

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

DATE: February 8, 2023

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a request by the Midpeninsula Regional Open Space District (MROSD), pursuant to Government Code Section 65402, that the County determine whether the proposed purchase of 97 +/- acres of property (APNs 072-343-010, 072-343-020, 075-330-100, and a portion of 075-340-130) conforms to the County General Plan.

County File Number: PLN 2023-00004 (Midpeninsula Regional Open
Space District)

PROPOSAL

Consideration of a request by the MROSD, pursuant to Government Code Section 65402, that the County determine whether the proposed purchase of 97 +/- acres of property (APNs 072-343-010, 072-343-020, 075-330-100, and a portion of 075-340-130) conforms to the County General Plan.

RECOMMENDATION

That the Planning Commission find that MROSD proposed purchase of 97 +/- acres of property (APNs 072-343-010, 072-343-020, 075-330-100, and a portion of 075-340-130) conforms to the County General Plan.

SUMMARY

The MROSD is proposing to purchase 97 +/- acres of property located between Highway 35 (Skyline Boulevard) and Allen Road in the North Skyline Area of San Mateo County (County). The subject property currently consists of four legal parcels (APNs 072-343-010, 072-343-020, 075-330-100, and 075-340-130). The General Plan designation for all four APNs is Timber Production.

When purchased, these properties will facilitate a future connection between the two preserves and will be managed for open space, habitat preservation, watershed protection, and low intensity recreation (trails). Any specific developments, future improvements, or changes, including any land division, proposed on the property would require permits and would be reviewed by the County at the time of project submittal.

Per California Government Code Section 65402, prior to acquisition of property, MROSD must request an analysis of the proposed acquisition's conformity with the County General Plan.

The proposed acquisition potentially implicates the following categories of General Plan policies:

- Vegetative, Water, Fish and Wildlife Resources Policies
- Park and Recreation Resource Policies
- Rural Land Use Policies
- Natural Hazards Policies

The proposed acquisition does not conflict with any of the relevant General Plan policies. The anticipated uses are generally compatible with the relevant General Plan policies.

KJF:cmc – KJFHH0030_WCU.DOCX

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

DATE: February 8, 2023

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a request by the Midpeninsula Regional Open Space District (MROSD), pursuant to Government Code Section 65402, that the County determine whether the proposed purchase of 97 +/- acres of property (APNs 072-343-010, 072-343-020, 075-330-100, and a portion of 075-340-130) conforms to the County General Plan.

County File Number: PLN 2023-00004 (Midpeninsula Regional Open
Space District)

PROPOSAL

Consideration of a request by the MROSD, pursuant to Government Code Section 65402, that the County determine whether the proposed purchase of 97 +/- acres of property (APNs 072-343-010, 072-343-020, 075-330-100, and a portion of 075-340-130) conforms to the County General Plan.

RECOMMENDATION

That the Planning Commission find that MROSD proposed purchase of 97 +/- acres of property (APNs 072-343-010, 072-343-020, 075-330-100, and a portion of 075-340-130) conforms to the County General Plan.

BACKGROUND

Report Prepared By: Bharat Singh, Planning Services Manager, bsingh@smcgov.org
and Katie Faulkner, Planner III, kfaulkner@smcgov.org

Applicant: Midpeninsula Regional Open Space District

Owner: Eberhard Martin Tr and Eberhard Carolyn Tr and Eberhard Trust

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing was posted in the San Mateo Times and Half Moon Bay Review for general public circulation.

Location: The properties are located in North Skyline along Highway 35 (Skyline Boulevard), between El Corte de Madera Creek Open Space and La Honda Creek Open Space. The property is bounded by Skyline Boulevard to the north, and shares over 2,800 feet boundary with La Honda Creek Open Space on the east.

APN(s): 072-343-010, 072-343-020, 075-330-100, and a portion of 075-340-130

Size: Approximately 97 acres

Existing Zoning: Timber Land Preserve District (TPZ)

General Plan Designation: Timber Production (Changed from Open Space in December 2015)

Local Coastal Plan Designation: Not Applicable

Existing Land Use: Private open space

Fire Hazard Zone: State Response Area – High and Very High

Environmental Evaluation: A determination that the potential acquisition of property conforms to the County General Plan is exempt from environmental review under the “common sense exemption” that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)). Any future action on the subject properties would be subject to applicable CEQA requirements.

Setting: The property straddles an area between Corte de Madera Creek Open Space and La Honda Creek Open Space; and the terrain on the property is generally west-facing and steep, ranging from 1,740 feet to 2,200 feet. The property is densely wooded with mixed hardwood forest, including Redwood, Tanoak and California live oak. Fire-adaptive redwood forest covers over 90% of the property. The remaining property consists of stands of evergreen hardwoods (Tanoaks and Live oaks). The woodland provides habitat for animal species associated with the upper elevations of the San Gregorio 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. The headwaters of La Honda Creek, a perennial stream in the San Gregorio watershed, runs southeast through two of the four parcels proposed for purchase. The greater watershed supports spawning habitat for the endangered Coho salmon and threatened steel head trout. Surface flow eventually travels to San

Gregorio Creek, listed under the federal Clean Water Act as an impaired water body for sediment, before it discharges into the ocean.

DISCUSSION

A. KEY ISSUES

1. Project Description

The MROSD is proposing to purchase 97 +/- acres of property located between Highway 35 (Skyline Boulevard) and Allen Road in the North Skyline Area of San Mateo County (County). The subject property currently consists of four legal parcels (APNs 072-343-010, 072-343-020, 075-330-100, and 075-340-130). The General Plan designation for all four APNs is Timber Production. The properties are located entirely within the MROSD's boundary (see attached Attachment C). Current use of the property is private open space. The property is vacant and undeveloped aside from dirt access roads.

Parcel 075-340-130 is a 21.2-acre parcel, improved only with a dirt access road that is currently utilized by the seller. As part of the proposed purchase, parcel 075-340-130 would be divided into a 7.5 -acre parcel that would be retained by the seller (and added to their adjacent 14.57-acre parcel to the south 075-340-290), and a 13.7-acre parcel that would be purchased by the MROSD (Lot-line Adjustment). Parcels 072-343-010, 072-343-020, and 075-330-100 would be purchased in their entirety. The MROSD's La Honda Creek Open Space Preserve lies to the east and south, and the District's El Corte de Madera Creek Open Space Preserve lies to the west. When purchased, these properties will facilitate a future connection between the two preserves and will be managed for open space, habitat preservation, watershed protection, and low intensity recreation (trails).

Per California Government Code Section 65402, prior to acquisition of property, MROSD must request a report on the proposed acquisition's conformity with the General Plan. Any specific developments, future improvements, or changes, including any land division, proposed on the property would require permits and would be reviewed by the County at the time of project submittal.

2. General Plan Analysis

The proposed property acquisition potentially implicates the following General Plan policies:

a. General Plan Vegetative, Water, Fish and Wildlife Resources Policies

- (1) General Plan Policy 1.24 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.
- (2) General Plan Policy 1.26 requires that the County to Protect Water Resources by ensuring that development will maintain adequate stream flows and water quality for vegetative, fish and wildlife habitats; maintain and improve, if possible, the quality of groundwater basins and recharge areas; and prevent to the greatest extent possible the depletion of groundwater resources.
- (3) General Plan Policy 1.29.b requires the County to establish wildlife corridors in appropriate locations to maintain a functional network of connected wildlands, to support native biodiversity, and to encourage movement of wildlife species.
- (4) General Plan Policy 1.42 requires the County to encourage public agencies and private groups to acquire significant sensitive habitats.

Discussion: The property is densely wooded with mixed hardwood forest, including Redwood, Tanoak and California live oak, on generally steep terrain. Fire-adaptive redwood forest covers over 90% of the property. The remaining property consists of stands of evergreen hardwoods (Tan oaks and Live oaks). The woodland provides habitat for animal species associated with the upper elevations of the San Gregorio 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.

The proposed acquisition will provide a future connection between MROSD's two preserves and will be managed for open space, habitat preservation, watershed protection, and low intensity recreation (trails). The purchase of the property complies with and furthers the mission of MROSD's Service Plan¹, which is "to acquire and preserve in perpetuity open space land and agricultural land of regional significance, protect and restore the natural environment, preserve rural character, encourage viable agricultural use of land resources, and provide opportunities for ecologically sensitive public enjoyment and education." When the property interest is purchased, the existing land uses will continue, and portions of the property will

¹ MROSD Service Plan for the San Mateo Coastal Annexation Area. Available at: https://www.openspace.org/sites/default/files/Coastal_Service_Plan_0.pdf (Accessed 9/9/2022)

be more actively managed by the MROSD for open space, habitat preservation, watershed protection, and future low intensity public recreation (trails).

The proposed purchase itself conforms to the General Plan Vegetative, Water, Fish and Wildlife Resources Policies because MROSD's mission and the requirements of its Service Plan include the long-term protection of natural resources on properties acquired by Midpeninsula Regional Open Space District. Any proposed changes or improvements to the property are regulated by applicable Zoning Regulations, Subdivision Regulations, tree removal and grading ordinances.

b. General Plan Park and Recreation Resources Policies

- (1) General Plan Policy 6.3a. requires all park and recreation systems to be designed on the strengths and potentials of existing facilities and develop programs for meeting current and future needs, and b. to consider the feasibility of redesigning and/or expanding existing park and recreation facilities to meet future needs while developing new acquisition and development programs.
- (2) General Plan Policy 6.10 encourages providers to locate passive park and recreation facilities in rural areas to protect and preserve environmentally sensitive and open space lands, and considers activities like hiking, to be generally compatible with passive park and recreation facilities.
- (3) General Plan Policy 6.39a. supports the development of a system of trails that link existing and proposed park and recreation facilities within the County.
- (4) General Plan Policy 6.48 encourages MROSD to acquire, protect, and make available for public use open space lands in rural areas.

Discussion: The proposed property is adjacent to three open space areas and parks – La Honda Creek and El Corte de Madera Creek open Space preserves and Wunderlich County Park. The acquisition by MROSD of these properties will facilitate better access and connectivity between these park and recreation areas.

The proposed property acquisition furthers and does not conflict with the General Plan Park and Recreation Resources Policies.

After acquisition, MROSD intends to maintain existing uses, including, open space, habitat preservation, and watershed protection, and will pursue future low intensity public recreation. The future low intensity recreation (trails) use is generally compatible with passive park and recreation facilities. The proposed purchase has the potential to create opportunities for local and regional trail connections with adjacent open spaces, and further site-specific recommendations.

Any future recreational development on the property will require conformance with the development review criteria of Chapter 20.A.2 of the Zoning Regulations. Any required permits will address impacts to the natural environment, agriculture and adjoining properties, as will MROSD's policies and management planning, in accordance with MROSD's Service Plan.

c. General Plan Rural Land Use Policies

- (1) General Plan Policy 9.34 encourages that location of non-timber uses in areas of timber parcels which cause the least disturbance to existing feasible timber harvesting operations.
- (2) General Plan Policy 9.35 encourages the continuation and expansion of existing public recreation on non-agricultural lands.

Discussion: The proposed purchase is consistent with the General Plan Rural Land Use Policies. The current use of the property is private open space, and the purchase will continue compatible activities such as open space, habitat preservation, watershed protection, and future low intensity recreation (trails). These uses will also protect the unique scenic quality and character of the rural lands and provide outdoor recreational opportunities.

d. General Plan Natural Hazards Policies

- (1) General Plan Policy 15.27.a states in rural areas, consider lower density land uses that minimize the exposure of significant numbers of people to fire hazards.

Discussion: The proposed property purchase is located in Very High and High Fire Hazard Severity Zones. If purchased, a subsequent planning process will analyze opportunities for low density land uses such as natural resource management and compatible public trail use. Subsequent planning will include consultation with appropriate agencies and organizations.

B. ALTERNATIVES

The alternative to a finding of conformity with the General Plan is for the Planning Commission to find that the proposed acquisition does not conform to the policies of the County General Plan.

C. ENVIRONMENTAL REVIEW

A determination that the proposed acquisition of property conforms to the County General Plan is exempt from environmental review under the “common sense exemption” that the CEQA applies only to projects which have the potential for causing a significant effect on the environment (CEQA Guidelines Section 15061(b)(3)). Any future action on the subject property would be subject to applicable CEQA requirements.

D. REVIEWING AGENCIES

County Attorney’s Office

ATTACHMENTS

- A. Recommended Finding
- B. Location Map
- C. MROSD District Boundary



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A

County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

Permit or Project File Number: PLN 2023-00004

Hearing Date: Feb 8, 2023

Prepared By: Bharat Singh,
Planning Services Manager
and Katie Faulkner, Planner III

For Adoption By: Planning Commission

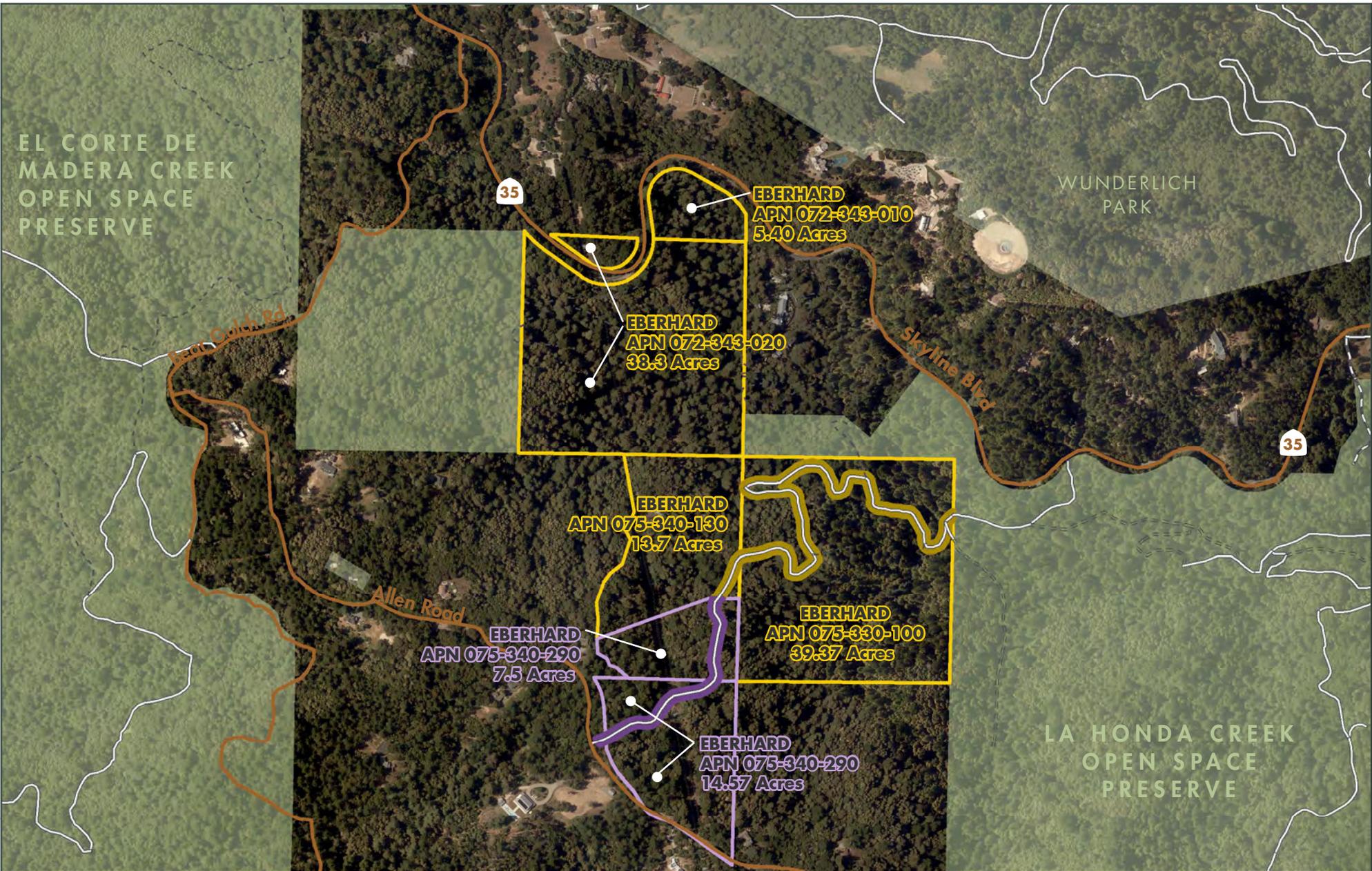
RECOMMENDED FINDING

That the Planning Commission find that Midpeninsula Regional Open Space District's proposed purchase of 97 +/- acres of property (APNs 072-343-010, 072-343-020, 075-330-100, and a portion of 075-340-130) conforms to the County General Plan.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



Eberhard

- Midpen preserves
- Other protected lands
- MROSD fee interest
- Retained by owner
- Access easement to Eberhard
- Access easment to Midpen
- Minor unpaved road
- Unmaintained road width
- Trail

Midpeninsula Regional
Open Space District
(Midpen)
10/25/2022

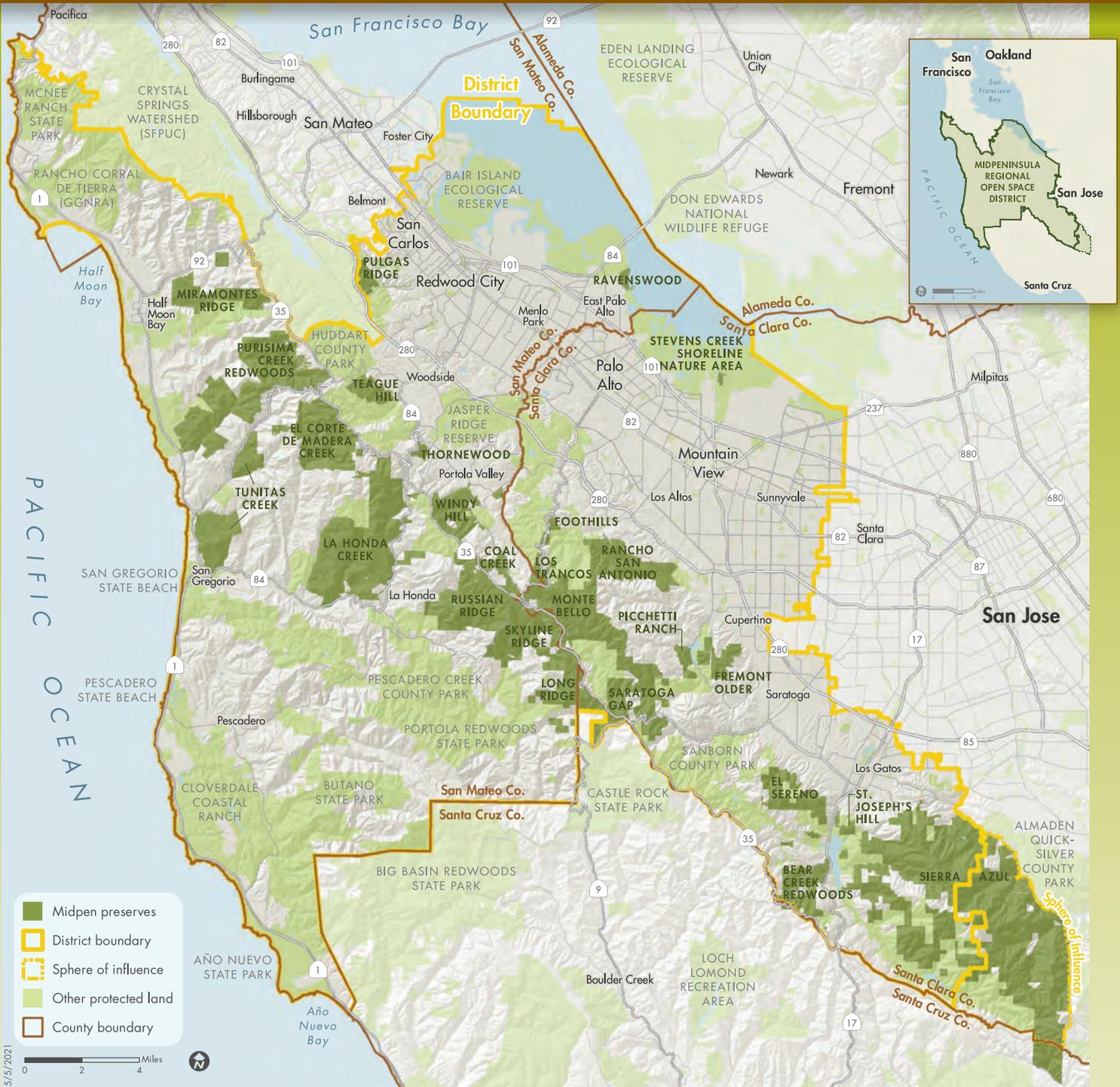




COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

Midpeninsula Regional Open Space District



5/15/2021
0 2 4 Miles



openspace.org

Legend

- Hiking
- Equestrian
- Cycling
- Dog walking
- Easy-access trails
- All trails
- Designated trails only

Preserves	Acres					
Bear Creek Redwoods	1,437	●	●	●	●	●
Coal Creek	508	●	●	●	●	●
El Corte de Madera Creek	2,908	●	●	●	●	●
El Sereno	1,614	●	●	●	●	●
Foothills	212	●	●	●	●	●
Fremont Older	739	●	●	●	●	●
La Honda Creek	6,334	●	●	●	●	●
Long Ridge	2,226	●	●	●	●	●
Los Trancos	274	●	●	●	●	●
Miramontes Ridge	1,716	●	●	●	●	●
Monte Bello	3,535	●	●	●	●	●
Picchetti Ranch	308	●	●	●	●	●
Pulgas Ridge	366	●	●	●	●	●

Preserves	Acres					
Purisima Creek Redwoods	5,412	●	●	●	●	●
Rancho San Antonio	3,997	●	●	●	●	●
Ravenswood	374	●	●	●	●	●
Russian Ridge	3,491	●	●	●	●	●
Saratoga Gap	1,613	●	●	●	●	●
Sierra Azul	19,301	●	●	●	●	●
Skyline Ridge	2,144	●	●	●	●	●
St. Joseph's Hill	273	●	●	●	●	●
Stevens Creek Shoreline Nature Study Area	55	●	●	●	●	●
Teague Hill	626	●	●	●	●	●
Thornewood	167	●	●	●	●	●
Tunitas Creek	2,200	●	●	●	●	●
Windy Hill	1,414	●	●	●	●	●