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Via Email and Certified Mail

October 18, 2024

Robert Bartoli
Executive Commissioner
San Mateo Local Agency Formation Commission
455 County Center
Redwood City, CA 94063
rbartoli@smcgov.org

Re: San Mateo County Farm Bureau Request for Reconsideration of Resolutions 1326 & 1327 Pursuant to Gov. Code Section 56895

Dear Mr. Bartoli:

In accordance with Article 3 of the Cortese-Knox-Hertzberg Local Agency Government Reorganization Act of 2000 (“the Act”), the San Mateo County Farm Bureau (“Farm Bureau”) hereby request reconsideration (“Request”) of the San Mateo Local Agency Formation Commission (“LAFCo” or “Commission”) Resolution No. 1326 and Resolution No. 1327, File No. 24-08, approved by the Commission on September 18, 2024.

Resolution 1326 amends the Commission’s sphere of influence (“SOI”) to the Pescadero Middle/High school property at 350-360 Butano Cutoff APN 087-053-010 (“school property”), and Resolution 1327 annexes the school property also making way for potential development of a fire station on a portion of the school property. This Request is timely and proper. Gov. Code § 56895(b) (A request for reconsideration shall be made within 30 days of adoption of the resolution). Further actions on the Resolutions are suspended until the Commission acts upon this Request. (Gov. Code § 56895(c)) (“Upon receipt of a timely request, the executive officer shall not take any further action until the commission acts on the request.”) Farm Bureau is a non-profit

organization and respectfully asks that the Commission reduce or waive fees incurred in connection this Request, which it makes in the public interest. Gov. Code § 56383(d) (“The commission may reduce or waive a fee, service charge, or deposit if it finds that payment would be detrimental to the public interest” which are “ limited to the costs incurred by the commission in the proceedings of an application.”)

REQUEST

The Farm Bureau requests that Commission vacate Resolution 1326 and 1327 and deny the application by the County of San Mateo’s (“County” or Applicant”).

ALTERNATIVE REQUEST

In the alternative, the Farm Bureau requests that the Commission take the following steps:

- (1) Vacate Resolutions 1326 and 1327;
- (2) Correct errors and omissions contained in the vacated Resolutions;
- (3) Notice each CSA 11 customer of a new hearing on corrected Resolutions;
- (4) Conduct additional hearings, including authority proceedings, and further studies as necessary to ensure meaningful engagement and informed decision making; and
- (5) Submit any proposed annexation involving new connections to CSA 11 to the vote of affected stakeholders, including existing CSA 11 users.

The Farm Bureau respectfully submits proposed corrections to Resolutions 1326 and 1327 as Exhibit A and Exhibit B, respectively, for the Commission’s consideration.

SUPPORT FOR RECONSIDERATION REQUEST

Gov. Code § 56895(a) provides:

The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration.

The September 11, 2024 LAFCo Meeting Packet (“Staff Report”) and the Resolutions contain material factual errors and omissions that warrant reconsideration. These are detailed further below.

1. Correction: The school property contains prime agricultural land that is currently being farmed.

The 28.61-acre school property contains prime agricultural land. Based on information provided by the Applicant, the Staff Report incorrectly concludes that the school land is “inactive” and “has not been in agricultural use for at least eight years.”¹ At the September 18 hearing, multiple community residents commented that this was incorrect and that the land was currently being farmed.² The Farm Bureau further confirmed this with the school’s tenant farmer:

- Since 2005, the school leased a significant portion of the school property to Jose Ramirez.
- Mr. Ramirez actively farms 8 acres of the school property.
- Mr. Ramirez grows peas and fava beans on the 1.5 acres where the fire station is proposed to be placed.
- Mr. Ramirez grows rosemary on the rest of the property.

(See Exh. C: Declaration of Jose Ramirez, ¶¶1-4)

In addition, the Farm Bureau informed the County that the property was being actively farmed when it first proposed siting a fire station there in 2016. (See Exh. D: November 7, 2016 Farm Bureau letter to SMC Board of Supervisors)

The mistaken, County-supplied information is prejudicial. The Act describes LAFCo’s mandate of “discouraging urban sprawl, preserving open-space and prime agricultural lands” (Gov. Code 56301) and actively guide development “away from prime agricultural land” (Gov. Code 56377). Although Farm Bureau recognizes the Commission is not a planning agency, it understands the Commission achieves these conservation goals through the responsible and *informed* exercise of its SOI amendment and annexation powers. This requires accurate information. The error also

¹ Exh. B: redlined Resolution 1326, Sec. 1.

² See September 18, 2024 Hearing Testimony at 1:41:38 (by Dr. Patrick Horn) and 1:47:9 (by Bridget Jett) confirming rosemary and fava beans were grown on the school property.
(https://www.youtube.com/watch?v=_mFx-Oeu704)

creates a due process concern. The few stakeholders that did receive notice were given the incorrect factual information that the land was non-productive.

2. Correction: The Resolutions were not passed unanimously.

The signed Resolutions incorrectly show that they passed with the Commission’s unanimous vote. (See Exhibits A & B) During the hearing, Commissioner Virginia Chang-Kiraly expressed concern that notice was insufficient and the community “was feeling left out” based on the comments from community members at the September 18 hearing.³ During roll call, Commissioner Chang-Kiraly clearly voted “NO” suggesting the community should be given more time to consider the matter.⁴ The Farm Bureau agrees, and the record should also be corrected. (See proposed amendments to Exhibits A and B).

Notably, Commissioner Ray Mueller recused himself from the hearing and vote. However, two members of the Pescadero Municipal Advisory Committee (“PMAC”)—Dr. Patrick Horn and Robert Skinner—who nominally advise Commissioner Mueller in his capacity as a County Supervisor, also asked for more time for community engagement, with Mr. Skinner opining this is what PMAC believed “Ray would want.” Mr. Horn and Mr. Skinner also indicated they were not provided notice and received the Staff Report only shortly before the hearing.⁵

3. Omissions: Any additional connections to CSA 11 will hasten depletion of the already overdrafted aquifer.

CSA 11 relies solely on groundwater for its water supply. Water is drawn from a cluster of wells—Well nos. 1, 2, and 3—located near the top of Butano Ridge. From 1992 to 2020, Well No. 1 was the primary supply well, and Well No. 2 served as a standby well.⁶ Well No. 3 was put into service

³ September 18, 2024 Hearing at 2:02:40 to 2:05:34 (by Commissioner Chang-Kiraly)

⁴ Id. at 2:07:30 (by Commissioner Chang-Kiraly)

⁵ Id. at 1:40:08 to 1:41:39 (by Dr. Horn), and 1:41:56 to 1:43:55 (by Robert Skinner)

⁶ Staff Report (*CSA 11 Water Supply Yield and Sustainability Study*, Todd Groundwater (2021), hereinafter “2021 Todd Groundwater Report”), p. 51-52.

as the primary supply well in 2020.⁷ There are 101 existing connections to CSA 11 serving portions of Pescadero.⁸ The nearest other public water system is 14 miles to the north.⁹

Resolution 1326 concludes that, based on the Todd Report commissioned by the County, CSA wells could continue to provide water for the next “30 – 40 years” “even if the additional demand of the existing Pescadero Middle/High School and a new fire station is added to the District.”(See Exh. B: Resolution 1326, Sec. 3) This is an oversimplification which omits other important conclusions in the Todd Report about the challenges of connecting new users where there is declining water supply. The Todd Report aptly states in its opening sentence: “San Mateo County Service Area No. 11 (CSA-11) provides municipal water service to the community of Pescadero and has had concerns of declining water supply for many years.”¹⁰

The system is in overdraft, which means pumping exceeds sustainable yield. Groundwater levels have been in decline continuously since 1992. Groundwater levels in the aquifer are currently dropping 0.5 feet per year based on 2015-2019 data, or about 2.88 acre-feet per year.¹¹ The Todd Report estimates that 13-67% of current groundwater pumped to users is supplied by overdraft.¹² Moreover, leaks are accounting for an estimated loss of 8-16% of water pumped to users, which is considered a high leakage rate for a water system.¹³

The Todd Report concludes that any additional connections, including from the school or fire station, will accelerate decline: “any increase in pumping would cause an equal increase in overdraft.”¹⁴ This fact is irrefutable: the only question is how much faster it will decline with the school and fire house connections.

- The Report estimated that the additional connection of the school and firehouse would speed decline by **21 years**.¹⁵ Put another way, while CSA 11 may have capacity to supply

⁷ Id. at 51.

⁸ Staff Report (R. Bartoli Memo), p. 16.

⁹ Id.

¹⁰ Staff Report (2021 Todd Groundwater Report), p. 51.

¹¹ Staff Report (2021 Todd Groundwater Report), p. 63; see also Id. at p. 80, Figure 1: storage depletion.

¹² Id. at p. 63.

¹³ Id. at p. 56, 68.

¹⁴ Id. at p. 61.

¹⁵ Id. at p. 63, 68. Measured at the point groundwater levels drop to the pump or well screen in Well 3.

existing users, school and new firehouse for “30-40 years in the future”¹⁶, it could serve current CSA 11 users for a longer period of 51-61 years without the additional connections.

- These markers are based on a limited data set between 2015-2019 shows a depletion rate of 0.5 foot per year. However, prior to 2012 groundwater declined at a much greater rate of 0.74 foot per year (e.g., nearly 50% faster).¹⁷ Consequently, the community could expect an even greater rate of loss of water supply.
- The Report also states that the 21year mark is based on static groundwater levels, but that capacity and pumping rate measurements show that the water is actually 24 feet lower than static capacity. As a result, the Todd Report concludes that this means the pump in the main production well will break suction 35 years sooner.¹⁸

Staff opined that if supply became a problem, the well screen for the primary production well (Well 3) could be lowered. However, this does not address aquifer depletion. In addition, lowering well screens creates new problems, such as sea water intrusion, possible irrevocable depletion of Butano Creek flows, and technical challenges with pumping including decreased output or pump damage:

If that option [lowering the well screen] is pursued, the limiting factor for water level decline could be the risk of sea water intrusion or depletion of flow in Butano Creek if water levels declined 70 feet from their current elevation. At that point, however, static, and pumping levels would be below the top of the screen, which could decrease well output and cause air entrainment in the well water that would potentially damage the pump.¹⁹

Furthermore, the pump in CSA 11’s backup storage well (Well 1) cannot be lowered any further because it is already near the bottom of the well, which would by itself cause a “critical supply problem” by 2057.²⁰

The above elements, particularly the increased rate of depletion of the CSA system with the additional connections, were not discussed during the September 18 hearing presentation. The 21 year reduction in CSA 11’s ability to supply water is a service concern to existing users, which is

¹⁶ Id. at p. 64.

¹⁷ Id. at p. 68.

¹⁸ Id. at p. 63, 68.

¹⁹ Id. at p. 66.

²⁰ Id. at P. 61

grounds for termination of annexation proceedings. Gov. Code § 56857; see also Gov. Code § 56857(a)(2) (“Service concerns” means that “a district will not have the ability to provide the services that are the subject of the application to the territory proposed to be annexed without imposing level of service reductions on existing and planned future uses in the district’s current service area.”) Other sources of water for the school should be first explored.

4. Omission: Groundwater recharge is dependent on an agricultural activity which should be preserved.

Groundwater recharge in the aquifer is dependent on return irrigation flows from farming.²¹ There are only 520 acres of cropland left.²² This crop land is not dependent on groundwater and is irrigated by pumped surface water from south of Butano Ridge. This land plays perhaps the largest role in supporting the continued health of CSA 11:

The greatest risk to CSA-11 yield would be if cropland on Butano Ridge went out of production, because that would eliminate groundwater recharge from deep percolation of irrigation water, which is probably a significant source of recharge.²³

Conversion of agricultural land is not the answer. Upgrading the station facility at its current location is the best option. It keeps emergency services close to the town center, with better ability to respond to calls in the Highway 1 corridor. Plus, improving the current location eliminates the need for a new water line to service the station. (See Exh. D: 2016 & 2022 Farm Bureau letters to the SM County Supervisors) Moreover, there are plans to keep the existing fire station in limited operation even after the new one is built, so that infrastructure must continue to be maintained as well.

5. Omissions: The school’s water supply issue should be solved with further evaluation of existing studies and conducting additional studies.

²¹ Staff Report (2021 Todd Groundwater Report), p. 61 (“Recharge on Butano Ridge is from rainfall and return irrigation flow.”)

²² Id. at 66.

²³ Id. (bold added)

The water supply situation at CSA 11 is both dire and complex. The Farm Bureau further community engagement and study before any future connections are planned.

First, existing historical reports should be further evaluated. The Staff Report included only the 2021 Todd Groundwater Report. It did not include:

- The earlier water supply report in 2009.
- Documents relating to the Regional Water Quality Control Board's notices of violation regarding the school water supply.
- Reports or studies documenting attempts to advance alternative wells for the school.

Filling these data gaps will help inform decisions. The Farm Bureau also encourages the Commission to utilize its existing authority to conduct its own studies to determine the capacity and limitations of CSA 11 pursuant to its authority under Gov. Code § 56378.

Alternatives should also be explored. The Staff Report erroneously concludes that “[t]he alternative of no annexation would prohibit the extension of CSA 11 to the high school property and require that the school continue to rely on bottled water ...”²⁴ This sets up a false dilemma on a sensitive issue: we are not at this point. There are alternatives.

It appears only one attempt was made to advance an alternative well, and it was apparently located near the contaminated school well. There is no indication whether well sites outside of the school's immediate footprint were considered. Another commenter made at the September 18 hearing, alternatives sources could be explored, including pumped surface water, before an expensive pipeline extension to an overdrafted system be considered. Other commenters (from PMAC and a neighbor) indicated the school was located near other wells with clean water or that the school had riparian rights to surface water sources. These options should be explored because they would result in an optimal and more sustainable solution for the school.

In addition, there are other, better alternatives short of annexation. Even should connection to CSA 11 be the only resort, the Act empowers the Commission to enter into contracts to extend the

²⁴ Staff Report (R. Bartoli Memo), p. 22.

services of a district to those outside its jurisdictional boundaries.²⁵ This is particularly the case where there is a public health threat. In short, annexation is not required to address the school's water supply.

6. Notice of the September 18 hearing was insufficient under the circumstances.

Should the Commission adopt the Farm Bureau's Alternative Recommendation, and vacate the Resolutions and issue new corrected Resolutions, they must be noticed for a new hearing and considered de novo. In addition, Farm Bureau requests that all CSA 11 users be given written notice of the new hearing. The September 18 hearing notice was insufficient because:

- Several commenters said that they did not receive notice of the September hearing, and therefore could not have known of the facts, errors or omissions put forth in this Request.
- The 300-foot geographical statutory notice requirement does not meaningfully provide notice to the most affected stakeholders. The school property is noncontiguous to the rest of CSA 11.²⁶ It is at least 1 mile distant from the town center where the closest CSA 11 users reside. Per the Commission's records, only a scant few households within the immediate vicinity of the school were notified. (See Exh. E: Commission Notice Documents).
- CSA 11 users are irrefutably "affected" stakeholders. For example, Resolution 1326 rightly acknowledges CSA 11 as a "community of interest" to the SOI amendment. (Exh. A, p. 3, item 4) Annexation and connection to the school puts strain on an already overdrafted system which would now be shared.

Since the time of the hearing, many community members have shown interest in engaging on these issues. Exhibit F is a letter requesting reconsideration signed by twenty-eight (28) community

²⁵ Gov. Code § 56133 (empowering the Commission to authorize a city or district to extend services outside its jurisdictional boundaries under various scenarios)

²⁶ Farm Bureau reserves the right to appeal whether all requirements were met to annex noncontiguous properties.

members, comprising at least thirty-two (32) CSA 11 connections (indicated by asterisk*) and three (3) other non-CSA 11 nearby neighbors:

Lorene Burns*, B.J. Burns, Patricia Sarabia*, Rita Giannini*, Brian McLaughlin & Iris McLaughlin (shared connection)*, Barbara Vierra*, Gerald Marchi (2 connections)*, Mary Logsdon*, Reno Dinelli (4 connections)*, Rich Costello*, Kevin Palmer*, Dennis Souza*, Leonard Kuwahara*, James Johnson*, Stella Amaya*, Chris Meyer*, Ritah Prigan*, Tim Duarte (7+ connections)*, Rob Skinner, Kathleen Skinner, Jason Skinner*, Richard Gomes*, Michelle Terra*, Carmen & Richard Garcia (2 connections)*, Michelle & Ivan Rodriguez.*

These signatures were collected over a period of *only four days* from Oct. 14 – 18. Most were unaware of the hearing and the proposed annexation. In short, the letter requests reconsideration of the Resolutions and asks for more time for thorough review and investigation of possible impacts to CSA 11 in light of existing resources and alternatives.

The annexation of the school property would enlarge the size of CSA 11 by roughly a 1/3. There are many questions about funding sources and rate increases in both the near and long term. As an equitable matter, CSA 11 users should be entitled to notice and a vote on annexation.

7. The Farm Bureau opposes waiver of protest proceedings and supports its right to vote.

The Farm Bureau opposes waiver of protest proceedings. (See Exh. B: Resolution 1327, Sec. 6) Discretion to waive protest proceedings rests with the Commission under Gov. Code § 56663 (“the commission *may* waive” under specified circumstances) (*italics added*). For the reasons above, we request that the Commission reconsider its waiver and allow a fuller democratic process that also gives the impacted CS 11 community a vote on any proposed annexation. In addition, the Farm Bureau reserves the right to contest waiver of authority proceedings to Resolution 1326 and 1327, based on insufficient notice or other circumstances.²⁷

²⁷ For example, it is our understanding that written opposition was provided by at least one landowner within 300 feet of the school property. See Gov. Code 56663(c)(waiver cannot occur if written opposition from a landowner or registered voter within the affected territory is received prior to the proceedings on the proposal).

CONCLUSION

The Farm Bureau urges the Commission to vacate Resolutions 1326 and 1327. More time is needed to better understand the impacts to CSA 11 and the affected community, alternatives to annexation, and the important role prime agricultural farmland plays in the basin. The Farm Bureau welcomes future engagement from the Commission.

LIST OF EXHIBITS

Exhibit A: Redlined Resolution 1326
Exhibit B: Redlined Resolution 1327
Exhibit C: Declaration of Jose Ramirez
Exhibit D: 2016 & 2022 Farm Bureau letters to the SM County Supervisors
Exhibit E: Commission Notice Documents
Exhibit F: Letter from CSA-11 and Other Community Members Requesting Reconsideration

Respectfully Submitted,



Peter Ton
Ton Law P.C.
ATTORNEYS FOR
SAN MATEO COUNTY FARM BUREAU

EXHIBIT A:

Redlined Resolution 1326

RESOLUTION NO. 1326

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SAN MATEO
MAKING DETERMINATIONS AND APPROVING A SPHERE OF INFLUENCE
AMENDMENT FOR COUNTY SERVICE AREA 11 (CSA 11)**

RESOLVED, by the Local Agency Formation Commission of the County of San Mateo, State of California, that

WHEREAS, a proposal for an amendment of the Sphere of Influence for County Service Area was submitted by resolution by the County of San Mateo to include 350-360 Butano Cut Off, Pescadero (APN 087-053-010) within the SOI was heretofore filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the Commission conducted a Municipal Service Review for the CSA 11 pursuant to Government Code Section 56430 and adopted the report on May 18, 2022; and

WHEREAS, the Executive Officer has reviewed the SOI amendment and prepared a report, including the recommendations thereon, the proposal and report having been presented to and considered by this Commission; and

WHEREAS, it appears to the satisfaction of this Commission that all owners of the land included in the proposal and the affected agency consent to the proceeding; and

WHEREAS, a public hearing by this Commission was held on the SOI amendment and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposal and the Executive Officer's report; and

WHEREAS, the Commission is required pursuant to Government Code Section 56425 and local Commission policy to make statement of written determinations with regards to the following factors:

- 1) *The present and planned land uses in the area, including agricultural and open-space lands.*

The subject parcel is located in the unincorporated area of Pescadero and is designated Institutional in the County's General Plan and in the County's Local Coastal Plan. This land use designation includes cultural and educational and public service uses including but not limited to schools, libraries, hospitals, and churches. The parcel is currently developed with a public middle

school and high school and a portion of the property is proposed to be developed with a fire station.

The fire station site is mapped as Class I Agricultural Soils and does contain agricultural land as defined in the Cortese-Knox-Hertzberg Act¹. ~~As stated in reports from the County and in the application to LAFCo, these agriculture lands are inactive. Though the project area may be of a quality to sustain high yield irrigated crops, the project area has not been in agricultural use for at least eight years, as opposed to the adjacent field to the north of the site consistently used for irrigated agriculture.~~ ^{and} ~~is~~

As required by both the County and the California Coastal Commission, and described in detail later in this staff report, a mitigation measure has been incorporated into the project to address the loss of this agricultural lands.

Land use designations within the existing boundaries and SOI of CSA 11 include primarily residential use with some institutional and commercial uses. The area is surrounded by but does not include agricultural lands.

2) *The present and probable need for public facilities and services in the area.*

The SOI amendment for CSA 11 would permit the annexation of the Pescadero Middle/High School and a new proposed fire station into the District. The pipeline would be designed to serve only the high school and fire station's potable water needs. Per the County no additional hookups would be permitted to this water. In addition, the area's general plan and zoning designations are for agricultural uses, which substantially limits the area's development potential. The annexation would not encourage additional development on the school property or elsewhere along the pipeline route.

Constraints such as the Pescadero Creek floodway and septic system requirements, water for fire flow and factors such as economic conditions, will continue to dictate how development within the CSA 11 will occur. The parcels within CSA 11 are largely developed with commercial businesses and mix of single-family and small multi-family homes with few parcels left for new development. Due to these constraints, development and population increase in the near term is limited.

3) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*

In March 2021, Todd Groundwater completed a report entitled "Pescadero (CSA-11) Water Supply Yield and Sustainability Study" for the San Mateo County Department of Public Works that looked at existing CSA 11 water usage and conditions. The report noted that the aquifer that CSA 11 wells rely on is considered to be in overdraft, meaning that more water is being pulled out of the aquifer than can be replenished. *The rate of decline is estimated at 0.5 foot per year.*

The report estimates that the CSA 11 wells would still be able to provide water into the future, even if the additional demand of the existing Pescadero Middle/High School and a new fire station is added to the District. The report concludes that if these buildings were to be added to the CSA 11 system, ²⁰⁵⁷ the CSA 11 wells would be able to serve the CSA 11 service area until 2094. However, if the aquifer does not recharge at its current rate or if additional demand as identified in the County's LCP is added to CSA 11, the lifespan of the existing wells will be negatively impacted.

¹ Government Code Section 56064

the rate of water level decline would accelerate by about 21 years.

Regarding fire service for Pescadero and the CSA 11 service area, there is existing fire protection services that cover CSA-11's sphere of influence. However, the location of the existing station can be isolated from the community during seasonal flooding events. Moving the station to the location adjacent to the High School will allow unimpeded access to Pescadero year-round.

→ Further from the town center

- 4) *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.*

Pescadero and the surrounding area is an important farming community in the County. The CSA 11 service area is a community of interest in that it represents the community eligible for and dependent upon municipal-type services that can be provided by the County.

As noted in the application from the County, students, faculty, and staff of the Pescadero Middle/High School have relied on bottled water for drinking for several years since 2017.

- 5) *Present and probable need for water, wastewater, and structural fire protection facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.*

The Sphere of Influence amendment is limited to the inclusion of the Pescadero Middle/High School, which is considered uninhabited. The annexation of the school site will allow Pescadero Middle/High School to have a source of drinking water that will meet the needs for the students and staff. Currently, students and staff have to rely on bottled water due to elevated contaminates levels in the drinking water supplied by an on-site well.

Pescadero and the surrounding area is an important farming community in the County, and it is likely that there are farmworkers living in the area of CSA 11 who have an income lower than median income for Pescadero. This is evidenced by affordable housing and farm labor housing programs that are supported by the County in the agricultural areas of the coastside.

CSA 11 has limited ability to serve the surrounding rural community due to limited water supply for additional demand. The County's LCP also limits CSA 11 from serving areas outside of the Pescadero rural service center. In addition, the population around Pescadero is widely dispersed, which can lead to challenges regarding cost and expansion of infrastructure. The County also has policies in place that limit the expansion of urban utilities, such as water and sewer, in the rural areas of the County.

Pescadero is considered a legacy unincorporated community, as it is not within the SOI of a city, has existed for at least 50 years, and is inhabited. The County of San Mateo and CSA 11 are likely to continue to be the service providers for Pescadero and the surrounding area for the foreseeable future.

WHEREAS, having reviewed and considered the determinations as outlined above, the Commission determines to amend (expand) the sphere of influence for the CSA 11 to include 350-360 Butano Cut Off, Pescadero (APN 087-053-010); and

WHEREAS, the Sphere of Influence amendment was evaluated certified a Mitigated Negative

Declaration (MND) for the CSA-11 Water Service Extension and Pescadero Fire Station (Station 59) Project.

Included in the scope of this project was Sphere of Influence amendment and annexation by CSA 11 of the Pescadero Middle/High School and new fire station property, subject to approval by the San Mateo Local Agency Formation Commission. The MND found there would be several potential impacts to the environment. However, the CEQA document proposed mitigation measures for these impacts. Areas of impacts include agriculture, hydrology and water quality, hazards and hazardous materials, and noise. With mitigation measures, each impact is considered to be sufficiently addressed.

NOW, THEREFORE, the Local Agency Formation Commission of the County of San Mateo **DOES** **HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. By Resolution, the Commission accepts the Executive Officer's Report dated September 11, 2024, Sphere of Influence Amendment for County Service Area 11, and all written comments and attachments incorporated herein and contained in attached "Exhibit A."; and

Section 2. By Resolution, the Commission shall consider the territory described in "Exhibit B" as being the Sphere of Influence as being the Sphere of Influence for County Service Area 11, it being fully understood that the adoption of such sphere of influence is a policy declaration of this Commission based on existing facts and circumstances which, although not readily changed, may be subject to review and change in the event a future significant change of circumstances so warrants.

Regularly passed and adopted this 18 day of September.

Ayes and in favor of said resolution:

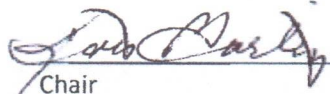
Commissioners: Tygarjas Bigstyk
~~Virginia Chang Kiraly~~
Ann Draper
Harvey Rarback
Kati Martin

Noes and against said resolution:

Commissioner(s): Virginia Chang Kiraly

Absent and/or Abstentions:

Commissioner(s): Warren Slocum (Absent), Ray Mueller (Abstention)



Chair
Local Agency Formation Commission
County of San Mateo
State of California

ATTEST:

Roberto Bartoli 2
Roberto Bartoli
Executive Officer
Local Agency Formation Commission

Date: 9/18/2024

I certify that this is a true and correct copy of the resolution above set forth.

Clerk to the Commission
Local Agency Formation Commission

Date: _____

EXHIBIT B:

Redlined Resolution 1327

RESOLUTION NO. 1327

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SAN MATEO
MAKING DETERMINATIONS AND APPROVING LAFCO FILE 24-08
PROPOSED ANNEXATION OF 350-360 BUTANO CUT OFF, PESCADERO (APN 087-053-010)
TO COUNTY SERVICE AREA 11 (CSA 11)**

RESOLVED, by the Local Agency Formation Commission of the County of San Mateo, State of California, that

WHEREAS, a proposal for the annexation of certain territory in the County of San Mateo to the County Service Area 11 (CSA 11) was heretofore filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, a Certificate of Filing was issued for the Proposal on September 11, 2024; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including the recommendations thereon, the proposal and report having been presented to and considered by this Commission; and

WHEREAS, it appears to the satisfaction of this Commission that all owners of the land and affected agencies included in the proposal consent to the proceeding; and

WHEREAS, a public hearing by this Commission was held on the proposal and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposal and the Executive Officer's report; and

WHEREAS, the Commission has reviewed and considered reviewed and considered the Mitigated Negative Declaration for CSA-11 Water Service Extension and Pescadero Fire Station (Station 59) Project including any findings and the mitigation and monitoring program, prepared by the County of San Mateo as lead agency and that mitigation measures are within the responsibility and jurisdiction of the County of San Mateo and not within the responsibility and jurisdiction of San Mateo LAFCo; and

NOW, THEREFORE, the Local Agency Formation Commission of the County of San Mateo DOES

HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. This proposal is approved, subject to the following conditions: None.

Section 2. The boundaries as set forth in the application are hereby approved as submitted and are as described in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 3. The territory consists of 28.61 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: Annexation of 350-360 Butano Cut Off, Pescadero to CSA 11.

Section 4. The regular County Assessor's roll will be utilized.

Section 5. The territory will not be taxed for existing bonded indebtedness.

~~Section 6. Conducting authority proceedings are hereby waived in accordance with Government Code Section 56663 and this annexation is hereby ordered.~~

Regularly passed and adopted this 18 day of September

Ayes and in favor of said resolution:

Commissioners: Tygarjas Bigstyk
~~Virginia Chang Kiraly~~
Ann Draper
Harvey Rarback
Kati Martin

Noes and against said resolution:

Commissioner(s): Virginia Chang Kiraly

Absent and/or Abstentions:

Commissioner(s): Warren Slocum (Absent), Ray Mueller (Abstention)



Chair
Local Agency Formation Commission
County of San Mateo
State of California

ATTEST:

Roberto Bartoli
Roberto Bartoli
Executive Officer
Local Agency Formation Commission

Date: 9/18/2024

I certify that this is a true and correct copy of the resolution above set forth.

Clerk to the Commission
Local Agency Formation Commission

Date: _____

EXHIBIT C:

Declaration of Jose Ramirez

I, Jose Ramirez, declare as follows:

1. I have been a tenant farmer at the property located at 350-360 Butano Cut-off, Pescadero, California, since 2005.
2. I have actively farmed all of the 8 approx. acres of land at this location, including the 1.5 acres where a fire station is proposed to be placed, every year.
3. On the 1.5 acres in question, I grow crops of peas and fava beans every year as part of my farming operations.
4. In addition to the crops mentioned above, I grow rosemary on the rest of the property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 16 day of OCTOBER, 2024, in Pescadero, California.

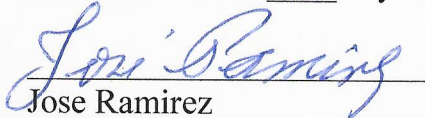

Jose Ramirez

EXHIBIT D:

2016 & 2022 Farm Bureau letters to the County



SAN MATEO COUNTY FARM BUREAU

765 MAIN STREET
HALF MOON BAY, CALIFORNIA 94019
PHONE: (650) 726-4485

FARM BUREAU

November 7, 2016

Supervisor Don Horsley
San Mateo County Board of Supervisors
Hall of Justice
400 County Center
Redwood City, CA 94063

Dear Supervisor Horsley,

The San Mateo County Farm Bureau is in opposition of the relocation of the Pescadero Fire Station at the site next to the Pescadero High School. This site, at 350 Butano Cutoff, is prime agricultural land which has been farmed for decades and should remain in production, not paved over for other purposes.

San Mateo County's LCP Policy 5.8.a prohibits conversion of prime agricultural land to a conditional use unless (1) no alternative site exists for the use; (2) a buffer area is provided between agricultural and non-agricultural uses; (3) productivity of adjacent agricultural land will not diminish; and (4) use(s) will not impair agricultural viability (through higher assessed value or degraded air and water quality). The County would have to find that any proposed conditional uses comply with all four of the above policies in order to be approved.

Recently, regarding the Pigeon Point Station Historic Lighthouse General Plan/MND, a letter from Joe LaClair, County Planning Department, dated August 2, 2016, and a letter from you on September 9, 2016, expresses a strong support of the preservation of prime agricultural lands. The County of San Mateo, the California Coastal Commission, the San Mateo County Farm Bureau and the California Farm Bureau are all committed to preserving agricultural land. We should follow that commitment when determining a site for the fire station.

There are feasible options that would be more appropriate for the fire station, including consideration and research of improving the current site. San Mateo County Farm Bureau is in full support of having an up to date facility for our local Cal Fire Department staff. Cal Fire does an amazing job and we are grateful to have them as a part of our community.

Thank you for considering our opinion on this matter.

Sincerely,

A handwritten signature in blue ink that reads 'BJ Burns'.

BJ Burns
President

CC: San Mateo County Board of Supervisors
Steve Monowitz, San Mateo County Community Development Director
Pescadero Municipal Advisory Council (PMAC)
Renee Ananda, Coastal Program Analyst, California Coastal Commission



SAN MATEO COUNTY FARM BUREAU

765 MAIN STREET
HALF MOON BAY, CALIFORNIA 94019
PHONE: (650) 726-4485

FARM BUREAU

July 14, 2022

Board of Supervisors
County of San Mateo
Hall of Justice
400 County Center
Redwood City, CA 94063

Dear Members of the Board of Supervisors,

The San Mateo County Farm Bureau is in opposition of the relocation of the Pescadero Fire Station at the site next to the Pescadero High School. This such site is Prime Agricultural Land, which has been in agricultural production for decades and should remain in production, not paved over for other purposes.

San Mateo County's LCP Policy 5.8.a prohibits conversion of prime agriculture land to a conditional use unless (1) no alternative site exists for the use; (2) a buffer area is provided between agricultural and non-agricultural uses; (3) productivity of adjacent agricultural land will not diminish; and (4) use(s) will not impair agricultural viability (through higher assessed value or degraded air and water quality). The considered project of a new fire station at this location (360 Butano Cut-off) would be located on prime agricultural ground. The County would have to find that any proposed conditional uses comply with all four of the above polices in order to comply.

Also, upgrading the station facility at its current location is the best option. It keeps emergency services close to the town center, with better ability to respond to calls in the Highway 1 corridor. Plus, improving the current location eliminates the need for a new water line to service the station.

Thank you for considering our opinion on this matter.

Sincerely,

A handwritten signature in blue ink that reads "BJ Burns".

BJ Burns
President

CC: Steve Monowitz, Community Development Director at San Mateo County

EXHIBIT E:

Commission Notice Documents

NAME	MAILING_ADDRESS1	MAILING_CITY	MAILING_STATE	MAILING_ZIP
DUARTE TIMOTHY E	P O BOX 173	PESCADERO	CA	94060-0173
MITTON ROBERT K	PO BOX 864	PESCADERO	CA	94060-0864
BURNS BERNARD J JR & LORENE Y	PO BOX 163	PESCADERO	CA	94060-0163
GELLER PAUL ET AL	13 GALSTON DR	PRINCETON JUNCTION	NJ	08550-3238
PESCADERO UNION HIGH SCH DIST	P.O. BOX 189	PESCADERO	CA	94060-0106
DINELLI JOSEPH T TR	522 AVENUE BALBOA	HALF MOON BAY	CA	94019-4640
GOLD DINA HALEY TR	3334 PESCADERO CREEK RD	PESCADERO	CA	94060-9791
HAWKINS PATRICK JOSEPH JR TR	240 HARBOR BLVD	BELMONT	CA	94002-4022
BURNS BERNARD J JR & LORENE Y	PO BOX 163	PESCADERO	CA	94060-0163
GELLER PAUL ET AL	478 RIVERSIDE DR	PRINCETON	NJ	08540-5421
HAWKINS PATRICK JOSEPH JR TR	240 HARBOR BLVD	BELMONT	CA	94002-4022
BONSAI HEIRLOOM LLC	26228 SCARFF WY	LOS ALTOS	CA	94022-2096
HILLER JEFFREY H & MARY R	4 BRITTANY MEADOWS	ATHERTON	CA	94027-4101
The Occupant	5540 CLOVERDALE RD	PESCADERO	CA	94060
The Occupant	370 BUTANO CUT OFF	PESCADERO	CA	94060
The Occupant	243 BUTANO CUT OFF	PESCADERO	CA	94060
The Occupant	245 BUTANO CUT OFF	PESCADERO	CA	94060
The Occupant	3641 PESCADERO CREEK RD	PESCADERO	CA	94060
The Occupant	350 BUTANO CUT OFF	PESCADERO	CA	94060
The Occupant	359 BUTANO CUT OFF	PESCADERO	CA	94060
The Occupant	360 BUTANO CUT OFF	PESCADERO	CA	94060
The Occupant	5531 CLOVERDALE RD	PESCADERO	CA	94060
The Occupant	3334 PESCADERO CREEK RD	PESCADERO	CA	94060

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

NOTICE OF PUBLIC HEARING BY THE SAN MATEO LOCAL AGENCY FORMATION COMMISSION

NOTICE IS HEREBY GIVEN by the San Mateo Local Agency Formation Commission that a public hearing is scheduled for a Regular Meeting on September 18, 2024 at 2:30 pm in the Board of Supervisors Chambers, Hall of Justice and Records, 400 County Center, Redwood City, CA 94063. At this meeting the following will be considered:

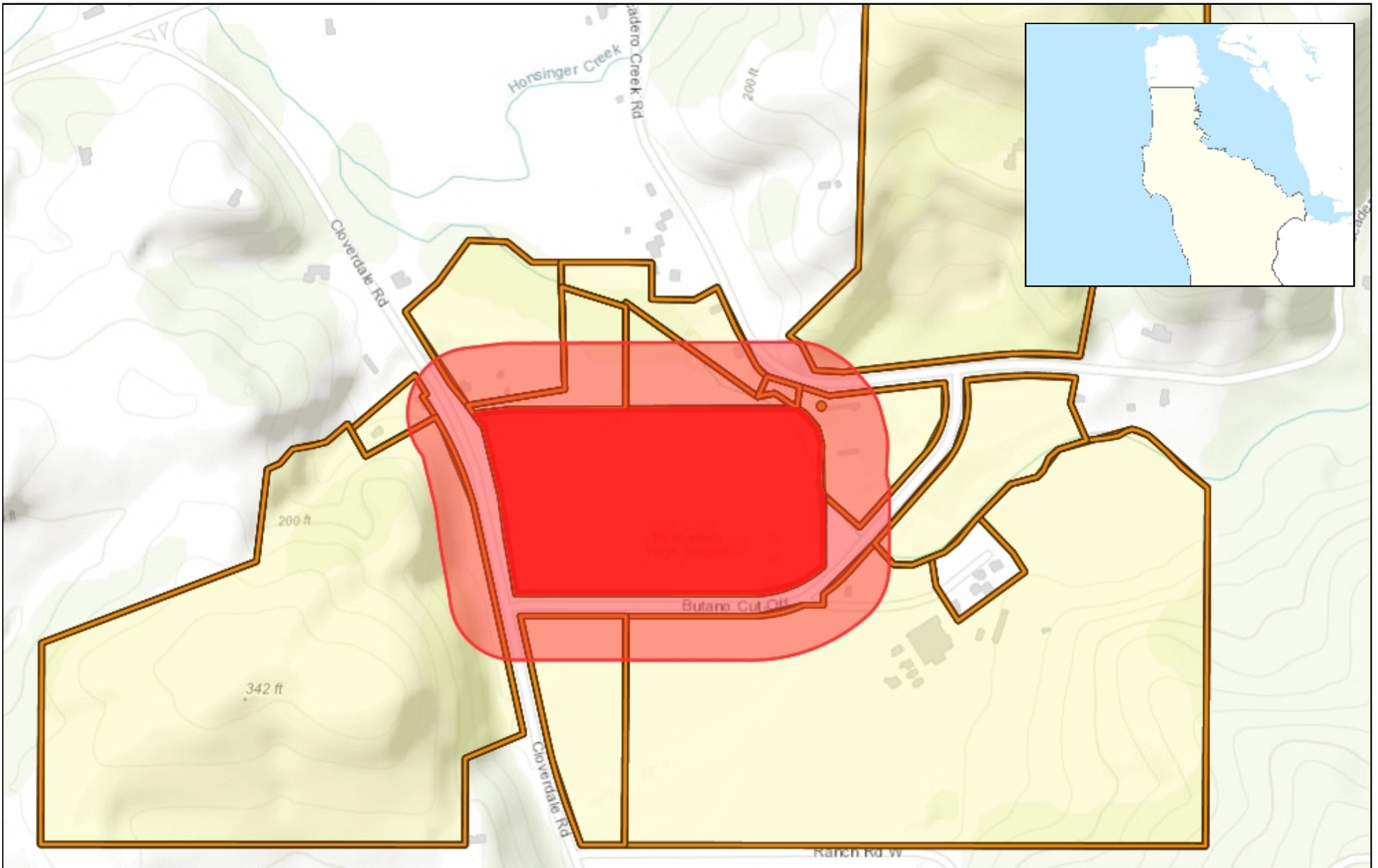
1. Consideration of LAFCo File No. 24-08 - Proposed Sphere of Influence amendment for County Service Area 11 (CSA 11) and annexation by CSA 11 of the Pescadero Middle/High School located at 350-360 Butano Cut Off (APN 087-053-010)

The Local Agency Formation Commission September 18, 2024 meeting can be accessed through Zoom. Information about how to access this meeting will be posted on the San Mateo LAFCo website at www.smcgov.org/lafco.

Information/Contact: Staff reports and attachments will be available September 11, 2024 at www.smcgov.org/lafco. If you have any questions, please contact Rob Bartoli, Executive Officer at (650) 363-4224 or rbartoli@smcgov.org

Dated: August 28, 2024

Rob Bartoli
Executive Officer



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

SAN MATEO



LOCAL AGENCY FORMATION COMMISSION

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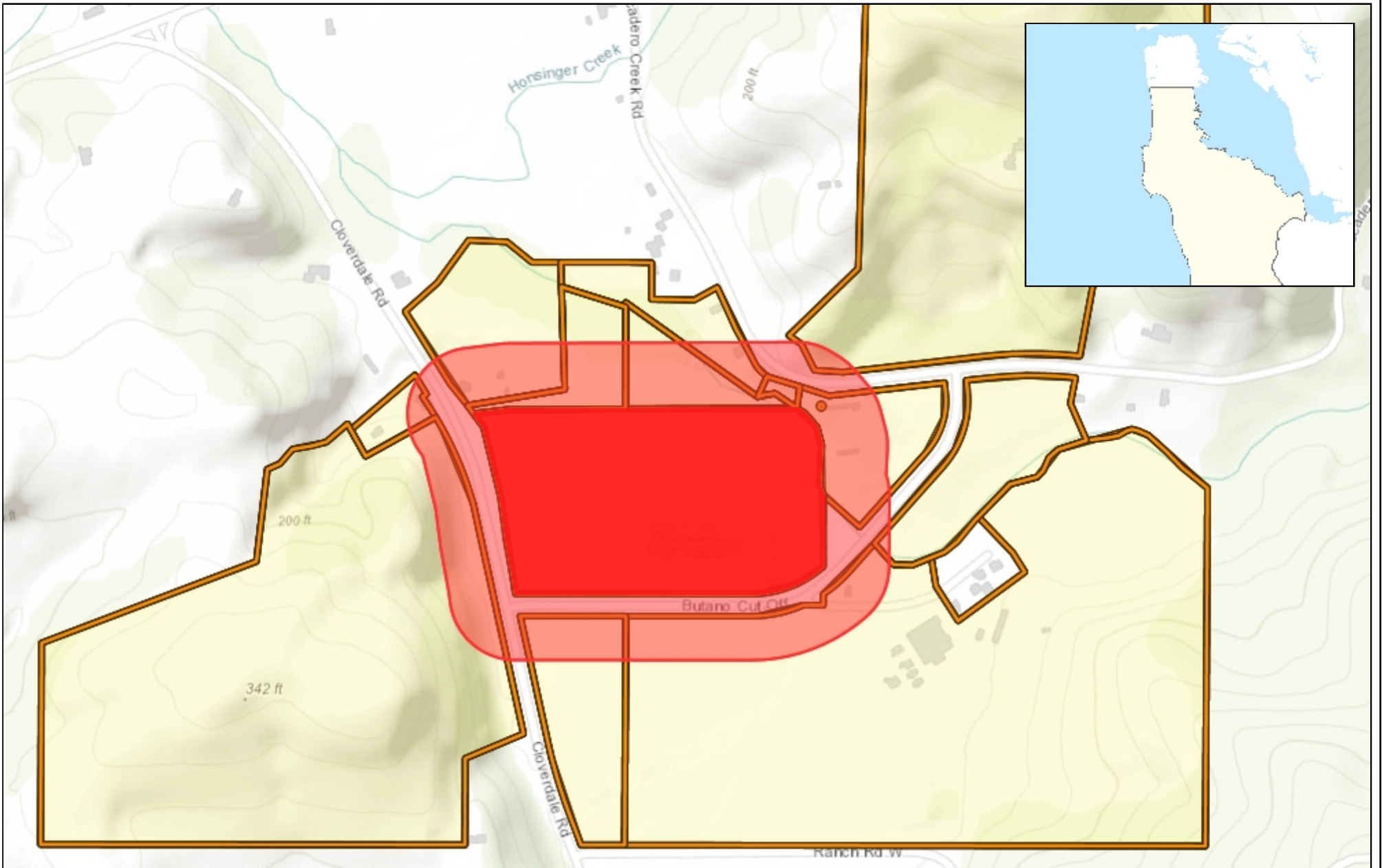
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Dated: August 28, 2024

Rob Bartoli
Executive Officer



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EXHIBIT F:

Letter from Community Members Requesting
Reconsideration

October 13, 2024

Local Agency Formation Commission (LAFCO)

455 County Center, 2nd Floor

Redwood City, CA 94063

Subject: Request for Reconsideration of CSA-11 Water Pipeline Annexation to the proposed Fire Station/Pescadero High School & Middle School Property

Dear Members of LAFCO,

We, the undersigned, hereby submit this request for reconsideration of the proposed annexation of the CSA-11 water pipeline to the proposed Fire Station and Pescadero High School and Middle School property. Our primary concern lies in the presence of water on the school property that has not yet been fully investigated. We believe it is essential to conduct further studies on the existing water resources to ensure the annexation and installation of a new water pipeline are both necessary and in the best interest of the community.

We kindly request that LAFCO rescind the annexation process until these investigations are completed and the findings can be properly reviewed. It is crucial to understand the potential impacts on the local water supply and avoid redundant or unnecessary infrastructure changes that could result in mismanagement of existing resources.

Important Considerations:


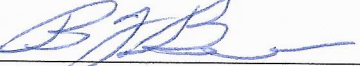



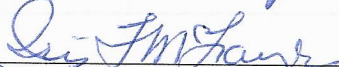
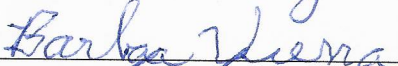

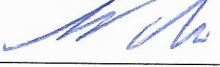


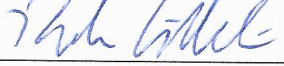
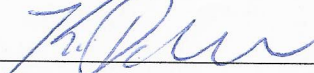
1. Existing Water Source: There is water present on the Pescadero High School and Middle School site that should be thoroughly evaluated.
2. Further Investigation Required: We request that experts conduct hydrological assessments and resource evaluations to determine whether the on-site water is sufficient to meet the needs of the school and broader community.
3. Community Impact: The annexation should not proceed until the water situation on the property is fully understood, avoiding unnecessary strain on CSA-11 resources.

We appreciate your attention to this matter and ask for a thorough review to ensure any future water infrastructure decisions are well-informed and beneficial for the community of Pescadero.

*Please see attached page that includes signatures of CSA-11 owners & additional landowners & taxpayers within the school and fire district.

Thank you for your consideration. We look forward to your response and are available for further discussion if necessary.

*Part of the letter of the Request of Reconsideration

*Name (Print) of Property Owner	Signature	Property Owner Address	Landowner in CSA-11	Pescadero Landowner (outside CSA-11)
LORENE BURNS		675 NORTH ST	✓	
BJ BURNS		243 BUTANO CUTOFF		✓
Patricia Sarabca		194 Goulson St.	✓	
Rita Giannini		547 North St., Pescadero CA	✓	
Brian McLaughlin		605 North St Pescadero ca	✓	
Tris McLaughlin		605 ^{North} North St Pescadero	✓	
BARBARA VIERA		807 North Street Pescadero	✓	
Gene Marshall		587 No St Pescadero	✓	
Gene Marshall		719 No St Pescadero	✓	
MARY LOGSDON		17 Stage Rd Pescadero ⁺	✓	
Rene DiNelli		1851 Pescadero Rd + 1897 Pescadero Cr Rd 605 + 645 North St	✓	
Rick Galt		528 North St Pescadero CA	✓	
Kevin Palmer		300 verde Road H. W. B. CA 625 North St, Pesc. CA	✓	

From: Michelle Terra michelleterra@ymail.com
Subject: CSA-11 Water Pipeline Annexation
Date: Oct 17, 2024 at 7:33:01AM

Please consider this as a request for reconsideration of the CSA-11 Water Pipeline Annexation to the proposed Fire Station/Pescadero High School & Middle School property.

My property address is:
730 North Street
Pescadero, CA 94060

Thank you,

Michelle Terra

From: Richard Garcia rickgarcia68@gmail.com
Subject: Water hook up
Date: Oct 18, 2024 at 9:05:00 AM

As a CSA-11 customer, I support the Request of Reconsideration of the annexation of the CSA-11 water district to the proposed fire house and Pescadero High School & Middle School site that LAFCO recently approved. As a landowner and customer, I was never notified about an additional hook or annexation up to the system.

Carmen Garcia, Richard Garcia
Property address
1899 Pescadero creek road
1913 Pescadero creek road
Pescadero, Ca 94060

As a CSA-11 customer, I support the Request of Reconsideration of the annexation of the CSA-11 water district to the proposed fire house and Pescadero High School & Middle School site that LAFCO recently approved. As a landowner and customer, I was never notified about an additional hook or annexation up to the system.

Michelle and Ivan Rodriguez
645 North St