

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

DATE: August 12, 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 acquisition of a privately-owned 38.14-acre parcel (APN 072-343-110) on Bear Gulch Road, west of Skyline Boulevard, for use as open space, natural resource management, habitat preservation, and low-intensity recreation, conforms to the County General Plan.

County File Number: PLN 2015-00288

PROPOSAL

The Midpeninsula Regional Open Space District seeks a determination of whether its proposed acquisition of a privately-owned 38.14-acre parcel (072-343-110), located on Bear Gulch Road, west of Skyline Boulevard, in the vicinity of Sky Londa, conforms to the County General Plan. The parcel is unimproved and currently unused, and is intended to be added to MROSD's adjacent La Honda Creek Open Space Preserve, and used as open space, natural resource management, habitat preservation, and low-intensity recreation.

RECOMMENDATION

That the Planning Commission find and report that MROSD's proposed acquisition of APN 072-343-110 for use as open space, natural resource management, habitat preservation, and low-intensity recreation conforms to the County General Plan.

SUMMARY

The subject parcel is located on Bear Gulch Road, west of Skyline Boulevard, roughly 1.5 miles northwest of Sky Londa. The property is adjacent to the La Honda Creek Open Space Preserve, is characterized by sloping terrain entirely covered with redwood, Douglas fir, and mixed evergreen forest, and contains the headwaters of La Honda Creek.

The property is currently owned by a private landowner, and is intended after acquisition to be added to MROSD's adjacent La Honda Creek Open Space Preserve, for use as

open space, natural resource management, habitat preservation, and low-intensity recreation.

The acquisition of the parcel by MROSD is consistent with: the Vegetative, Water, Fish and Wildlife Resources Policies of the General Plan, which require the County to minimize adverse impacts on such resources, to prioritize managed use and protection of such resources, and to protect these resources; the Soil Resources and Visual Quality Policies, which require the County to minimize soil erosion, grading, and land clearing; the Park and Recreation Resource Policies, which encourage provision of passive park and recreation space in order to protect and preserve environmentally sensitive open space, and to design sites that accommodate recreation that minimize adverse impacts on natural environments. The proposed acquisition is, therefore, consistent with the County General Plan.

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

DATE: August 12, 2015

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a request by the Midpeninsula Regional Open Space District (MROSD) to determine if acquisition of a privately-owned 38.14-acre parcel (APN 072-343-110) on Bear Gulch Road, west of Skyline Boulevard, for use as open space, natural resource management, habitat preservation, and low-intensity recreation, conforms to the County General Plan.

County File Number: PLN 2015-00288

PROPOSAL

The Midpeninsula Regional Open Space District seeks a determination of whether its proposed acquisition of a privately-owned 38.41-acre parcel (072-343-110), located on Bear Gulch Road, west of Skyline Boulevard, in the vicinity of Sky Londa, conforms to the County General Plan. The parcel is unimproved and currently unused, and is intended to be added to MROSD's adjacent La Honda Creek Open Space Preserve, and used as open space, natural resource management, habitat preservation, and low-intensity recreation.

RECOMMENDATION

That the Planning Commission find and report that MROSD's proposed acquisition of APN 072-343-110 for use as open space, natural resource management, habitat preservation, and low-intensity recreation conforms to the County General Plan.

BACKGROUND

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

Applicant: Midpeninsula Regional Open Space District

Owner: George O. Toepfer Jr. Trust

Location: Bear Gulch Road, west of Skyline Boulevard, near Sky Londa

APN: 072-343-110

Size: 38.41 acres

Existing Zoning: Resource Management (RM)

General Plan Designation: Open Space

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 property is heavily wooded, and contains the headwaters of La Honda Creek.

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 property is undeveloped, with direct access from Bear Gulch Road. Private parcels surround the property on three sides, though only some of them have been developed. El Corte de Madero Creek Open Space Preserve is located across Bear Gulch Road and the access point to the Preserve's Spring Board Trail is approximately 600 feet from the property's northwest property line. On-site, there is an existing trail which bisects the property along the northern and eastern boundaries. An old overgrown road bed from Bear Gulch Road leads into the center of the property.

Landscape: The property is steeply sloped and densely wooded, with second growth redwoods and mixed evergreen forest. The property reaches an elevation of approximately 2,320 feet on a knoll of Allen Peak and includes the upper headwaters of La Honda Creek.

Flora and Fauna: Douglas fir, redwoods, tan oaks, and bay trees cover the property's rolling terrain. The woodland provides habitat for animal species associated with the upper elevations of La Honda Creek Open Space Preserve, including larger mammals such as deer, coyotes, bobcats, and mountain lions. A wide variety of bird species occupy and migrate through the general area.

Hydrology: The property possesses watershed and riparian values and includes the headwaters of La Honda Creek, a tributary to San Gregorio Creek. San Gregorio Creek provides spawning habitat for the endangered Coho salmon and Steelhead trout.

The property is currently owned by a private landowner, and is intended after acquisition to be added to MROSD's adjacent La Honda Creek Open Space Preserve, 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 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 the protection of sensitive habitats, including such uses as fish and wildlife management, trails and scenic overlooks, and minimally necessary public service and private infrastructure.

Discussion: The subject property is completely covered with various forests. 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. The property also contains the headwaters of La Honda Creek.

Midpeninsula Regional Open Space District has not proposed any 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. The acquisition in itself 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 are consistent with these General Plan Policies. Any future planning and development of the site would require additional environmental evaluation, consistent with the requirement pertinent to the proposed development, and would require such mitigation measures as determined by 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 property is in the County's formally designated rural zone. The property is not currently used for recreation, and is crossed only by an overgrown road and multiple trails. Midpeninsula Regional Open Space District has expressed the intent to join the property to the adjacent La Honda Creek Open Space Preserve, for use as natural resource protection, low-intensity recreation, open space, and ecological preservation. Midpeninsula Regional Open Space District'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.

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 Finding
- B. Vicinity Map

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

Permit or Project File Number: PLN 2015-00288 Hearing Date: August 12, 2015

Prepared By: William Gibson
Project Planner

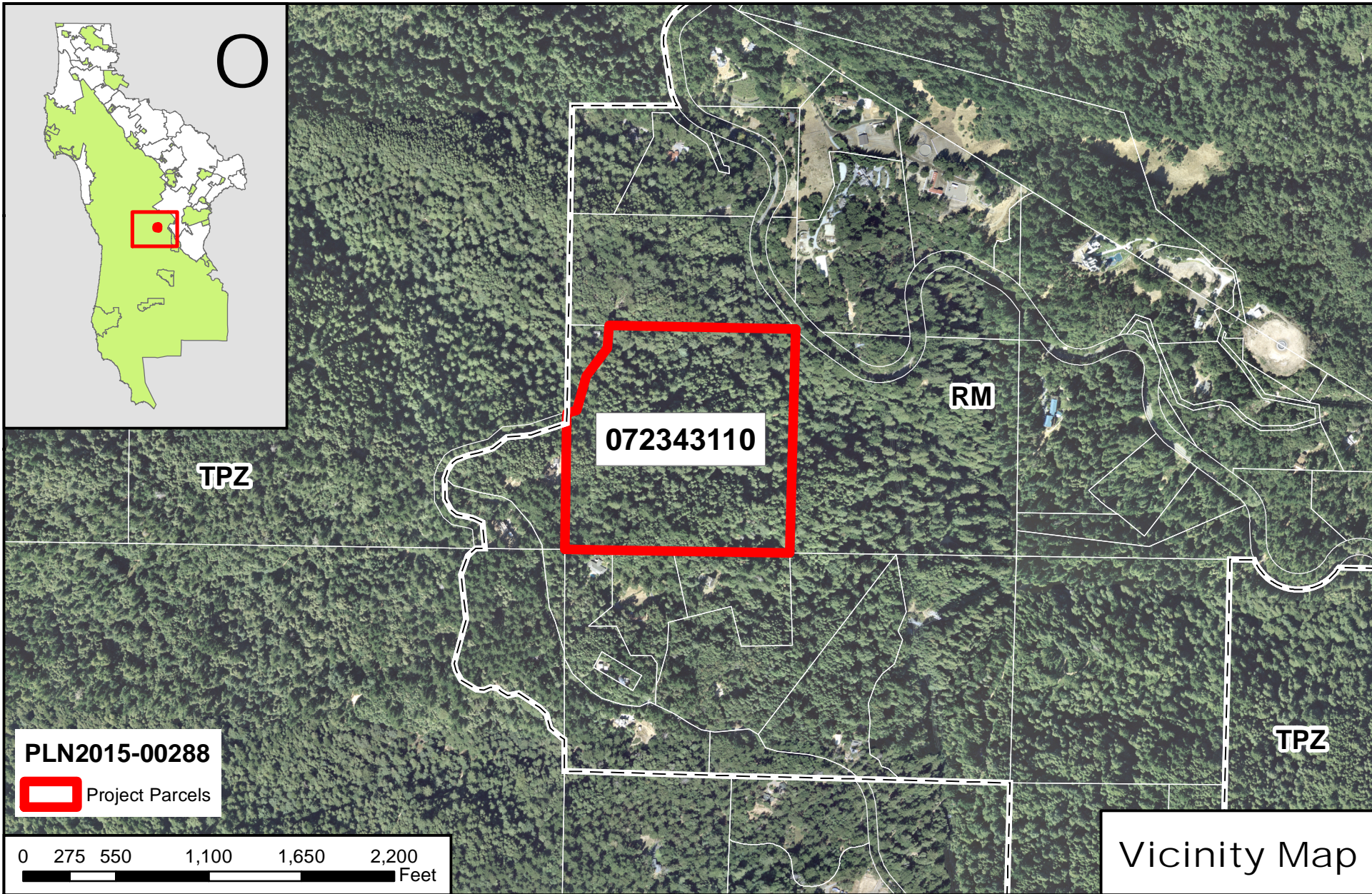
For Adoption By: Planning Commission

RECOMMENDED FINDING

1. Find and report that MROSD's proposed acquisition of APN 075-340-240 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 General Plan.

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ATTACHMENT B