

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

DATE: April 24, 2024

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 59.28 +/- acres of property (APN 083-351-010) conforms to the County General Plan.

County File Number: PLN2024-00080 (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 59.28 +/- acres of property (APN 083-351-010) conforms to the County General Plan.

RECOMMENDATION

That the Planning Commission find that MROSD proposed purchase of 59.28 +/- acres of property (APN 083-351-010) conforms to the County General Plan.

BACKGROUND

Report Prepared By: Bharat Singh, Planning Services Manager, bsingh@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 County Times for general public circulation.

Location: The property is located near the town of La Honda along La Honda Road (Hwy 84) in the unincorporated area of the County of San Mateo (County) just west of the Pescadero Creek Road intersection, and east of the Redwood Terrace community. The property straddles highway 84 and is bounded by San Gregorio Creek and Sam

McDonald County Park to the south and shares its northern boundary with the La Honda Creek Open Space Preserve.

APN(s): APN 083-351-010

Size: Approximately 59.28 acres

Existing Zoning: Timber Land Preserve District (TPZ)

General Plan Designation: Timber Production

Local Coastal Plan Designation: Not Applicable

Existing Land Use: Private open space

Fire Hazard Zone: State Response Area – 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)). This conformity determination and the acquisition itself have no potential to change the physical environment. Any future action on the subject properties would be subject to applicable CEQA requirements.

Setting: The property straddles an area between San Gregorio Creek and La Honda Creek Open Space. The terrain on the property is generally southwest facing and steep, ranging from 250 feet to 650 feet. The property is densely wooded with mixed hardwood forest, including Redwood, Tanoak and California live oak. 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 San Gregorio Creek, a perennial stream in the San Gregorio watershed, runs southeast through the parcel proposed for purchase. The greater watershed supports spawning habitat for the endangered Coho salmon and threatened steelhead trout. San Gregorio Creek is 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 59.28 +/- acres of property located on La Honda Road (Hwy 84) in the La Honda Area of San Mateo County (County). The subject property currently consists of one legal parcel (APN 083-351-010). The General Plan designation for the APN is Timber Production. The property is located entirely within the MROSD's boundary (see Attachment C). Current use of the property is private open space. Previous uses of the property include timber harvesting and private open space. The property is vacant and undeveloped.

The Parcel (083-351-010) is a 59.28-acre unimproved parcel. The parcel will be purchased in its entirety. The MROSD's La Honda Creek Open Space Preserve shares the north boundary with the parcel, and La Honda Road (Hwy 84), San Gregorio Creek, and Sam McDonald County Park make up its Southern boundary. When purchased, this property will expand the District's preserve and will be managed for open space, habitat preservation, and watershed protection.

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 application 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 generally steep terrain. 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 expand the District's preserve and will be managed for open space, habitat preservation, and watershed protection. 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 be more actively managed by the MROSD for open space, habitat preservation, watershed protection, and future low intensity public recreation (trails).

The proposed purchase 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.

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)

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 the La Honda Creek Open Space preserve and the Sam McDonald County Park. The acquisition by MROSD of the property will facilitate better access and connectivity between these parks 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 will expand the District's preserve and will create opportunities to connect local and regional trails with adjacent open spaces.

Any future recreational development on the property will require conformance with the development review criteria of Chapter 20.A.2 of the Zoning Regulations. Required permits will address the potential impacts of any future development proposal 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 in a High Fire Hazard Severity Zone. 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, including County Fire.

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)). This conformity determination and the acquisition itself have no potential to change the physical environment. 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: PLN2024-00080

Hearing Date: April 24, 2024

Prepared By: Bharat Singh,
Planning Services Manager

For Adoption By: Planning Commission

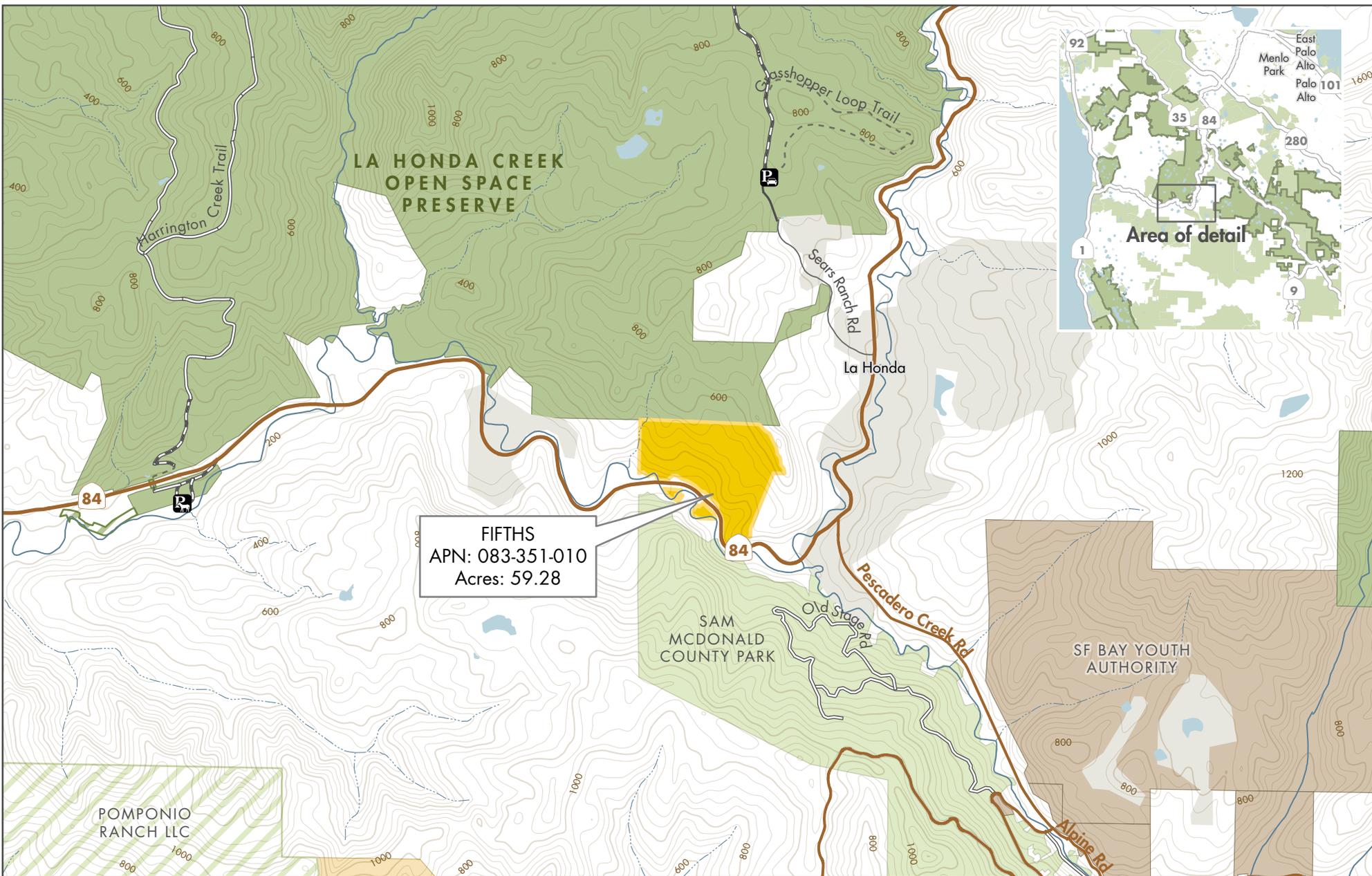
RECOMMENDED FINDING

That the Planning Commission find that Midpeninsula Regional Open Space District's proposed purchase of 59.28 +/- acres of property (APN 083-351-010) conforms to the County General Plan.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



FIFTHS
 APN: 083-351-010
 Acres: 59.28

Fifths Property

- | | | |
|---|---|---|
|  Midpen preserves |  Fifths property |  Paved road |
|  Other protected lands |  Other public agency |  Unpaved all-season road |
|  Private property |  Urban Land |  Unpaved seasonal road |
|  Land trust | |  Trail |

Midpeninsula Regional
 Open Space District
 (Midpen)
 2/9/2024



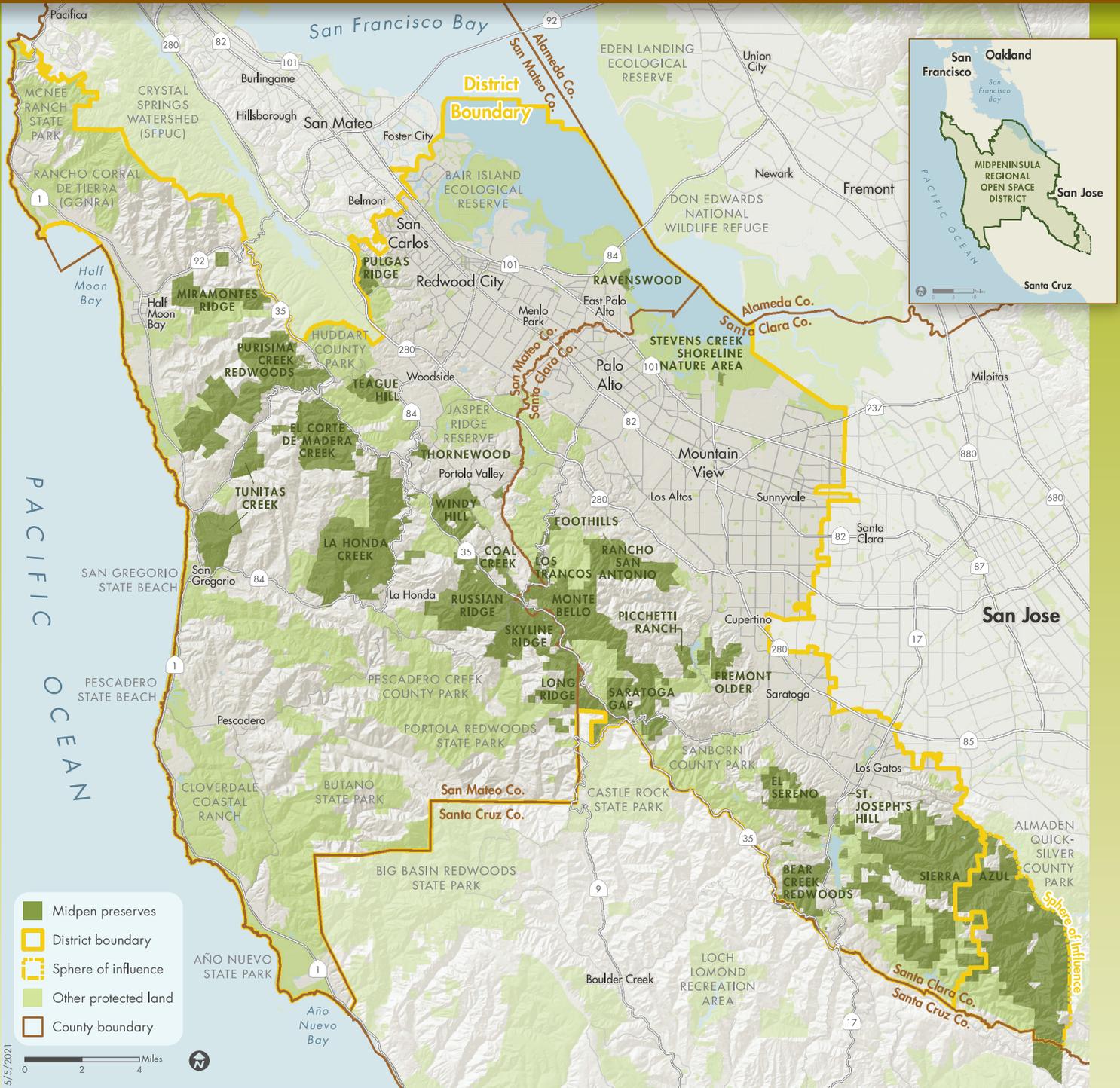
While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



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	●	●	●	●	●