

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

DATE: March 22, 2017

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a request by the Midpeninsula Regional Open Space District (MROSD) to determine if acquisition of three privately-owned parcels comprising 191 acres (APNs 085-170-020, 085-170-290, and 85-170-310) located near the intersection of Shingle Mill Road and Highway 9, for use as open space, natural resource management, habitat preservation, and low intensity recreation, conforms to the County General Plan.

County File Number: PLN 2017-00030

PROPOSAL

The Midpeninsula Regional Open Space District (MROSD) seeks a determination of whether its proposed acquisition of three privately-owned parcels comprising 191 acres (APN 085-170-020, 085-170-290, and 085-170-310) located near the intersection of Shingle Mill Road and Highway 9, conforms to the County General Plan. The parcels are currently unoccupied and improved with rudimentary residential structures, and are intended to be added to MROSD's Long Ridge Open Space Preserve north of the subject parcels, and used as open space, natural resource management, habitat preservation, and low intensity recreation. One parcel is separated from the two adjoining parcels and it abuts the Santa Cruz-San Mateo County line (see Attachment B).

RECOMMENDATION

That the Planning Commission find and report that MROSD's proposed acquisition of parcels APN 085-170-020, 085-170-290, and 085-170-310 for use as open space, natural resource management, habitat preservation, and low intensity recreation, conforms to the County General Plan.

BACKGROUND

Report Prepared By: James A. Castañeda, AICP

Applicant: Midpeninsula Regional Open Space District

Owner: Frances K Conley Frances Trust

Location: Near the intersection of Shingle Mill Road and Big Basin Way (Highway 9) west of Skyline Boulevard, near Portola Redwood State Park.

APNs: 085-170-020, 085-170-290, and 085-170-310

Size: 191 acres

Existing Zoning: Resource Management (RM)

General Plan Designation: Open Space (APN 085-170-020 and 085-170-290), and Timber Production (APN 085-170-310).

Sphere-of-Influence: N/A

Existing Land Use: Unimproved forest cover

Water Supply: None

Sewage Disposal: None

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 properties are heavily wooded, and drain to Oil Creek, a tributary in the upper Pescadero Creek watershed.

DISCUSSION

A. KEY ISSUES

1. Basis for Acquisition

Midpeninsula Regional Open Space District provides the following description of the property and proposed acquisition, from MROSD's property fact sheet:

Land Use: The subject parcels are mostly undeveloped. The largest parcel (APN 085-170-290, 112 acres) has a small summer cabin, outhouse, and storage shed. An unpaved road provides direct access from Shingle Mill Road to the interior of the parcel. Access to the two other, smaller parcels

(APN 085-170-020 and 085-170-130, both 40 acres) is through adjoining private parcels.

Landscape: The property averages 1,800 feet in elevation, with a generally northwest orientation. The property is sloped and densely wooded, mostly with second-growth redwood and Douglas-fir trees. It appears the properties were logged in the past (date unknown), and as a result, it's likely that the network of unpaved roads on the properties are the result of logging activity.

Flora and Fauna: Douglas fir and Coast redwoods cover the properties with larger specimens of Coast redwoods still in the deeper drainages areas. The understory consists of young trees, sword ferns, and redwood sorrel. Shrub and grass associated coastal forest communities, fill small clearings. The woodland provides habitat for animal species associated with the upper elevations of the Pescadero Creek watershed, including deer, coyotes, bobcats, and mountain lions. A wide variety of small mammals, birds, and other species occupy or migrate through the general area.

Hydrology: The property drains to Oil Creek, a tributary in the upper Pescadero Creek watershed. A portion of Oil Creek traverses the northwest parcel of the property. The property possesses watershed and riparian values important for spawning habitat for the endangered Coho salmon and Steelhead trout.

The property is currently owned by a private land owner, and is intended after acquisition to be added to MROSD's Long Ridge Open Space Preserve north of the subject parcels, for use as open space, natural resource management, habitat preservation, and low intensity recreation.

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 applicable 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 property is almost completely forested. The property contains vegetative and wildlife resources, and provides habitat for various flora and fauna native to rural areas. The property may contain protected or sensitive habitats or species.

MROSD has not proposed any development on the properties proposed for acquisition, or any changes to the conditions or uses of the properties at this time. The proposal is limited to acquisition of the properties, and any subsequent changes in use would be determined through a public planning process conducted by MROSD and would require County authorization, consistent with applicable County regulations. Therefore, the acquisition does not conflict with the General Plan's vegetative, water, fish and wildlife resources. In addition, MROSD has indicated its intent to maintain this property for use as open space, natural resource management, habitat preservation, and low intensity recreation. Such future uses would be consistent with these General Plan policies. Any future planning and development of the site would require additional environmental evaluation, consistent with the requirements pertinent to the proposed development, and would require mitigation measures if determined necessary by an evaluation.

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. Midpeninsula Regional Open Space District 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, MROSD's intended uses for the property, as described above, are consistent with these General Plan 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 properties are in the County's formally designated rural zone. The properties are not currently used for recreation, and are crossed only by a network of overgrown unpaved former logging roads. MROSD has expressed the intent to join the properties to the Long Ridge Open Space Preserve located to the north of the subject parcels, for use as natural resource protection, low intensity recreation, open space, and ecological preservation. MROSD's required planning for these uses, as specified in its Service Plan, includes measures entirely consistent with Policy 6.10.

- (2) 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, the general intended uses of the acquired property for habitat and natural resource protection, and only low intensity recreational uses, are entirely consistent with Policy 6.14 of the General Plan.

Acquisition of the parcel is consistent with the County General Plan.

4. Williamson Act Status

Two of the parcels (APNs 085-170-020 and 085-170-290) are under a Williamson Act contract. The contracts were enacted in 1969 (AP 69-05) with the current use listed as forest area. On August 9, 2011, the San Mateo County Board of Supervisors initiated a notice of non-renewal for the properties, resulting in the contract's expiration on December 31, 2020.

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. Any future development proposed on the property would need to address relevant CEQA requirements.

D. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommended Findings
- B. Vicinity Map

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

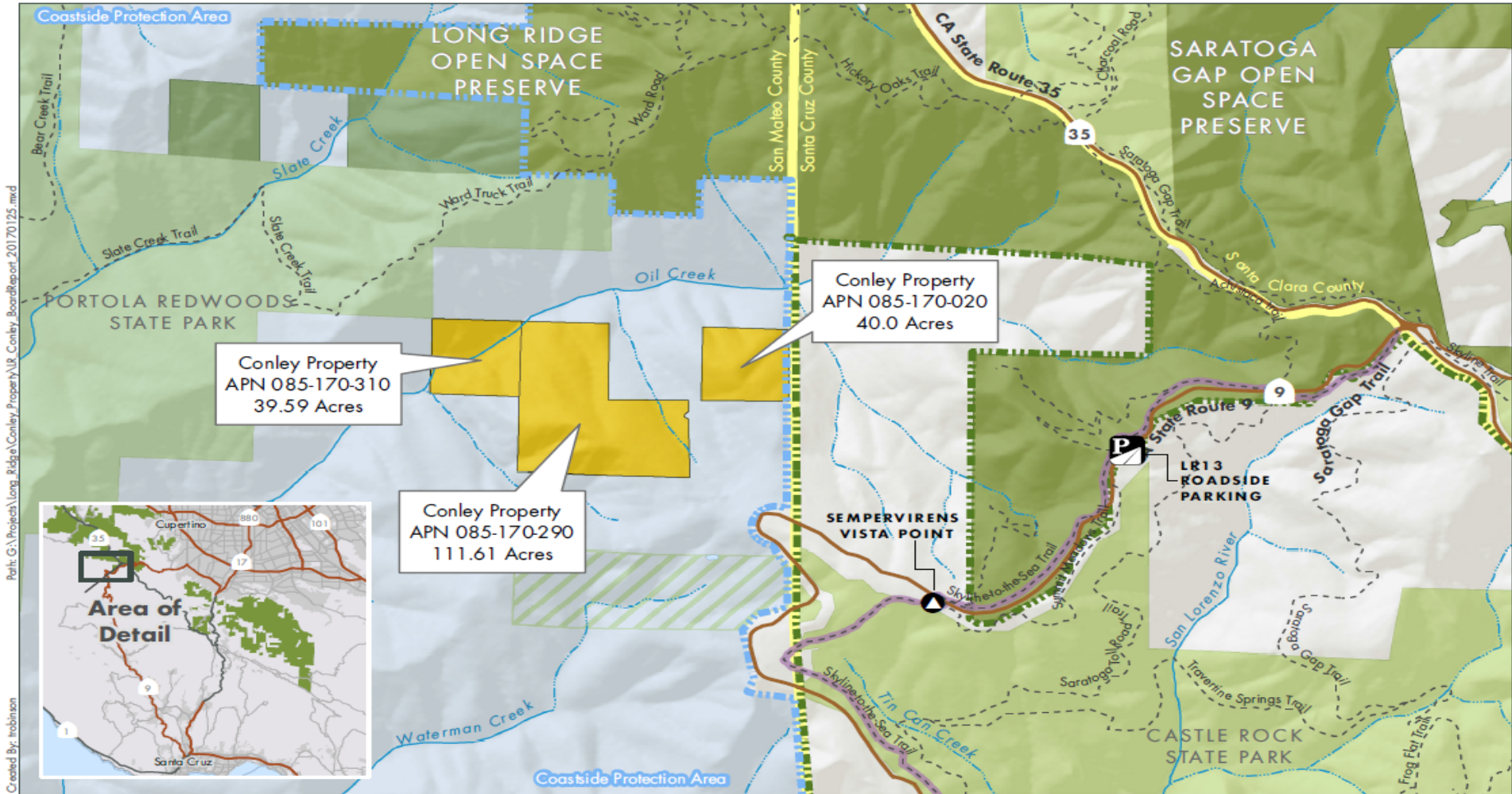
Permit or Project File Number: PLN 2017-00030 Hearing Date: March 22, 2017

Prepared By: James A. Castañeda, AICP For Adoption By: Planning Commission
Project Planner

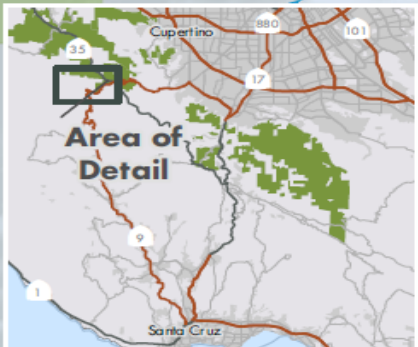
RECOMMENDED FINDING

1. Find and report that the proposed acquisition that MROSD's proposed acquisition of APN 085-170-020, 085-170-290, and 085-170-310 for use as open space, natural resource management, habitat preservation, and low intensity recreation 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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Conley Property Proposed Acquisition

- MROSD Preserves
- Management Agreement
- Other Protected Lands
- Conley Properties w/ POST Conservation Easement
- Private Property
- Coastsides Protection Boundary
- Skyline-to-the-Sea Trail
- MROSD Boundary
- County Boundaries

Midpeninsula Regional
Open Space District
(MROSD)
January 2017



While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

San Mateo County Planning Commission Meeting

Owner/Applicant: _____ Attachment: _____

File Numbers: _____