



County of San Mateo Planning & Building Department
Agricultural Advisory Committee

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

Brenda Bonner BJ Burns Robert Cevasco
Louie Figone Marilyn Johnson Teresa Kurtak
Peter Marchi Doniga Markegard Robert Marsh
April Vargas

MEETING PACKET

Date: TUESDAY, October 13, 2015
Time: 7:30 p.m.
Place: San Mateo County Farm Bureau Office
765 Main Street, Half Moon Bay, California

NOTE THAT THIS MEETING IS RESCHEDULED TO TUESDAY, OCTOBER 13.

AGENDA

1. **Call to Order**
2. **Member Roll Call**
3. **Guest Roll Call**
4. Public Announcements/Comments for Items Not on the Agenda
5. Consideration of a Planned Agricultural District Permit, Coastal Development Permit, and Kennel Permit, pursuant to Sections 6350 and 6328 of the County Zoning Regulations and Section 3400 of the County Ordinance Code, to allow a commercial kennel operation located at 515 Stage Road in the unincorporated Pescadero West area of San Mateo County. This project is appealable to the California Coastal Commission. County File Number: PLN 2013-00481
6. Consideration of the Action Minutes for the September 14, 2015, regular meeting
7. **Adjournment**

Agricultural Advisory Committee meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request a alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact the County Representative at least five (5) working days before the meeting at (650) 363-1814, or by fax at (650) 363-4849, or e-mail srosen@smcgov.org. Notification in advance of the meeting will enable the Committee to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

ROLL SHEET – October 13, 2015

Agricultural Advisory Committee Attendance 2014-2015

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct
VOTING MEMBERS													
Brenda Bonner	X	M	X	M	X	M	X	X	X	X	X	X	
BJ Burns	X	E	E	E	X	E	X	X	X	X	X	X	
Robert Cevasco		E		E	X	E	E	X		X	X		
Louie Figone		T	X	T	X	T	X	X	X	X	X	X	
Marilyn Johnson	X	I	X	I	X	I			X	X	X		
Teresa Kurtak		N	E	N	E	N							
Peter Marchi	X	G	X	G	X	G	X	X	X	X	X	X	
Doniga Markegard	X		X		X		X		X	X			
Robert Marsh	X	C	X	C	X	C	X	X	X	X	X	X	
April Vargas		A	X	A	X	A	X	X	X	E	X	X	
Vacant		N		N		N							
NON-VOTING MEMBERS													
Natural Resource Conservation Staff		C		C		C							
San Mateo County Agricultural Commissioner	X	E	X	E	X	E	E	X	X	X	X		
Farm Bureau Executive Director		L	X	L		L							
San Mateo County Planning Staff	X	E	X	E	X	E	X	X	X	X	X	X	
UC Co-Op Extension Representative	X	D	X	D		D							

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

DATE: October 13, 2015

TO: Agricultural Advisory Committee

FROM: Melissa Ross, Planning Staff, 650/599-1559

SUBJECT: Consideration of a Planned Agricultural District Permit, Coastal Development Permit, and Kennel Permit, pursuant to Sections 6350 and 6328 of the County Zoning Regulations and Section 3400 of the County Ordinance Code, to allow a commercial kennel operation located at 515 Stage Road in the unincorporated Pescadero West area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2013-00481 (Connolly/Smilin Dogs)

PROPOSAL

The owners of Smilin Dogs, a licensed dog daycare business with a kennel facility operating within the jurisdiction of the City of San Carlos, propose to legalize a currently unpermitted dog hiking service from their San Carlos office to a 756.93-acre parcel located at 515 Stage Road in the unincorporated Pescadero West area of San Mateo County. The business currently provides the service to 72 dogs and proposes a maximum of 90 dogs through this permit.

Current Operations

The hiking service operates Monday through Friday and occasional weekends from 10:00 a.m. to 2:00 p.m. Each weekday, approximately six converted passenger vans, containing 10-12 medium to large dogs (in excess of 25 pounds), are transported by Smilin Dogs employees from the San Carlos daycare location and/or clients' residences to the project site for off-leash hiking.

Smilin Dogs uses the existing dirt road to access the property from Stage Road and parks their vans in an existing covered parking area (unpermitted loafing shed) on the property, then unload the dogs into an enclosed pen where the dogs relieve themselves before hiking. One employee then walks the pack through a fenced area to an existing bare soil firebreak. One pack of dogs is "hiked" along the existing firebreak that circles the inner area of the property (180 acres). At separate intervals, five groups of dogs hike the firebreak at one time. There are three water tanks on the property that are fed by a spring. Smilin Dogs uses water from the middle tank along the firebreak

(about 50 gallons of water per day is used). The hiking area is fenced with 5-foot tall woven wire fencing topped with barbed wire along the outer edge of the firebreak.

Dog waste is collected from the enclosed pen and hiking route by the handlers each day and taken to the San Carlos office for disposal. Two fenced and gated ponds are on the property to which the dogs do not have access.

Parcel Conditions

Of the 757 acres, the landowner currently leases a total of 718 acres for cattle grazing and 37 acres for crop farming. A developed area that includes one single-family residence and agricultural-related buildings comprises the remaining acreage. Recently, grazed areas include the “cemetery flat” (adjacent to the Stage Road entrance) and the upper portion of the parcel on the opposite side of the fenced firebreak.

Grazing on the parcel has been optimized through the completion of an Environmental Quality Incentive Program (EQIP) with the National Resources Conservation Service (NRCS) which has identified a maximum of 40 head of cattle on a rotating basis given the forage capacity and other site conditions. Staff contacted the NRCS EQIP section and was informed that the dog hiking service does not pose a conflict with the EQIP.

The parcel is under an active Williamson Act contract.

DECISION MAKER

Planning Commission

QUESTIONS FOR THE AGRICULTURAL ADVISORY COMMITTEE

Planned Agricultural District Permit

1. Will the proposal have any negative effect on surrounding agricultural uses? If so, can any conditions of approval be recommended to minimize any such impact?
2. What position do you recommend that the Planning Department staff take with respect to the application for this project?

Williamson Act

The parcel is currently under an active Williamson Act contract.

For the agricultural uses on the property, determine:

1. Does the Agricultural Advisory Committee and Agricultural Commissioner find that the commercial grazing operation meets the following minimum land utilization requirements, below:

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

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

For the Kennel use on the property:

2. Does the Agricultural Advisory Committee issue a Determination of Compatibility for the Kennel use based on the criteria listed in Section 4.b of this report?

BACKGROUND

Report Prepared By: Melissa Ross, Senior Planner, Telephone 650/599-1559

Owner: Craig Connolly (on behalf of Colette Y. Gamble Trust and Joseph F. Connolly Trust)

Applicant: Konrad Thaler and Diana Ungersma

Location: 515 Stage Road, Pescadero

APN: 086-241-050

Size: 756.93 acres

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

General Plan Designation: Agriculture

Local Coastal Plan Designation: Agriculture

Williamson Act: Contracted; AP67-36

Water Supply: Existing well. No expansion as part of this project.

Sewage Disposal: Existing septic. No expansion as part of this project.

Existing Land Use: Cattle grazing (718 acres), hay (30 acres) and pumpkin farms (7 acres), single-family residence (1 acre), and dog hiking service (180 acres).

Flood Zone: Multiple. Zone X (area of minimal flood hazard), Zone X (0.2% annual chance flood hazard), Zone A (areas with a 1% annual change of flooding and a 26% chance of flooding over the life of a 30-year mortgage), Zone AE (areas subject to inundation by the 1% annual chance flood event). FEMA Community Panels 06081C0510E and 06081C0505E; effective October 16, 2012. Dog hiking occurs within the Zone X (area of minimal flood hazard) area.

Environmental Evaluation: Not exempt. Initial Study to be conducted.

Setting: The parcel is located just north of downtown Pescadero along Stage Road. The parcel also abuts Highway 1, but no access is taken from this roadway. A portion of Pescadero Creek runs along the southern parcel boundary, and Bradley Creek runs within the parcel parallel to Stage Road. Two fenced stock ponds are also located within the property. Pumpkin and hay farming, in areas of prime soils, are present on the lower portion of the property with the remaining land utilized for cattle grazing. Areas of parcel are steeply sloped with elevations ranging from 19 ft. to 400 ft. above sea level. Ground cover is mostly grasses and coastal scrub with areas of mature tree clusters. The parcel is developed with a single-family residence and other structures.

Will the project be visible from a public road?

No, no structures are proposed. The existing loafing shed used for van parking is screened by existing mature vegetation and steep topography as seen from Pescadero Creek Road (0.33 mile to road), Highway 1 (1.29 mile), and Stage Road (0.39 mile).

Will any habitat or vegetation need to be removed for the project?

No. Vans use the existing driveway to access the site, and the dogs hike along an existing firebreak.

Is there prime soil on the project site?

Yes, prime soils are mapped in areas along the south and east property line in the areas of crop production and the cemetery flat grazing area. The dog hiking area does not contain prime soils.

DISCUSSION

A. KEY ISSUES

1. Compliance with PAD Regulations

- a. Uses Allowed on Prime Agricultural Lands and Lands Suitable for Agriculture.

The proposed kennel is a conditionally allowed use in the PAD subject to permit approval provided the use is not conducted on Prime Agricultural Lands.

Prime Agricultural Lands are defined and include mapped prime soils, lands having crops planted with an annual return of \$1,509¹ per acre, or lands that support livestock use for the production of food and fiber with an annual carrying capacity to at least one animal unit² per acre.

Prime Agricultural Lands on this parcel include the hay and pumpkin growing areas, which are mapped prime soils areas and the cemetery flat area but do not include the upper grazing area since the grazing operation is capped at 40 head/parcel and does not meet the minimum animal unit carrying capacity of one animal unit per acre. Thus, the upper grazing area and dog hiking area are designated as Lands Suitable for Agriculture which is the land designation where a kennel operation may occur subject to permit approval. Since no ground disturbance is proposed with this project, no soil conversion is occurring other than the already disturbed existing bare soil firebreak.

b. Density Credits

Non-agricultural uses require density credits in the PAD. In 2000, a density analysis (DEN2000-00009) was performed which resulted in 7 credits available on this parcel. For non-agricultural uses, density credits are based on the average daily water usage during the two highest months of water use in a year; one density credit is equal to 315 gallons (equivalent to a single-family residence). Since the hiking service does not include the construction of buildings, overnight accommodations or grooming services of a standard commercial dog kennel, water usage is limited to drinking water during the time the dogs are hiking on the property. Smilin Dogs uses approximately 50 gallons of water per day for 72 dogs and accesses this water from the existing water tank located approximately in the center of the property adjacent to the firebreak. For the kennel use, one density credit would be required, and is available.

2. Compliance with Local Coastal Program (LCP) Policies

As discussed under the PAD section above, kennels are conditionally permitted on Lands Suitable for Agriculture subject to permit approval.

¹ Per the PAD Regulations Section 6351, this number has been adjusted for inflation using the 1965 base year according to the Consumer Price Index at a rate of \$200 per acre.

² Animal unit as defined by the U.S. Department of Agriculture: "An animal unit is generally one mature cow of approximately 1,000 pounds and a calf as old as 6 months, or their equivalent."

Development in the rural areas of the Coastal Zone may be allowed only if the development will not have significant adverse impacts on coastal resources or diminish the ability to keep all lands suitable for agriculture in agricultural production (Policy 1.8 *Land Uses and Development Densities in Rural Areas*).

Based on landowner documents, there are four general areas for cattle grazing: the cemetery flat, the northwest corner, the southwest range, and the middle range. The cemetery flat area is along Stage Road and separated from the hiking area by steep topography. This area provides the best grazing and can be grazed year round, weather and forage permitting. The middle range contains most of the hiking trail and is fenced along the firebreak route. Strips of grazing are available along the firebreak but otherwise this area contains a fairly steep ravine interior of the hiking trail. The northwest corner and southwest range areas are gently sloping and provide grazing typically between April through August. These two areas as well as the cemetery flat can be grazed separately from the dog hiking use. The dog hiking use would need to be suspended if the middle range were to be grazed.

Per the landowner's lease agreement documentation and discussions with the landowner, the cattle grazing operation is given priority over the hiking service and should the cattle tenant wish to graze the middle range, Smilin Dogs would not be allowed on the property during the time the cattle are using the area for grazing.

Since the property has been optimized for grazing under the EQIP, no additional heads of cattle could be grazed given the capacity limit if the dog hiking were not present on the property.

A referral of the project was sent to the Regional Water Quality Control Board (RWQCB). RWQCB recommends measures to avoid and minimize pathogen contamination from dog waste to waters of the State by preventing access to waters and removal of dog waste (i.e., pickup). Two ponds are located on the property and are fenced and gated to which the dogs do not have access. Smilin Dogs employees pick up the dog waste from the unloading pens at the end of each day and, as needed, along the trail for disposal at the San Carlos office. During staff's site visit, staff did not observe any dog waste along the hiking route and noticed that employees carried plastic bags for waste pickup.

3. Compliance with the Kennel Permit

Kennels are defined as a place for the breeding, raising, keeping, boarding or other handling of more than 10 dogs. Findings for the kennel permit will

be discussed in a staff report to the Planning Commission at a future public hearing.

4. Compliance with the Williamson Act Program

The parcel is currently under contract. Two issues are being reviewed under this section: (1) is the parcel compliant with the Program requirements absent the kennel operation and (2) is the parcel compliant with the addition of the kennel use such that a Determination of Compatibility can be issued.

a. Contract Compliance without Kennel Use

Compliance review is based on minimum requirements and evaluation of the ongoing commercial agricultural operations and compatible uses. The table below identifies compliance with the minimum requirements followed by a discussion on agriculture and the single-family residence as the compatible use. Review of minimum eligibility requirements includes the Assessor’s Office Agricultural Preserve Questionnaires and documents submitted by the landowner.

	Williamson Act Program Requirements	Planning Review	Compliance
Land Use Designation	Open Space or Agriculture	Agriculture	Yes
Zoning ¹	PAD, RM, or RM-CZ	PAD	Yes
Parcel Size ²	40 Acres	756.93	Yes
Prime Soils ³	N/A	5.73	N/A
Non-Prime Soils	N/A	751.2	N/A
Crop Income ^{4,6}	\$29,602.50	undetermined	undetermined
Grazing Utilization ^{5,6}	567.69 Acres	718	Yes
Horse Breeding	15 Broodmares	None	N/A
1. Zoning designations: “PAD” (Planned Agricultural District), “RM” (Resource Management), and “RM-CZ” (Resource Management-Coastal Zone).			
2. Minimum parcel size required is determined by the presence of Prime Agricultural Lands and/or Non-Prime Agricultural Lands. Parcel size taken from the San Mateo County Assessor’s Office records.			
3. Prime soils: Class I or Class II (U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification), Class III (lands capable of growing artichokes or Brussels sprouts, and lands qualifying for an 80-100 Storie Index Rating taken from the Planning and Building Department GIS data).			
4. Required income calculated per Income Requirements for Crops (Uniform Rule 2.A.6).			
5. Grazing land utilization is 75% of parcel acreage (Uniform Rule 2.A.7).			
6. Crop income and grazing data taken from Assessor’s Office Agricultural Preserve Questionnaire response using the highest income and grazing acreage of the previous three years for purposes of this review. Contracted parcels are required to meet the minimum commercial crop income, commercial grazing land utilization, or commercial horse breeding.			

The parcel meets the minimum eligibility requirements. The grazing areas are fenced and two stock ponds are on-site.

(1) Minimum Land Utilization Requirement for Grazing

Staff has determined that the parcel is compliant with the Program based on the minimum requirements in that the commercial grazing operation utilizes over 75% of the land on a rotating basis and that the heads per acre is optimized under the EQIP allowing for the maximum grazing capacity given the parcel conditions. The grazing areas are fenced with two fenced ponds located on the property. Though staff believes the parcel to be compliant with the minimum eligibility requirements, the AAC and Agricultural Commissioner must find that the parcel has met the Land Utilization for Grazing minimum requirements of:

- (a) *Seventy-five percent (75%) of the parcel acreage must be used for a viable commercial grazing operation as determined by the Agricultural Advisory Committee and Agricultural Commissioner.*
- (b) *Areas dedicated to grazing must be fenced and adequate water must be available within the fenced area. Fencing must be maintained.*

b. Contract Compliance with Kennel Use

As outlined in the Program, compatible uses include those uses of the underlying land use designation and zoning of the parcel provided a Determination of Compatibility can be issued in accordance with the Compatibility findings. Kennels are an allowed use in the PAD.

A Determination of Compatibility includes a maximum compatibility calculation and findings that must be made by the Agricultural Advisory Committee.

(1) Maximum Allowance of Compatible Uses

The percentage of a parcel's total area used for compatible uses cannot exceed the percentage used for agricultural uses and the portion of the parcel used for compatible uses cannot exceed 25 percent of the parcel size.

Parcel Size = 756.93 acres

Agricultural Uses	
Grazing	718.95 acres
Farming	37 acres
Total	755.95 acre
Compatible Uses	
Residence	1 acre
Kennel (including Loafing Shed)	180 acres
Total	181 acres

25% Parcel Size Maximum = 189.23 acres

The parcel is compliant with the maximum allowance of compatible uses since the kennel and residential use does not exceed the agricultural use acreage and does not exceed 25% of the parcel size.

(2) Determination of Compatibility Findings

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

As stated by the landowner (Attachment C), the primary use of the parcel continues to be cattle grazing and crop farming with the hiking use as secondary to agriculture. The acreage available for grazing is not diminished as a result of the hiking use on the property because the number of cattle grazed has been optimized under the EQIP and is capped at 40 head, thus, no additional cattle can be grazed were the hiking use not present on the property. The rotating grazing operation utilizes the upland grazing areas from April to August and ceases when forage reaches 60%; whereas, the lower Cemetery Flat area can be grazed year round, forage and weather permitting. The hiking service is not permitted in the Cemetery Flat area. Crop farming is unaffected by the hiking use.

- (b) *The proposed compatible use would not substantially interfere with the existing agricultural use on the subject parcel or any other property within the Agricultural Preserve (AGP).*

To staff's knowledge, the hiking use has not interfered with the hay and pumpkin farming or the grazing operation within the property boundary and is supported by the current tenants (Attachment E). With exception of the incident in 2013, staff is unaware of any other incidents where the hiking operation has interfered with agricultural uses on the neighboring parcels within the Agricultural Preserve north and south of the subject parcel.

- (c) *The proposed compatible use would not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population of the area.*

Six to eight converted passenger vans driven by one employee are used to transport the dogs to the property. Over the course of the four hours that the dogs are hiking, approximately eight handlers will be present on-site, though this does not result in a significant increase in the population that would affect agricultural operations in the area.

- (d) *The proposed compatible use would not significantly displace or impair current or reasonable foreseeable agricultural operations on the parcel, or any other property within the AGP.*

Should the grazing tenant desire to use the hiking area for grazing, the cattle would be given priority and the hiking service would be suspended, though the more desirable grazing areas are found westward of the hiking trail/firebreak. The hiking trail itself does not provide forage for the grazing operation since it is a bare soil firebreak. Agriculture on the neighboring parcels have been unaffected by the hiking use since the incident in 2013.

- (e) *The remaining portion of the parcel not subject to the proposed compatible use would be able to sustain the agricultural use.*

The remaining acreage is currently used for the commercial grazing operation and crop farming and would remain as such if the kennel use is approved.

5. California Cattlemen's Association Comments

Staff received a letter from the California Cattlemen's Association in response to a 2013 incident involving a rancher on the neighboring parcel and the Smilin Dogs hiking service in which two dogs escaped the fenced enclosure and pursued the cattle grazing on the neighboring parcel. One dog and one cow were harmed. Since the incident, the area in which the dog escaped is no longer used as part of the hiking route and the existing livestock fencing along the route has been upgraded to a 5-foot tall woven wire fence with barbed wire.

Staff is unaware of any incidents occurring since late 2013.

The Cattlemen's letter also identifies stressors that are present in cattle indirectly as a result of canine harassment (e.g., weight loss in pregnant cows and changes in grazing patterns) and states that the project is not compatible with agricultural land uses, and, if the County were to approve the permit, that direct and indirect damages should be mitigated through a monetary formula. Of the farming and cattle operations existing on the property, staff has not been made aware of any conflicts by those tenants between the existing agricultural uses and the hiking service. If the permit were approved, it is not within the Planning and Building Department's purview to require monetary mitigation for damages if they were to occur.

The applicant has submitted documents from the previous and current tenants stating that the hiking use has not interfered with the agricultural operations of both grazing and crop farming (Attachment E).

6. Regional Water Quality Control Board Comments

The San Francisco Bay Regional Water Quality Control Board has reviewed and submitted comments regarding the potential pathogen contamination from dog waste to waters of the State, including on-site ponds and creeks, and recommends waste removal (pickup) and fencing to prevent dogs from entering ponds and creeks. Employees carry waste disposal bags and pick up after the dogs daily and dispose of the waste at the San Carlos Office. The two ponds on the property are currently fenced and are not accessed by the employees. Beyond the existing hiking trail/firebreak, exclusion fencing was installed as part of the EQIP which restricts both the cattle and dogs from entering the creek westward of the hiking trail.

7. California Coastal Commission Comments

The Coastal Commission's comment refers to a Williamson Act contract amendment that was part of the project prior to the County's adoption of the updated Williamson Act Program. Since Program adoption, compatible

uses have been defined as those uses allowed under the zoning district. Since Kennels are an allowed use in the PAD, contract amendment is no longer required.

The comment letter also suggests that a biological evaluation is performed for the California red-legged frog and the San Francisco garter snake since a portion of Pescadero Creek and Bradley Creek run through the property and two ponds are located within the parcel. A portion of Pescadero creek runs along the southern property line over 300 feet from the parking area. Bradley Creek runs along the back portion of the Cemetery Flat and is separated by steep topography and is over 400 feet from the hiking trail. The lower fenced pond (approximately 13,700 sq. ft. surface area) is 20 feet from the trail and the upper fenced pond (approximately 21,500 sq. ft. surface area) is 150 feet away. Both species prefer wet, marshy areas, or ponds, marshes or streams. These areas are limited to the existing on-site ponds which are fenced and not accessible to Smilin Dogs.

8. Other Comments Received

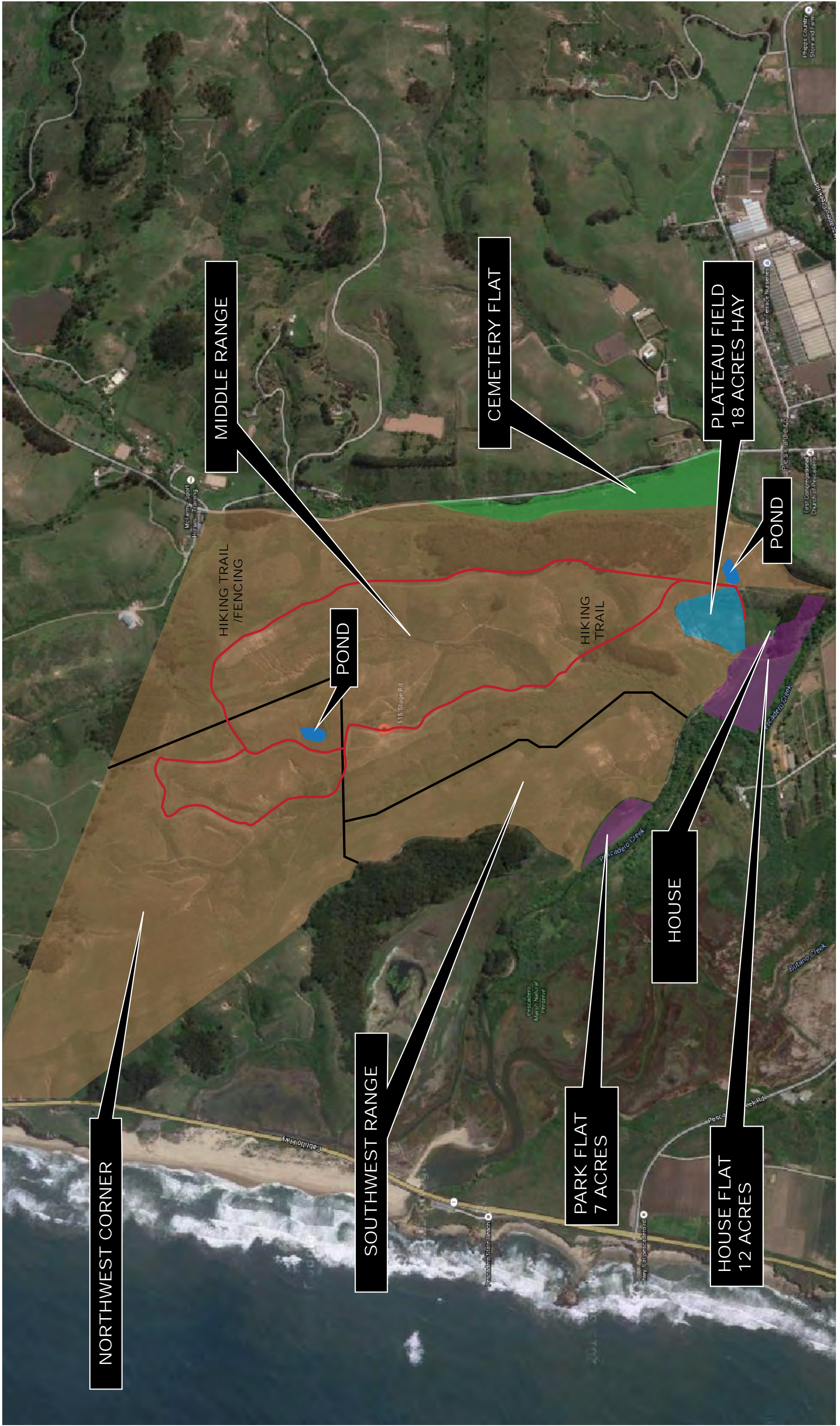
Staff has received 56 emails in support of the dog hiking operation from customers of Smilin Dogs.

REVIEWING AGENCIES

Building Inspection Section
California Department of Fish and Wildlife
Cal-Fire
Department of Public Works
Environmental Health Section
Geotechnical Section
Pescadero Municipal Advisory Council
Regional Water Quality Control Board
San Mateo County Animal Control and Licensing

ATTACHMENTS

- A. Aerial Map
- B. Farm Plan
- C. Landowner Supporting Statement and Lease Agreement
- D. Smilin Dogs Supporting Statement
- E. Declarations from Landowner and Tenants
- F. California Coastal Commission Correspondence
- G. Regional Water Quality Control Board
- H. California Cattlemen's Association Correspondence
- I. Merritt Moore Correspondence



NORTHWEST CORNER

MIDDLE RANGE

SOUTHWEST RANGE

CEMETERY FLAT

PARK FLAT
7 ACRES

HOUSE

HOUSE FLAT
12 ACRES

PLATEAU FIELD
18 ACRES HAY

POND

HIKING TRAIL
/ FENCING

POND

HIKING TRAIL

515 Stage Rd

Pescadero Creek

Butano Creek

Pescadero
Marsh National
Preserve

Pescadero Hwy

Pescadero Creek Rd

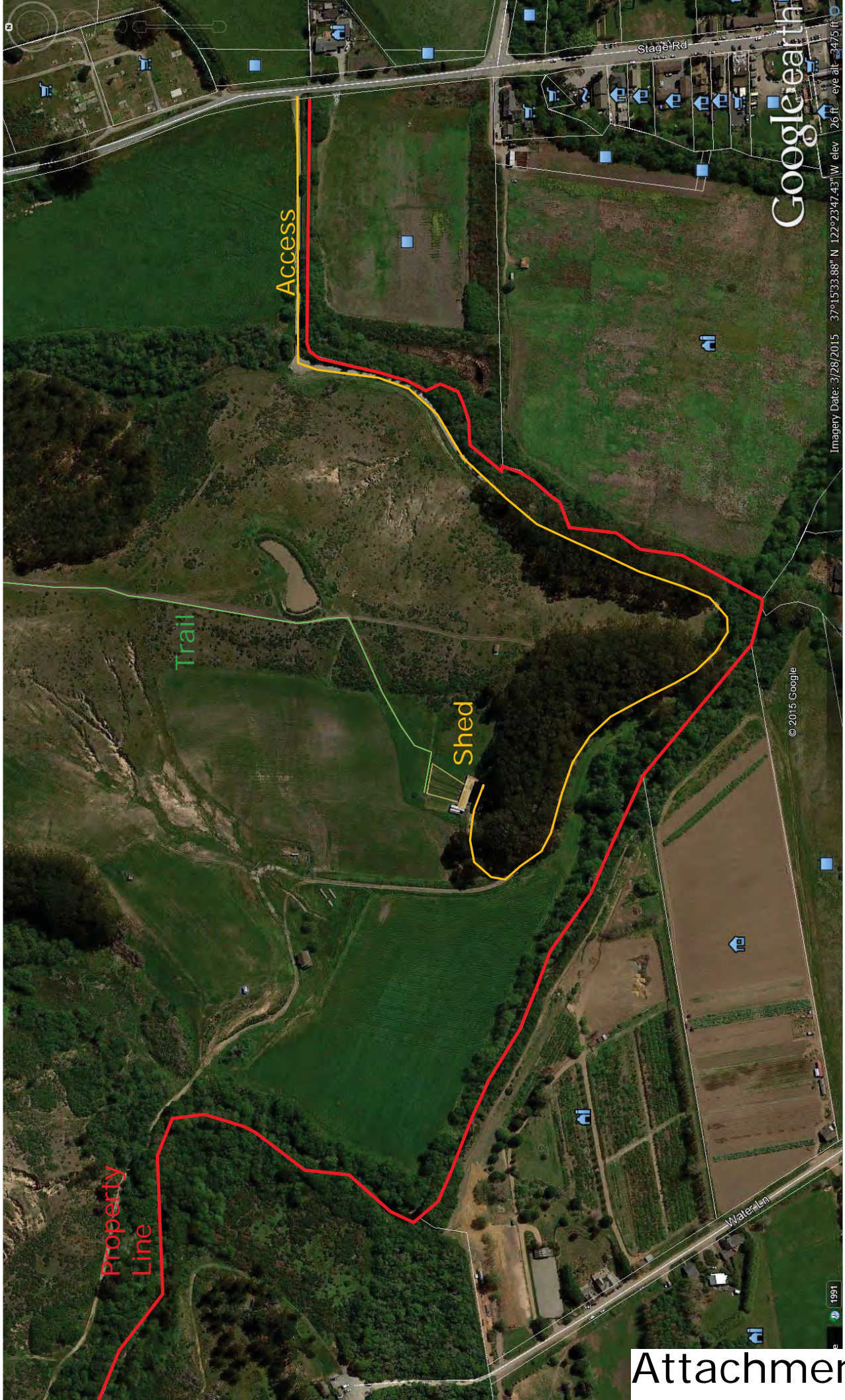
First Congregational
Church of Pescadero

Silver Terrace Nurseries

Phipps Country
Store and Farm

Attachment A

Aerial View of Lower Portion

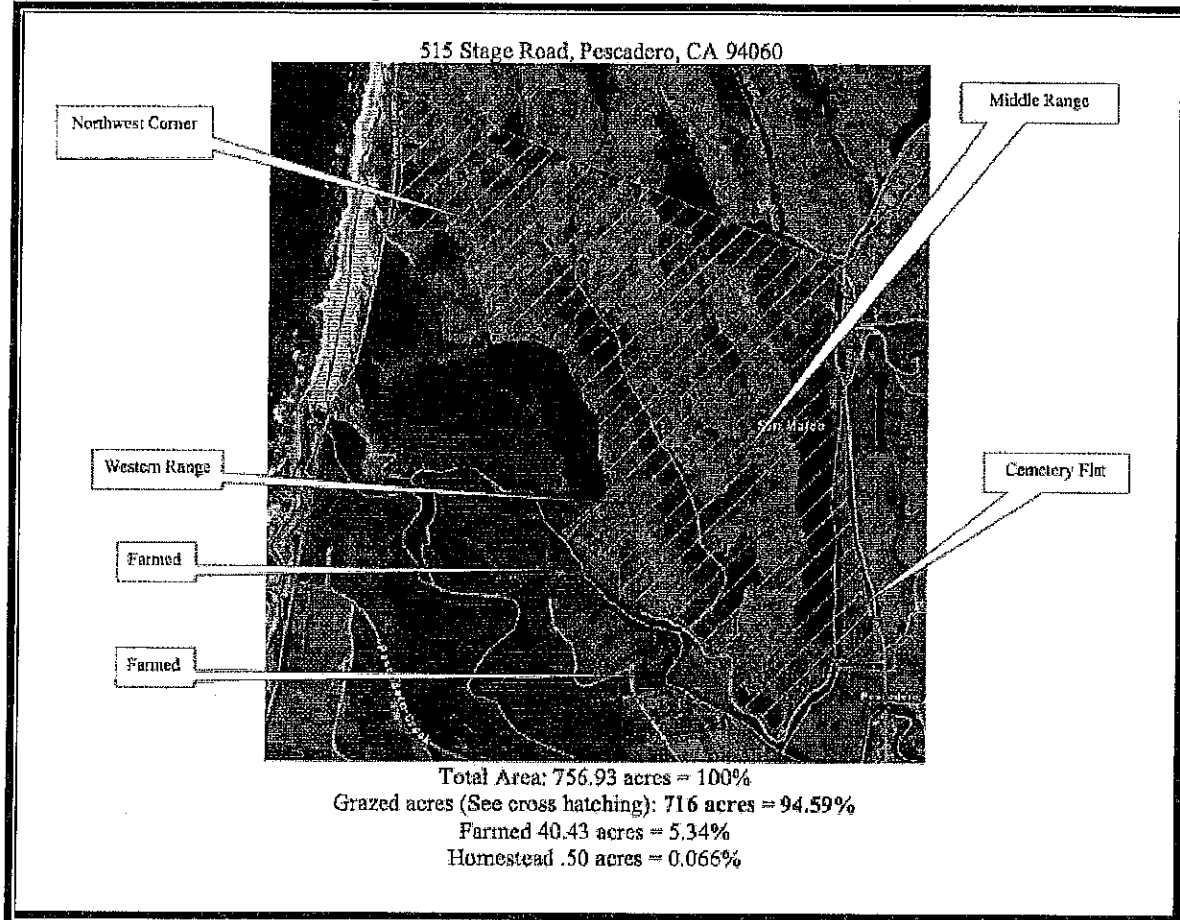


Google Earth

Imagery Date: 3/28/2015 37°15'33.88" N 122°23'47.43" W elev 26 ft eye alt 3475 ft

© 2015 Google

FARM PLAN OUTLINE
(Not for general distribution)
For
515 Stage Road, Pescadero, CA 94060



The Premises consist of a 756.7acre agricultural parcel (APN: 086-241-050) historically and presently in cattle grazing and crop farming.

GRAZING:

716 acres are leased for the purpose of feeding, maintenance, grazing, and the production of cattle consistent with the standards of good animal husbandry and the provisions of that certain Land Conservation Agreement with respect to this Real Property entered into between Charles A. Carpy and Mathilde Carpy Conolly and the County of San Mateo on March 6, 1967.

In accordance with the prescribed grazing plan developed and successfully completed with the NRCS (Natural Resources Conservation Services) as part of EQIP (Environmental Quality Incentive Program) the total number of cattle shall not exceed forty (40) head, which has been deemed the maximum and is memorialized in the present active lease with Mr. Tom Pacheco.

Grazing of the West Range, Middle Range and Northwest Corner, and Cemetery Flat shall be limited to periods when grass is adequate and foraging, and will cease when forage reaches approximately sixty percent (60%) per EQIP prescribed grazing plan. (See image above)

Upland range grazing typically begins in April and continues to the end of August. The Cemetery Flat may be grazed year round, when forage and weather permit.

Per lease agreement all of Lessee's activities must be in accordance with good husbandry and the best practices of the farming community in which the Premises are situated.

Lessee shall comply with any and all present or future laws, ordinances, rules, regulations, requirements, and orders of federal, state, county, or municipal governments that may apply in any way to the use, maintenance, operations, or production of livestock on the Premises, or the sale or disposition of that livestock.

Lessee agrees not to apply pesticides, insecticides, fungicides, herbicides, or other chemical treatments upon the Premises that may have a residual effect on the Premises, except with the prior written consent of the owner.

WATER SOURCE PROTECTION

A system designed for the watering of cattle in all areas of the Premises was installed over the last ten years as part of the EQIP farm plan with the NRCS. This engineered system include 1000 gallons of water storage, a solar pumping system, pipes and five watering troughs deemed adequate in volume to service no less than 40 head of cattle. It also supports various erosion control plantings, year round.

As part of the EQIP plan, all springs, and several miles of streams have been protected by the installation of exclusion fences, precluding contamination of water by livestock. Two stock ponds upon the Premises are also protected perimeter fences.

SOIL CONSERVATION

Road improvements, drains, rolling dips, yearly grass seeding, the installation of drain ditches and the planting of hedge rows have all been engineered, implemented, and monitored over the last decade by the NRCS as part of the EQIP program.

FUTURE PLANS

Ongoing range improvement, including brush abatement, grass seeding, installation of additional watering storage with more trough locations, additional cross fencing, cultivation and road improvements, will allow an increased number of head per grass season over the years.

Expansion of the 40.43 acres presently farmed through soil improvements, planting manure crops, drainage corrections and exclusion fencing will also gradually continue to increase productivity.

Should verification of the successful completion of the EQIP program implemented on these Premises be desired, please contacting Mr. James Howard of the NRCS.

Craig Conolly
Owner/Manager

CRAIG CONOLLY

PO Box 1030 • St. Helena, CA 94574 • Phone: 810-428-4447 • e-mail: craig.conolly@gmail.com

Date: March 29, 2015

Melissa Ross

San Mateo County Planning Department
55 County Center, Redwood City, California, 94063

Dear Melissa.

Per our recent telephone conversation, please find below a description of 515 Stage Road in Pescadero, and clarification pertaining to its use and devotion to operation as an agricultural property.

DESCRIPTION:

The Property consists of 757.95 acres of agricultural land, which is now, as it has always been, a farming and cattle operation. The following two (2) tenants have leased the property in its entirety for several years and intend to continue doing so, and both tenants are engaged in the production of agricultural commodities for commercial purposes:

Mr. Tom Pachecko P.O. Box 3192, Half Moon Bay, CA 94019.

1) Grazing Lease in two parts:

- a) 30 Acres of naturally sub-irrigated pasture know as the Cemetery Flat.
- b) 688.95 Acres of seasonal hill pastures; the Southwest, Northwest Corner, and Middle Range.

Mr. BJ Burns PO Box 250, Pescadero CA 94060.

2) Farming Lease in three parts:

- a) 7 Acres - Park Flat - Pumpkins
- b) 12 acres - House Flat - Hay
- c) 18 acres - Plateau Field - Hay

A homestead, consisting of a residence and loafing sheds, accounts for one (1) acre, which is reserved by the owners, and not leased at present.

The above represents the property in its entirety, totaling 756.95 acres leased for agricultural use.

GRAZING USE:

The prescribed number of head and grazing rotation plan was formulated with the NRCS as part of a comprehensive Farm Plan, designed to optimize land use while recognizing conditions such as annual rainfall and forage capacity. Below are excerpts from the grazing lease currently in force, which reflect these prescriptions.

GRAZING LEASE

Carpy Conolly Properties (Lessor), a California general partnership, whose address is [REDACTED], hereby leases to Tom Pacheco (Lessee), a California resident [REDACTED], whose address is P.O. Box 3192, Half Moon Bay, CA 94019, the real property, herein called "Premises," in the County of San Mateo, State of California, constituting a portion of San Mateo County Assessor's Parcel No. 086-241-050 (the "Real Property") as depicted on Exhibit A attached hereto and made a part hereof with a street address of 515 Stage Road, Pescadero, California 94606, subject to the terms and conditions set forth below. The Premises include the areas referred to as Cemetery Flat, West Range, Middle Range and Northwest Corner, which are depicted on Exhibit A. This Lease is subject to (i) all existing easements, servitudes, licenses, and rights-of-way for roads, highways, telephone, and electric power lines, railroads, pipelines, and other purposes, whether recorded or not; and (ii) the rights of other lessees under any existing or future oil, gas, and mineral lease or timber leases from Lessor affecting the entire or any portion of the Premises, whether recorded or not.

Term of Lease:

The term of this lease shall be for a period of one year, commencing on November 1, 2011, and ending on February 28th, 2014 (the "Initial Term"). At the expiration of the Initial Term, this lease, including all the terms and conditions set forth herein, shall be automatically renewed for an additional period of one year, and thereafter shall be automatically renewed for succeeding and consecutive one-year periods until either Lessor or Lessee gives written notice to the other, at least sixty (60) days prior to expiration of the then current one year term, of the termination of the lease at the end of the current one year term. Under no circumstances, however, shall the Initial Term and subsequent renewal terms extend beyond a total lease term of thirty-four years. The notice required by this paragraph shall be given in the manner prescribed in Paragraph 26 of this lease.

Rent:

A. As rental for the Cemetery Flat portion of the Premises, Lessee hereby agrees to pay to Lessor a total rent of \$ [REDACTED] per month payable in lawful currency of the United States of America, without deduction or offset. Payment shall be made on the first day of each month commencing November 1, 2011 at [REDACTED], or any other place that may be designated by Lessor in a written notice to Lessee given in the manner prescribed in Paragraph 26 of this lease.

B. As rental for the West Range, Middle Range and Northwest Corner Range portions of the Premises, Lessee hereby agrees to pay to Lessor the total rent of \$ [REDACTED] per month per head of cattle grazed on such portions of the Premises payable in arrears commencing thirty (30) days after the first day cattle are grazed thereon. Rental payment shall be made at [REDACTED] or other any other place that may be designated by Lessor in a written notice to Lessee given in the manner prescribed in Paragraph 26 of this lease.

Use of Premises:

The Premises are demised to Lessee for the purpose of feeding, maintenance, grazing, and production of cattle consistent with the terms of this lease, good animal husbandry and the provisions of that certain Land Conservation Agreement with respect to the Real Property entered into between Charles A. Carpy and Mathilde Carpy Conolly and the County of San Mateo on March 6, 1967. The total number of cattle shall not exceed forty (40) and grazing on the West Range, Middle Range and Northwest Corner shall be limited to periods when grass is adequate and foraging will cease when forage reaches approximately sixty percent (60%). No other use shall be permitted without the prior written consent of Lessor which consent Lessor may withhold in its sole and absolute discretion. Lessee acknowledges that Lessor reserves the right to allow (i) dog walking and/or (ii) activities on the Premises that are not inconsistent with limitations on use of the Real Property under the Land Conservation Agreement referred to herein.

Operations on Premises:

A. Lessee shall carry on all of Lessee's activities specified under Paragraph 3 in accordance with good husbandry and the best practices of the farming community in which the Premises are situated. Should Lessee fail to take any action required by the best course of husbandry practiced in the farming community surrounding the Premises, or should Lessee fail to conduct any operation undertaken by Lessee on the Premises in accordance with the best course of husbandry practiced in the farming community surrounding the Premises, Lessor may, after serving ten (10) days written

notice of the failure on Lessee in the manner prescribed in Paragraph 26 of this lease, enter the Premises and take any reasonable action Lessor may deem necessary to protect Lessor's interest in this lease and the Premises. Lessee agrees to reimburse Lessor on demand for the cost of any reasonable actions taken by Lessor pursuant to the provisions of this paragraph;

B. Lessee shall, at Lessee's cost and expense, comply with any and all present or future laws, ordinances, rules, regulations, requirements, and orders of federal, state, county, or municipal governments that may apply in any way to the use, maintenance, operations, or production of livestock on the Premises, or the sale or disposition of that livestock;

C. Lessee agrees not to apply pesticides, insecticides, fungicides, herbicides, or other chemical treatments upon the Premises that may have a residual effect on the Premises, except with the prior written consent of Lessor, which Lessor may withhold in its sole and absolute discretion.

FARMING USE:

LEASE AGREEMENT

This Lease Agreement (the "Lease") dated as of June 21st, 2012 is hereby entered into by and between Carpy Conolly Properties, a California general partnership ("Landlord"), whose address is [REDACTED], and BJ Burns of Bianchi Flowers ("Tenant"), whose address is PO Box 243 Pescadero CA 94060 who agree as follows:

RECITALS

WHEREAS, Landlord is the owner of that certain real property commonly known as San Mateo County Assessor Parcel No. 086-241-050 and improvements located on the real property (the "Property").

WHEREAS, Tenant desires to lease from Landlord and Landlord desires to lease to Tenant two portions of the Property known as the "House Flat" and "The Park Flat", more particularly described in Exhibit "A", attached hereto (the "Premises"), on the terms and conditions in this Lease.

*A third Portion of the property was been added to the above referenced lease in the last year and is referred to as the "Plateau Field in an addendum to the lease and in Exhibit "A".

SECONDARY SUBSERVIAENT USE:

Secondary and subservient to the above lease agreements, a non-exclusive license agreement exists between Smilin' Dogs and Carpy Conolly Properties. Said license may be terminated at any time without cause. Both Farmer and Cattle operator recognize the existence of Smilin' Dogs, but are in now way subject to it. Nor are they averse to its not-incompatible use of the premises. It is clearly understood by all parties involved that agricultural operations take precedents over any other activity on the premises.

Please do not hesitate to contact me should you require further information or clarification.

Not one more calf, one more bail of hay or even one more pumpkin could be produced on these premises, were dog walking to be absent.

Sincerely,

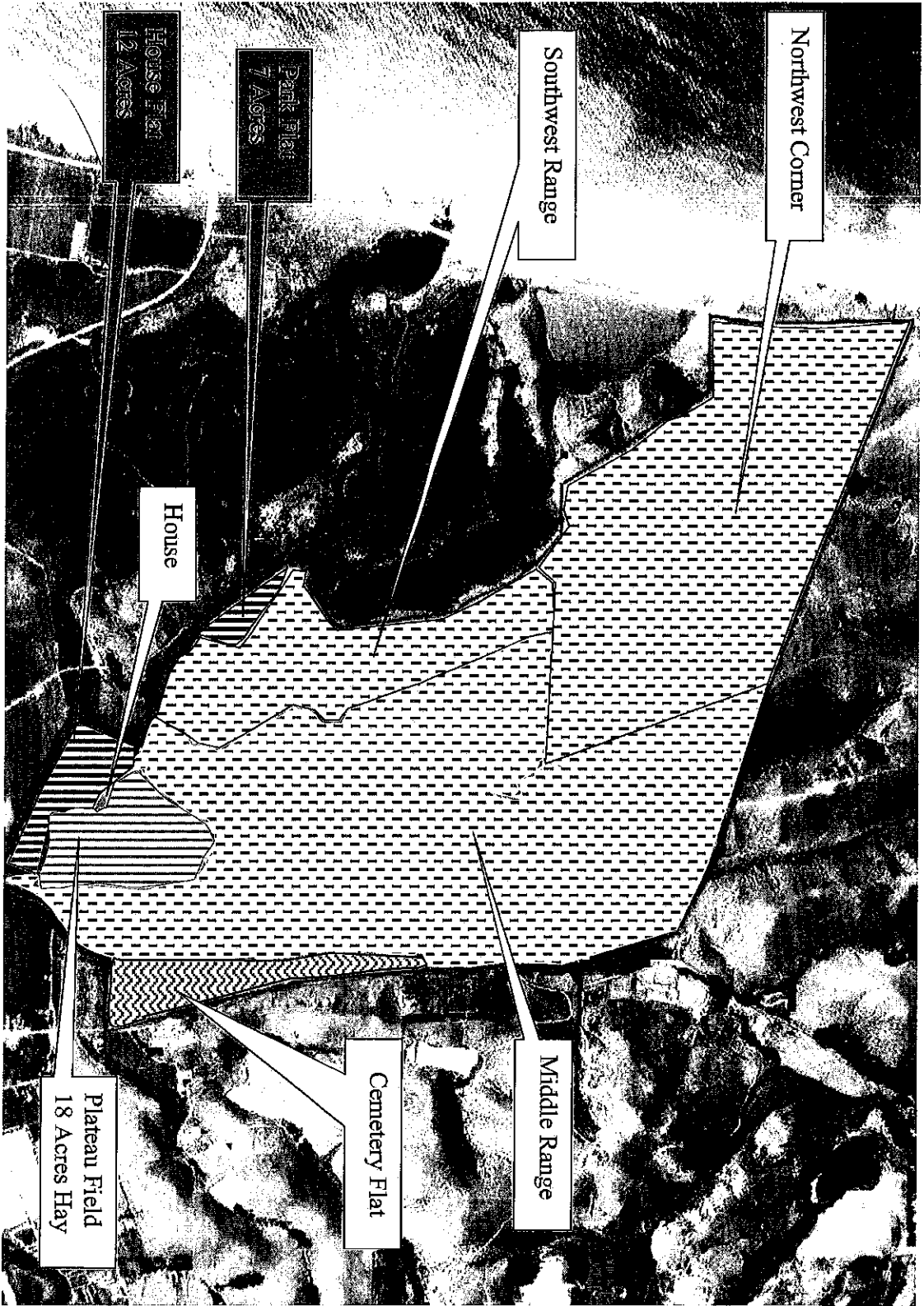


Craig Conolly
Owner-Manager
515 Stage Road, Pescadero, CA 94060

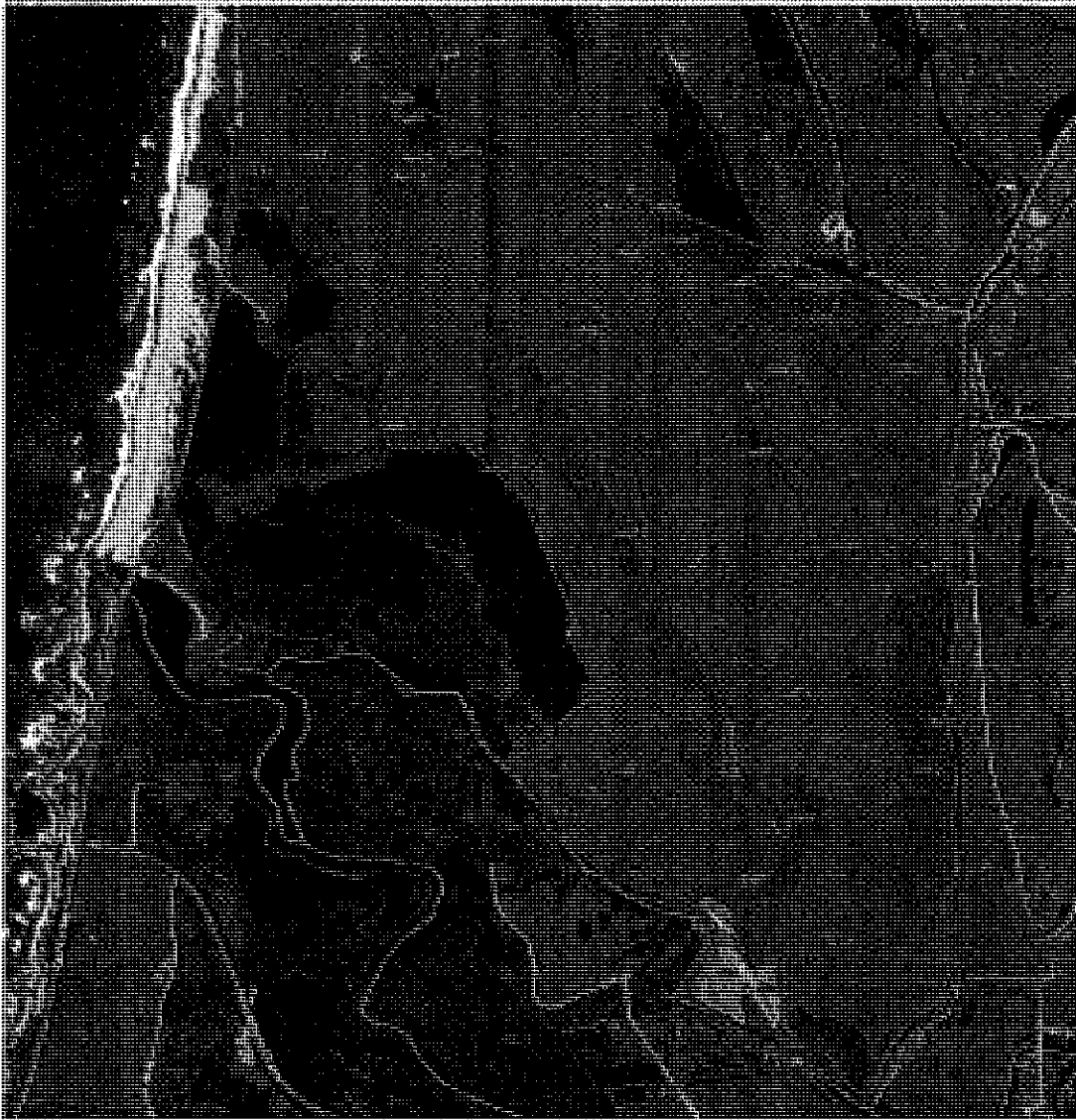
Additionally, please find attached:

- 1) Exhibit "A" reflecting the acreage leased on the parcel.
- 2) A soils map.
- 3) A companion to soils map listing and rating soil-types found on the parcel.

Exhibit "A"



From: Craig Conolly <craig.conolly@gmail.com>
Subject: 515 StageRoad Pescadero Soils Rating Map
and Summary
Date: March 26, 2015 at 15:34:47 PDT
To: Craig Conolly <craig.conolly@gmail.com>



Summary by Map Unit -- San Mateo Area, California (CA637)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
BcA	Botella clay loam, nearly level	Prime farmland if irrigated	1.5	0.2%
BcB	Botella loam, gently sloping, imperfectly drained	Prime farmland if irrigated and drained	5.8	0.8%
BcC2	Botella loam, sloping, eroded	Not prime farmland	0.8	0.1%
Bf9	Botella loam, nearly level and gently sloping, poorly drained variant	Farmland of statewide importance	4.8	0.6%
CID2	Colma loam, moderately steep, eroded	Not prime farmland	4.1	0.5%
CIS2	Colma loam, steep, eroded	Not prime farmland	29.5	3.9%
ClF2	Colma loam, very steep, eroded	Not prime farmland	43.1	5.7%
CmD2	Colma sandy loam, moderately steep, eroded	Not prime farmland	0.0	0.0%
CmE2	Colma sandy loam, steep, eroded	Not prime farmland	170.2	22.6%
CmF2	Colma sandy loam, very steep, eroded	Not prime farmland	22.3	3.0%
CmF3	Colma sandy loam, steep and very steep, severely eroded	Not prime farmland	106.7	14.2%
CoA	Coquille loam, nearly level, saline	Not prime farmland	0.4	0.0%
CrA	Corralitos loamy sand, nearly level, imperfectly drained	Prime farmland if irrigated and drained	5.1	0.7%
CaA	Corralitos sandy loam, nearly level	Prime farmland if irrigated	8.6	1.1%
CaB	Corralitos sandy loam, gently sloping	Prime farmland if irrigated	1.1	0.1%
ClA	Corralitos sandy loam, nearly level, imperfectly drained	Prime farmland if irrigated and drained	4.2	0.6%
CyA	Corralitos sandy loam, over clay, nearly level, imperfectly drained	Not prime farmland	0.2	0.0%
DuA	Dublin clay, nearly level	Prime farmland if irrigated	0.3	0.0%
DuC2	Dublin clay, sloping, eroded	Farmland of statewide importance	1.3	0.2%
DwA	Dublin clay, nearly level, imperfectly drained	Prime farmland if irrigated and drained	15.0	2.0%
DwB	Dublin clay, gently sloping, imperfectly drained	Prime farmland if irrigated and drained	3.3	0.4%
Gw	Gullied land (terra and watsonville soil materials)	Not prime farmland	2.5	0.3%
LIC2	Lobitos loam, sloping, eroded	Not prime farmland	0.6	0.1%
Ma	Mixed alluvial sand	Not prime farmland	7.9	1.0%
SmA	Soquel loam, nearly level, imperfectly drained	Prime farmland if irrigated and drained	0.0	0.0%
SsA	Soquel loam, over clay, nearly level, imperfectly drained	Prime farmland if irrigated and drained	30.7	4.1%
TeD2	Tierra clay loam, moderately steep, eroded	Not prime farmland	1.1	0.1%
TeC2	Tierra loam, sloping, eroded	Not prime farmland	22.5	3.0%
TeE2	Tierra loam, steep, eroded	Not prime farmland	25.0	3.6%
TmC2	Tierra sandy loam, sloping, eroded	Not prime farmland	16.6	2.2%
TmD2	Tierra sandy loam, moderately steep, eroded	Not prime farmland	173.1	23.0%
WsD2	Watsonville sandy loam, moderately steep, eroded	Not prime farmland	43.3	5.7%
Totals for Area of Interest			753.6	100.0%

RECEIVED

AUG 11 2015

San Mateo County
Planning Division

Smilin Dogs Supporting Statement

We would like to apply for a PAD permit, Coastal Development permit and Kennel permit to use the property located at 515 Stage Road, Pescadero to walk dogs.

About Smilin Dogs

Smilin Dogs is owned and managed by husband and wife, Konrad and Diana. We live in Belmont with our two children. Konrad, originally an organic farmer from Germany, started Smilin Dogs in 2000. Smilin Dogs offers dog daycare, training, hiking and boarding out of our facility in San Carlos. We have a conditional use permit for our kennel from the City of San Carlos.

Our clients are professional San Mateo County residents who depend on us to exercise their dogs while they are at work. In many cases, these are high energy dogs who cannot be left home alone all day. Unfortunately, there is not much public land available in San Mateo County where owners can allow a large dog to run. We provide a valuable service to the citizens of San Mateo that is necessary for many breeds who require significant exercise that is not available otherwise.

Smilin Dogs Plan

The property is approximately 750 acres. The area fenced in for dogwalking is 180 acres. We use the land approximately 4 hours per day from 10 am to 2 pm, Monday through Friday and occasionally on weekends - with the same hours. Dog walking is done by Smilin Dogs employees - not contractors. We have approximately 6-8 vans per weekday, with each van containing a group of 10-14 dogs. There are never dogs left unsupervised in any enclosure on the property. Dogwalkers hike the same dogs on a weekly recurring schedule. They hike in an orderly manner along a fire road, staying together with their group and their hiker. The dogs are under voice control and we use positive reinforcement to keep the individual groups with their hiker. Each dog must pass a temperament test at our facility in San Carlos before being eligible for hiking which includes testing for recall and shyness/skittishness. Dogs that do not stay with their hiker are not allowed to hike.

We have built no permanent structures, roads or any impermeable surfaces and have no intention to. We plan to continue to maintain the land in its present natural and agricultural state.

Dog walking does not interfere with current agricultural activities. Dogwalking occurs on trails/fire roads and our system is designed so that we rotate areas depending on the location of the cattle we share the property with. We utilize currently existing fencing both on the perimeter of the property as well as internal sections to maintain the safety of our dogs as well as the cattle. The fence is dog-proof livestock fence, matching previously existing fencing on the property (Please see attached diagram). The fence is dual purpose in that it provides security to the current cattle grazing operation on 515 Stage Road and surrounding properties and has enlarged the enclosed graze-able acreage and keeps the dogs safe.

Williamson Act/Agricultural Use

The Williamson Act allows secondary use as long as the primary use of the property is still farming. This secondary use would apply to us as we rotate the dogs out of grazing areas as needed by the rancher. We also use significantly less than the maximum allowable 25% for a secondary use. All space that is feasible to use for farming would continue as it is now - hay, pumpkin farming and cattle pasture. We have the support of both of the farmers currently sharing the ranch with us. (Please see their attached statements). BJ Burns leases 40 acres for the purpose of hay and pumpkin farming. Tom Pacheco uses the remainder of the land for cattle grazing. We have been coexisting with both of these operations, as well as previous cattle operations on the same property without any conflict for years. We have been able to do that by using internally fenced sections where the cattle are on one side and the dogs are on the other. By rotating grazing/dogwalking sections, Tom Pacheco is able to graze the entire graze-able acreage with no impact from the Smilin Dogs operation.

Attachment D

Permits

Our use meets the general criteria for PAD permits because a. we are not impacting the agricultural use of the land at all as described above, b. we are not proposing any development, and c. water supply is adequate for cattle, dog and farming needs. We estimate our water needs to be approximately 50 gallons per day. There is a spring on the property that can easily serve cattle, farming and dog needs.

We have included a map showing the soils on the property. The prime soils are the areas currently farmed by BJ Burns or grazed by Tom Pacheco. No dogwalking occurs on prime soils.

Our proposed project does not include any building, grading, impermeable surfaces or anything else that would have a long-term impact on the land.

Kennel Permit

Although our use is not typical of a kennel in that we are not housing animals overnight at this property, we are applying for a kennel permit at the request of the county. We will not be adding any structures to the property and the dogs will continue to be present at the property only 4 hours per day for dogwalking only. We intend to keep the animals securely enclosed using existing and fence maintenance/improvements. No dogs will ever be unsupervised in any enclosure at this location. Housing, care and feeding of the animals will take place at our kennel located in the city of San Carlos.

From: Craig Conolly
To: Steve Monowitz, Deputy Director,
SMonowitz@co.sanmateo.ca.us
Supervisor Don Horsley,
DHorsley@smcgov.org
John Nibbelin, Chief Deputy Counsel, JNibbelin@smcgov.org

DECLARATION OF CRAIG CONOLLY

I, Craig Conolly, declare:

1. I am a co-owner and manager of 515 Stage Road in Pescadero, California. I have personal knowledge of the matters stated herein, and if called as a witness, could competently testify as to said matters.
2. Over the last decade I initiated, conducted and satisfactorily completed a comprehensive EQIP (Environmental Quality Incentive Program) contract with the NRCS (Natural Resources Conservation Service), which has at its center a prescribed rotational grazing program for cattle. This prescription determines the maximum animal unit capacity of the property based upon available forage, water and area. This contract is continually monitored by the NRCS to insure compliance. Additionally, I have worked closely with the NRCS to develop and improve fencing, watering facilities for cattle, stream corridor exclusion areas, pasture clearing and reseeded, as well as extensive erosion control plantings and water quality improvement practices. All of these contracts and practices are of primary importance, prioritized to maximize and optimize agricultural capacity while improving water quality and soil conservation. No precedence was given to Smilin' dogs when creating the

said conservation contracts with NRCS. Upon request, I will grant permission to review these confidential contracts and all appurtenant technical aspects of them with Mr. James Howard of the NRCS to verify this statement.

3. Presently the property is under lease with two tenants: Tom Pacheco for cattle grazing (who's lease language mirrors the prescriptions set forth in the previously sited EQIP contract) and BJ Burns for hay and pumpkin production. Previous tenants include Reno Dinelli of Dinelli Cattle, and Merritt Moore of Moore Cattle Company.
4. None of the above sited tenants have had any difficulty or complaints pertaining to Smilin' Dogs. Their use of the property for the production of agricultural commodities is and has always been the highest priority, and has in no way been supplanted by the time-use upon the premises they share with Smilin' Dogs. By respecting the prescribed rotational grazing schedule and using ground while it is not scheduled to be grazed, Smilin' Dogs utilizes space and time that would otherwise remain unoccupied – empty - unproductive.
5. Subsidiary to the above stated agricultural ground leases, a license agreement exists with Smilin Dogs which stipulates:

QuickTime™ and a
decompressor
are needed to see this picture.

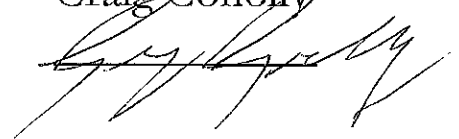
These self imposed prohibitions were memorialized to insure recognition of the Williamson Act to insure the primary

agricultural use of this property by its lessees is uninterrupted by the licensee.

6. The Smilin Dogs operation is a compatible, secondary use under the Williamson Act, not un-like hunting or recreation. Dog walking benefits agriculture on this particular property by helping to underwrite improvements vital to cattle production and environmental conservation practices - items previously not financially feasible without this supplemental income. Not one head of livestock is displaced by Smilin' Dogs, nor one bail of hay, not a single pumpkin less is produced because Smilin' Dogs is present.
7. As there is no displacement or competition with agriculture - only benefit - I believe San Mateo County should craft and grant a conditional use permit for the Smilin' Dogs operation, allowing it to continue as a secondary use compatible with the Williamson Act.
8. Smilin' Dogs should also be allowed to continue operating unabated during the present period of county consideration, for many reasons: a dozen or more hard working employees and their families would unfairly have their livelihoods abruptly taken away from them. A father and mother of two small children could loose their business. Even a temporary halt to this business could destroy it, and of what benefit would this be to agriculture?

I declare, under penalty of perjury, that the above is true and correct to the best of my knowledge.

Dated: 9/12/12

Craig Conolly


From:

BJ. Burns

To:

Don Horsley, President of the Board of Supervisors, dhorsley@smcgov.org

John Nibbelin, Chief Deputy Counsel

jnibbelin@smcgov.org

Steve Monowitz

smonowitz@co.sanmateo.ca.us

DECLARATION OF BJ BURNS

I, BJ Burns, declare:

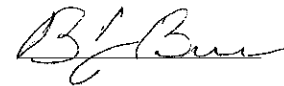
1. I am a farmer in Pescadero, California and a resident of San Mateo County, and I have personal knowledge of the matters stated herein. If called as a witness, I could competently testify as to such matters.
2. For the past approximately ten years I have leased portions (now, approximately forty [40] acres) of property at 515 Stage Rd., an approximately 800 acre ranch near Pescadero, California bordering the Pescadero Marsh. The owner of the property, and my lessor, is Craig Connelly.
3. This declaration concerns the current issue on the property regarding the existing dog walking operation of Smilin Dogs. I am currently farming the flat areas of the property (approx. 40 acres) for pumpkins and hay. In addition, as the land manager, I do work for the property owner, Craig Connelly, to maintain and improve the property, including building and installing fencing, roads, water for cattle and any other general land improvements. As such, I am ideally suited to observe the day-to-day operations on the ranch property.
4. I have been sharing the ranch land with Konrad Thaler of Smilin Dogs and his dog walking operation for the past ten (10) years and have never experienced any problems of any nature with Smilin Dogs or its dogs.
5. As a member of the Agriculture Advisory Committee I am knowledgeable about the Williamson Act, and am an active and vocal supporter and promoter of its protections. I believe the Williamson Act should be used to preserve agricultural land and eliminate abuse of these lands in ways that are not truly agricultural in nature or which interfere with agricultural use.

6. Smilin Dogs dog walking operation does not in any way interfere with the agricultural use of this property, and it
7. should be allowed as a secondary use under the Williamson Act. In fact, dog walking on the property actually *improves* the agricultural viability of this land in that Smilin Dogs clears brush and mows land which then can be used for cattle grazing in rotation. Also, the money the operation pays as rent to Craig Connelly is reinvested in the property to improve the agricultural capacity. In the last few years Craig has been able to install three 2,500 gallon water tanks, thereby increasing the amount of cattle that can be grazed. Plus, the Smilin Dogs owners have been working with NRCS on erosion control.
8. I believe the county should grant a conditional use permit for this operation and allow it as a secondary use under the Williamson Act.

I declare, under penalty of perjury, that the above stated facts are true and correct to the best of my knowledge.

Dated: 9-18-13

BJ Burns



From: Tom Pacheco

To: Steve Monowitz, Deputy Director, SMonowitz@co.sanmateo.ca.us

Supervisor Don Horsley,

DHorsley@smcgov.org

John Nibbelin, Chief Deputy Counsel, JNibbelin@smcgov.org

DECLARATION OF TOM PACHECO

I, Tom Pacheco, declare:

1. I am a resident of the County of San Mateo. I have personal knowledge of the matters stated herein, and if called as a witness, could competently testify as to such matters.
2. I am currently Vice President of our the San Mateo County Cattleman's Association and a member of the National and State Associations.
3. I currently run approximately 45 head of cattle on 515 Stage Road annually, under lease with the co-owner and manager, Craig Conolly, and I have no problem, nor have I ever had a problem, co-existing with the dogs of Smilin Dogs .
4. Although I have just completed my first year on 515 Stage Road, I know that there were cattle on the ranch previously, owned by Merritt Moore and Reno Dinelli and that those earlier cattle operation also successfully shared the land with Smilin Dogs.
5. Smilin Dogs dog walking does not in any way interfere or compete with my agricultural use of this property. The Smilin Dogs owners have installed fencing which completely separates their dog walking operation from my grazing cattle. The two never mix. The Smilin Dogs operation should be allowed as a secondary use under the Williamson Act. Indeed, I actually believe that the use of dog walking in this case is a benefit to the agricultural use of this land, in that (a) Smilin Dogs' owners

regularly clear brush and mow the ranch land, which then can be used for cattle grazing in rotation; and (b) regularly builds and maintains fencing, which keep my cattle safe.

6. I believe the county should grant a conditional use permit for this operation and allow it as a secondary use under the Williamson Act.
7. I believe this is a great business which serves and helps many people of San Mateo County and is great for the pets also.

I declare, under penalty of perjury, that the above is true and correct to the best of my knowledge.

Dated: _____

Tom Pacheco

Melissa Ross - Commission Staff Comments - PLN 2013-00481 (Smilin Dogs)

From: "Ananda, Renee@Coastal" <Renee.Ananda@coastal.ca.gov>
To: "mross@smcgov.org" <mross@smcgov.org>
Date: 1/28/2014 4:04 PM
Subject: Commission Staff Comments - PLN 2013-00481 (Smilin Dogs)
CC: "Manna, Jeannine@Coastal" <Jeannine.Manna@coastal.ca.gov>, "Cave, Nancy@C..."

Hello Melissa,

Thank you for the County of San Mateo's PLN2013-00481 permit referral form, dated January 10, 2014, that you provided for Commission staff's review. This follows our brief telephone conversation on Friday January 24, 2014; we appreciate the additional time you afforded Commission staff to complete review of this permit application referral. Staff has reviewed the materials you submitted (they include, the Permit Application Form, "Smilin Dogs Supporting Statement", Farm Plan Outline for 515 Stage Road, Pescadero, CA, APN map showing existing and proposed fence and dog walking locations, and a Fence Diagram).

The applicant (Smilin Dogs) indicates in its supporting statement that the property owner has applied for an amendment to their existing Williamson Act contract in order to allow secondary uses on the property. The property is currently used for grazing (on 716 acres) and dry farming (on approximately 40 acres). Commission staff believes that the Planned Agricultural Permit must be applied for and obtained prior to approval of the proposed dog walking operation. The proposed activity must meet the criteria for permitted uses as required by Zoning Regulation Sections 6352 and 6353.

The applicant states in the supporting statement that he/she proposes to construct additional fencing that will "further segment the property as the landowner/rancher expand their grazing operation". Additionally, the referral form packet includes a "Fence Diagram" and copy of the parcel map showing locations of the proposed fencing. The project description, as presented on the referral form, does not include installation of the fencing and while under the Local Coastal Program (LCP) fencing is considered a use ancillary to agriculture, expansion of the grazing operation must be consistent with the policies of the LCP's Agricultural Component and not result in a significant change in the intensity of or agricultural use. Further, while it is not entirely clear what is meant by "further segment the property", as a reminder, under the Coastal Act land divisions require a Coastal Development Permit (CDP). A CDP must be applied for and obtained should the land owner seek to divide the property in the future. The proposed dog walking operation also must be a biologically compatible use of the land. Portions of Pescadero Creek and Bradley Creek are located within the property in addition to two stock ponds; staff suggests that a biological evaluation be conducted to ensure that no biological resources, such as red-legged frog and San Francisco garter snake, will be negatively affected by the proposed activity. We again appreciate the opportunity you provided us to comment on the proposed permit. Please feel free to contact me if you need clarification on staff's comments. Thank you! RTA

Renée Ananda
 Coastal Program Analyst
 45 Fremont Street, Suite 2000
 San Francisco, CA 94105
 Phone: (415) 904-5292
rananda@coastal.ca.gov

Melissa Ross - PLN2013-00481 - SMILIN DOGS

From: "Lichten, Keith@Waterboards" <Keith.Lichten@waterboards.ca.gov>
To: "mross@smcgov.org" <mross@smcgov.org>
Date: 1/21/2014 5:15 PM
Subject: PLN2013-00481 - SMILIN DOGS
CC: "Frucht, Setenay@Waterboards" <Setenay.Frucht@waterboards.ca.gov>, "Ghod..."

Dear Ms. Ross:

Thank you for the opportunity to comment on Smilin Dogs' permit application to walk up to 90 dogs per day on property at 515 Stage Road in Pescadero.

The project should include appropriate measures to avoid and minimize pathogen contamination from dog waste to waters of the State, including on-site ponds and creeks. Typically, they would be comprised of (1) measures to prevent dog access to State waters, and (2) removal (i.e., pickup) and disposal of dog waste after it is deposited by the dogs, such that it will not discharge to State waters. This is important because the property is immediately upstream of Pescadero Creek and Pescadero State Beach, both of which have beneficial uses including water contact recreation. Water contact recreation includes activities that can result in ingestion of water, such as swimming, wading, and surfing. Also, the property contains a pond and creeks tributary to Pescadero Creek and beach. Pathogens in dog waste can present a threat to public health in the creek and at the beach.

Please include in permits for the project appropriate measures to address items (1) and (2) above. The information we received has a map that indicates there is existing or planned "dog-proof fencing" on part of the property. However, it was unclear where the fencing is located relative to creeks and the pond, and it was also unclear where the dogs would be walked/allowed to run. The information did not include measures to dispose of dog waste such that it would not contaminate State waters. Rather, it referenced measures taken for the site's livestock use.

We recently completed a regulatory action addressing pathogen contamination in a nearby catchment--for San Pedro Creek and Pacifica State Beach in Pacifica. The TMDL's staff report includes a brief discussion of potential impacts from dog waste and found that dog waste discharges from impervious surfaces were likely a significant source of bacterial pollution. More information can be found at:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/pacificabacteriatmdl.shtml

In this case, we recognize dogs would be walked on agricultural land (i.e., unpaved land). However, the large number of dogs--up to 90 per day--means that the potential impacts from dog waste should be appropriately addressed.

Please contact me with any questions.

Regards,

Keith H. Lichten, P.E.
Senior Water Resource Control Engineer
SF Bay Regional Water Quality Control Board
1515 Clay St., Suite 1400

Oakland, CA 94612

Tel. 510.622.2380

Fax 510.622.2460

klichten@waterboards.ca.gov

CALIFORNIA CATTLEMEN'S ASSOCIATION

1221 H STREET • SACRAMENTO, CALIFORNIA • 95814-1910

SERVING THE CATTLE
INDUSTRY SINCE 1917



PHONE: (916) 444-0845
FAX: (916) 444-2194
www.calcattlemen.org

October 2, 2013

The Honorable Don Horsley
President, San Mateo County Board of Supervisors
County Government Center
Hall of Justice & Records
400 County Center, 1st Floor
Redwood City, CA 94063

RECEIVED

OCT 08 2013

San Mateo County
Planning Division

Dear Supervisor Horsley,

The California Cattlemen's Association (CCA) has been notified that a rancher operating in San Mateo County has been harmed by activities occurring on adjacent property not properly permitted by the county. We are speaking specifically in regards to the presence of an unpermitted pet handling facility known as Smilin Dogs headquartered in San Carlos. This facility specifically offers pet owners the opportunity to unleash their dogs and roam 750 acres of private property in Pescadero bordering our member's property.

On more than one occasion, dogs have trespassed on to adjacent properties and have threatened domestic livestock. Unfortunately, one instance led to a rancher having to shoot a dog that was violently harassing his cattle. California Food and Agriculture Code Section §31152 clearly provides the authority for a rancher to kill a dog that has trespassed on to private property and is in the act of harassing or pursuing livestock. While this authority exists, ranchers are not always present to act when dogs are actively killing, wounding or aggressively pursuing livestock. Generally speaking, ranchers have no desire to kill dogs or wildlife but will act to defend their livestock if threatened. Ranchers take great pride in the care they provide their livestock. Most ranchers have dogs that are not only trained and used to work cattle but are also pets and part of their family.

According to the United States Department of Agriculture and University of Nebraska, Lincoln, "Livestock and poultry can be victims of harassment, injury, and death from both domestic and feral dogs."¹ Unlike most common predators that attack livestock for food, domestic dogs "...leave the impression that they were involved in vicious play..." generally marked by "...the slashing and biting of prey animals over much of their bodies."²

Comprehensive peer-reviewed research has been done that specifically demonstrates the direct and indirect stress borne by cattle due to feral dogs that actively pursue or harass livestock. Specifically, the indirect impact of predation can significantly impact a ranchers' bottom line due

¹ Green, Jeffrey and Gipson, Phillip, "Prevention and Control of Wildlife Damage - 1994" (1994). C-77. University of Nebraska - Lincoln, U.S. Department of Agriculture, Great Plains Agricultural Council Wildlife Committee.

² Green, Jeffrey and Gipson, Phillip, "Prevention and Control of Wildlife Damage - 1994" (1994). C-77. University of Nebraska - Lincoln, U.S. Department of Agriculture, Great Plains Agricultural Council Wildlife Committee.

TIM KOOPMANN
PRESIDENT
SUNOL

JACK HANSON
TREASURER
SUSANVILLE

BILLY GAYLIN
EXECUTIVE VICE PRESIDENT
HERALD

FRED CHAMBERLIN
SECOND VICE PRESIDENT
LOS OLIVOS

DAVE DALEY
SECOND VICE PRESIDENT
CHICO

BILLY FLOURNOY
FIRST VICE PRESIDENT
ALTURAS

PAUL CAMERON
FEEDER COUNCIL CHAIR
BRAWLEY

LAWRENCE DWIGHT
SECOND VICE PRESIDENT
MCKINLEYVILLE

JILL BRANDENBERG
FEEDER COUNCIL VICECHAIR
EL CENTRO

weight loss in pregnant cows and calves and an overall decline in body condition, increased cases of abortion and changes in grazing patterns.³ Environmental impacts may also occur due to predation by forcing cattle to overgraze or congregate in certain areas due to the presence of animals, in this case dogs, that cattle sense may threaten their welfare.⁴ Howery et al. (2004) further suggests that behavioral responses by prey species to impending predation may have greater consequences on livestock than the direct act of a predator attacking livestock. For example, threatened livestock have a greater tendency to shift grazing patterns to lower quality forages that have less nutritional value and higher levels of toxins.⁵

CCA encourages the Board of Supervisors to address this issue properly to be sure that livestock and dogs alike are not harmed in the future. It does appear that the 750 acre Smilin Dog hiking facility is incompatible with adjacent and surrounding land uses that are largely agricultural. Should the county approve a formal operating permit for Smilin Dogs, CCA respectfully requests that the county set conditions for the operation of the facility that would require the facility or pet owners using the facility to fully mitigate the cost of any damage to the infrastructure or livestock of adjacent land owners. CCA also respectfully requests that mitigation not only include direct damages but also a formula to assess the indirect damages to livestock associated with the continual presence of "off-leash" dogs including but not limited to the loss of suitable grazing lands, calf abortions, a decline in body score condition or any other animal health and welfare issue caused by the routine threat of impending predation.

CCA also requests the county work directly with adjacent land owners to ensure their requests, concerns and grievances are fully addressed moving forward. If you have any questions regarding CCA's concerns, requests or to learn more about the impacts of livestock predation by domestic and feral dogs, please contact Justin Oldfield in the CCA office.

Sincerely,



Justin Oldfield
Vice President, Government Relations

CC: Members, San Mateo County Board of Supervisors
Mr. Dante Silvestri

³ Howery, Larry D. and DeLiberto, Thomas J., "Indirect Effects of Carnivores on Livestock Foraging Behavior and Production" (2004). *Sheep & Goat Research Journal*. Paper 8.

⁴ Howery, Larry D. and DeLiberto, Thomas J., "Indirect Effects of Carnivores on Livestock Foraging Behavior and Production" (2004). *Sheep & Goat Research Journal*. Paper 8.

⁵ Howery, Larry D. and DeLiberto, Thomas J., "Indirect Effects of Carnivores on Livestock Foraging Behavior and Production" (2004). *Sheep & Goat Research Journal*. Paper 8.

Merrit Moore

29 October 2013

To whom it may concern,

In 2000 Konrad Thaler started his dog walking enterprise, Smilin Dogs, on the ranches that my wife and I were leasing. My family was running a cow calf livestock operation, Moore Cattle Company, on the two properties at that time. These parcels, our family ranch known as Pacific Acres, and the Carpey ranch share a property line. Smilin Dogs and Moore Cattle Company successfully operated on the same land for the next 5 or 6 years that I was involved with these properties. Mr. Thaler always demonstrated a high level of professionalism and a sensitivity to all the animals involved.

While I was in the livestock business in San Mateo County, I was a member of CCA, for a time holding the treasurer's office of the San Mateo/San Francisco county Cattlemen's Association. In a letter to the county, CCA infers that dogs are unleashed by owners to freely roam 750 acres. My experience was that dogs were walked (continuously moving) by trained handlers. This method kept the dogs in a small group in control of the walker. It should be pointed out that Mr. Thaler diligently screens prospective dogs and refuses any that are deemed questionable. Reno Dinelli, Tom Pacheco, and Merritt Moore have all run cattle on the Carpey ranch while Smilin Dogs operated simultaneously on the same property.

Respectfully,
Merritt Moore



County of San Mateo Planning & Building Department
Agricultural Advisory Committee

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

Meeting Minutes
Regular Meeting September 14, 2015

1. Call to Order

Robert Marsh, Committee Chairman, called the Regular Meeting of the Agricultural Advisory Committee (AAC) to order at 7:32 p.m. at the San Mateo County Farm Bureau Conference Room in Half Moon Bay, California.

2. Member Roll Call

Robert Marsh, AAC Chairman, called the roll. A quorum (a majority of the voting members) was present, as follows:

Regular Voting Members Present

Brenda Bonner
BJ Burns
Louie Figone
Peter Marchi
Robert Marsh
April Vargas

Regular Voting Members Absent

Robert Cevasco
Marilyn Johnson
Teresa Kurtak
Doniga Markegard

Nonvoting Members Present

Steven Rosen

Nonvoting Members Absent

Fred Crowder
Virginia Lj Bolshakova
Jim Howard

3. Guest Roll Call

Guests Present

Kerry Burke
Lorene Burns
Greg Smith

4. Public Announcements/Comments for Items not on the Agenda

7:33 Steven Rosen noted that the 2nd Monday in October is a public holiday and asked the members of the AAC whether they would prefer the meeting to be scheduled on the following Tuesday or the next Monday. The AAC members stated that they would prefer Tuesday the 13th.

7:35 The AAC is interested in helping the County determine whether Coastal Development Permit Exemptions for agriculture are for bona fide agriculture.

5. A new statewide Septic System Policy recently went into effect that requires County of San Mateo to update the current Septic System Ordinance and the related on-site systems manual. Over the past year, Environmental Health Services staff have worked with industry and jurisdictions representatives to draft proposed changes to the County's Septic System Ordinance. Environmental Health staff are now working to introduce proposed changes to interested parties, answer questions, and seek feedback related to the state-mandated updates. This item is informational only to the AAC. The proposed ordinance is anticipated to be presented to the County Board of Supervisors for approval at their regular December 8, 2015 meeting.

Greg Smith, Environmental Health Supervisor of Water Protection and Land Use Programs will present proposed updates to the Septic System Ordinance that are relevant to the Agricultural Advisory Committee.

7:56 Greg Smith presented to forthcoming updates to the Septic System Ordinance and onsite waste treatment system program.

6. Consideration of the Action Minutes for the August 10, 2015, regular meeting.

8:56 Louie Figone moved to adopt the minutes as corrected to show that Robert Cevalasco was not present. BJ Burns seconded the motion. The motion was approved unanimously.

8:57 Robert Marsh asked about Teresa Kurtak's absence and whether the County should recruit a replacement member for her position.

Adjournment