime soil making those areas unusable for agriculture.

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.

Please see our comments regarding "Mitigation Measure 2" within the "project Narrative and Answers to Questions for the Negative Declaration" section.

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.

Please see our comments regarding "Mitigation Measure 3" within the "project Narrative and Answers to Questions for the Negative Declaration" section.

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.

Please see our comments regarding "Mitigation Measure 4" within the "project Narrative and Answers to Questions for the Negative Declaration" section.

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

Please see our comments regarding "Mitigation Measure 5" within the "project Narrative and Answers to Questions for the Negative Declaration" section.

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.

Please see our comments regarding "Mitigation Measure 6" above in our questions regarding dates and times section as well as within the "project Narrative and Answers to Questions for the Negative Declaration" section.

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.

Please see our comments regarding "Mitigation Measure 7" within the "project Narrative and Answers to Questions for the Negative Declaration" section.

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 Peña, Project Planner Telephone 650/363-1850

Tiare Peña, Project Planner

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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. Why are the other activities such as petting zoo, air jumpers, school field trips and movie nights not included in this description?

QUESTIONS AND COMMENTS:

Please provide additional descriptions for each of the activities listed above:

Pony Rides:

- What is the supervision for this activity?
- Who leads the ponies (employee or child's parent)?
- Do the ponies live on the property year round?
- Are there any stipulations or limitations on the time of day that this activity can take place? Will pony rides be allowed after dark? If so, is this a safety hazard?
- What department regulates the health, safety, care and humane treatment (food, water, breaks) of these "working" animals? Has this department been made aware of this use permit application? Is there a permit process for the use of ponies in commercial activity?
- How is the safety of the tack and equipment being used for pony rides regulated?

Hay Maze/Labyrinth/Coliseum:

- What is the square footage and height of these structures?
- Are there any stipulations or limitations on the age and/or quality of the hay/straw being used to build the hay maze/labyrinth/coliseum? It appears that a large portion of the hay/straw bales used from the previous year is being re-used for the next year(s). What is the structural integrity of re-used bales and who determines this?

- Who inspects the building of the hay maze/labyrinth/coliseum? How often?
- What are the permit requirements for electricity use within the hay maze/labyrinth/coliseum? Will the applicant be allowed to use an abundance of electrical cords with many electrical extensions and splitters within the maze as in previous years? Is this a fire hazard?
- Are there any stipulations or limitations on how many emergency exits there are?
- Are there any stipulations or limitations on how many fire extinguishers there are within the structure?
- Are there any stipulations or limitations on how many people can be in the structure at one time?
- Are there any stipulations or limitations on how many attendants are required per square foot of the maze to supervise the maze activities while visitors are present?
- Are there any stipulations or limitations on the experience and/or safety and first aid training that the attendants supervising the maze have?

Train Rides:

- What is the square footage of the property used for train rides?
- Is the structure/track permanent or is it removed in the off-season? What about the gravel surrounding the track area?
- Are there any stipulations or limitations on the time of day that this activity can take place? Will train rides be allowed after dark? If so, is this a safety hazard?
- What is the supervision for this activity?
- Is this activity for adults and children? Are adults (guardians) required to be present during train rides? Are seat belts required?
- Are there any stipulations for required care and maintenance of the train? Is the train inspected for safety? If so, by whom?

Hay Rides:

- Please describe how this is done. What is the vehicle used to pull the "hay ride"?
- Is the hay ride horse drawn, tractor drawn (wheel tractor or tracks) or another kind of vehicle?

- If it is tractor drawn are there any requirements for the type of tractor used, such as spark arrester for fire safety around the hay/straw and on dry summer soils with dry vegetation around?
- What is the noise level from the tractor and how does it affect participants of the train ride?
- Where is the path for this activity, through prime soils and/or the growing fields?
- Does this activity take place in the fire lanes? Does it at any time block fire lanes?
- Are there any stipulations or limitations on the time of day that this activity can take place? Will hay rides be allowed after dark? If so, is this a safety hazard?
- What is the supervision for this activity?
- Is this activity for adults and children? Are adults (guardians) required to be present on/during hay rides? Are seat belts required?

Petting Zoo:

- Is a confined animal use permit required for the petting zoo animals?
- How many and what type of animals are allowed for the petting zoo?
- Do the petting zoo animals live on the property year round?
- Are there any stipulations or requirements to post safety/warning signs about the animals, such as kicking, biting, etc?
- Are there any stipulations or limitations on the time of day that this activity can take place? Will the petting zoo be open after dark? If so, is this a safety hazard?
- What department regulates the health, safety, care and humane treatment (food, water, breaks) of these "working" animals? Has this department been made aware of this use permit application? Is there a permit process for the use of petting zoo animals in commercial activity?

Air Jumpers:

- This activity seems to be only for commercial use and not agriculturally related.
- How many air jumpers would be allowed and what is the size of each one?
- What is the supervision for this activity?
- Is this activity for adults and children? Are adults (guardians) required to be present?

Private Party Rentals:

This activity seems to be only for commercial use and not agriculturally related.

- Please describe in detail what private parties would include/exclude.
- How many people would be allowed at these parties?
- Would the private parties be specific to children's parties? Specific to any subject matter such as birthdays or weddings?
- Would there be food served (by a licensed caterer, food prepared/sold on site, food brought by attendees)?
- Would there be alcohol served (by a licensed caterer, alcohol provided/sold by applicant, alcohol brought by attendees)?
- Would there be music at these parties (DJ or live music)?
- Would these private parties be only on weekends or on weekdays as well?

School Field Trips:

- What would be the purpose of School Field Trips during the moths of July through September 15th? Are children is school during this time? What Agriculture related activities would they be experiencing?

Pumpkin Picking:

- What would be the purpose of Pumpkin Picking after October 31st?
- Would this be limited to pumpkins grown on the property?
- If outside pumpkins are allowed to be brought in are there any stipulations or requirements to sell only locally grown pumpkins?
- At what point is selling pumpkins purchased and trucked in to the property considered to be a commercial use and not an agricultural use of the property?

Haunted Barn:

- Which structure is this housed in?
- Has the structure been inspected by the appropriate parties to determine the safety of the structure?
- What is the purpose for this activity being open before October or past October 31st?

- Are there any stipulations or limitations on how many people can be in the Haunted barn at one time?
- Are there any stipulations or limitations on how many attendants are required per square foot of the Haunted Barn to supervise the maze activities while visitors are present?
- Are there any stipulations or requirements for emergency exits, fire extinguishers?
- Are children required to enter with a parent or guardian?

Movie Nights:

- Where does this activity take place on the property?
- Are there any stipulations or requirements regarding the type and rating of the movies that are shown?
- Is this an agricultural activity or purely commercial activity?
- Would this activity be for children only or adults and children? What type of supervision would be present during this activity?

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.

Many of these activities have been going on for only a few years and have only recently been brought to the attention of the land owners recently (particularly private parties). Lillian Arata, half owner of the property, does not support many of these activities nor does she support this use permit request and has not given her permission to the applicant (tenant) for these activities to take place.

Have there been negative outcomes to these activities in the past? Have there been problems involving the police department(s), fire department, health department or complaints from residents of the neighborhood or local citizens in the past?

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.

- What department issues this Confined Animal Exemption
- Are the ponies kept on the property year round?

- If so, are the ponies kept on prime soils? What restrictions or limitations are in place for this?

INSURANCE REQUIREMENTS:

Will this use permit, if granted, require the applicant to provide proof of insurance adequate to cover these activities?

ANSWERS TO QUESTIONS

1. <u>LAND SUITABILITY AND GEOLOGY</u>

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?

<u>Yes, Not Significant</u>. 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.

- Are there any stipulations or limitations on the age and/or quality of the hay/straw being used to build the hay maze/labyrinth/coliseum? It appears that a large portion of the hay/straw bales used from the previous year is being re-used for the next year(s). What is the structural integrity of re-used bales and who determines this?
- Who inspects the building of the hay maze/labyrinth/coliseum? How often? Does this happen periodically during to construction to verify that requirements are being met?
- What are the permit requirements for electricity use within the hay maze/labyrinth/coliseum? Will the applicant be allowed to use an abundance of electrical

cords with many electrical extensions and splitters within the maze as in previous years? Is this a fire hazard?

- Are there any stipulations or limitations on how many people can be in the structure at one time?
 - 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?

<u>Yes, Significant</u>. 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.

We strongly feel that precious resources are being used for primarily commercial use for this project and that this project would allow use of prime soils that is not in keeping with the intention of the Planned Agricultural District zoning regulations or the Williamson Act.

- Not all of the proposed uses upon the prime soils are "temporary". The hay/straw from the previous year's hay maze is currently, and has in previous years, been stored on prime soil making the area designated for the hay maze unusable for agricultural use for the entire year. For example: the property currently has 20 hay stacks wrapped in black plastic 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 12 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). Another 8 of the 20 stacks are approximately 8 to 10 feet wide by approximately 30 feet long by approximately 12 feet tall (or 240 to 300 square feet each or 1.920 to 2,400 square feet total). 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 6 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). The total square footage of this stored hay/straw is estimated at between 14,720 square feet to 21,600 square feet and most is situated in the area indicated as the "Maze Area" on the map included here. The placement of the stacks does not allow for agricultural use of the land between the stacks and clearly does not allow for agricultural use of the land under the stacks.
- The parking area is not temporary and is situated on prime soil making it unusable for agricultural uses throughout the entire year. This parking area is at least equal to (if not larger than) the main Corn and Pumpkin growing field as indicated on the map included here. As well, the applicant has previously added gravel to the soil in the parking area making that soil unusable for growing crops in it's current state.

- The train, play set, petting zoo and castle are also not temporary. The items themselves or the materials used to build them remain on prime soils throughout the year making the prime soils in those areas unusable for growing crops.
- If the train, play set, petting zoo, parking area and hay/straw that is used to build the maze, coliseum and castle are continually constructed and stored in the same areas how does that affect the prime soils when, as the applicant has indicated, they continually grow the same crops in the same areas? Does lack of crop rotation affect the quality of the prime soils?
- If the applicants intends to move the train, play set and petting zoo as well as the hay/straw that is used to build the maze, coliseum and castle where do they intend to store them so that the items/materials do not interfere with usability of the prime soils?
- How does the equipment traffic and foot traffic needed to construct the hay maze/coliseum affect the prime soils that they are being built on? How does it affect the surrounding planted crops?
- How does the vehicle traffic and foot traffic by visitors during the proposed use permit time period affect the prime soils for the next growing season and beyond? How does it affect the surrounding planted crops?

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.

- The property currently has (as in previous years) large piles of decaying, moldy hay/straw in many areas of the property, including in close proximity to and/or on the creek banks. How does the quantity of the decaying hay/straw affect the prime soils, erosion or siltation?
- When the hay/straw is spread over the prime soils is it spread evenly throughout the property or only in specific areas? What is the proximity of the spreading of spent hay/straw to the sloping ground near the creek banks? Would the spent hay/straw be spread within 100 feet of the creek banks?
- Does the breakdown of the particular type of hay or straw that is used have a negative affect on the prime soils or the nearby water supply, fish and wildlife?

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

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

We strongly feel that precious resources are being used for primarily commercial use for this project and that this project would allow use of prime soils that is not in keeping with the intention of the Planned Agricultural District zoning regulations or the Williamson Act.

- Not all of the proposed uses upon the prime soils are "temporary". The hay/straw from the previous year's hay maze is currently, and has in previous years, been stored on prime soil making the area designated for the hav maze unusable for agricultural use for the entire year. For example: the property currently has 20 hay stacks wrapped in black plastic 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 12 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). Another 8 of the 20 stacks are approximately 8 to 10 feet wide by approximately 30 feet long by approximately 12 feet tall (or 240 to 300 square feet each or 1,920 to 2,400 square feet total). 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 6 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). The total square footage of this stored hay/straw is estimated at between 14,720 square feet to 21,600 square feet and most is situated in the area indicated as the "Maze Area" on the map included here. The placement of the stacks does not allow for agricultural use of the land between the stacks and clearly does not allow for agricultural use of the land under the stacks.
- The parking area is not temporary and is situated on prime soil making it unusable for agricultural uses throughout the entire year. This parking area is at least equal to (if not larger than) the main Corn and Pumpkin growing field as indicated on the map included here. As well, the applicant has previously added gravel to the soil in the parking area making that soil unusable for growing crops in it's current state.
- The train, play set, petting zoo and castle are also not temporary. The items themselves or the materials used to build them remain on prime soils throughout the year making the prime soils in those areas unusable for growing crops.
- If the train, play set, petting zoo, parking area and hay/straw that is used to build the maze, coliseum and castle are continually constructed and stored in the same areas how does that affect the prime soils when, as the applicant has indicated, they continually grow the same crops in the same areas? Does lack of crop rotation affect the quality of the prime soils?

- If the applicants intends to move the train, play set and petting zoo as well as the hay/straw that is used to build the maze, coliseum and castle where do they intend to store them so that the items/materials do not interfere with usability of the prime soils?
- How does the equipment traffic and foot traffic needed to construct the hay maze/coliseum affect the prime soils that they are being built on? How does it affect the surrounding planted crops?
- How does the vehicle traffic and foot traffic by visitors during the proposed use permit time period affect the prime soils for the next growing season and beyond? How does it affect the surrounding planted crops?
- The property currently has (as in previous years) large piles of decaying, moldy hay/straw in many areas of the property, including in close proximity to and/or on the creek banks. How does the quantity of the decaying hay/straw affect the prime soils, erosion or siltation?
- When the hay/straw is spread over the prime soils is it spread evenly throughout the property or only in specific areas? What is the proximity of the spreading of spent hay/straw to the sloping ground near the creek banks? Would the spent hay/straw be spread within 100 feet of the creek banks?
- Does the breakdown of the particular type of hay or straw that is used have a negative affect on the prime soils or the nearby water supply, fish and wildlife?
- How is the twin from the spent hay/straw bales disposed of? Is the twin worked into the soil as well?

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 cannel 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.

- The property currently has (as in previous years) large piles of decaying, moldy hay/straw in many areas of the property, including in close proximity to the creek banks. How does the quantity of the decaying hay/straw affect the prime soils, erosion or siltation?
- When the hay/straw is spread over the prime soils is it spread evenly throughout the property or only in specific areas? What is the proximity of the spreading of spent hay/straw to the sloping ground near the banks of Lobitos Creek and School House Creek?
- Does the breakdown of the particular type of hay or straw that is used have a negative affect on the prime soils or the nearby water supply, fish and wildlife?
- How does run off from this property, especially with regard to the spread spent hay/straw affect the water quality for the down stream neighbors?

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 (CNDDB).

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 (CNDDB). What about trout and salmon populations?

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.

- The property currently has (as in previous years) large piles of decaying, moldy hay/straw in many areas of the property, including in close proximity to the creek banks. How does the quantity of the decaying hay/straw affect the prime soils, erosion or siltation?
- When the hay/straw is spread over the prime soils is it spread evenly throughout the property or only in specific areas? What is the proximity of the spreading of spent hay/straw to the sloping ground near the banks of Lobitos Creek and School House Creek?
- Does the breakdown of the particular type of hay or straw that is used have a negative affect on the prime soils or the nearby water supply (including fish and wildlife)?
- Does the reported increased rodent population impact the fish, wildlife, reptiles or plant life on or near the property including spreading of disease and dangerous bacteria such as salmonella?
- 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.

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.

We strongly feel that precious resources are being used for primarily commercial use for this project and that this project would allow use of prime soils that is not in keeping with the intention of the Planned Agricultural District zoning regulations or the Williamson Act.

- Are pumpkins actually grown on this property? If so, what portion of pumpkin sales are from pumpkins grown on the property?
- Is the corn that is grown used as an agricultural commodity or as decoration for the proposed uses and activity?
- Not all of the proposed uses upon the prime soils are "temporary". The hay/straw from the previous year's hay maze is currently, and has in previous years, been stored on prime soil making the area designated for the hay maze unusable for agricultural use for the entire year. For example: the property currently has 20 hay stacks wrapped in black plastic 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 12 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). Another 8 of the 20 stacks are approximately 8 to 10 feet wide by approximately 30 feet long by approximately 12 feet tall (or 240 to 300 square feet each or 1,920 to 2,400 square feet total). 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 6 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). The total square footage of this stored hay/straw is estimated at between 14,720 square feet to 21,600 square feet and most is situated in the area indicated as the "Maze Area" on the map included here. The placement of the stacks does not allow for agricultural use of the land between the stacks and clearly does not allow for agricultural use of the land under the stacks.
- The parking area is not temporary and is situated on prime soil making it unusable for agricultural uses throughout the entire year. This parking area is at least equal to (if not larger than) the main Corn and Pumpkin growing field as indicated on the map included here. As well, the applicant has previously added gravel to the soil in the parking area making that soil unusable for growing crops in it's current state.

- The train, play set, petting zoo and castle are also not temporary. The items themselves or the materials used to build them remain on prime soils throughout the year making the prime soils in those areas unusable for growing crops.
- If the train, play set, petting zoo, parking area and hay/straw that is used to build the maze, coliseum and castle are continually constructed and stored in the same areas how does that affect the prime soils when, as the applicant has indicated, they continually grow the same crops in the same areas? Does lack of crop rotation affect the quality of the prime soils?
- If the applicants intends to move the train, play set and petting zoo as well as the hay/straw that is used to build the maze, coliseum and castle where do they intend to store them so that the items/materials do not interfere with usability of the prime soils?

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.

<u>Mitigation Measure 1</u>: 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.

We strongly feel that precious resources are being used for primarily commercial use for this project and that this project would allow use of prime soils that is not in keeping with the intention of the Planned Agricultural District zoning regulations or the Williamson Act.

How is the 3 acre recommendation above in "Mitigation Measure 1" determined and by whom?

The areas used for commercial recreational uses (as indicated on the map provided by the county and included here) seem to indicate that this project does not even meet "Mitigation Measure 1", additionally, what portion of the land is required by Planned Agricultural District zoning regulations or the Williamson Act to be used for agricultural purposes?

- Areas indicated for agricultural use ("growing") = 107, 800 square feet (107,800 square feet = 2.47 acres)

- Permanent Structures on the property = 5,000 square feet or .1147815 acres
- 8.37 acres minus 0.1147815 acres being used for permanent structures = 8.26 acres not containing permanent structures
- 8.26 acres minus 2.47 acres being used for growing crops = 5.79 acres NOT being used for agricultural purposes
- Not all of the proposed uses upon the prime soils are "temporary". The hay/straw from the previous year's hay maze is currently, and has in previous years, been stored on prime soil making the area designated for the hay maze unusable for agricultural use for the entire year. For example: the property currently has 20 hay stacks wrapped in black plastic 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 12 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). Another 8 of the 20 stacks are approximately 8 to 10 feet wide by approximately 30 feet long by approximately 12 feet tall (or 240 to 300 square feet each or 1,920 to 2,400 square feet total). 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 6 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). The total square footage of this stored hay/straw is estimated at between 14,720 square feet to 21,600 square feet and most is situated in the area indicated as the "Maze Area" on the map included here. The placement of the stacks does not allow for agricultural use of the land between the stacks and clearly does not allow for agricultural use of the land under the stacks.
- The parking area is not temporary and is situated on prime soil making it unusable for agricultural uses throughout the entire year. This parking area is at least equal to (if not larger than) the main Corn and Pumpkin growing field as indicated on the map included here. As well, the applicant has previously added gravel to the soil in the parking area making that soil unusable for growing crops in it's current state.
- The train, play set, petting zoo and castle are also not temporary. The items themselves or the materials used to build them remain on prime soils throughout the year making the prime soils in those areas unusable for growing crops.
- If the train, play set, petting zoo, parking area and hay/straw that is used to build the maze, coliseum and castle are continually constructed and stored in the same areas how does that affect the prime soils when, as the applicant has indicated, they continually grow the same crops in the same areas? Does lack of crop rotation affect the quality of the prime soils?

- If the applicants intends to move the train, play set and petting zoo as well as the hay/straw that is used to build the maze, coliseum and castle where do they intend to store them so that the items/materials do not interfere with usability of the prime soils?

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.

- In previous years there have been many complaints that have resulted in police presence due to excessive noise, especially at night-time events and private parties, how does the applicant intend to reduce or eliminate noise levels during any upcoming private parties or after dark activities?
- Will there be any limitations stipulated in the use permit regarding music (DJ or live music) during any after dark activities and/or private parties?
- Will there be any limitations on the number of people in attendance for the listed activities, especially for private parties of after dark activities?
- 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.

- How does the applicant propose to control weed growth on the property?
- How does the applicant intend to manage the potential additional weed growth due to composting and spreading spent hay on the prime soils?
- e. Will (or could) this project be <u>subject to</u> 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.

- In previous years there have been many complaints that have resulted in police presence due to excessive noise, especially at night-time events and private parties, how does the applicant intend to reduce or eliminate noise levels during any upcoming private parties or after dark activities?
- Will there be any limitations stipulated in the use permit regarding music (DJ or live music) during any after dark activities and/or private parties?
- Will there be any limitations stipulated in the use permit regarding the number of people in attendance at the property for each of the intended activities (especially private parties) either during daylight hours or after dark hours?
- Will there be any limitations stipulated in the use permit regarding the number of people in attendance after dark?

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.

- What is the proximity of the spreading of spent hay/straw to the sloping ground near the banks of Lobitos Creek and School House Creek?

- Does the breakdown of the particular type of hay or straw that is used have a negative affect on the nearby water supply (including fish and wildlife)?
- Does the mold and decay of the hay/straw and the increased rodent population combined with seasonal rains have the potential to generate polluted water runoff?
- How does the possible increase in compacted soil in the parking area, train area, petting zoo area, hay/straw storage area; construction areas and other high foot traffic and vehicle traffic areas affect the run off as compacted soil can allow for less absorption and more run off/erosion.
- 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.
 - Are there any stipulations or requirements regarding placement of portable bathroom facilities in relation to the other activities proposed, particularly and food preparation or sales?

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.

- In previous years that these same activities have gone on there has been significantly increased vehicle traffic and parking along surrounding road ways, creating pedestrian traffic on those road ways with people (adults and children) traveling by foot on narrow, congested roadways to access the property. How will the restricted parking outlined in Mitigation Measure 3 be enforced?

- How will the public know not to park along surrounding roadways? Will there be a requirement that "No Parking" signs be posted along the surrounding roadways? If so, would the posting of such signs be a requirement of the applicant or the county?

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.

- In previous years that these same activities have gone on there has been significantly increased vehicle traffic, congestion and parking along surrounding road ways, how will the restricted parking outlined in Mitigation Measures 2 and 3 be enforced?
- How will the public know not to park along surrounding roadways? Will there be a requirement that "No Parking" signs be posted along the surrounding roadways? If so, would the posting of such signs be a requirement of the applicant or the county?
- What will be required of the applicant once the designated parking area on the site is fully occupied? How will additional traffic be directed away from the property and surrounding roadways?
- Will there be any stipulations as to where the minimum of three parking attendants will be located? Will there be attendants located on the surrounding roadways to direct traffic to the parking area or away from the property if the parking area is full?
- Will there be any stipulations or requirements regarding the experience level and/or training required for the parking attendants?
- Are three parking attendants sufficient to direct traffic given all of the possible entry points to the property? ie: Verde Rd North entrance, Verde South entrance,

parking lot entrance, parking lot exit, Lobitos Creek Rd, Lobitos Creek Cut Off and the parking lot itself. It seems like more than three attendants would be required to keep all visitors parking contained within the property.

- Will there be a requirement to have police officers directing traffic during the "pumpkin season" between September 15th to October 31st?

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.

- In previous years that these same activities have gone on there has been significantly increased vehicle traffic, congestion and parking along surrounding road ways as well as visitor's vehicles blocking neighboring driveways and solid traffic congestion on narrow roadways that would not allow for emergency vehicles to pass if necessary. How will the restricted parking outlined in Mitigation Measures 2 and 3 be enforced?
- How will the public know not to park along surrounding roadways? Will there be a requirement that "No Parking" signs be posted along the surrounding roadways? If so, would that be a requirement of the applicant or the county?

- What will be required of the applicant once the designated parking area on the site is fully occupied? How will additional traffic be directed away from the property and surrounding roadways?
- Will there be any stipulations as to where the minimum of three parking attendants will be located? Will there be attendants located on the surrounding roadways to direct traffic to the parking area or away from the property if the parking area is full?
- Are three parking attendants sufficient to direct traffic given all of the possible entry points to the property? ie: Verde Rd North entrance, Verde South entrance, parking lot entrance, parking lot exit, Lobitos Creek Rd, Lobitos Creek Cut Off and the parking lot itself. It seems like more than three attendants would be required to keep all visitors parking contained within the property.
- Will there be a requirement to have police officers directing traffic during the "pumpkin season" between September 15th to October 31st?
- In years past the applicant has placed barricades along the surrounding road sides to indicate "no parking" on one side while allowing parking on the other side. We (and neighboring residents) have seen that these narrow the roadway significantly and obstruct through traffic. If these barricades are used again, and potentially on both sides of the narrow roadways how will that affect the passage of emergency vehicles? Is there an alternate solution to deter parking on the surrounding roadways?
- Will there be any stipulations or requirements regarding the type/quality of chalk used to designate the parking spaces so that it is not hazardous to children, animals or the soil?
- 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.

- In previous years that these same activities have gone on there has been significantly increased vehicle traffic, congestion and parking along surrounding road ways as well as visitor's vehicles blocking neighboring driveways and solid traffic congestion on narrow roadways that would not allow for emergency vehicles to pass if necessary. How will the restricted parking outlined in Mitigation Measures 2 and 3 be enforced?
- How will the public know not to park along surrounding roadways? Will there be a requirement that "No Parking" signs be posted along the surrounding roadways? If so, would that be a requirement of the applicant or the county?
- What will be required of the applicant once the designated parking area on the site is fully occupied? How will additional traffic be directed away from the property and surrounding roadways?
- Will there be any stipulations as to where the minimum of three parking attendants will be located? Will there be attendants located on the surrounding roadways to direct traffic to the parking area or away from the property if the parking area is full?
- Are three parking attendants sufficient to direct traffic given all of the possible entry points to the property? ie: Verde Rd North entrance, Verde South entrance, parking lot entrance, parking lot exit, Lobitos Creek Rd, Lobitos Creek Cut Off and the parking lot itself. It seems like more than three attendants would be required to keep all visitors parking contained within the property.
- Will there be a requirement to have police officers directing traffic during the "pumpkin season" between September 15th to October 31st?
- In years past the applicant has placed barricades along the surrounding roadsides to indicate "no parking" on one side while allowing parking on the other side. We (and neighboring residents) have seen that these narrow the roadway significantly and obstruct through traffic. If these barricades are used again, and potentially on both sides of the narrow roadways how will that affect the passage of emergency vehicles? Is there an alternate solution to deter parking on the surrounding roadways?

Will there be any stipulations or requirements regarding the type/quality of chalk used to designate the parking spaces so that it is not hazardous to children, animals or the soil?

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.

<u>Mitigation Measure 5</u>: 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.

- Will there be any limitations on the number of people in attendance after dark and/or for private parties?
- Will there be any limitation on the number of people in the hay maze at one time?

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. We strongly feel that precious resources are being used for primarily commercial use for this project and that this project would allow use of prime soils that is not in keeping with the intention of the Planned Agricultural District zoning regulations or the Williamson Act. We also feel that the length of time that these un-permitted activities have been going on should not impact the decision to let them continue. We do not feel that this neighborhood should be subjected to this level of commercial activities.

- Many of these activities have been going on for only a few years and have only recently been brought to the attention of the landowners recently (particularly private parties). Lillian Arata, half owner of the property, does not support many of these activities nor does she support this use permit request and has not given her permission to the applicant (tenant) for these activities to take place.

- Will there be any limitations on the number of people in attendance after dark and/or for private parties?
- Will there be food served at private parties (by a licensed caterer, food prepared/sold on site, food brought by attendees)?
- Will there be alcohol served at private parties (by a licensed caterer, alcohol provided/sold by applicant, alcohol brought by attendees)?
- c. Will (or could) this project employ equipment that could interfere with existing communication and/or defense systems?

<u>No Impact</u>. 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.

We strongly feel that precious resources are being used for primarily commercial use for this project and that this project would allow use of prime soils that is not in keeping with the intention of the Planned Agricultural District zoning regulations or the Williamson Act.

How is the 3 acre recommendation above in "Mitigation Measure 1" determined and by whom?

The areas used for commercial recreational uses (as indicated on the map provided by the county and included here) seem to indicate that this project does not even meet "Mitigation Measure 1", additionally, what portion of the land is required by Planned Agricultural District zoning regulations or the Williamson Act to be used for agricultural purposes?

- Areas indicated for agricultural use ("growing") = 107, 800 square feet (107,800 square feet = 2.47 acres)
- Permanent Structures on the property = 5,000 square feet or .1147815 acres
- 8.37 acres minus 0.1147815 acres being used for permanent structures = 8.26 acres not containing permanent structures
- 8.26 acres minus 2.47 acres being used for growing crops = 5.79 acres NOT being used for agricultural purposes

- Not all of the proposed uses upon the prime soils are "temporary". The hay/straw from the previous year's hay maze is currently, and has in previous years, been stored on prime soil making the area designated for the hay maze unusable for agricultural use for the entire year. For example: the property currently has 20 hay stacks wrapped in black plastic 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 12 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). Another 8 of the 20 stacks are approximately 8 to 10 feet wide by approximately 30 feet long by approximately 12 feet tall (or 240 to 300 square feet each or 1,920 to 2,400 square feet total). 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 6 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). The total square footage of this stored hay/straw is estimated at between 14.720 square feet to 21,600 square feet and most is situated in the area indicated as the "Maze Area" on the map included here. The placement of the stacks does not allow for agricultural use of the land between the stacks and clearly does not allow for agricultural use of the land under the stacks.
- The parking area is not temporary and is situated on prime soil making it unusable for agricultural uses throughout the entire year. This parking area is at least equal to (if not larger than) the main Corn and Pumpkin growing field as indicated on the map included here. As well, the applicant has previously added gravel to the soil in the parking area making that soil unusable for growing crops in it's current state.
- The train, play set, petting zoo and castle are also not temporary. The items themselves or the materials used to build them remain on prime soils throughout the year making the prime soils in those areas unusable for growing crops.
- If the train, play set, petting zoo, parking area and hay/straw that is used to build the maze, coliseum and castle are continually constructed and stored in the same areas how does that affect the prime soils when, as the applicant has indicated, they continually grow the same crops in the same areas? Does lack of crop rotation affect the quality of the prime soils?
- If the applicants intends to move the train, play set and petting zoo as well as the hay/straw that is used to build the maze, coliseum and castle where do they intend to store them so that the items/materials do not interfere with usability of the prime soils?
- 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.

- As it has been previously stated "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" how will this affect the limited local Sheriff's department and the response time of police, fire and/or ambulance vehicles in the event of an emergency, especially for the surrounding neighborhood situated on very narrow roadways?
- Is there any requirement as to how often Cal-Fire, Environmental Health and the County Sheriff's Office will conduct field inspections?
- 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). See previous concerns from (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.

- A very good point is made with this particular question... this project is proposed to be situated in a neighborhood, NOT and existing commercial use area.
- 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.

- In previous years that these same activities have gone on there has been significantly increased litter and garbage along the surrounding roadways and on the neighboring properties that has been cleaned up by the neighboring residents, including food wrappers, drink containers, paper, plastic, human waste (feces) and baby diapers. Will there be any stipulations or requirements for the applicant to perform any cleanup of litter on the surrounding roadways due to increased traffic traveling to and from the property?
- 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.

We strongly feel that precious resources are being used for primarily commercial use for this project and that this project would allow use of prime soils that is not in keeping with the intention of the Planned Agricultural District zoning regulations or the Williamson Act. This project is proposed to be situated in a neighborhood, NOT and existing commercial use area.

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

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

- How do the proposed use permit and activities relate to the Planned Agricultural District zoning regulations and the Williamson Act? Are these allowed uses and activities?
- This project is proposed to be situated in a neighborhood, NOT and existing commercial use area.
- 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.

- As it has been previously stated "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" how will this affect the recently reduced local Sheriff's department and the response time of police, fire and/or ambulance vehicles in the event of an emergency, especially for the surrounding neighborhood situated on very narrow roadways? It would seem the anticipated increase and affect on the carrying capacity along Cabrillo Highway would certainly affect emergency response time and/or evacuation if necessary.
- How will the expected increased traffic affect the neighborhood residents (on narrow roadways) in the event of an emergency or evacuation?
- Will the applicant be required to provide an "in case of emergency" evacuation plan for the property?

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.

- Will food (prepared on site or catered), drinks and/or alcohol be served on the property?
- Does the sale and consumption of packaged snacks on an agricultural land that houses animals and provides public access to pony rides and other farm animals have a potential to be a health hazard?
- What effect does the increased rodent population due to the large quantities of decaying hay/straw on the property have on public heath hazards including visitors to the property (combined with potential food consumption) and neighbors?

- How and where are packaged snacks stored?
- Will the applicant be required to provide antibacterial hand lotion and/or wash stations if food is allowed?
- How does the mold and decay of spent hay/straw and aged, wet straw used for construction of the hay maze/labyrinth/coliseum affect the public as both an air quality hazard and possible ingestion 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. (the size of the signs seems to be inconsistent throughout this document) 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.

- Will signs be allowed on surrounding roadways such as Verde Rd?
- b. Will (or could) this project obstruct scenic views from existing residential areas, public lands, public water body, or roads?

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

- The project may not obstruct the scenic views, however it certainly affects the quality of the view. See below for details.
- c. Will (or could) this project involve the construction of buildings or structures in excess of three stories or 36 feet in height?

<u>No Impact</u>. 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 our 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.

We strongly feel that precious resources, including the natural scenic qualities of this property are being used for primarily commercial use for this project and that this project would allow use of prime soils that is not in keeping with the intention of the Planned Agricultural District zoning regulations or the Williamson Act.

- The proposed project includes not only the use of hay, corn and pumpkins but also large metal statues, brightly colored plastic bounce houses, a fire truck, broken down tractors and trucks creating a visual that more closely resembles an amusement park than blending in with the rural scenic qualities and other Cabrillo Highway adjacent properties used for farming.
- The property currently has 20 hay stacks wrapped in black and white plastic and many piles of decaying, molding hay/straw around the property within full view of Cabrillo Highway. There are also currently several old, broken down (looking) vehicles, travel trailers and piles of debris including old shipping pallets, wood and stacked used tires.
- The hay/straw from the previous year's hay maze is currently, and has in previous years, been stored on prime soil making the area designated for the hay maze unusable for agricultural use for the entire year. For example: the property currently has 20 hay stacks wrapped in black plastic 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 12 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). Another 8 of the 20 stacks are approximately 8 to 10 feet wide by approximately 30 feet long by approximately 12 feet tall (or 240 to 300 square feet each or 1,920 to 2,400 square feet total). 8 of these 20 stacks are approximately 8 to 10 feet wide by approximately 100 to 120 feet long by approximately 6 feet tall (or 800 to 1200 square feet each or 6,400 to 9,600 square feet total). The total square footage of this stored hay/straw is estimated at between 14,720 square feet to 21,600 square feet and most is situated in the area indicated as the "Maze Area" on the map included here. The placement black and white plastic wrapped hay/straw is, in our opinion and the opinion of many other neighbors and citizens very unattractive and also does allow for agricultural use of

the land between the stacks and clearly does not allow for agricultural use of the land under the stacks.

ATTACHMENTS

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

TP:cdn - TGPV0283_WCH.DOC



It's your connection

235 Main Street Half Moon Bay, CA 94019 (650) 726-8380 fax (650) 726-8389

www.hmbchamber.com www.halfmoonbayecotourism.com

May 17, 2011

Tiare Peña Planning and Building Department 455 County Center Redwood City, CA 94063

Dear Tiare and Planning,

The Half Moon Bay Coastside Chamber of Commerce & Visitors' Bureau would like to give you economic impact information on the Arata Pumpkin Farm just south of Half Moon Bay. The Chamber is not speaking to the issue of the Williamson Act or Local Coastal Plan on this matter. We can tell you that the Arata Farm is a popular draw during our Fall Season. Visitors and school children come to the coast from all over the Bay Area specifically to go to the farm and most particular the hay maze. It is a huge draw for the coast and more often than not, those people stop in Half Moon Bay and eat, shop, buy gas, and sometimes stay the night, thus contributing additional revenue to local businesses.

If the Arata Farm could alter their activities to comply with agriculture and planning department guidelines, this business would be an asset to the Coastside economy.

Sincerely yours

Sava Watson

Chairman of the Board

Charise McHugh, ACE

President/CEO

Tiare Pena - Save the farm

From:

<BLawsonCPA@aol.com>

To:

<tpena@co.sanmateo.ca.us>

Date:

5/17/2011 1:26 PM

Subject: Save the farm

To whom it may concern:

We love the Arata Pumpkin Farm. We go there every year with our family, 12 in all, to pick out our pumpkins, find our way through the maze and pet and feed the animals. About 6 years ago we purchased two of their pygmy goats and have had goats ever since. If we have farm related questions, they are the first people we call for advice. I hope we can continue to go out to Half Moon Bay and visit the farm for generations to come.

Sincerely,

Brett Lawson

Tiare Pena - Arata Farms

From: "Norm Wood" <wood.norm@gmail.com>

Date: 5/18/2011 2:26 PM

Subject: Arata Farms

Although Arata Farms has not had a direct impact on me or my family I believe it to be a valuable asset to the community. I spend a lot of hours on SR1 and every time I pass the farm there are bus loads of children there. This is the only place that many of our young people will get even a hint of what farm life is all about. It would be a real shame to lose this place. I took several roosters to them a while back. If it had not been for Arata Farms these roosters would have had to be put down. I am glad I was able to find them a good home where they can live out the rest of their lives. PLEASE SAVE THE FARM!!! Norm Wood

Tiare Pena - Aratas Farm

From:

"Emily Lannon" <elannon@ideo.com>

To:

"tpena@co.sanmateo.ca.us" <tpena@co.sanmateo.ca.us>

Date:

5/18/2011 3:58 PM

Subject: Aratas Farm

I go to Aratas farm every year with my company and separately with my friends. It is such a wonderful way to celebrate the season of fall. It would be a real shame if it were to get shut down.

Thanks

Emily Lannon Experience Lead IDEO

Tiare Pena - Save Arata farm!

From: "Michael Erler" <michael.erler1@gmail.com>

To: <tpena@co.sanmateo.ca.us>

Date: 5/17/2011 5:20 PM Subject: Save Arata farm!

Dear Mr. Pena,

I'm very close to the Gounalakis family, who have been living on the Arata pumpkin ranch and working there for over 20 years. They're very hardworking people and have brought a lot of business to Half Moon Bay for a long time. Please do everything in your power to keep letting them operate the ranch because not only is it their primary source of income, but it's also one of the leading tourist attractions for the city, because of the straw maze they set up every summer.

Thanks,

Michael Erler

Tiare Pena - Fwd: Arata Pumpkin Farm

From:

"Arata Pumpkin Farm" <info@aratapumpkinfarm.com>

To:

<tpena@co.sanmateo.ca.us>

Date:

5/19/2011 1:21 PM

Subject: Fwd: Arata Pumpkin Farm

Sincerely,

Arata Pumpkin Farm Staff

----- Forwarded message -----

From: Dane Karr < dkarr@achaogen.com>

Date: Thu, May 19, 2011 at 9:29 AM

Subject: Arata Pumpkin Farm To: tpena@co.sanmateo.ca.us Cc: info@aratapumpkinfarm.com

This letter is in support of Arata Pumpkin Farm.

I was shocked to hear that a few local residents had brought a complaint against the proprietors of this establishment, in particular the maze and other Halloween activities they offer around October. Arata offers a fun. family friendly place to bring the kids for Halloween and they have always been more than generous to their customers. We have taken our kids there for some time now and our daughter even had one of her birthday parties there. I must say, it was a hit. Arata Pumpkin Farm has always treated us with kindness, concern, and have kept their event fun for everyone. They have not only created an established tradition with their maze and "river of pumpkins", they have kept the original rural flavor of Half Moon Bay alive by saving their farm with this event and keeping it from becoming another exclusive gated community on the coastside. I fail to see the harm this event creates and one really must ask, what is next for Half Moon Bay? Is this event really more onerous than Lemos' Farm on a sunny weekend day? Should we eliminate the Pumpkin Festival? Demise of the Dream Machines?

In closing, I really must ask you to consider what is in the best interest of everyone here. Closing the farm (the result of no October festivities) for a select few, or letting the farm serve up some rural fun for the community at large for a few days of the year.

Thank you, Dane Karr

Coastside Resident

Tiare Pena - Arata Pumpkin Farm

From: "Dane Karr" <dkarr@achaogen.com>

To: <tpena@co.sanmateo.ca.us>

Date: 5/19/2011 9:30 AM **Subject:** Arata Pumpkin Farm

CC: <info@aratapumpkinfarm.com>

This letter is in support of Arata Pumpkin Farm.

I was shocked to hear that a few local residents had brought a complaint against the proprietors of this establishment, in particular the maze and other Halloween activities they offer around October. Arata offers a fun, family friendly place to bring the kids for Halloween and they have always been more than generous to their customers. We have taken our kids there for some time now and our daughter even had one of her birthday parties there. I must say, it was a hit. Arata Pumpkin Farm has always treated us with kindness, concern, and have kept their event fun for everyone. They have not only created an established tradition with their maze and "river of pumpkins", they have kept the original rural flavor of Half Moon Bay alive by saving their farm with this event and keeping it from becoming another exclusive gated community on the coastside. I fail to see the harm this event creates and one really must ask, what is next for Half Moon Bay? Is this event really more onerous than Lemos' Farm on a sunny weekend day? Should we eliminate the Pumpkin Festival? Demise of the Dream Machines?

In closing, I really must ask you to consider what is in the best interest of everyone here. Closing the farm (the result of no October festivities) for a select few, or letting the farm serve up some rural fun for the community at large for a few days of the year.

Thank you, Dane Karr

Coastside Resident

Tiare Pena - Arata Farms

From:

"Liz Davis" <ldavis@hayscompanies.com>

To:

"'tpena@co.sanmateo.ca.us'" <tpena@co.sanmateo.ca.us>

Date:

5/18/2011 7:01 PM

Subject: Arata Farms

Arata Farms is a fantastic place to visit. It is a wonderful place to bring my grandchildren to visit. Please keep Arata farms open for the good of the community. Thank You!

Liz Davis

Vice President CA license #oD40525 Hays Companies of San Francisco 1350 Bayshore Highway, Suite #218 Burlingame, CA 94010 Direct: 650.393.2022

Mobile: 415-308-7090 Fax: 650.393.2001

Email: ldavis@hayscompanies.com

This communication is intended only for the recipient(s) named above; may be confidential and/or legally privileged; and, must be treated as such in accordance with state and federal laws. If you are not the intended recipient, you are hereby notified that any use of this communication, or any of its contents, is prohibited. If you have received this communication in error, please return it to the sender and delete the message from your computer

Tiare Pena - RE: Arata Farm - parking along Verde Road

From:

"Jolley, Clayton" < Clayton.Jolley@fire.ca.gov>

To:

"Tiare Pena" <tpena@co.sanmateo.ca.us>

Date:

5/18/2011 6:41 PM

Subject: RE: Arata Farm - parking along Verde Road

HI Tiare,

Chris came in today to talk about the Hay Maze parking. I suggested he find a site for overflow parking and he said he thought he could park on some parts of the road system down there of it was wide enough.

I gave him the following information. For improved road surface only -Road width of 26 feet or less = No Parking on either side Road width of 26 feet to 32 feet wide = Parking on one side only Road width of 32 feet or more = Parking on both sides

Perhaps this language could be used on his permit.

Clayton Jolley

Battalion Chief / Fire Marshal

CAL FIRE

San Mateo County Fire Department (650) 573-3847 - Phone (650) 367-6023 #2104 - Pager Coastside Fire Protection District Half Moon Bay (650) 726-5213 - Phone (650) 726-0132 - Fax Clayton.Jolley@fire.ca.gov

From: Tiare Pena [mailto:tpena@co.sanmateo.ca.us]

Sent: Monday, May 16, 2011 2:08 PM

To: Jolley, Clayton

Subject: Arata Farm - parking along Verde Road

Have you had any discussions with the applicant? Do you still agree that parking on or along Verde Road should be prohibited to allow for fire access? If you could let me know as soon as possible that would be greatly appreciated.

Tiare Peña Planning and Building Department 455 County Center Redwood City, CA 94063 650/363-1850

Tiare Pena - Arata

From:

<Ferninc@aol.com>

To:

<tpena@co.sanmateo.ca.us>

Date:

5/17/2011 1:15 PM

Subject: Arata

Arata pumpkin farm is a wonderful place for your family to visit. Our children have many memories of the farm and we look forward to many more years of memories.

Thank You,

Jill Lawson Millbrae, CA

Tiare Pena - oh no!

From:

"linda laguna" <just_lin@me.com>

To:

<tpena@co.sanmateo.ca.us>

Date:

5/21/2011 8:08 AM

Subject: oh no!

PLEASE don't close down the ARATA Pumpkin Farm!! It's one of the few remaining "real" farm experiences we and our children can have. I hear it's been in existence since the 30's!?! What an amazing gift it has been over the years... How many businesses can say that anymore?

With urgency, linda laguna

Justin Clark & Linda Laguna (and Betty too!) 884 Montezuma Drive Pacifica CA 94044 t: 650-359-3873

From:

<art.yoshii@gmail.com>

To:

"tpena@co.sanmateo.ca.us" <tpena@co.sanmateo.ca.us>

Date:

5/22/2011 12:47 PM

Subject:

Question about Arata farm status

Dear Ms. Pena,

It has recently come to my attention that the status of Arata Pumpkin Farm to continue operating in Half Moon Bay as it has in the past is in question. I was given your name as a contact for someone familiar with the details of this matter. As a resident of Pacifica, I have visited and enjoyed Arata farm for a number of years and have always thought they were a positive reflection of the Half Moon Bay community. If you are seeking feedback from the community on Arata farm, please consider this email as a vote in favor for their current operations.

Best regards, Art Yoshii

Tiare Pena - Please keep the Arata pumpkin farm in Half Moon Bay open

From: "Melissa Garner Cordeiro" <melissa.cordeiro@gmail.com>

To: <tpena@co.sanmateo.ca.us>

Date: 5/21/2011 8:57 PM

Subject: Please keep the Arata pumpkin farm in Half Moon Bay open

To whom it may concern,

We love the Arata pumpkin farm and visit it often. Please do not close down the Arata Pumpkin Farm. It is the ONLY pumpkin farm, that is a farm. We take our daughter through the field of growing corn and show her how corn grows and she sees growing pumpkins and picks out her pumpkin. She also gets to pet real farm animals that live on the farm. Please don't take this educational experience away from our preschools, elementary school and our families. And most of all our children. This is a very special place and no where else like it exists in this area.

Thank you for your time and support in this matter.

Sincerely, Melissa Cordeiro 1167 Galvez Dr Pacifica, CA 94044

Tiare Pena - SAVE THE FARM, PLEASE!

From: "Suzanne Lifson" <suzlif@gmail.com>

To: <tpena@co.sanmateo.ca.us>

Date: 5/21/2011 9:46 AM

Subject: SAVE THE FARM, PLEASE!

Please to do close down ARATA Pumpkin Farm. The Pacifica Mothers Club and other groups and schools have been coming for educational field trips for 15 years. It is the ONLY pumpkin farm, that is a farm. We take the children through the field of growing corn and show them how corn grows and they see growing pumpkins and pick out their pumpkin. They also get to pet real farm animals that live on the farm. Please don't take this educational experience away from our preschools, elementary school and our families. And most of all our children.

Thank you, A Pacifica Mother's Club member and resident

Tiare Pena - Arata's Pumpkin Farm-Please don't close.

From:

"victoria gangi" <victoriagangi@gmail.com>

To:

<tpena@co.sanmateo.ca.us>

Date:

5/21/2011 9:16 AM

Subject: Arata's Pumpkin Farm-Please don't close.

Dear T Pena.

I am writing about the possible closure of Arata's Pumpkin Farm in Half Moon Bay.

Please do not close our beloved Pumpkin Farm. It is by far the best farm on the coast. Not only do they grow the pumpkins on the farm, they also grow corn. There is a petting area where my children get to see goats, sheep, rabbits, and other farm animals. My children look forward to this experience every fall. As an adult, it is also my favorite because they do an amazing maze. They are incredible maze builders and it is so much fun to spend time trying to figure it out. There is nothing that I know of that does anything like this.

The owners are just a nice family providing an enjoyable family experience to our families on the coast and surrounding areas.

Thanks for your consideration.

Warm regards.

Victoria Gangi 415-596-3828

Victoria Gangi....Matching Homes With Lives Real Estate Consultant Coldwell Banker 2355 Market Street, San Francisco, CA 94114 415-596-3828 DRE#01341299

From:

"Dawn Woehl" <dawnecua@hotmail.com>

To:

"tpena@co.sanmateo.ca.us" <tpena@co.sanmateo.ca.us>

Date:

5/20/2011 9:07 PM

Subject:

Save Arata Farms

Hello,

I understand that we are in danger of losing Arata Farm. As a parent and educator, I value the many experiences my children and students have had there.

Please do whatever you can to preserve this important community space.

Thank you,

Dawn Woehl, Pacifica

Sent from my iPhone

From:

Sunnyg4624 <sunnyg4624@aol.com>

To:

<tpena@co.sanmateo.ca.us>

Date:

5/20/2011 8:26 PM

Subject:

Fwd: Angie Major commented on Arata's's status.

Hi Sunneva, Angie Major commented on Arata's's

----Original Message----

From: Facebook <update+zj4oy=ss_269@facebookmail.com>

To: Sunneva Gounalakis <sunnyg4624@aol.com>

Sent: Fri, May 20, 2011 5:42 pm

Subject: Angle Major commented on Arata's's status.

facebook

Hi Sunneva,

Angie Major commented on Arata's's status.

Angie wrote: "Please keep the Arata Pumkin Farm open! This year our daughter will finally be old enough to really enjoy the farm. I am heartbroken someone would want to close you down! Shame on them!!!"

See the comment thread

Reply to this email to comment on this status.

Thanks,

The Facebook Team

See Comment

The message was sent to sunnyg4624@aol.com. If you don't want to receive these emails from Facebook in the future or have your email address used for friend suggestions, you can unsubscribe. Facebook, Inc. P.O. Box 10005, Palo Alto, CA 94303

Tiare Pena - Arata Pumpkin Farm

From: "Kim Schultz" <skschultz2007@sbcglobal.net>

To: <tpena@co.sanmateo.ca.us>

Date: 5/20/2011 6:22 PM **Subject:** Arata Pumpkin Farm

I am writing this email because I am asking that you reconsider closing down Arata Pumpkin Farm. It is a wonderful experience for children who go there on field trips through their schools. My daughters have gone there many times for school field trips and they absolutely loved it. It is not only educational, but a wonderful environment for children of all ages and for families.

Kim Schultz

Tiare Pena - Arata's Pumpkin Farm

From: "Kristina Graves" <kegraves2@yahoo.com>

To: <tpena@co.sanmateo.ca.us>

Date: 5/20/2011 6:14 PM **Subject:** Arata's Pumpkin Farm

I heard that a neighbor of Arata's Farm is trying to have them closed down. I hope this is a rumor and you're not seriously considering it. We love Arata's and have gone there EVERY year since my oldest was barely able to walk. It's more than just a family tradition, but a valuable experience! Thanks,

Kristina Graves

Tiare Pena - Arata Farm

From:

<holly1190@comcast.net> <tpena@co.sanmateo.ca.us>

To: Date:

5/20/2011 6:05 PM

Subject: Arata Farm

To whom it may concern,

Arata farm is a very special place to so many families including ours. It would be a tragedy to have it shut down. This farm means the world to so many schools. It provides children the chance to experience so much fun and excitement. No farm provides a hay maze with minotaurs, golden pumpkins along with all of the traditional pumpkin patch fun. Everyone who visits the farm on an October weekend steps into a land of fun and fantasy. Don't take this away from the children. It would be close to criminal!

Respectfully Submitted, Holly Willett-Rios

Tiare Pena - Keeping the Farm Open

From:

"Angie Major" <angie@angiedance.com>

To:

<tpena@co.sanmateo.ca.us>

Date:

5/20/2011 5:44 PM Subject: Keeping the Farm Open

To Whom It May Concern,

Please keep the Arata Pumkin Farm open! This year our daughter will finally be old enough to really enjoy the farm. I am heartbroken someone would want to close you down! Shame on them!!!

Sincerely, Angie Major

"Be patient with your drum, the night is long." - Zimbabwean proverb

(n)

Planning & Building Department

455 County Center, 2nd Floor Redwood City, California 94063 650/363-4161 Fax: 650/363-4849 Mail Drop PLN122 plngbldg@co.sanmateo.ca.us www.co.sanmateo.ca.us/planning

October 21, 2010

PROJECT FILE

CERTIFIED AND REGULAR MAIL

Mr. Chris Gounalakis 185 Verde Road Half Moon Bay, CA 94019

Dear Mr. Gounalakis:

SUBJECT: Coliseum and Gladiator Exhibits

In a letter dated September 1, 2010, the San Mateo County Planning and Building Department set forth the Interim Operating Conditions for property uses at the Arata Pumpkin Farm. I am writing this letter at this time because you are not presently complying with certain of these Interim Operating Conditions.

In particular, I want to clarify the following outstanding issues: (1) the status of permitting for the hay coliseum that houses the gladiator exhibits; (2) the status of Environmental Health Division permitting for food service and sales; (3) the required insurance coverage documentation for activities on the site; and (4) the issue of fire safety within the structure utilized as the haunted barn.

Permitting of the Coliseum Area

In July 2010, you submitted structural details for the hay maze on the Arata Pumpkin Farm, which County staff determined did not comply with the Uniform Building Code. Therefore, you were required to lower the maze to six feet to bring it into compliance with County regulations. While the lowering of the maze brought it into conformity with County building requirements, it remained subject to Cal-Fire approval. Subsequently, our Chief Building Official conducted a site inspection and confirmed that the maze itself had been lowered. However, during the inspection it was discovered that the coliseum/viewing arena was constructed at a height in excess of 14 feet. You were advised that, prior to allowing spectators to enter the coliseum/viewing area, you would have to submit structural details and plans for the coliseum to the Planning and Building Department for review and approval.

On August 27, 2010, you submitted structural details for the coliseum/viewing arena. The Building Inspection Section has advised both in writing and on the telephone that the plans are incomplete in that they are lacking in the level of detail needed for a complete plan check. Notwithstanding that no building permit has been approved, you have allowed members of the public to enter the coliseum/viewing area. You are directed to <u>cease</u> any public activities within the coliseum/viewing arena until you have been issued a building permit.

Food Service and Sales

This office has received a copy of a letter dated August 2, 2010, from the County's Environmental Health Division to you, informing you that your application for a permit to provide food services and sales at the Arata Pumpkin Farm is incomplete and inadequate for approval. As of this date, our office has been informed by Environmental Health Specialist Bernardo Patino that you are permitted to sell only pre-packaged food items and produce. Therefore, I am reiterating that no on-site food preparation and sales are to occur until a valid Environmental Health Division permit has been secured and you provide proof of such permit to this office.

Insurance Coverage Documentation

Regarding the issue of insurance coverage documentation, our office is in possession of proof of insurance for the following: the hay maze, the haunted barn, train rides, hayrides and the petting zoo. This documentation indicates that coverage lapses on November 30, 2010.

Haunted Barn

Finally, regarding the haunted barn, staff has been notified by the Coastside Fire Protection District that the barn has been deemed safe for use by the public. Please submit a copy of the permit from the Coastside Fire Protection District to our office for our records.

Further, as a reminder, the hours of operation for all activities at the Arata Pumpkin Farm are as follows: Monday through Saturday from 9:00 a.m. to 7:00 p.m., and Sunday from 9:00 a.m. to 6:00 p.m. Until the implementation of daylight saving time, the above activities shall end at sunset (no lighting shall be allowed). You are directed to strictly adhere to those hours of operation.

All activities shall cease on December 1, 2010.

If you have any questions, please direct them to Tiare Peña, project planner at 650/363-1850.

Sincerely,

Jim Eggemeyer /

Community Development Director

JE:TGP:pac - TGPU0766_WPN.DOC

cc: Gary Arata, Property Owner
Lillian Arata, Property Owner
Chief Clayton Jolly, Cal-Fire
Stan Low, Environmental Health
Charles Clark, Building Inspection Manager
John Nibbelin, Deputy County Counsel

Tom Paulin, Inspector, District Attorney's Office Troy Smith, Senior Code Compliance Officer Thom Jacobs, Esq. Gregory Antone, Esq. Margaret Sponsler, Esq.

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Planning & Building Department

455 County Center, 2nd Floor Redwood City, California 94063 650/363-4161 Fax: 650/363-4849

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Mail Drop PLN122 plngbldg@co.sanmateo.ca.us www.co.sanmateo.ca.us/planning

September 1, 2010

PROJECT FILE

Mr. Chris Gounalakis 185 Verde Road Half Moon Bay, CA 94019

Dear Mr. Gounalakis:

SUBJECT: Inter

Interim Operating Conditions

Arata Pumpkin Farm, 185 Verde Road, Half Moon Bay

County File No PLN 2010-00207

The purpose of this letter is to provide Interim Operating Conditions for limited activities and uses ongoing at the Arata Pumpkin Farm until such time as the required permits for the farm's fully proposed activities and uses are heard at a Planning Commission public hearing.

BACKGROUND

The Arata Pumpkin Farm located at 185 Verde Road, Half Moon Bay, was owned by brothers John and Clarence Arata as joint tenants in common and became a working pumpkin farm (a permitted activity) circa 1932. In 1999, John Arata bequeathed his interest in the property to his son Gary Arata. In 2006, Clarence's interest was bequeathed to his widow Lillian Arata.

In 1999, Mr. Gounalakis (the applicant for this project) leased the property from the Arata family and continued the pumpkin farm operation. In 2000, the operation was expanded as a roadside entertainment business which during the months of June through October included a hay bale maze, hay bale coliseum, petting zoo, gladiator exhibits, pony rides, hay rides, train rides, haunted barn/house, birthday parties, school field trips and movie nights. This expansion of the operation to include all of these activities required the applicant apply for and be approved for a Coastal Development Permit per Section 6328.4, a Planned Agricultural Permit, per Section 6353 and a Use Permit per Section 6503 of the San Mateo County Zoning Regulations.

In 2003, due to a violation (VIO 1999-00009) of Section 7700 of the San Mateo County Confined Animal Regulations, the applicant applied for and received a Confined Animal Exemption (PLN 2003-00264) for the keeping of five ponies.

In 2009, a complaint was filed by Joann Arata, daughter of Lillian Arata regarding the activities that were taking place on the property and safety concerns associated with such activities. In 2009, the applicant was contacted by the County Planning and Building Department, Cal-Fire,

Environmental Health, the District Attorney's Office, and the Sheriff's Department and directed to cease all unpermitted activities on the property until the required permits were secured.

On June 28, 2010, after conference with County officials, Mr. Gounalakis submitted the required applications, including a letter of concurrence from Mr. Gary Arata, for a Use Permit, Planned Agricultural Permit, and Coastal Development Permit for the operation of a roadside commercial recreation business on the property.

In July 2010, Mr. Gounalakis, without the required building permit, constructed the hay bale maze, as a result, Mr. Gounalakis received an Information Notice and was directed to apply for a building permit. Mr. Gounalakis immediately submitted stamped engineering drawings for the hay bale maze to the Building Department and Cal-Fire for approval.

After numerous resubmittals of as-built engineering plans that would conform with the Uniform Building Code, the applicant lowered the height of the hay bale maze to six feet in order to no longer require a building permit, but still requiring approval by Cal-Fire.

Due to the fact that the maze and other activities are open to the public at this time, and with the submitted Planning applications some months away from consideration at a public hearing, this letter shall serve as an Interim Operating Conditions for the Arata Pumpkin Farm. Staff will be reviewing the applicant's submitted permit applications for the Farm's broader scope of activities for consideration by the Planning Commission anticipated in early 2011.

INTERIM OPERATING CONDITIONS

- 1. Only the following uses and activities are allowed: hay bale maze (not to exceed six feet in height), pony rides, birthday parties, school field trip functions, pumpkin farm, hay rides, train ride, haunted barn/house, gladiator exhibits and related food refreshments. No after hours events of any kind shall be permitted during this interim period, until and unless the previously cited and required Use Permit, Planned Agricultural Permit, and Coastal Development Permit are approved.
- 2. These conditions apply only to the uses described in this letter. No structures other than those approved by this letter may be constructed, no changes to the current size, height and shape of the maze are allowed.
- 3. These interim operating conditions shall be valid until such time that a staff report and negative declaration is completed and its outcome is determined at the Planning Commission Public Hearing.
- 4. The days and hours of operation shall be as follows: Monday through Saturday from 9:00 a.m. to 7:00 p.m., and Sunday from 9:00 a.m. to 6:00 p.m. Until the implementation of daylight saving time the above activities shall end at sunset (no lighting shall be allowed).
- 5. The applicant shall provide the Planning Department and all property owners with a copy of liability insurance for the activities on the property.

- 6. The applicant shall submit documentation from Environmental Health that food service vendors and restrooms comply with relevant requirements.
- 7. Prior to said use, the applicant shall submit documentation from Cal-Fire that the maze and haunted barn/house meet fire safety standards.
- 8. Per Section 7700 of the Confined Animal Ordinance, this facility is approved for the keeping of five ponies or other animals subject to the Confined Animal Regulations. No increase in the amount of ponies shall be allowed during this interim permit period.

Sincerely,

Vim Eggemeyer
Community Development Director

JE/TGP:cdn - TGPU0642_WCN.DOC

cc: Gary Arata, Property Owner
Lillian Arata, Property Owner
Joann Arata
Chief Clayton Jolly, Cal-Fire
Stan Low, Environmental Health
Chuck Clark, Building Inspection Manager
John Nibbelin, Deputy County Counsel
Tom Paulin, Inspector, District Attorney's Office
Troy Smith, Senior Code Compliance Officer
Thom Jacobs Esq.
Gregory Antone Esq.



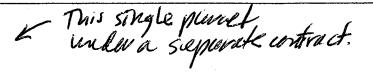
County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor Redwood City, California 94063 650/363-4161 Fax: 650/363-4849

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066310080 Arata Clarence F & L Ltrs Po Box 15 San Gregorio, CA 94074-0015



AP67-39

WILLIAMSON ACT SURVEY RESPONSE REQUIRED WITHIN 15 DAYS OF RECEIPT OF SURVEY

Dear Parcel Owner:

The County is updating its Land Conservation Act of 1965 ("Williamson Act") program to comply with changes in State law and certain recommendations by the State Department of Conservation. This Survey will document the use of lands subject to Williamson Act contracts for calendar years 2005, 2006 and 2007. Within the next few weeks and annually thereafter, you will also receive a separate questionnaire from the County Assessor. The Assessor's questionnaire is required by law in order to appraise lands restricted by a land conservation contract.

Please respond to this Survey within 15 days of receipt. Failure to do so may result in the County's nonrenewal of your Williamson Act contract.

Please note that information provided is **not confidential** and may be shared with other county offices. Similarly, any failure to respond to this Survey may also be shared with other county offices.

Questions should be directed to:

Dave Holbrook, Senior Planner, Community Dev. Dept. (650)363-1837 dholbrook@co.sanmateo.ca.us

Terry Flinn, Deputy Assessor-County Clerk-Recorder (650)599-1271 tflinn@smcare.org

Ronald Pummer, Deputy Agricultural Commissioner (650)363-4700 smateoag@co.sanmateo.ca.us

Your cooperation will be greatly appreciated.

Sincerely,

Lisa Grote

Director of Community Development

In Muite

PLEASE ANSWER EACH QUESTION. If a question does not apply, indicate "N/A" (Not Applicable). Where necessary attach additional sheets.

1. List any other Assessor Parcel Numbers (APNs) not listed on the mailing label that you have under Williamson Act contract: 0.87 - 180 - 0.00, 0.87 - 1.80 - 0.90, 0.87 - 1.80 - 0.90, (Continued on Next Page) 0.81 - 2.70 - 0.20

Official Request Page 2 of 4

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Official Request Page 3 of 4

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P.O. Box 1361 • 3 North Wilson Way, Stockton, CA 95201 Phone (209) 466-4401 • Fax (209)

CHRIS GOUNALAKIS 185 VERDE ROAD HALF MOON BAY, CA 940



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Vegetable & Field Seeds Farm & Garden Supplies

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Subtotal Tax (9.000 %)

CUSTOMER COPY

Lockhart Seeds, Inc.

INVOICE

P.O. Box 1361 • 3 North Wilson Way, Stockton, CA 95201 Phone (209) 466-4401 • Fax (209) 466-9766

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HALF MOON BAY, CA 94019 CHRIS GOUNALAKIS 185 VERDE ROAD

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R. Rossi Co. For Arata Pumpkin Farm

143913

Wholesale / Retail

Farm & Garden Supplies Vegetable & Field Seeds

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NOTICE TO PURCHASER TERMS: NET CASH WITHIN 60 DAYS FOLLOWING DATE OF INVOICE. A FINANCE CHARGE OF 1% PER MONTH WILL BE CHARGED ON ALL PAST DUE ACCOUNTS, WHICH IS AN ANNUAL PERCENTAGE RATE OF 12%. MINIMUM FINANCE CHARGE \$1.00.

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INVOICE

P.O. Box 1361 • 3 North Wilson Way, Stockton, CA 95201
Phone (209) 466-4401 • Fax (209) 466-9766

CHRIS GOUNALAKIS 185 VERDE ROAD HALF MOON BAY, CA 94019 CODS

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R. Rossi Co. For Arata Pumpkin Farm



Vegetable & Field Seeds Wholesale / Retail

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Lockhart Seeds, Inc.

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O. Box 1361 • 3 North Wilson Way, Stockton, CA 95201 Phone (209) 466-4401 • Fax (209) 466-9766

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HALF MOON BAY, CA 94019 CHRIS GOUNALAKIS 185 VERDE ROAD

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R. Rossi Co For Arata Pumpkin Farm

143914

Wholesale / Retail

Vegetable & Field Seeds

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NOTICE TO PURCHASER

Please read carefully. See Reverse Side. REGARDING LIABILITY

Subtotal Tax (9,000 %) Total

Lockhart Seeds, Inc.

INVOICE

P.O. Box 1361 • 3 North Wilson Way, Stockton, CA 95201 Phone (209) 466-4401 • Fax (209) 466-9766

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CHRIS GOUNALAKIS 185 VERDE ROAD

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HALF MOON BAY, CA 94019

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R. Rossi Co. For Arata Pumpkin Farm



143916

Vegetable & Field Seeds Wholesale / Retail

Farm & Garden Supplies

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Regarding Liability

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HOURS		PORT THE PROPERTY OF		AGE	VI			LIBROR DICK.		1100	RATE	- CANADA ANTHON	TOTAL
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Signature	of Authorize	a Re	prese	ntative		-			-	ar candistrate	MARCHANINE PROPERTY SAME P. SAN STREET, MARCHANING	Mitotal	THE RESIDENCE AND PERSONS ASSESSED.
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PAYMENT D	ATE:	***************************************	**************************************	(heck N	lo.		(2)	, GR	AN	ID TOTA	M.:	\$1,221.00
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RENT-A-JOHN

P.O. Box 7397 Santa Rosa, CA 95407 707.521.0787/415.418.3696

INVO	ICE:	990
Date	Terms	Due Date
9/29/2010	Net 20	10/19/2010

Customer Name

Arata Pumpkin Farm 185 Verde Rd. Half Moon Bay, CA 94019

> Project 185 Verde Rd, Half Moon Bay

> > 9.29.10

10.00T 99.00

4.95

Start Date:

Please note our minimum rental fee is 28 days, pro-rated billing starts after 28 days.

Description Qty/Days Rate End Date Amount Portable Toilet Rental 10 10.00 100.00T - Cleaning Services 10 59.00 590.00 5.00% 29.50 - Fuel Surcharge 10 Standard Toilet: Subtotal 719.50 External Hand Sink 2 40.00 80.00

1

1

1

10.00

99.00

5.00%

- Fuel Surcharge - Handicapped Toilet: Subtotal 113.95 20.00 240.00 Pumping/Cleaning Service Fee 12 20.00 240.00 Pumping/Cleaning Service Fee 12 20.00 240.00 Pumping/Cleaning Service Fee 12 Pumping/Cleaning Service Fee 12 20.00 240.00

Dear Customers.

Portable Toilet Rental

Cleaning Services

Please make all future payments out to "Rent A John" and mail payments to "PO Box 7397 Santa Rosa, CA 95407". If you have any questions please feel free to give us a call at 707.521.0787 Thanks,

Brandon

Subtotal

\$1,873.45

Sales Tax (9:25

\$10.18

Invoice Total Credits

\$1,883.63

\$0.00 \$3,292.46

ACCOUNT BALANCE

\$3,292.46

"Account Balance" reflects all unpaid invoices on the

customers account.

ACCOUNT BALANC

"Account Balance" reflects a
customers a

Your Friendly Neighborhood Porta Potty Company