

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

**DATE:** June 22, 2022

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Coastal Development Permit to implement the Green Oaks Habitat Enhancement Project undeveloped farmland in a section of Año Nuevo State Park west of Highway 1 (known as Steele Ranch), in the unincorporated Pescadero area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2022-00016  
(San Mateo Resource Conservation District)

**PROPOSAL**

The applicant is seeking a Coastal Development Permit for the Green Oaks Habitat Restoration Project which will enhance 235 acres of habitat, 26.5 acres of which will be directly modified, at the former Steele Ranch property which is part of Año Nuevo State Park. The project site is located on a coastal bluff just west of Highway 1. The project has been designed to restore natural hydrologic processes and reverse impacts of past land uses. Proposed direct actions include restoration of freshwater wetland, and riparian (willow) zones that support movement, foraging, and breeding habitat used by San Francisco garter snake (SFGS), California red-legged frog (CRLF), and a variety of other native wetland and riparian dependent species. The SFGS is listed as an endangered species and the CRLF is listed as a threatened species under the United States Endangered Species Act. The project includes 12,600 cubic yards of cut and 8,850 cubic yards of fill.

**RECOMMENDATION**

That the Planning Commission approve the Coastal Development Permit, County File Number PLN 2022-00016, by adopting the required findings and conditions of approval contained in Attachment A.

**SUMMARY**

The subject parcel, known as Steele Ranch, is currently owned by the California State Department of Parks and Recreation. The parcel has been historically used for agriculture, grazing and more recently row crops, but has been vacant since 2005.

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

**DATE:** June 22, 2022

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, to implement the Green Oaks Habitat Restoration Project on undeveloped farmland in a section of Año Nuevo State Park west of Highway 1 (formerly known as Steele Ranch), in the unincorporated Pescadero area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2022-00016  
(San Mateo Resource Conservation District)

**PROPOSAL**

The applicant is seeking a Coastal Development Permit for the Green Oaks Habitat Restoration Project which will enhance 235 acres of habitat, 26.5 acres of which will be directly modified, at the former Steele Ranch property which is part of Año Nuevo State Park. The project site is located on a coastal bluff just west of Highway 1. The project has been designed to restore natural hydrologic processes and reverse impacts of past land uses. Proposed direct actions include restoration of freshwater wetland, and riparian (willow) zones that support movement, foraging, and breeding habitat used by San Francisco garter snake (SFGS), California red-legged frog (CRLF), and a variety of other native wetland and riparian dependent species. The SFGS is listed as an endangered species and the CRLF is listed as a threatened species under the United States Endangered Species Act. The project includes 12,600 cubic yards of cut and 8,850 cubic yards of fill.

**RECOMMENDATION**

That the Planning Commission approve the Coastal Development Permit, County File Number PLN 2022-00016, by adopting the required findings and conditions of approval contained in Attachment A.

**BACKGROUND**

Report Prepared By: Delaney Selvidge, Project Planner, [dselvidge@smcgov.org](mailto:dselvidge@smcgov.org)

Applicant: San Mateo Resource Conservation District

Owner: California State Department of Parks and Recreation

Location: Green Oaks Way, Pescadero area of unincorporated San Mateo County. The parcel is a portion of Año Nuevo State Park west of Highway 1.

APN(s): 089-230-480

Size: 234.964 acres

Existing Zoning: Planned Agricultural Development (PAD) / Coastal Development (CD)

General Plan Designation: Agriculture (Rural)

Local Coastal Plan Designation: Agriculture

Williamson Act: Not under contract

Existing Land Use: Agriculture, vacant since 2005.

Flood Zone: A portion of the parcel is in Flood Zone A (area subject to inundation by a 1-percent-annual-chance flood event), but a majority of the parcel is Flood Zone X (area of minimal flood hazard). Majority of the parcel is in FEMA panel 06081C0464F (effective date 08-02-2017) with small portions in panels 06081C0502E (effective date 08-02-2017) and 06081C0470E (effective date 10-16-2012).

Environmental Evaluation: For the purposes of compliance with California Environmental Quality Act (CEQA), the California State Department of Parks and Recreation (DPR) is acting as lead agency. As such, the DPR has prepared an Initial Study/Mitigated Negative Declaration which was circulated for public comment from April 9, 2021 to May 14, 2021. The DPR adopted the Mitigated Negative Declaration on August 10, 2021 and filed a Notice of Determination with the State Clearinghouse and the County Recorder, at that time.

Setting: The subject parcel is near the southwest County boundary, west of Highway 1, bordered on the west by Año Nuevo State Park, and by land in agricultural use on the north, east, and south. The parcel was previously in agricultural production, known as Steele Ranch, but has not been in agricultural production since 2005. Prior to the 1960's, the parcel was operated by the Steele family for cattle grazing and dairy farming. In the mid-1960's, the land was sold and then leased for conventional row crop agriculture. Around this time, a pond at the eastern end of the property, referred to as the Eastern Pond, was constructed.

While the parcel is not currently in agricultural production, the parcel is subject to a Natural Resource and Agricultural Conservation Easement. This Easement states that the parcel may be used only for habitat preservation and enhancement, ranching, limited residential use, and other compatible uses as described in the Easement (see Attachment E).

The project area is documented habitat for San Francisco garter snake (SFGS) and California red-legged frog (CRLF). San Francisco garter snake prefers open, sunny upland habitats adjacent to densely vegetated ponds, similar to conditions found along the western margin of the Eastern Pond (a 4.4-acre perennial pond on the parcel). CRLF requires seasonably inundated, slow moving water bodies to breed and carry out part of its life cycle and, therefore, is entirely dependent upon habitats similar to the conditions found in the Eastern Pond. The project has been specifically designed as a recovery action for the SFGS and will also result in significantly improved breeding and foraging conditions for the CRLF.

Chronology:

<u>Date</u>	<u>Action</u>
September 9, 1997	- Land transferred from State of California Coastal Conservancy (SCC) to San Mateo County Transit District (SMCTD); the transfer included a conservation easement over the entire property held by the SCC.
2005	- End of agricultural use of the parcel.
2007	- SMCTD transferred land to San Francisco Bay Area Rapid Transit District (BART) for restoration of the parcel to serve as mitigation for BART expansion.
November 28, 2012	- Land transferred to State of California Department of Parks and Recreation (DPR).
April 9 - May 14, 2021	- Draft Initial Study/Mitigated Negative Declaration prepared and circulated by DPR.
November 28, 2021	- Final Initial Study/Mitigated Negative Declaration adopted November 28, 2021.
January 24, 2022	- San Mateo RCD, working with DPR, applied for the subject Coastal Development Permit.
April 7, 2022	- Project deemed complete.
June 22, 2022	- Planning Commission public hearing.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Conformance with the County General Plan**

The County's Local Coastal Program (LCP) is a subset of the County's General Plan, and the two documents are internally consistent. The following analysis of the project's consistency with the LCP, which is more specific than the General Plan with regard to potential issues raised by this project therefore also addresses, by extension, the project's consistency with the County's General Plan.

#### **2. Conformance with the Local Coastal Program**

##### **a. Locating and Planning New Development**

Policy 1.25 (*Protection of Archaeological/Paleontological Resources*). This policy requires an archaeological reconnaissance of project sites when they are in areas of potentially high sensitivity for archaeological or paleontological resources. As stated, previously, the California State Department of Parks and Recreation prepared the Initial Study for this project as the Lead Agency. In preparation of that document, the DPR relied upon an archaeological survey that was conducted within and adjacent to the Project Area by Mark Hylkema in 2020. The area studied included the entire project site, including staging and access areas. Mr. Hylkema determined that two archaeological resources are present outside the project area and that neither site is currently threatened or in any way involved with this proposed project.

The DPR IS/MND found that while there were no known archeological resources on the project site, there is nevertheless the possibility that subsurface resources could be uncovered during the grading or construction process. To address this potential impact, the project includes requirements for worker training to identify archaeological resources and Stop Work procedures if human remains are discovered during construction.

##### **b. Agricultural Component**

Policy 5.1 (*Definition of Prime Agricultural Lands*). This policy defines prime agricultural lands as all lands which qualify for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, or all lands which have a rating of 80-100 in the Storie Index Rating system. The Soil Conservation Service mapping for this area indicates that the

southwestern half of the parcel, including the Eastern Pond area, meets the definition of “prime agricultural lands”, as land capability classification (LCC) Class 2 soils. The northwestern half of the parcel is primarily LCC Class 3 soils (capable of growing artichokes or Brussels sprouts), and also qualifies as prime soils.

Policy 5.5 (*Permitted Uses on Prime Agricultural Lands Designated as Agriculture*). This policy permits agricultural and agriculturally related development on prime agricultural lands. Specifically, included in this definition is grazing and non-residential development customarily considered accessory to agricultural uses. While habitat restoration is not specifically listed as a “land use” within the LCP, the proposed activities will not exclude the use of the parcel for cattle grazing, which has been a historic use of the parcel. The existing natural resources and agricultural conservation easement precludes agricultural activity in close proximity to riparian habitat while encouraging compatible agricultural activity in other areas of the parcel. As part of the management of the parcel, cattle grazing is expected in sections of the property once restoration work is completed.

c. Sensitive Habitat Component

Policy 7.1 (*Definition of Sensitive Habitats*). This policy defines sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable, and includes endangered species habitat, intermittent streams, and lakes and ponds. As discussed in the Project Setting section, the project site provides habitat for both the SFGS and the CRLF, listed as endangered and threatened respectively. The project area surrounding the existing Eastern Pond contains both riparian and wetland plant species and soils.

Policy 7.9 (*Permitted Uses in Riparian Corridors*). This policy stipulates which uses are permitted in riparian corridors and includes fish and wildlife management activities. As stated in the project description, the goal of this project is to enhance and expand the amount of available habitat for the SFGS and the CRLF.

Policy 7.10 (*Performance Standards in Riparian Corridors*). This policy requires permitted development in corridors to minimize erosion, sedimentation, and runoff by appropriately grading and replanting modified areas, use only adapted native or non-invasive exotic plant species when replanting, and maintain natural vegetation buffer areas that protect riparian habitats. The project design incorporates suitable measures such as appropriate grading techniques, erosion control fabric, suitable replanting of low growing

wetland vegetation and other natural plant species. Additionally, DPR's standard project requirements incorporated into the project will implement measures to mitigate erosion during construction and after completion of the project.

Policy 7.16 (*Permitted Uses in Wetlands*). This policy stipulates which uses are permitted in wetlands and includes fish and wildlife management activities. As stated in the project description, the goal of this project is to enhance and expand the amount of available habitat for the SFGS and CRLF, the two species whose primary habitat is wetlands and riparian areas and the adjacent upland areas.

Policy 7.17 (*Performance Standards in Wetlands*). This policy requires that development permitted in wetlands minimize adverse impacts during and after construction. Specifically, the policy requires that all paths be elevated so as not to impede movement of water, all construction which alters wetland vegetation be required to replace the vegetation to the satisfaction of the Planning Director including "no action" in order to allow for natural reestablishment, and all projects be reviewed by the State Department of Fish and Game and State Water Quality Control Board to determine appropriate mitigation measures.

The project includes 21,000 cubic yards of grading to restore the project area to a more natural state, including measures such as filling agricultural ditches, removing culverts, removing roads, and altering pond berms. Various riparian and wetland species will be impacted by this work, but in every case the project will result in a significant increase in suitable habitat for these species. To lower the potential impact on the sensitive species, such as CRLF and SFGS, the project will occur in two phases. As with the riparian plant species discussed previously, the project intends to let the existing wetland plants recolonize the area as appropriate. The RCD has worked with the U.S. Fish and Wildlife Service on the design of this project and has incorporated their recommendations into the project that is before the Planning Commission.

d. Visual Resources Component

Policy 8.5 (*Location of Development*). This policy requires that development be located on a portion of a parcel where it is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints, and best preserves the visual and open space qualities of the parcel overall. The project is located in the northwest section of the parcel, and adjacent to Highway 1. However, upon completion of the project (including

revegetation) there will be no discernable negative change in the visual landscape of the project site.

3. Compliance with the PAD Zoning Regulations

The project site is zoned Planned Agricultural Development (PAD). The soils where the restoration plan will be primarily carried out are considered prime soil (land capability classification class 2 or 3) by the Soil Conservation Service. As discussed previously, upon completion the project will include cattle grazing within portions of the parcel. While habitat restoration is not listed as a “use” in any of the County’s zoning or LCP regulations, it is compatible with continued use of the site for cattle grazing, and consistent with the policies of the General Plan and LCP that strive to protect and enhance sensitive habitat areas. As such, the project is consistent with the PAD zoning district.

4. Compliance with the County Grading Ordinance

Projects approved by the San Mateo Resource Conservation District (RCD) for purposes of soil conservation and land clearing for the purpose of resource management are exempt from the requirements of the Grading Regulations, per Sections 9284.1.L and 92841.O of the Grading Regulations. In this case, the RCD is the applicant and will oversee all work associated with this permit.

B. ENVIRONMENTAL REVIEW

For the purpose of compliance with CEQA, the California Department of Parks and Recreation is the lead agency. As such, they prepared an Initial Study/Mitigated Negative Declaration which was circulated for public comment from April 9, 2021 to May 14, 2021. On August 10, 2021 the DPR, acting as Lead Agency, approved the Initial Study and Mitigated Negative Declaration. The DPR filed a Notice of Determination with the State Clearinghouse and the County Recorder, on the same day.

C. REVIEWING AGENCIES

Initial Study/Mitigated Negative Declaration

California Coastal Commission

California Department of Fish & Wildlife

California Native American Heritage Commission

California Regional Water Quality Control Board

United States Fish and Wildlife Service

United States Army Corps of Engineers

Coastal Development Permit

San Mateo County Building Department – Drainage Section



## **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Project Plans
- D. DPR's Initial Study/Mitigated Negative Declaration
- E. Natural Resource and Agricultural Conservation Easement

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2022-00016

Hearing Date: June 22, 2022

Prepared By: Delaney Selvidge  
Project Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That the Planning Commission, acting as a responsible agency, has reviewed and considered the Mitigated Negative Declaration, prepared by the California State Department of Parks and Recreation as Lead Agency.

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County General Plan and Local Coastal Program with regarding to the protection of biotic and visual resources.
3. That the project conforms to the specific findings required by the policies of the San Mateo County Local Coastal Program as discussed in Section A (2) of this Staff Report. Protection measures will be implemented to prevent any impact to biological resources, including San Francisco garter snake and California red-legged frog.

**RECOMMENDED CONDITIONS OF APPROVAL**

Current Planning Section:

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on June 22, 2022. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.

Mitigation Measures from the DPR Initial Study/Mitigated Negative Declaration:

2. **Mitigation Measure BIO-1:** All biological monitors for the project shall be approved by the United States Fish and Wildlife Service (USFWS) prior to commencement of project activities. The biological monitors and qualified biologists shall have the responsibility and authority of stopping the proposed project if any crews or personnel are not complying with the avoidance and minimization measures, best management practices, or any permits.
3. **Mitigation Measure BIO-2:** Biological monitor(s) and/or qualified biologists shall be on the project site while initial ground-disturbing activities (excavation) or pond draining activities take place. A Service-approved biologist will be on-call during all project activities in the event a San Francisco garter snake or California red-legged frog is discovered, or for any other assistance relating to the avoidance and minimization measures.
4. **Mitigation Measure BIO-3:** Prior to project activities, a biological monitor shall clearly mark/flag or erect temporary construction fencing to designate the work area and to delineate the areas that shall be avoided. Flagging and or temporary construction fencing shall be removed immediately after the completion of construction work. Excavation spoils shall be placed in a containment area away from the wetted ditch until surveys are complete. The area where spoils will be placed shall be surveyed for CRLF. If burrows are present in this area, DPR staff/contractors shall hand excavate burrows until the burrow terminates or until a maximum depth of 30 centimeters. If CRLF are found, they will be relocated by an approved biologist working under the USFWS and CDFW take authorization.
5. **Mitigation Measure BIO-4:** Any vehicle or equipment parked on site overnight shall be inspected by the biological monitor before it is moved to ensure that CRLF and/or SFGS have not moved under the vehicle. Any parking areas shall be checked in advance by the biological monitor or qualified biologist.
6. **Mitigation Measure BIO-5:** If any adults, subadults, juveniles, tadpoles, or eggs are found during construction the qualified biologist will relocate individuals away from impact to area delineated for avoidance. DPR will ensure the qualified biologist is given sufficient time to move the animals from the impact area before ground disturbance is initiated. Only the qualified biologist will capture, handle, and move CRLF.
7. **Mitigation Measure BIO-6:** Prior to and within 48 hours of the planned start of project activities, a focused survey for SFGS using agency approved protocol shall be conducted by a USFWS-approved biological monitor to determine if they are in the area. If SFGS are found, the USFWS shall be

notified immediately to determine the correct course of action and proposed project shall not begin until approved by the USFWS.

8. **Mitigation Measure BIO-7:** Activities that result in ground disturbance will occur May 1–October 30 (active season). Vegetation will be cut to 3 inches in height. Once the ground is visible, a visual survey for SFGS will be conducted by the biologist prior to additional ground disturbance. Field crews will install solid exclusion fencing if the work is in areas of known species presence. If work needs to occur during the inactive period (November 1– April 30) and is located in an area of known occupancy, flag and avoid any burrows by at least 10 feet wherever possible. If any burrows cannot be avoided by this distance, a biologist will inspect following activities to determine whether the burrow has been collapsed. If a burrow is collapsed, the biologist shall make efforts to open the burrow.
9. **Mitigation Measure BIO-8:** Prior to conducting non-native plant removal or treatments (e.g., spraying with herbicide, cutting, pulling, digging out), DPR shall make every reasonable attempt to ensure that SFGS are not hidden within the plant or residual plant matter to be treated.
10. **Mitigation Measure BIO-9:** The USFWS approved biological monitor shall walk roads cleared for vehicle access each morning prior to vehicle traffic to ensure San Francisco garter snakes are not in the road. Vehicles shall not drive at speeds greater than 5 miles per hour within the project area and drivers shall observe the road for SFGS. If a SFGS is found on the road, the vehicle operator shall stop, and the SFGS shall be allowed to leave on its own volition, or (if authorizations are in place from CDFW and USFWS) be moved to an approved location.

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Since 1997 the parcel has been under a Natural Resources and Agriculture Conservation Easement and once this habitat restoration project is completed, it is expected that cattle grazing will be able to return to portions of the parcel.

The project, known as the Green Oaks Restoration Project, will reestablish the natural hydrology and enhance the ecosystem functions of the former Steele Ranch property, a 235-acre portion of Año Nuevo State Park. The project will use the natural topography of the landscape to enhance aquatic and terrestrial habitat for wildlife, while reducing the level of future intervention required from State Parks staff to maintain the habitat.

The goals of the project are consistent with the recovery actions outlined in the San Francisco Garter Snake Recovery Plan (USFWS, 1985) that stresses the importance of restoring upland, riparian, and aquatic habitat to aid the recovery of both the San Francisco garter snake and California red-legged frog.

Staff has completed a review of the project and all submitted documents and reports to determine the project's conformity to applicable LCP policies. Potential impacts to biological resources were identified during this review, as specified by the project's Initial Study/Mitigated Negative Declaration, and conditions of approval were included to reduce these potential impacts to a less than significant level. With these conditions, the project will comply with the County's General Plan and Local Coastal Program.

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