

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

DATE: July 8, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a request by the Midpeninsula Regional Open Space District (MROSD) to determine if MROSD's proposed acquisition from the Peninsula Open Space Trust (POST) of parcels APNs 082-130-130, 082-140-010, 082-150-030, 082-150-040, 083-361-040, and 083-361-100, located along Highway 84 between La Honda and San Gregorio, for use as open space, natural resource management, habitat preservation, low-intensity recreation, and continuation of compatible agriculture, grazing and range management, conforms to the County General Plan.

County File Number: PLN 2015-00230

PROPOSAL

The Midpeninsula Regional Open Space District is requesting a determination of whether MROSD's proposed acquisition of parcels APNs 082-130-130, 082-140-010, 082-150-030, 082-150-040, 083-361-040, and 083-361-100 conforms to the General Plan. The parcels are located along Highway 84 between La Honda and San Gregorio, and are owned by the Peninsula Open Space Trust. The parcels are currently used for various grazing, ranching, agricultural, residential, and educational/training uses, and after acquisition, are intended to be added to MROSD's adjacent La Honda Creek Open Space Preserve, for use as open space, natural resource management, habitat preservation, low-intensity recreation, and continuation of compatible agriculture, grazing and range management.

RECOMMENDATION

That the Planning Commission find and report that MROSD's acquisition of parcels APNs 082-130-130, 082-140-010, 082-150-030, 082-150-040, 083-361-040, and 083-361-100 conforms to the General Plan.

SUMMARY

The subject parcels are located along Highway 84, between La Honda and San Gregorio, and functionally comprise three distinct properties: the 292-acre Apple

Orchard property, used primarily for active grazing, with a small remaining apple orchard; the 11.83-acre Event Center, used for pasturing of horses, livestock staging, and for occasional equestrian and ranch training and agricultural and environmental education events; and a 3.65-acre residential property at 5711 La Honda Road, containing a two-bedroom house. All these properties are currently owned by the Peninsula Open Space Trust. The properties are characterized by coastal ranchland, pasture, annual grasslands, coastal chaparral, and mixed tree cover, with riparian areas surrounding San Gregorio Creek, which crosses the properties. The parcels provide habitat for various flora and fauna native to coastal areas.

The proposed acquisition is consistent with the County General Plan's Vegetative, Water, Fish and Wildlife Resources Policies, which require that the County: regulate land uses and development activities to prevent or mitigate adverse impacts on resources; regulate the location, density and design of development to minimize significant adverse impacts and encourage enhancement of resources; ensure that development will minimize the removal of vegetative resources, and/or protect vegetation which enhances microclimate, stabilizes slopes or reduces surface water runoff, erosion or sedimentation, and/or protect historic and scenic trees; and regulate land uses and development activities within and adjacent to sensitive habitats, and permit only activities consistent with protection of sensitive habitats.

The proposed acquisition is consistent with the General Plan's Soil Resources and Visual Quality Policies which call for: the County to regulate development to minimize soil erosion and sedimentation; the County to regulate excavation, grading, filling and land clearing activities to protect against accelerated soil erosion and sedimentation; minimizing grading or earth-moving operations; and blending of graded areas with adjacent landforms through the use of contour grading.

The proposed acquisition is consistent with the County's Park and Recreation Resource Policies which: encourage park providers to locate passive park and recreation facilities in rural areas in order to protect and preserve environmentally sensitive open space lands; call for the minimization of conflict between agricultural and park uses, and the preservation of the best agricultural land for agricultural uses; and call for the County to encourage all providers to design sites to accommodate recreation uses that minimize adverse effects on the natural environment and adjoining private ownership.

The proposed acquisition conforms to the applicable policies of the San Mateo County General Plan.

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BACKGROUND

Report Prepared By: William Gibson, Project Planner, Telephone 650/363-1816

Applicant: Midpeninsula Regional Open Space District

Owner: Peninsula Open Space Trust

Location: Unincorporated San Mateo County, along Highway 84 between La Honda and San Gregorio

APNs: 082-130-130, 082-140-010, 082-150-030, 082-150-040, 083-361-040, and 083-361-100

Size: 307.64 acres in total

Existing Zoning: RM

General Plan Designation: Open Space

Sphere-of-Influence: N/A

Existing Land Use: APN 082-130-130: livestock staging, pasturing, and agricultural/ranching/environmental events under special use arrangement; APN 082-140-010: rural residential and grazing; APNs 082-150-030, 082-150-040, 083-361-040, and 083-361-10: grazing and related agricultural use.

Water Supply: Spring water/well water

Sewage Disposal: Septic

Flood Zone: Zone X, Area of Minimal Flooding

Environmental Evaluation: A request for General Plan Conformity analysis is not a project under the California Environmental Quality Act (CEQA), and is not subject to environmental evaluation. Any future development proposed on the property would need to address relevant CEQA requirements.

Setting: The subject parcels make up three distinct properties: the 292-acre Apple Orchard property, used primarily for active grazing, with a small remaining apple orchard; the 11.83-acre Event Center, used for pasturing of horses, livestock staging, and for occasional equestrian and ranch training and agricultural and environmental education events; and a 3.65-acre residential property at 5711 La Honda Road, containing a two-bedroom house. All these properties are owned by POST. The properties are characterized by coastal ranchland, pasture, annual grasslands, coastal chaparral, and mixed tree cover, with riparian areas surrounding San Gregorio Creek, which crosses the properties.

DISCUSSION

A. KEY ISSUES

1. Basis for Acquisition

The subject parcels comprise three properties, described by MROSD's property fact sheet (attached) as follows:

The 292-acre Apple Orchard property, located at the western edge of the Town of La Honda - The property is adjacent to the La Honda Creek Open Space Preserve (Preserve) along the property's northerly boundary and San Gregorio Creek along the property's southern boundary.

The 11.83-acre Event Center, located two miles west of the Town of La Honda - The Event Center is bordered by La Honda Road to the north and adjacent to San Gregorio Creek along the property's southern boundary.

The 3.65 acres at 5711 La Honda Road, located two miles west of the Town of La Honda - The property is across from the Event Center and is surrounded by the Preserve to the east, west and north.

The Apple Orchard is coastal ranchland, grazed by an adjacent landowner under an interim grazing license with the District. The property includes an older residence that was used seasonally by the former owner, open barn, outbuildings, livestock watering troughs, and the remnants of a small apple orchard. The property has two seasonal access points from a public right-of-way: one from La Honda Road that requires fording of San Gregorio Creek, and a second access from Sears Ranch Road in the Town of La Honda. The interim grazing tenant also has access to the property from his adjoining ranch.

The Event Center includes a pasture, several fenced corrals, two horse barns, storage garage, small office building, arena, round pen, and rodeo stands. Access is from La Honda Road. The property also has a tunnel under the highway that provides connection to District property on the north side of the road. The District is working with Caltrans to perfect District ownership of the tunnel. The tunnel allows small vehicles, pedestrians, and livestock to pass under the highway. Current uses of the Event Center include pasturing of up to five horses and an area for livestock staging by the grazing tenant on the Driscoll Ranch area of the Preserve via the tunnel under La Honda Road. The Event Center is also available for equestrian and ranching events, as

allowed under MROSD's Facilities Use Agreement. To date, one group used the site for an equestrian training event in 2014 and one event is scheduled for 2015.

The parcel at 5711 La Honda Road contains a two-bedroom house in average condition. The house was leased back by the former owner until November 1, 2015. Access to the residence is from La Honda Road.

The upland areas of the Apple Orchard and 5711 La Honda Road contain annual grasslands and coastal chaparral. Seasonal drainages support oak woodland and mixed evergreen forests. Areas adjacent to San Gregorio Creek support woody riparian habitat. The Event Center areas outside of the riparian zone are primarily pasture. Dense roadside vegetation screens views of the Event Center from La Honda Road.

The properties provide varied habitat for wildlife, including mountain lions, deer, coyotes, and bobcats. A wide variety of birds frequent this landscape, including raptors such as Golden Eagles, red tailed hawks, Cooper's hawks white tailed kite, peregrine falcon, and sharp-shinned hawks. Aquatic species such as Steelhead and Coho salmon inhabit San Gregorio Creek.

[...] The Apple Orchard and Event Center possess significant riparian and watershed protection values for San Gregorio Creek and for the greater San Gregorio Creek Watershed. The Apple Orchard includes a tributary and several springs that flow into San Gregorio Creek.

All of the properties are currently owned by Peninsula Open Space Trust, and constitute the remainder portions of the former Driscoll Ranch, the bulk of which has already been transferred from POST to MROSD, and is included in the La Honda Creek Open Space Preserve. The intended use of the subject properties after purchase is to add them to the Open Space Preserve, and manage them for open space preservation, natural resource management, sensitive habitat preservation, compatible agriculture, conservation grazing and range management, and low-intensity recreation.

The County Agricultural Advisory Committee was briefed on the proposed acquisitions at its June 8, 2105 meeting.

2. Reason for General Plan Conformity Determination

Per California Government Code Section 65402, prior to any acquisition of property for public purpose, the acquiring agency must request a

determination of the acquisition's consistency with the adopted General Plan.

3. Conformance with the San Mateo County General Plan

The proposed acquisition potentially involves the following General Plan Policies, which are addressed herein.

a. Vegetative, Water, Fish and Wildlife Resources Policies

- (1) Policy 1.22.a of the County General Plan requires that the County regulate land uses and development activities to prevent, and if infeasible mitigate to the extent possible, significant adverse impacts on vegetative, water, fish and wildlife resources.
- (2) Policy 1.23 requires the County to regulate the location, density and design of development to minimize significant adverse impacts and encourage enhancement of vegetative, water, fish and wildlife resources.
- (3) Policy 1.24 requires that the County ensure that development will (1) minimize the removal of vegetative resources; and/or (2) protect vegetation which enhances microclimate, stabilizes slopes or reduces surface water runoff, erosion or sedimentation; and/or (3) protect historic and scenic trees.
- (4) Policy 1.27 requires that the County regulate land uses and development activities within and adjacent to sensitive habitats, and permit only land uses and development activities that are consistent with protection of sensitive habitats, including such uses as fish and wildlife management, trails and scenic overlook, and minimally necessary public service and private infrastructure.

Discussion: The subject properties are characterized by coastal ranchland, annual grassland and coastal chaparral, grazing and pasture areas, oak woodland and various evergreen forests, with a variety of riparian areas related to San Gregorio Creek, which crosses the parcels. As described above, the properties contain areas that provide habitat for a variety of flora and fauna.

MROSD has not proposed any new developments on the property proposed for acquisition, or any changes to the conditions or uses of the property at this time. The proposal is limited to acquisition of the property, and any subsequent changes in use would be determined

through a planning process, consistent with applicable County regulations. There is no currently planned intensification or change of use to the property, and MROSD has not indicated any intent to intensify use of the properties. The acquisition in itself does not conflict with the General Plan's vegetative, water, fish and wildlife resources. In addition, MROSD's intent to maintain the properties for open space and habitat preservation, and to continue existing compatible agriculture and conservation grazing and ranch management, is consistent with the relevant General Plan Policies.

b. Soil Resources and Visual Quality Policies

- (1) Policy 2.17 calls for the County to regulate development to minimize soil erosion and sedimentation.
- (2) Policy 2.23 calls for the County to regulate excavation, grading, filling and land clearing activities to protect against accelerated soil erosion and sedimentation.
- (3) Policy 4.25.a calls for minimizing grading or earth-moving operations.
- (4) Policy 4.25.b requires blending graded areas with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site.

Discussion: The proposed acquisition does not conflict with the General Plan Soil Resources Policies or Visual Quality Policies. MROSD is not proposing any land disturbance at this time. Any proposed future development would be subject to the County Grading Ordinance, which incorporates measures to minimize soil erosion and sedimentation. In addition, as noted, MROSD's intent to add the properties to the La Honda Creek Open Space Preserve, and the absence of any planned intensification of uses, indicates that acquisition of the properties does not conflict with the General Plan's Soil Resources and Visual Quality Policies.

c. Park and Recreation Resource Policies

- (1) Policy 6.10 generally encourages park providers to locate passive park and recreation facilities in rural areas in order to protect and preserve environmentally sensitive open space lands. This policy considers the following activities to be generally compatible with passive park and recreation facilities: camping, hiking, picnicking, horseback riding and nature study.

Discussion: The subject parcels are in the County's formally designated rural zone. As described above, the parcels are variously characterized by passive or undeveloped rural areas, active agricultural uses, environmental education facilities, and some small residential areas.

MROSD has expressed intent to join the subject parcels to the adjacent La Honda Creek Open Space Preserve, for open space and habitat preservation, and to continue existing compatible agriculture and conservation grazing and ranch management. These uses are consistent with General Plan Policy 6.10.

- (2) Policy 6.12 calls for the minimization of conflict between agricultural and park uses, and the preservation of the best agricultural land for agricultural uses. While the subject parcels are designated RM, they contain various agricultural and grazing uses. MROSD's intent is to add these properties to the La Honda Creek Open Space Preserve; planning of future uses will be required to be consistent with MROSD's Service Plan, and to obtain any necessary County permits. At present, MROSD has expressed intent to continue the existing grazing and agricultural uses as is, while providing protection and stewardship of the open space and natural resource areas. Under these conditions, acquisition of the properties is consistent with Policy 6.12.
- (3) Policy 6.14 calls for the County to encourage all providers to design sites to accommodate recreation uses that minimize adverse effects on the natural environment and adjoining private ownership.

Discussion: While MROSD has not formulated any specific development proposals for the sites post-acquisition, the general intended uses of the acquired property, including continuation of existing low-intensity recreational and environmental education uses, are entirely consistent with Policy 6.14.

B. ALTERNATIVES

The alternative to a finding of conformity would be to find and report that the acquisition does not comply with the County's General Plan.

C. ENVIRONMENTAL REVIEW

A request for General Plan Conformity analysis is not a project under the California Environmental Quality Act (CEQA), and is not subject to environmental

evaluation. The purchase of property is also exempt under Section 15316, Transfer of Ownership of Land in Order to Create Parks. Any future development proposed on the properties would need to address relevant CEQA requirements.

D. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommended Finding
- B. Property Information Sheet
- C. Vicinity Map

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

Permit or Project File Number: PLN 2015-00230

Hearing Date: July 8, 2015

Prepared By: William Gibson
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING

Find and report that Midpeninsula Regional Open Space District's proposed acquisition of parcels APNs 082-130-130, 082-140-010, 082-150-030, 082-150-040, 083-361-040, and 083-361-100 for use as open space, natural resource management, habitat preservation, low-intensity recreation, and continuation of compatible agriculture, grazing and range management conforms to the General Plan Vegetative, Water, Fish and Wildlife Resources Policies, Soil Resources Policies, Visual Quality Policies, and Park and Recreation Resource Policies, and is consistent with the County's General Plan.

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FACT SHEET: PENINSULA OPEN SPACE TRUST'S APPLE ORCHARD, & EVENT CENTER PROPERTIES AS ADDITIONS TO LA HONDA CREEK OPEN SPACE PRESERVE

Size: Approximately 308 acres, consisting of three distinct properties

Location: Unincorporated San Mateo County, along La Honda Road (also known as Highway 84), and west of the Town of La Honda.

- The 292-acre Apple Orchard property, located at the western edge of the Town of La Honda - The property is adjacent to the La Honda Creek Open Space Preserve (Preserve) along the property's northerly boundary and San Gregorio Creek along the property's southern boundary.
- The 11.83-acre Event Center, located two miles west of the Town of La Honda - The Event Center is bordered by La Honda Road to the north and adjacent to San Gregorio Creek along the property's southern boundary.
- The 3.65-acres at 5711 La Honda Road, located two miles west of the Town of La Honda - The property is across from the Event Center and is surrounded by the Preserve to the east, west and north.

Purchase and Funding: The Midpeninsula Regional Open Space District (District) Board of Directors will consider purchase of the above referenced properties owned by Peninsula Open Space Trust (POST) in 2015 for inclusion into the Preserve. Funding for the purchase is included in Measure AA as Project #7-1 and as part of the District's Real Property Budget for Fiscal Year 2015-2016.

EXISTING CONDITIONS

In December 2013, the District entered into a Lease and Management Agreement with POST to manage the Apple Orchard, Event Center and 5711 La Honda Road as part of the Preserve until such time as funding could be secured for purchase from POST. Under the Lease and Management Agreement, the District executed an interim grazing license for the Apple Orchard with a local rancher, implemented various resource protection projects, and completed ranch infrastructure improvements including water system upgrades, road repairs, and fencing. In July 2014, the District developed an Event Center Facilities Use Agreement and fee structure when permitting use of the Event Center for equestrian and livestock trainings or clinics, and agricultural and environmental education events.

Land Use:

The San Mateo County General Plan Land Use designation for all parcels associated with the purchase is Open Space-Rural. All parcels are zoned RM (Resource Management District). Current land uses consist of grazing, pasturing, allowable uses of the Event Center by District permit, and a single family residence.

Prior to purchase of these properties by POST, the properties were part of the larger complex of coastal ranchland properties known as the Driscoll Ranches. In 2002, 3680 acres of the Driscoll Ranches was purchased by POST and then acquired by the District in 2006. The District dedicated the property as

permanent parkland and included it in the La Honda Creek Open Space Preserve. A Master Plan and Mitigated Negative Declaration for the expanded Preserve was approved by the District's Board of Directors in August 2012. The properties in question comprise remainder portions of the Driscoll Ranch properties.

The Apple Orchard is coastal ranchland, grazed by an adjacent landowner under an interim grazing license with the District. The property includes an older residence that was used seasonally by the former owner, open barn, outbuildings, livestock watering troughs, and the remnants of a small apple orchard. The property has two seasonal access points from a public right-of-way: one from Honda Road that requires fording of San Gregorio Creek, and a second access from Sears Ranch Road in the Town of La Honda. The interim grazing tenant also has access to the property from his adjoining ranch.

The Event Center includes a pasture, several fenced corrals, two horse barns, storage garage, small office building, arena, round pen, and rodeo stands. Access is from La Honda Road. The property also has a tunnel under the highway that provides connection to District property on the north side of the road. The District is working with Caltrans to perfect District ownership of the tunnel. The tunnel allows small vehicles, pedestrians, and livestock to pass under the highway. Current uses of the Event Center include pasturing of up to 5 horses and an area for livestock staging by the grazing tenant on the Driscoll Ranch area of the Preserve via the tunnel under La Honda Road. The Event Center is also available for equestrian and ranching events, as allowed under the Facilities Use Agreement. To date, one group used the site for an equestrian training event in 2014 and one event is scheduled for 2015.

The parcel at 5711 La Honda Road contains a two bedroom house in average condition. The house was leased back by the former owner until November 1, 2015. Access to the residence is from La Honda Road.

Landscape:

The Apple Orchard consists of rolling grasslands, steep wooded and brushy canyons, and a small redwood grove along San Gregorio Creek. There are several springs on-site that supply livestock watering troughs. The terrain varies from 840 feet in elevation along the northerly boundary to an elevation of 300 feet along San Gregorio Creek.

The Event Center is an open and level site, located parallel to La Honda Road and bordered by San Gregorio Creek. The San Gregorio riparian corridor is densely wooded with a mixture of oak, bays, alders, firs and redwoods. The District has installed wildlife-friendly fencing approximately 100 feet from the creek bank.

The parcel at 5711 La Honda Road is open grassland, on a rise overlooking the Event Center and La Honda Road. Due to its elevation above the road, it enjoys good views of the Preserve and surrounding San Gregorio watershed.

Resources:

The upland areas of the Apple Orchard and 5711 La Honda Road contain annual grasslands and coastal chaparral. Seasonal drainages support oak woodland and mixed evergreen forests. Areas adjacent to San Gregorio creek support woody riparian habitat. The Event Center areas outside of the riparian zone are primarily pasture. Dense roadside vegetation screens views of the Event Center from La Honda Road.

The properties provide varied habitat for wildlife, including mountain lions, deer, coyotes, and bobcats. A wide variety of birds frequent this landscape, including raptors such as Golden Eagles, red tailed hawks, Cooper's hawks white tailed kite, peregrine falcon, and sharp-shinned hawks. Aquatic species such as Steelhead and coho salmon inhabit San Gregorio Creek.

Hydrology: The Apple Orchard and Event Center possess significant riparian and watershed protection values for San Gregorio Creek and for the greater San Gregorio Creek Watershed. The Apple Orchard includes a tributary and several springs that flow into San Gregorio Creek.

NEXT STEPS

Environmental Review:

Environmental review of the purchase is underway in compliance with the California Environmental Quality Act (CEQA).

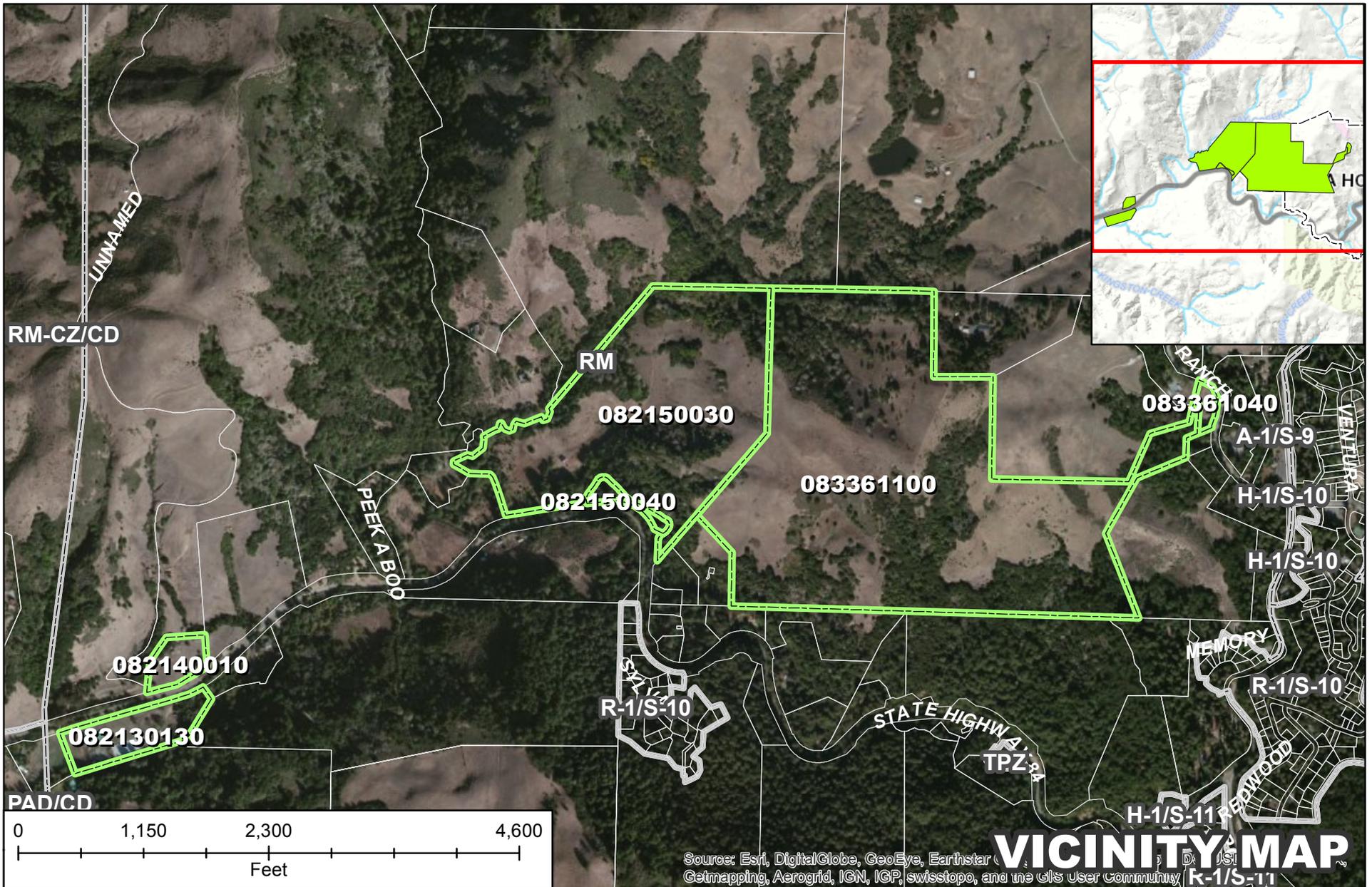
Board Action:

The District anticipates approval of the purchase and Preliminary Use and Management Plan in July or August of 2015. Upon purchase, the properties will be added to the Preserve. The Preliminary Use and Management Plan will recommend that the current uses continue until at least 2017, pending further planning (as described below), and the interim grazing license for the Apple Orchard be converted to a long-term grazing lease with the existing tenant. The Preliminary Use and Management Plan will also address the interim management and maintenance of the site and site facilities. The residence at 5711 La Honda Road will continue to be managed under the District's Property Management Program.

Future Planning Considerations:

Subsequent planning will be done in accordance with the District's Coasts Protection Program Service Plan, including consultation with appropriate agencies and organizations. The planning process will include public workshops to gather input and public hearings to review draft and final plans. When additional studies of the Event Center and other affected areas have been completed and preferred long-term uses identified, the District will complete environmental review and determine if it is appropriate to amend the Preserve Master Plan.

Public Participation: Interested parties are encouraged to contact Lupe Hernandez, Real Property Administrative Assistant, at the District office (650) 691-1200 to request that their names be added to the public notification list for this proposed property purchase.



San Mateo County Planning Commission Meeting

Owner/Applicant: _____

Attachment: _____

File Numbers: _____