



LOCAL AGENCY FORMATION COMMISSION

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April 2, 2004

To: Members, Formation Commission

From: Martha Poyatos, Executive Officer

Subject: LAFCo File 03-10—Proposed Sphere of Influence Amendment of the Midpeninsula Regional Open Space District (MROSD) and Annexation of the San Mateo County Coastal Area (140,000 Acres)

Background

- In October 2003, the Commission received the MROSD application for a sphere of influence amendment and annexation of Coastal San Mateo County. (Please see Attachment B of March 2, 2004 Report for a timeline of activities leading up to the District's application.)
- Because the District has territory in Santa Clara and Santa Cruz Counties, the application was referred to both Commissions to consider a recommendation at a public hearing. Both LAFCos adopted resolutions recommending approval.
- Staff also referred the application to affected County departments, coastal agencies and interested parties to provide data and comments.
- Pursuant to Revenue and Tax Code Section 99, the County of San Mateo, City of Half Moon Bay and MROSD adopted resolutions of zero property tax transfer. The Certificate of Filing was issued on January 9, 2004.
- On January 21, 2004 the Commission directed staff to schedule the first hearing for the application in Half Moon Bay and that it would be continued to Redwood City to allow for adequate public comment.
- On March 9, 2004, the Commission received the Executive Officer's Report dated March 2, 2004 containing the MROSD application, plan for service, fiscal analysis, environmental document, municipal service review information, comment letters, MROSD agreements with Farm Bureau, and resolutions recommending approval from Santa Clara & Santa Cruz LAFCos. The Commission opened the public hearing and determined that two additional hearings would be scheduled to allow for additional comment in Half Moon Bay and Redwood City. The Commission received testimony and the March 9 hearing was continued to March 17, 2004 in Redwood City and March 30, 2004 in Half Moon Bay.
- At the March 30, 2004 meeting the Commission closed public hearing after three continued hearings, approximately 9 hours of public testimony from 186 speakers and hundreds of letters, e-mails and postcards.

Summary Recommendation:

This report incorporates and updates the attached March 2 Executive Officer's report based on subsequent submittals, public testimony and questions from the Commission. Staff renews the original recommendation that the Commission approve the sphere of influence amendment and annexation with several conditions. Commission approval would require several actions, including: 1) adoption of a statement of determinations for municipal service review pursuant to Government Code Section 56430; 2) adoption of a statement of determinations in amending the District's sphere of influence pursuant to Section 56425; 3) approval of the annexation of the Coastal Annexation Area subject to several conditions outlined in this report; 4) as responsible agency under the California Environmental Quality Act (CEQA), certify that LAFCo has considered the MROSD Coastal Annexation E.I.R. and make findings relating to LAFCo consideration of the project; and 5) provide direction to staff regarding the time period for the protest hearing.

District and Project Background

The attached March 2 Executive Officer's Report contains background on MROSD and the Coastal Annexation Project. In brief summary, MROSD is an independent special district governed by seven locally elected board members. MROSD acquires and manages open space lands in Santa Clara, San Mateo and Santa Cruz Counties. MROSD enabling legislation is Public Resources Code Section 5500 et seq. and permits the District to develop and maintain a wide variety of public parks including active recreation, trails, natural areas, ecological and open space preserves, and other facilities for public recreation. However, MROSD's focus is on open space preservation including facilities and trails for passive recreation, mainly hiking including links to regional trails. The District's Plan for Services for the Coastal Annexation Area includes an agricultural component and district activities include watershed and habitat protection and resource conservation. The application and plan for service proposes acquiring approximately 12,000 acres of the total 140,000 acre annexation area over the initial fifteen years. The District has relinquished the power of eminent domain in the Coastal Annexation Area by ordinance and legislation and it will acquire lands from willing sellers only. Annexation is proposed without taxation at this time and the District proposes using current revenues as well as grants & gifts to acquire lands and to operate in the annexation area. The district states that at some time in the future, they may propose a voter approved funding measure.

Discussion

The March 2 Executive Officer's Report discussed the MROSD plan for service, fiscal analysis, environmental review, municipal service and sphere of influence reviews and factors to be considered pursuant to Government Code Section 56668. The March 2, 2004 Report also addressed concerns and issues raised by affected agencies and interested organizations and individuals, and included discussion of municipal service review, sphere influence review, and factors LAFCo must consider in the annexation request. The following section responds to additional comments.

Process (Request for Election):

Many speakers expressed concern that residents should be allowed to vote on the MROSD Coastal Annexation and requested that the Commission allow a vote. If an annexation is approved, Government Code Section 57000 mandates how an application proceeds through a protest process and what criteria can cause an election on an annexation. This section gives LAFCo no discretion in the protest and election process. If the application is approved by LAFCo, within 60 days from the date of the notice of the protest hearing, San Mateo LAFCo must hold a protest hearing in which landowners and voters from within the annexation area may submit written protest. If less than 25% registered voter or less than 25% of landowners owning less than 25% of the assessed value submit written protest, annexation is completed. If 25% but less than 50% submit written protest, an election is ordered and majority registered voter approval is required for annexation to be complete. If over 50% of either threshold submit written protest, annexation is terminated. Because the Code gives discretion in the length of the protest period, allowing between 21 and 60 days from the notice of hearing, based on the level of interest in the annexation proposal, staff recommends that the protest period be as close to 60 days as practicable.

The March 2 Report provides all departmental reports. The County Assessor reported that the net assessed value of the Coastal Annexation Area is \$3,570,487,630, the Election Division's reported a registered voter count of 16,077 and the County Planning Division reported an estimated population of 29,000.

Fiscal Impact:

As a regional district that would not receive a portion of the 1% property tax that is distributed to the County, City of Half Moon Bay, school districts and special districts in the annexation area, annexation in itself does not impact any of the agencies included in the annexation area. As noted in the March 2 Report, it is acquisition and not annexation that would affect property tax revenue and service demand for existing agencies. If annexation were approved, fiscal impact would relate to subsequent acquisitions as privately owned land is acquired by the district and removed from the tax roll. Likewise service cost impacts such as sheriff and emergency services are related to subsequent acquisitions and district operation of visitor serving preserves.

As covered in more detail in the March 2 Executive Officer's Report and the District's fiscal analysis, fiscal impacts are estimates and the actual fiscal impact will depend upon the value of land acquired and the tax rate area in which the property is located. It is important to note that the District's Plan for Service indicates that 80% of acquisitions will be land acquired from another land preservation agency or organization that has already qualified the property for tax exempt status and has removed the property from the tax roll. Therefore, the fiscal analysis is based on approximately 20% or 2,360 acres of the proposed 11,800 acres acquired by the District's over the first fifteen years following annexation being removed from the tax roll. The District clearly states that because property will be acquired by willing sellers only, it is not possible to determine which properties will be acquired, at what point in the service plan property will be acquired or what the value of the property. Therefore fiscal analysis, whether based on sample properties or an individual property identified as a likely acquisition, is an *estimate* of potential revenue loss to affected agencies and actual fiscal impact resulting from property being removed from the tax roll will depend upon assessed value of the property as shown on the tax roll, tax rate area in which property is located and the tax rate of each agency receiving a share of the 1% property tax.

More simply put, private property is assessed at 1% of assessed value and the 1% property tax is then distributed to the agencies located in the tax rate area containing the property. So, for every \$100,000 of privately owned land acquired by the District, the combined property tax revenue to agencies *within the specific tax rate area* would be diminished by \$1,000 per year. It is also important to note that Revenue and Tax Code provisions governing granting of tax exempt status stipulate that the property tax exempt status is based on the value of the land on the tax roll, not the purchase price. Both methods of analysis therefore are based on the assessed value of properties shown on the assessor's roll and not the acquisition price that would be paid by MROSD. Both methods assume a growth in assessed value of 2% per year.

Since the March 2 Executive Officer's Report, MROSD has entered into agreements with both the County of San Mateo for fire protection and the La Honda-Pescadero Unified School District which mitigate fiscal impacts related to future acquisitions.

Representation:

The March 2 Executive Officer's report responded to concern that the MROSD service plan and annexation application did not provide adequate means for representation of residents of the coastal annexation area following annexation. The report explained that, by law the District is divided into 7 wards of equal population with a director elected from within each ward. Because an annexation of the coastal area would require that MROSD redistrict to include the annexation area, MROSD considered and adopted a resolution establishing a public participation process for reapportionment of the District's ward boundaries to include the coastal annexation area. This resolution, adopted by MROSD on February 25, 2004, sets a procedure by which the District would prepare up to four alternative redistricting scenarios consistent with State law that would provide for extension of one to four wards into the coastal

annexation area. The resolution also sets forth that the District would conduct public workshops to present and receive input from constituents in the coastal annexation area.

The MROSD Plan for Service includes a provision for District Board meetings on the Coastsides for major decisions affecting the Coast, local advisory committees, and mandatory notification of various government, non-profit, and private organizations and individuals. Because each land use management plan, policy update, acquisition project and planning of capital improvement project is subject to full review by the District Board (Page 23 of service plan), a recommended condition that could further enhance public participation and representation in the Coastal Annexation Area is that the MROSD Board amend the District's rules of procedure to include a provision that meetings of the District Board and/or subcommittees concerning land use management plans, policy updates, acquisition projects and planning of capital improvement projects concerning the Coastsides annexation area territory shall be held in the coastal annexation area.

Good Neighbor Policy

In response to comments from Pescadero Municipal Advisory Council and other groups and individuals, the March 2 Report discussed the need for MROSD to develop a more comprehensive Good Neighbor Policy. The District's existing policy deals in general terms with the day-to-day activities and long term planning activities as they relate to MROSD interaction with neighboring property owners. Based on subsequent discussions with the District and on public testimony, LAFCo staff recommends that a condition of annexation be that the District adopt a plan for amending their Good Neighbor Policies to include the following components which in many cases are included in the District's Plan for Service:

1. *The District shall institute appropriate forms of representation so that District planning and decision-making relating to the Coastsides Annexation Area includes the input of Coastsides residents.*
2. *The District shall establish advisory committees, task forces or work groups as needed to develop or review specific policies or plans.*
3. *To ensure that local viewpoints are considered in all significant District planning and decision-making relating to the Coastsides Protection Area, the District shall consult with local elected officials, government agencies, and government-sponsored organizations within the Coastsides Protection Area including, but not limited to the Midcoast Community Council, Pescadero Municipal Advisory Council, Half Moon Bay City Council and their elected bodies.*
4. *To further ensure recommendations representing local involvement are considered in District planning and decision-making relating to the Coastsides Annexation Area, the District shall directly notify community-interest groups, non-profit land trusts, elected officials, and other interested organizations about District Board meetings or other public meetings that involve subjects relating to the District's activities within the Coastsides Protection Area.*
5. *In addition to adopted and legally required noticing, the District shall notify owners of contiguous properties about public meetings where property acquisitions in the Coastsides Annexation Area or any significant use or improvements proposed on District-owned lands in the Coastsides Protection Area are considered.*
6. *Because each land use management plan, policy update, acquisition project and significant capital improvement project is subject to full review by the District Board (Page 23 of service plan), meetings of the District Board and/or subcommittees on such matters concerning Coastsides annexation area territory shall be held in the coastal annexation area. (The District may wish to*

schedule such meetings so that meetings are held in a regular manner such as every third meeting is held in the Coastal Annexation Area.)

- 7. The District shall provide private property signs where appropriate and provide trail users information regarding private property boundaries and to prohibit trespass to minimize public/private use conflicts and trespassing. The District shall clearly sign trails adjacent to active agriculture and provide trail users with information regarding property boundaries to minimize trespassing and conflicts with agricultural users.*
- 8. The following measures will be included in every future Use and Management Plan for parcels within the Coastside Annexation Area:*
 - a. In areas where trail routes are immediately adjacent to private property, fencing shall be employed as necessary to deter users from leaving the trail. Specific fence, gate, and crossing designs will be determined in consultations with adjacent affected property owner(s) at the Use and Management Plan stage.*
 - b. All new trails/facilities will be sited away from the edges of new preserves to the greatest extent possible. All new trails/facilities will be designed to preserve existing vegetation within new preserves and at the property lines so that views of land uses in adjacent residential properties would be minimized.*
 - c. Trails shall be sited a minimum distance of 300 feet from occupied dwellings unless site-specific circumstances make this infeasible. Where a 300-foot setback is not feasible, trails shall be set back a minimum distance of 50 feet. Potential noise and privacy impacts must be evaluated for any subsequent District action and shall be reduced by berms, fencing, landscaping and other feasible and compatible means, if necessary.*
- 9. Upon completion of the annexation process and with public involvement through local groups, the District shall conduct public hearings to develop its Basic Policies for the Coastside Annexation Area. These hearing shall address, at a minimum, the following topics: public participation; resource management; public access; recreational use; public safety; cultural resources; agriculture and timber production; interagency relationships; and public information.*
- 10. As noted in 6 above, all proposed Coastside Protection Area policies shall be considered by the full Board of Directors at public meetings held in the Coastside Protection Area.*
- 11. A District staff liaison will be assigned to the Coastal Annexation Area to work with local residents, property owners, government, and interest groups in developing recommendations to the District Board of Directors*
- 12. The Legislative, Finance and Public Affairs Committee, a Standing Committee of the Board, shall at an annual public meeting review the Good Neighbor Policy and its implementation and effectiveness. The Good Neighbor Policy shall be amended as necessary to ensure the best possible relationship between the District and its neighbors.*
- 13. The District shall develop a Good Neighbor Brochure and shall update it regularly and distribute it to property owners with land adjoining district preserves. The Brochure shall contain the following information:*
 - 1. Emergency contact information for District and other agencies by nature of emergency (fire, flooding, medical, illegal activity, abandoned vehicles, etc.)*

2. *District contact for resource management (weed abatement, feral animal control, restoration and revegetation, etc.)*
3. *District contact for fire and hazard prevention (fuel management, information regarding firesafe practices, fallen or hazardous trees, etc.)*
4. *District contact for conflicts between neighbors and Preserve visitors (trespass, parking, noise, etc.)*
5. *District contact for general questions regarding use and management of Preserves*
6. *How to make a suggestion or file a complaint regarding use and management of District Preserves or the District's operation in general (phone, write, e-mail, in person)*
 - *Management and Board of Directors contact information*
 - *Website mailbox*
 - *Office hours and location*
 - *Board meeting dates and times*

Ombudsperson

In addition to the above noted Good Neighbor Policy provisions, LAFCo staff recommends that District Board create an appointed position of ombudsperson to evaluate objectively both sides of property owner or affected party dispute with the District.

Project Alternatives and Alternative Boundaries

As required by the California Environmental Quality Act and Government Code Section 56668, Chapter V of the District's Draft EIR examines "no-project" alternatives and alternate geographic areas as alternatives for the sphere amendment and annexation. The March 2 Report discusses alternative boundaries which include: inclusion of the entire Coastal Area in the MROSD sphere of influence but annex territory in the following geographic areas: Northern Watersheds only, Skyline Upper Sub-area only, Skyline Upper Watersheds and Northern Watersheds only, Skyline Upper and Southern Watersheds together. Inclusion of the Southern Watershed only is not considered because this area is not contiguous to current district boundaries and therefore not eligible for annexation. These watershed areas can be viewed in Map 17 of the Draft EIR.

Several comments received since the March 2 Report suggest that the District be permitted to acquire land in the Coastal area and then annex only what is acquired. Staff addressed this concern in the supplemental report of March 16, 2004, noting that District enabling legislation, specifically Public Resources Code Section 5572 states: "The boundaries of any district may be altered and new contiguous territory annexed, incorporated and included and made a part of the district." Since that report, it has been further suggested that the District amend its enabling legislation to allow the District to acquire and annex non-contiguous territory. Not only is this suggestion inconsistent with the purpose of a "regional" open space district and with general LAFCo policies encouraging logical boundaries and discouraging "island" annexations, it would eliminate the ability of affected property owners and residents to influence District decision making since because they would not be constituents of the District, would not be eligible to vote for District Board Members and would not be eligible to run for election to the District Board. This suggestion also directly conflicts with concerns for the need for adequate representation.

Municipal Service Review

Municipal service review as required by Government Code Section 56430 is an analysis of public services in which determinations are made regarding adequacies or deficiencies in service, cost effectiveness and efficiency, government structure options and local accountability. Section 56430 requires that in order to prepare and to update spheres of influence in accordance with Section 56425, the Commission shall conduct a service review of the municipal services provided in the county or other

appropriate area. In this case, the service review examines open space services provided within district boundaries and in the proposed annexation area. The following analysis therefore focuses on MROSD and on the nine determinations required in Section 56430.

(1) Infrastructure needs or deficiencies.

MROSD states that there will be no need for extension of sewer, water or road infrastructure and that properties acquired or managed by the District have very few or limited improvements such as unpaved trails, trail signs, self-contained sanitary facilities, and staging areas (gravel surface parking lots). Table 1 of the District's response to the service review request form details the types of facilities available on current district reserves.

(2) Growth and population projections for the affected area:

The District reports the population for the current District territory in San Mateo County is 241,696 based on Census 2000 and the population for current district boundaries in Santa Clara County (excluding San Jose) is approximately 649,924. The District reports that based on the Association of Bay Area Governments (ABAG) that between 2010 and 2025, the Cities of San Mateo, Redwood City, Daly City and South San Francisco will lead the county in growth and that growth in more remote parts of San Mateo County outside urbanized areas will come to a standstill by 2015. Staff believes that the District is capable of providing services that can accommodate the growth and population projections for the affected territory and the region as a regional open space district. The District states that as the population grows within District boundaries and the region, the need for programs protecting open space and providing for low-intensity recreation will also increase.

Growth Projections: Association of Bay Area Government (ABAG) "Projections 2004":

	2000	2010	2020
San Mateo Co.	707,161	756,400	813,300
Santa Clara Co.	1,682,585	1,887,400	2,089,400

(3) Financing constraints and opportunities

The District reports that the adopted service plan for the coastal annexation area is based on using existing revenues and that no new tax is proposed. The District's primary revenue source is a share of the 1% property tax, approximately 1.7 cents per \$100 of assessed property value and that these revenues will be augmented with grants and gifts. The service plan proposes that in years 1 to 5 grants and gifts will be the primary source of funding for acquisition. The District identifies likely opportunities for funding opportunities including California Farmland Conservancy Program, State Grants and Bonds. The District states that any future tax would be subject to voter approval and that the District would first work with local interests to identify a funding measure that could be submitted for voter approval. The District plan for service and service review questionnaire cite opportunities for collaboration with San Mateo County Farm Bureau, San Mateo County Resource Conservation District and other public and private agencies regarding

(4) Cost avoidance opportunities.

Comments from MROSD:

The District identifies the following agencies that provide services either in District boundaries or in the Coastal Annexation Area.

Agency	Type of Service	Within District	Within Coastal Annexation Area
Nat'l Park Service G.G.N.R.A.	Resource Conservation, env. Education, trails, day & overnight recreation		X
U.S. Fish & Wildlife Don Edwards SF Bay National Wildlife Refuge	Habitat Protection, env. Education, Trails, low-impact recreation	X	
State of California Parks & Recreation	Coastline Access, resource conservation, trails, day & overnight recreation, campgrounds, toilets & parking	X	X
San Mateo County Dept. of Parks & Recreation	Coastline Access, resource conservation, trails, high- and low-intensity recreation, day & overnight recreation, campgrounds, toilets & parking	X	X
Peninsula Open Space Trust	Private Land Conservation	X	X
State of CA Dept. of Fish and Game	Resource Conservation and land management programs, limited public access	X	X
Santa Clara County Parks & Recreation	Regional Parks, Open Space, trails, high-and low-intensity recreation day and overnight recreation, specialty recreation areas	X	
City of San Jose Parks & Recreation	Regional parks as well as traditional urban park and recreation areas	X	
City of Palo Alto Community Services – Recreation, Open Space and Sciences	Nature Preserves and low-intensity recreation as well as traditional urban park and recreation areas	X	

The District comments that MROSD services are intended to complement the activities of existing providers and to that extent will avoid duplication of costs in terms of land acquisition, planning and management. The District states that District services in the annexation area will result in a positive effect on resources and that the extension of District boundaries to include the Coastside will allow the District to work with other service providers, will have no net effect on the services the District provides within current boundaries, will complement open space preservation activities of the City of Half Moon Bay and that there are no special district which provide open space services in the coastal annexation area.

(5) Opportunities for rate restructuring

Comments from MROSD:

Not applicable.

Note: MROSD does not charge park entrance fees.

(6) Opportunities for shared facilities.

The District has provided a listing of several shared facilities or agreements with other agencies in San Mateo and Santa Clara Counties. Cases in San Mateo County include conservation easement at Edgewood County Park and Ravenswood Preserve, co-ownership with GGNRA in the Coastal Annexation Area and revocable trail permit with City & County of San Francisco. The District reports that it works with other public recreation and open space providers, conservation agencies, non-profit land trusts and community organizations and will seek opportunities for preservation of regionally significant resources.

(7) Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.

The District states that agencies identified above are distinct types of organizations with different enabling legislation, different ranges of services and that there is no opportunity for consolidation or reorganization. Staff concurs that based on the wide range of agencies providing open space and the fact that they have varying enabling legislation and mission, there is no opportunity for consolidation or reorganization.

Staff notes that alternative organizational structures in other counties include county governed open space districts that are coterminous with county boundaries. Staff believes that based on recommendations from the open space and land preservation community both locally and regionally, inclusion of the coastal annexation area in the MROSD boundaries is the means to have one agencies provide open space preservation on a regional basis. Staff would also note that a clear advantage of independent special districts is that they focus on a single mission such as open space and agricultural preservation whereas general-purpose government by definition must provide a wide array of services.

(8) Evaluation of management efficiencies.

The District reports that it has a total of 79 full-time positions and that if annexation is approved, one full-time land management staff person would be provided for every 1,720 acres of land purchased in fee or under management contract, that one full-time planning or administrative position would be added at the outset to manage the annexation area, that one additional full-time position would be added for every 3,440 acres of land acquired in fee or under contract, and an additional full-time position would be created for every 5,160 acres of conservation easement.

(9) Local accountability and governance.

The District is composed of seven wards or geographic areas, of approximately equal population (approximately 100,000 people). One director elected to a four-year term of office by voters within the geographic area represents each ward. The District holds regular meetings on the second and fourth Wednesday of the month at 7:30 p.m. and special board meetings are conducted as needed. The Board also has standing committees which include: Administration and Budget; Legislative, Finance & Public Affairs; Use and Management Committee; and Acquisition and Real Property Committee. The District publishes a quarterly newsletter, maintains a website at www.openspace.org and distributes Budget Data which is also available in the quarterly newsletter. The District also maintains a subscriber mailing list of over 70 individuals. The District also has a public notification policy to inform surrounding landowners and interested members of the public of acquisitions, grant applications and land use planning projects and the public notification policy supplements public notice required by law. As noted above, the District

would, upon annexation, implement appropriate forms of representation including redistricting of wards to include the coastal annexation area that best reflects the desired ward configuration of coastal residents, government agencies and government-sponsored agencies. Accountability and governance could be improved by amending the good neighbor policies to include the provisions noted above.

Sphere of Influence

Sphere of influence is defined in Government Code Section 56425 as a plan for the probable physical boundary and service area of a local agency or municipality. Section 56425 states: (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere. In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

- (1) The present and planned land uses in the area, including agricultural and open-space lands.
- (2) The present and probable need for public facilities and services in the area.
- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Sphere of Influence Considerations

Territory may only be annexed to a city or special district if annexation is consistent with the sphere of influence of the subject agency. Staff believes that the comments from other public and private open space, parks and land conservation agencies and organizations and on the municipal service review support inclusion of the Coastal Annexation Area in the MROSD sphere of influence. The following summarizes sphere considerations that could be adopted by the Commission in amending the district's sphere.

- (1) The present and planned land uses in the area, including agricultural and open-space lands.**

Territory within MROSD boundaries consists of urbanized residential, commercial, industrial and open space uses. In the coastal annexation area approximately 80% of land area is agricultural, rangeland or forest. While some areas are projected to experience more development and growth than others, the need for need for open space and agricultural preservation will continue.

- (2) The present and probable need for public facilities and services in the area.**

While there are a number of local and state public agencies and private organizations providing public recreation and land preservation services in the coastal annexation area these agencies have limited resources and varying goals and missions. There is currently no single agency that focuses on open space and agricultural preservation in the Coastal Annexation Area. The need for public facilities in the coastal annexation area is limited. However, there is agreement from local, state and regional public and private open space and conservation organizations that open space and agricultural preservation is needed in the coastal annexation area now and in the future.

- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The District's plan for service and fiscal analysis indicates that the District has the capacity to expand services to the annexation area without impacting services within current district boundaries.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The Coastal Annexation Area represents the County of San Mateo's agricultural district and a key biological and natural resource regionally and statewide. As such the area represents the County's agricultural community and is of significance economically on a county and regional basis.

Factors to be considered in review of an annexation pursuant to Section 56668

The following is an analysis of the applicable factors to be considered by the Commission in the review of a proposal as required by Government Code Section 56668. Unlike sphere of influence determinations, the commission is not required to make any express findings concerning these factors. For clarity paragraph numbers from Section 56668 have been added.

(a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years

As noted above, the territory proposed for annexation covers 220 square miles, a wide range of land use designations and has an estimated population of 29,000. As a regional open space district, population data includes ABAG Projections 2002 for San Mateo County in the following table:

2000	2010	2015	2020	2025
707,161	754,600	775,900	795,100	813,300

In San Mateo ABAG projects that between 2010 and 2025, the Cities of San Mateo, Redwood City, East Palo Alto, Daly City and South San Francisco will lead the county in growth with over 40% of the County's household growth during this period. ABAB projections do not provide an estimate of the areas designated as the "Coastal Annexation Area". However, using the same growth rate projections from ABAG applied to the current population estimate for the Coastal Annexation Area, by 2025 the estimated population of the coastal annexation area is 35,105.

In regard to drainage basins, Page IV-H-1 of the MROSD Coastal Annexation EIR identifies the rural watersheds in the Coastal Annexation Area and Map 14 in the Draft EIR illustrates the watersheds and rivers/creeks.

(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas

Organized community resources related to open space and agricultural preservation are needed to the extent that there is no single agency that provides for land management and public access in addition to land acquisition consistently throughout the Coastal Annexation Area. While there is a demonstrated need to expand services such as open space and agricultural preservation, maintenance and public access, such services are limited to current service levels and limited resources of an array of existing agencies with

varying goals and revenue sources. The proposed coastal annexation and plan for service provides for a comprehensive, regional plan subject to controls and regulations in the County's General Plan and Local Coastal Program.

(c) the effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county

There is general agreement indicated in the record that acquisitions by MROSD following annexation will provide for protection of agricultural and open space lands which will be a benefit to the County's agricultural community and district. In this respect, the proposed annexation would be beneficial to residents of the proposed annexation area as well as areas currently within district boundaries by providing a comprehensive, regional open space and agricultural preservation program and providing representation for communities served by the District. While the fiscal analysis indicates that acquisition will result in reduction of property tax revenue for agencies containing the acquired land, the annexation in itself presents a long-term plan for resource management consistent with the General Plans of the County of San Mateo and City of Half Moon Bay that will be of benefit to the area and the agricultural economy and the County as a whole.

(d) The conformity of both the proposal and its anticipated effects with both adopted Commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377

This factor concerns annexations that could reasonably be expected to induce, facilitate or lead to conversion of existing open space lands to uses other than open-space uses. This factor does not apply to this application.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code Section 56016

As noted in the MROSD response to comments above, preservation of economically viable agriculture is a major component of the *Coastside Protection Program*. The EIR concluded that there would be no significant impact to agricultural resources and the *Service Plan* contains a number of policies to protect agriculture and includes all the mitigation measures recommended for adoption in the EIR. Based on mitigation measures included in the service plan, a memorandum of understanding between MROSD and the Farm Bureau that would include input from the Farm Bureau in MROSD agricultural related activities, the Farm Bureau supports annexation as a tool that will protect the physical and economic integrity of agriculture in the County.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries

The proposed boundaries of the annexation are clearly defined and do not create islands or corridors of unserved territory.

(g) Consistency with City and County General Plan:

The proposed plan for service, policies and guidelines are consistent with the City of Half Moon Bay and County General Plan Policies concerning open space and agriculture. Applicable County General Plan Policies are cited in the March 2, 2004 Executive Officer's Report.

(h) The sphere of influence of any local agency that may be applicable to the proposal being reviewed

The proposed sphere amendment and annexation does not conflict with the spheres of influence of other affected agencies.

(i) The comments of any affected local agency

As noted previously, the District's annexation application with a request for comment was distributed to all cities and special districts, affected county departments, municipal advisory councils and interested individuals. LAFCo has received extensive comment from public agencies concerning this application with the primary concern being fiscal impact as the District acquires privately owned lands that are subsequently removed from the tax roll.

(j) The ability of the receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change

As noted on Page 5 of the March 2, 2004 Executive Officer's Report and detailed in the MROSD Fiscal Analysis, the fiscal analysis indicates that the estimated operating expenses for the Coastal Annexation Area and the District's cash flow projections for the 15-year basic service plan period indicate that the District is likely to have adequate financial resources to fund the coastal annexation and acquisition program without impacting existing programs or its cash reserves.

(k) Timely Availability of Water supplies

MROSD's application and plan for service proposes no new water service other than a future field office/maintenance facility.

(l) The extent to which the proposal will affect a city or cities and the county in achieving their respective shares of the regional housing needs as determined by the Association of Bay Area Governments

The MROSD plan for service indicates that the majority of lands acquired will have little or no development and that in cases where an acquired property includes an inhabitable residence, MROSD has provisions for retention of viable housing.

(m) Any information or comments from the landowner or owners

The Commission has received extensive comments supporting and opposing the annexation application from public agencies, private organizations and individuals from within the annexation area, within current MROSD boundaries and from the greater Bay Area. Copies of these letters have been provided to the Commission. In addition, the Commission received approximately nine hours of public testimony including comments from land owners.

(n) Any information relating to existing land use designations

Land use designations in the Coastal Annexation Area are detailed on Page 3 of the March 2, 2004 Executive Officer's report. The application is consistent with existing land use designations.

56668.3 (1) Whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district

Expansion of Midpeninsula Regional Open Space District boundaries to include the coastal annexation area as proposed would provide for long-term open space and agricultural preservation and public access program by a single public agency as well as representation for residents in the affected area, which are not available through programs offered by private, non-profit organizations in the area. Expansion of service to provide a comprehensive program will be of benefit to both residents in the annexation area as well as residents within current district boundaries by enhancing opportunities for preservation of open space and agriculture on a regional basis.

56668.3 (4) Any resolution raising objections to the proposed annexation.

No such resolutions have been received by the Commission.

Environmental Review

In June of 2003 the Midpeninsula Regional Open Space District, acting as lead agency under the California Environmental Quality Act (CEQA), certified the "San Mateo County Coastal Annexation Final Environmental Impact Report". Environmental review included analysis of impacts related to expanding the District's sphere of influence and annexation to include the Coastal Area of San Mateo County on a program level and analyzed activities such as land acquisition and management of open space and agricultural lands. If annexation is approved, the District would be subject to the provisions of CEQA in subsequent activities such as land acquisition and development of trails or other related activities. The EIR also considered the no project alternative as well as alternative boundaries. The District adopted mitigation measures to minimize potential impacts and found that the San Mateo Coastal Sphere of Influence Amendment and Annexation would not have significant impacts on the environment.

As responsible agency under CEQA, the Commission must certify that it has considered the EIR prepared by the MROSD in making your determination on this application. As a Program E.I.R., the San Mateo Coastal Annexation Draft and Final E.I.R. adequately discuss the environmental impacts related to the MROSD plan for providing service and potential impacts related to annexation. Staff believes that the Commission can find that annexation will not introduce any new considerations with respect to this E.I.R. and that future projects such as acquisitions, trail and staging development on district acquired land, as they become known, will be subject to environmental review as they are developed by MROSD.

As the Commission is aware, there is pending litigation challenging the E.I.R. In the event the adequacy of an EIR is being litigated, CEQA expressly requires a responsible agency to assume that the challenged EIR is valid. As a responsible agency for the San Mateo Coastal Annexation, San Mateo LAFCo is bound by the requirements of Public Resources Code section 21167.3(b). This section requires that where an action is commenced challenging the adequacy of an EIR, "responsible agencies shall assume that the environmental impact report or negative declaration for the project does comply with [CEQA] and shall approve or disapprove the project according to the timetable for agency action." Thus, San Mateo LAFCo must follow its normal procedures of review to determine whether to approve or disapprove a proposal regardless of whether there is a challenge to the EIR submitted with the District's annexation application.

Recommendation

As noted in the March 2 Executive Officer's Report, the stated legislative intent for LAFCo is to exercise powers in a manner that encourages and provides for orderly development and efficient delivery of services with appropriate consideration of preservation of open space and agricultural lands. Processing of this application and the Commission's direction to hold hearings in the annexation area with additional meetings has provided for extensive oral and written testimony addressing many issues and emphasizing:

April 2, 2004

potential fiscal impact from the annexation; the importance of maintaining viable agriculture on San Mateo County's Coast; providing for representation; providing assurance that if annexation is approved, eminent domain is permanently removed from MROSD powers in the Coastal Annexation Area; and concerns regarding the MROSD good neighbor policy.

In response, MROSD has: entered into an agreement with San Mateo County to address fiscal and service impacts related to fire protection on District acquired lands and an agreement with La Honda Pescadero School District to address fiscal impacts related to District acquisitions; entered into a memorandum of understanding with the San Mateo County Farm Bureau to address ways the District can work with the Farm Bureau to maintain viable agriculture as lands are acquired; and adopted a plan for redistricting to include input from Coastside residents to assure that if approved, ward configuration would promote representation on the coast. Also, as part of negotiations with the San Mateo County Farm Bureau, the District sponsored legislation (AB1195) that would permanently eliminate the District's power of eminent domain in the annexation area. The Governor has since signed the bill, which became effective immediately.

As to Good Neighbor Policies, pages 4 to 6 above contain recommended amendments to the District's Good Neighbor Policies and a provision for an Ombudsperson that would address concerns expressed to the Commission concerning District relations with neighboring property owners.

Staff believes that the service review, sphere of influence determinations, information concerning the factors to be considered by the Commission and recommended conditions of approval support approval of the MROSD Coastal sphere amendment and annexation

Recommended Commission Action, by Motion:

By motion, certify that the Commission has considered the EIR prepared by MROSD in making your determination on this application.

Recommended Commission Action, by Resolution:

By Resolution, accept the Municipal Service Review Determinations prepared by staff and contained in this report, adopt the statement of determinations concerning the sphere of influence amendment contained in this report, approve LAFCo File 03-10 —Proposed Annexation of Coastal San Mateo County to the Midpeninsula Regional Open Space District with the conditions contained in this report, direct the Executive Officer to conduct protest proceedings pursuant to Government Code Section 57000 et seq. with the protest period being as close to sixty days as practicable.

Respectfully Submitted,



Martha Poyatos
Executive Officer

Attachments:

Attachment A: March 2, 2004 Executive Officer's Report

Attachment B: Summary table of comment letters received thru 3/31/04 and distributed to the
Commission

Attachment C: MROSD responses and submittals

Attachment D: Farm Bureau Memorandum of Understanding, Agreements with County of San Mateo &
La Honda Pescadero School District

Attachment E: Resolution establishing a public participation process for reapportionment of the District's
ward boundaries to include coastal annexation area.

Attachment F: Additional Comment Letters

Attachment G: Recommended Conditions of Approval



LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

March 2, 2004

To: Members, Formation Commission

From: Martha Poyatos, Executive Officer

Subject: LAFCo File 03-10—Proposed Sphere of Influence Amendment of the Midpeninsula Regional Open Space District and Annexation of the San Mateo County Coastal Area (140,000 Acres)

Summary

As previously reported, in October of 2003, the Midpeninsula Regional Open Space District (MROSD) applied to LAFCo to amend their sphere of influence and boundaries to include 140,000 acres (219 square miles) of coastal San Mateo County in order to preserve open space and agricultural lands in the coastal area. This action followed circulation of a draft and final environmental impact report, service plan and fiscal analysis and a series of meetings held by MROSD in the annexation area (Please see chronology- Attachment A). The sphere of influence and annexation requests requires that the Commission take several actions: 1) conduct a municipal service review pursuant to Government Code Section 56430; 2) consider amendment of the District's sphere of influence pursuant to Section 56425; and 3) consider amendment of the District's boundaries to include the coastal annexation area. If approved it is also requested that the Commission provide direction to staff on time period for protest. Also, as responsible agency under the California Environmental Quality Act (CEQA), San Mateo LAFCo must rely on the MROSD Coastal Annexation E.I.R. and make findings relating to LAFCo consideration of the project.

Background/Project Description

Midpeninsula Regional Open Space District is an independent special district that acquires and manages open space lands in Santa Clara, San Mateo and Santa Cruz Counties. The majority of the district's territory is located in Santa Clara County. Boundaries in San Mateo County include East Palo Alto through San Carlos and surrounding unincorporated territory up to and along the Skyline Ridge. The District receives a small share of the 1% property tax within their boundaries. MROSD enabling legislation is Public Resources Code Section 5500 et seq. and permits the District to develop and maintain a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open space preserves, parkways, scenic drives, boulevards and other facilities for public recreation. MROSD's focus is on open space preservation including facilities and trails for passive recreation, mainly hiking including links to regional trails. The District's Plan for Services for the Coastal Annexation Area also includes an agricultural component and district activities include watershed and habitat protection and resource conservation.

The District's proposal is for a sphere of influence amendment and annexation of Coastal San Mateo County from the Santa Cruz border to the southern border of Pacifica totaling 140,000 acres. (Please see map, Attachment A). The District has certified an EIR that analyzes the potential impacts of the annexation and includes a plan for providing services and fiscal study covering the first 15 years following annexation. The plan for service proposes acquiring approximately 12,000 acres of the total 140,000 acre annexation area over the initial fifteen years. Annexation is proposed without taxation at this time and the District proposes using current resources as well as grants & gifts to acquire lands and existing revenues to operate in the annexation area. The district states that at some time in the future, they may propose a voter approved funding measure.

Attachment A
+ April 2, 2004 report

March 2, 2004

In preparing the draft and final E.I.R., the environmental review process has taken over one year and involved extensive meetings by the district at their offices in Los Altos and in the coastal annexation area. In addition to the meetings held by the District, Supervisor Rich Gordon chaired the coastal advisory committee consisting of stakeholders from the coast, which met over several months to address landowner concerns on the proposed annexation, in particular eminent domain. The result of that process was that the District included a provision in their plan for service for the annexation area that would prohibit use of eminent domain. Attachment B is a chronology of activities related to the annexation application.

Process: MROSD's resolution of application was submitted to San Mateo LAFCo in October of 2003 and San Mateo LAFCo subsequently collected data and comments from affected agencies and parties, and referred the application to Santa Clara and Santa Cruz LAFCos for recommendation. Both Santa Clara & Santa Cruz LAFCos adopted recommendations that San Mateo LAFCo approve the sphere amendment and annexation. San Mateo LAFCo is now scheduled to hold noticed public hearings on March 9 in Half Moon Bay and March 17 in Redwood City. At the hearing the Commission will consider a staff report, oral and written comment from interested individuals and agencies, Santa Clara and Santa Cruz LAFCo recommendations and make a decision about the sphere and annexation. The Commission may approve, approve with amendments, approve with conditions, or deny the application.

If approved, San Mateo LAFCo must hold a protest hearing in which landowners and voters from within the annexation area may submit written protest. If less than 25% registered voter or less than 25% of landowners owning less than 25% of the assessed value protest is received, annexation is completed. If 25% but less than 50% protest, an election is ordered and majority voter approval is required for annexation to be complete. If over 50% protest, annexation is terminated.

Summary of Agency and Departmental Reports

Upon receipt of the District's application, LAFCo staff forwarded the application to affected agencies for comment and collection of data pertinent to the annexation application. The following summarizes initial comments and data provided.

County Assessor (Revised Feb. 19, 2004): The net assessed value of the proposed annexation area is \$3,570,487,630 (compared to \$3,597,598,947 originally reported). Unsecured Roll is reported at \$11,739,218 and State Utility Roll is reported at \$163,493. The boundaries of the proposal do not divide assessment parcels.

County Clerk: The number of registered voters in the annexation area as proposed is 16,077.

County Public Works: The territory of the proposed district consists of approximately 220 square miles. A map and legal description is required by the State Board of Equalization prior to recordation of certificate of completion if proposal is approved. Natural boundaries, drainage basins or other topographical features would not affect or be affected by the proposal.

March 2, 2004

County Planning Division: The estimated population of the proposed annexation area based on Census Tracts 6135.01, 6135.02 6136, 6137 and 6138 is 29,000.

County general plan land use designations range from general open space, agriculture and public recreation to high density residential, commercial and industrial and are described more specifically on Attachment A of the comment form of the San Mateo County Planning Division. Applicable San Mateo County General Plan policy provisions are:

Park and Recreation Resources Policies

- 1) *Policy 6.10 generally encourages all providers to locate passive park and recreation facilities in rural areas in order to protect and preserve environmentally sensitive and open space lands. Consider the following activities to be generally compatible with passive park and recreation facilities such as camping, hiking, picnicking, horseback riding, and nature study.*
- 2) *Policy 6.12 calls to preserve the best agricultural land for agricultural uses. On other lands capable of supporting agriculture, the policy calls to permit the location of park and recreation facilities when efforts are made to lease land not needed for recreational purposes to farm operations, and clearly defined buffer areas such as strips of land are established between these two uses.*
- 3) *Policy 6.35 calls for providers of park and recreation facilities to cooperate and coordinate their efforts to achieve efficient and effective park and recreation services which meet identified needs and avoid duplication.*
- 4) *Policy 6.47 encourages the Midpeninsula Regional Open Space District to acquire, protect, and make available for public use open space lands in rural areas and open space of regional significance in urban areas in cooperation with San Mateo County.*

Rural Land Use Policies

- 1) *Policy 9.35 a) encourages the continuation and expansion of existing public recreation land uses on nonagricultural lands, including but not limited to public beaches, parks, recreation areas, wild areas, and trails. Policy 9.35 b) encourages the continuation and expansion of agricultural activities within the boundaries of public recreation lands that are not in recreational use. Policy 9.35 c) encourages cooperation between public agencies and adjacent agricultural operations so as to reduce inconvenience to agricultural operators with the protection of the public health.*

Vegetative, Water, Fish and Wildlife Resources Policies

- 1) *Policy 1.21 considers Vegetative, Water, Fish and Wildlife Resources which are economically valuable as a priority resource to be enhanced, utilized, managed and maintained for the needs of present and future generations.*

San Mateo County Parks & Recreation Division: The December 8 memorandum from Parks Director Mary Burns states that changes in the MROSD service plan have addressed concerns expressed previously regarding opportunities for collaboration on projects such as the County-wide Trail Plan. The memo states that in regard to potential fiscal impact, future state park bond revenue sharing formulas require the County to share such funding with Ladera and Highland Recreation Districts and MROSD. Expansion of MROSD boundaries would impact the revenue shares to the County and Ladera & Highland Recreation Districts.

San Mateo County Sheriff: The Sheriff's Office reports that areas annexed to MROSD may have some impact on services provided by the Sheriff's Office. Potential impacts include vehicle burglary; increased traffic and potential increase in accident investigation, squatters and illegal growth and manufacture of narcotics. The Sheriff's Office reports that they are prepared to respond to any situation on MROSD property and that however, MROSD property that is tax exempt may effect funding of such services.

San Mateo County Agricultural Commissioner: The Agricultural Commissioner submitted comments on December 4 which raised several concerns regarding the MROSD Service Plan and policies which were inconsistent with agricultural policies in the County's General Plan or which seemed to place a priority on recreation and open space uses over agriculture and possible incompatibility of open space uses adjacent to agricultural uses. More recently, the Agricultural Commissioner indicates that a memorandum of understanding between MROSD and the Farm Bureau addresses concerns previously raised regarding MROSD adopted policies as they relate to County agricultural policies.

Summary of comments from other agencies & organizations (copies of all letters delivered to Commission)

San Mateo County Farm Bureau: The Farm Bureau submitted a comment letter received December 3, 2003 which cited several concerns regarding potential impacts of the proposed annexation on agriculture. A subsequent February 12, 2004 Farm Bureau letter states that the Farm Bureau is now able to support the annexation following negotiations between MROSD and the Farm Bureau and a resulting Memorandum of Understanding, in which among other actions, the District agrees to consult with the Farm Bureau on site-specific use and management plans and site-specific agricultural production plans in the Coastal Annexation Area and agrees to sponsor special legislation eliminating the District's power of eminent domain in the annexation area.

Half Moon Bay and Point Montara Fire Districts: Both districts transmitted letters stating that they do not believe enough information is available regarding potential fiscal impact and that because exact location of properties proposed for acquisition is not known, the districts have no recommendation to the Commission. The Fire Chief recommends that prior to acquisition of land, MROSD work with fire agencies to develop plans that would involve preplanning for fire, as well as calls for medical assistance and rescues.

La Honda Fire Brigade: The Fire Brigade's December 13 letter states that the Brigade is a first and second responder in conjunction with County Fire/California Dept. of Forestry (CDF) on the South Coast. Volunteer Chief Larry Whitney states that in order to continue to provide the same level of service to residents while providing service to MROSD, it is requested that LAFCo include a mitigation measure of an agreement between MROSD and County Fire that would: provide for payment to County Fire of fire protection service equal to an amount County Fire would receive on non-tax exempt property; provide for a fire engine to serve the area; provide reimbursement for increased staffing levels 10 weekends each year in the event the District acquires 5,500 acres in County Fire's Southcoast service area.

San Mateo County Resource Conservation District (RCD): RCD commented that there appear to be opportunities to collaborate with MROSD, that there will be minimal fiscal impact on RCD and that RCD has no recommendation.

San Mateo County Office of Education: The Office of Education expressed concern that property acquired by MROSD and removed from the tax roll would have a negative fiscal impact on La Honda-Pescadero School Unified District and that the school district could not afford to lose any revenues.

La Honda-Pescadero School Unified District: The School District states that additional time is necessary to evaluate fiscal impacts, the District requests an extension in the comment period. The School District notes that the school district is in on-going negotiations with MROSD to address the school districts concerns about fiscal impact. The letter contains additional information regarding the school district's status as a basic aid district, which is a district that is permitted to retain property tax revenues in excess of the State determined revenue limit and that property tax revenue for the School District would be diminished as property acquired by the District is removed from the tax roll.

San Mateo County Harbor District: The Harbor District comments that acquiring and making available new lands and trails adjacent to or near Pillar Point Harbor may draw more visitors to the harbor and cause an increased impact on harbor restrooms and facilities and notes that property removed from the tax roll would diminish property tax revenues to the District by approximately \$34 per year.¹ The district states that approval is recommended.

Pescadero Municipal Advisory Council (PMAC): The PMAC letter of opposition cites ten basic reasons for opposition to the proposed sphere amendment and annexation. The reasons concern fiscal impact; potential impacts to housing, agriculture, traffic and other visitor service facilities; elimination of eminent domain; potential impact on the spread of Sudden Oak Death Syndrome; and assurance for public participation/representation.

Midcoast Community Council (MCCC): The MCCC letter supports the proposed annexation and notes the Council's action to adopt a resolution of support in May of 2003.

Californians for Property Rights (CPR): The CPR letter of opposition signed by Terry Gossett states several concerns, including: MROSD is not implementing consistent taxation and eminent domain policies for both the current district boundaries and the proposed annexation area, that the environmental document is not complete, that MROSD has received 50 pages of signatures against the annexation, that the 2003 Grand Jury report recommended that MROSD should retain staff experienced in agriculture, that there are discrepancies in fiscal analysis.

Half Moon Bay Coastside Foundation, Oscar Braun: The Commission has received three comment letters dated November 26, 2003, February 24, 2004 and March 1, 2004 in which Mr. Braun cites: that LAFCo can not accept the MROSD application because of pending CEQA litigation concerning the MROSD E.I.R.; inadequate fiscal analysis; MROSD past compliance with CEQA; past land acquisition practices; land management practices concerning fire prevention and failure to analyze existence of oil fields in the annexation area.

¹ Staff believes that this figure refers to the alternative estimate by LAFCo staff which estimated that the Harbor District 15 year cumulative fiscal impact would be approximately \$34 per \$100,000 of land removed from the tax roll.

Peninsula Open Space Trust (POST): The POST November 26 letter of support cites the importance of the San Mateo County Coast as a resource, the majority support of coastal residents for the District's expansion and that MROSD is the public organization best suited to ensure protection of the San Mateo County Coast.

Other Letters: In addition to correspondence noted above, the Commission has received over 200 letters or e-mails from non-profit organizations, property owners, residents and interested individuals. Copies of these letters have been made available to the Commission and are summarized in Attachment C. Letters received since February 23 are included in Attachment K.

MROSD Responses to Comments: MROSD has submitted responses to comments titled "Response to Comments from Affected Agencies and Organizations" and are included as Attachment E.

Analysis

The following addresses the MROSD plan for service, fiscal analysis and the concerns and issues raised by affected agencies and interested organizations and individuals, followed by discussion of municipal service review, sphere influence review, and factors LAFCo must consider in the annexation request.

Plan for Service

In preparing their annexation application, MROSD prepared a Draft and Final Plan for Providing Service (Attachment H in the MROSD Application distributed to the Commission). The Plan for Providing Service is a requirement of Government Code Section 56653, which states that whenever a local agency submits a resolution of application it shall submit a plan for providing services which shall enumeration and description of services to be provided, the level and range of services, an indication of when services can feasibly be extended, indication of improvements or upgrading the public agency would require and information with respect to how services will be financed.

The MROSD plan for service contains this information for the first fifteen years following annexation and also includes "guiding principals" which provide a foundation for the District's development of more specific policies for the Coastal Annexation Area. These guiding principals incorporate all mitigation measures from the District's EIR and are organized into categories of permanent policies, guidelines and implementation actions. In this sense, the MROSD Plan for service is much like a general plan that would be considered by a city. Like a general plan, the plan for service is proposed as a "blueprint" for future open space and agricultural preservation in the Coastal Annexation Area. If annexation is approved, all future acquisition and operations would need to be consistent with the plan for services including the permanent policies, guidelines and implementation actions in addition to existing County General Plan and Local Coastal Program.

Pages 14 through 18 of the District's application contain a plan for services based on the District's more detailed Basic Service Plan found in Attachment H of the Application. The plan for service lists services proposed to be provided in the Coastal Annexation Area, level and range of services, improvements, timetable for services and financial arrangements. The Basic Service Plan proposes that the range of land acquired over the fifteen-year planning window would be 5,570 to 7,500 acres of land in fee, 990 to 1,800 acres of easements, 1,500 to 2,500 acres of lands managed under contract for a total of 8,240 to 11,800 acres and between 25.7 to 36.6 miles of trail/roads.

Services enumerated include: Preservation and management of open space and agricultural resources to achieve protection of watershed integrity, water quality, sensitive habitats; provide key links to existing district and other public lands; provide visitor serving facilities; support development of a regional trail system; provide opportunities for research, resource conservation, environmental education; preserve existing and potential agricultural operations to maximize amount of prime agricultural land or other lands suitable for agriculture in agricultural production.

In regard to level and range of service, the District states that upon acquisition of lands, it is anticipated that lands will be left in an undeveloped state. The District states that typical improvements will include unpaved trails, self-contained bathrooms and small, gravel parking lots. In regard to when services can be provided, the District state that services are proposed to be provided immediately upon annexation with implementation in phases, based on timing of grants and gifts and availability of land from willing sellers. In regard to how services will be funded, the District states that in the first fifteen years under the Basic Service Plan, services will be funded by existing district revenues and public and private grants and gifts, noting that operations, stewardship and interpretive programs are funded by District general funds.

Fiscal Impact Methodology and Annexation - Impact to Agencies in Coastal Annexation Area:

As noted in their application, MROSD is not requesting a transfer of a portion of the 1% property tax that is distributed to the County, City of Half Moon Bay, school districts and special districts in the annexation area. Therefore, because there is no exchange of the 1% property tax, the annexation in itself does not result in a reduction in property tax to any of the agencies included in the annexation area. Likewise it is acquisition and not annexation that would impact service demand for existing agencies such as fire, police, etc.

If annexation is approved, fiscal impact would be from reduction in property tax revenue as privately owned land subsequently acquired by the district is removed from the tax roll. The MROSD fiscal analysis states that the majority of the District's acquisitions will be 100-acre and larger properties and that based on the willing seller policy, actual acquisitions cannot be determined at this time. Therefore the fiscal analysis is based on a random sample² of properties in the annexation area. The analysis notes that actual distribution of impacts may be different based on geographic location of actual acquisitions. Table 5 of the Fiscal Analysis contains the estimated reduction of property tax revenue for each affected agency based on land acquired in fee from private property owners and shows projected fiscal impact over fifteen years including a 2% growth per year in assessed valuation. Based on the sample properties in the analysis, over fifteen years, the MROSD fiscal study estimates the cumulative 15-year tax losses to all affected agencies at \$90,184 with the County of San Mateo³ loss estimated at \$37,229, County Fire at \$10,089, County library at \$6,102 and La Honda Pescadero School District at \$4,061. Individual agency impacts over 15 years range from \$37,229 to \$67 to no impact at all based on the sampling. (Please see Table 5 of Fiscal Study for a complete listing).

² The random sample of properties meets the criteria of typical acquisitions – undeveloped land or land developed with few structures or improvements, 100 acres or more, land that is contiguous with other District lands along and west of Skyline Ridge or adjacent to other large open space lands, land that is not presently owned by any open space land trust or other public agency.

³ The reason that the County's estimated loss is so much higher than any other agency is that unlike any other agency except the Harbor District, which receives a very low share of the 1%, the County receives a significant share of the 1% property tax throughout all parts of the annexation area.

LAFCo staff independently examined an alternative method to evaluate potential fiscal impact of reduced property tax related to district acquisition. This alternative method is detailed in the LAFCo Executive Officer December 12, 2003 letter to the County Office of Education in which an analysis is prepared based on a property identified in the Final EIR, as a potential acquisition by the District. Please see page 22 of the first packet of comment letters for this analysis. This alternative method allows each agency to evaluate potential loss in tax revenue based on a sample property in the EIR, and based on the specific tax rate an agency receives of the 1% property tax. This method provides a case specific analysis of acquisition of a property most likely to be acquired by the District.

As noted in the December 16 letter, in the Final EIR, the District identifies properties which meet the above noted criteria and for which the owner has indicated to the District an interest in selling the property (Page II-5). One such property is located in Tax Rate Area 87029. The sample property is currently assessed at \$113,890, consists of four parcels totaling 157 acres and includes one structure. Based on the sample property noted above, the alternative analysis detailed in the letter to the Office of Education estimates that based on the sample property, the 15-year cumulative impact to all county agencies containing the sample acquired land would be \$19,605; the County of San Mateo loss estimated at \$3,336, County Fire at \$1,500, and County Library at \$816.

The District clearly states that proposed annexation and service plan are a program and because property will be acquired by willing sellers only, it is not possible to determine which properties will be acquired or at what point in the service plan they will be acquired. Therefore fiscal analysis, whether based on sample properties or an individual property identified as a likely acquisition, is an estimate of potential revenue loss to affected agencies and actual fiscal impact resulting from property being removed from the tax roll will depend upon assessed value of the property, tax rate area in which property is located and the tax rate of each agency receiving a share of the 1% property tax.

Impact to MROSD services within current boundaries:

Table 3 of the MROSD Fiscal Analysis estimates that the coastal annexation/acquisition program would cost MROSD \$30,590,590 over 15 years or an average annual cost of about \$2 million. Table 4 in the Fiscal Analysis projects the District's existing as well as proposed operating expenses and revenues over the 15-year period showing that in the first year, the total revenues and reserves amount to \$73.5 million including the beginning cash reserve (\$26.8 million), the District's operating revenue (\$21.5 million) and note proceeds (\$25 million). The expenses that year total \$36.2 million including the District's operating expenses (\$18.6 million), and acquisition costs of coastal lands (\$2.630 million) and non-coastal lands (\$15 million). Projected revenues exceed expenses in the first and subsequent years. The estimated operating expenses for the Coastal Annexation Area and the District's cash flow projections for the 15-year basic service plan period indicate that the District is likely to have adequate financial resources to fund the coastal annexation/acquisition program without impacting existing programs or its cash reserves.

Concerns from Comment Letters:

Chief concerns in comment letters include adverse fiscal impact due to property tax revenue loss to agencies in Coastal Annexation Area, inadequate assurance that eminent domain will remain a permanent policy in the coastal annexation area, impact on housing and agriculture, increased fire risk and potential impact of visitors to MROSD lands on existing level of fire and emergency response in annexation area, inadequate invasive species control by MROSD, lack of good neighbor policy, spread of sudden oak death and impact on traffic.

Fiscal Impact

As noted under comments above, the La Honda Pescadero School District, the Pt. Montara & Half Moon Bay Fire Districts, the County Office of Education and the Pescadero Municipal Advisory Council express concern that MROSD land acquisitions could have a potential significant impact on property tax revenues for local agencies. MROSD indicates that based on concerns expressed, MROSD continues in ongoing discussions with the La Honda-Pescadero Unified School District on ways in which MROSD could offset fiscal impact with educational programs and collaboration. Likewise, as indicated in MROSD responses to comments, MROSD is in discussions with the San Mateo County Environmental Services Agency (County Fire) regarding contracting with County Fire/CDF and MROSD has committed to purchase a 1,500 - 2,000-gallon maintenance-style water truck, which MROSD will make available for mutual aid calls during fire suppression activities.

Eminent Domain

Several comment letters express concern that elimination of eminent domain by ordinance does not guarantee that eminent domain will not be used in the future in the annexation area. As noted above, the Farm Bureau writes that following negotiations between MROSD and Farm Bureau a memorandum of understanding has been adopted by MROSD and Farm Bureau that is predicated on special legislation that would eliminate MROSD use of eminent domain in the annexation area.

Impacts on Housing Stock

As noted in the District's response to comments, the MROSD "Service Plan requires the District to consider several methods to retain viable housing, including life estates for existing residents and making the structures available for rental as staff or caretaker housing or for rental to other public service workers, including teachers. The District's current operations generally retain existing housing on District lands wherever possible. Dilapidated or dangerous structures and other hazardous structures not of historic or scenic value would likely be demolished; this will not affect a significant amount of housing.

San Mateo County has guidelines that allow farm worker housing based on identifiable needs and necessary support infrastructure. Land under District ownership leased for agriculture or under an agricultural easement would be subject to the same guidelines. Nothing in the District's Service Plan would require removal of farm worker housing. In fact, Permanent Policy PA.2 of the District Service Plan states that the District will actively work with lessees of District lands and with the owners of land in which the District has an agricultural easement interest to facilitate the provision of farm worker housing on District-owned lands by providing technical assistance in obtaining permits for such housing from the County of San Mateo. Furthermore, Permanent Policy PA.3 of the District Service Plan states that all agricultural easements and agricultural leases in the Coastside Protection Area shall include terms that ensure that farmers or ranchers may provide farm labor housing as defined and approved by San Mateo County."

Impacts on Agriculture

In regard to concerns expressed by several comment organizations and individuals, MROSD response to comments states that: *"Preservation of economically viable agriculture is a major component of the Coastsides Protection Program. The potential effects of the program on agriculture were considered in detail in the Environmental Impact Report (EIR), which concluded that there would be no significant impact to agricultural resources. The Service Plan contains a number of policies to protect agriculture and includes all the mitigation measures recommended for adoption in the EIR. Since adoption of the Service Plan the District has entered into a Memorandum of Understanding with the San Mateo County Farm Bureau reaffirming the District's commitment to those mitigation measures and setting forth a process for Farm Bureau involvement in implementing many of the Service Plan's agriculture-related policies. In addition the Farm Bureau has determined that the Coastsides Protection Program will benefit and help preserve agricultural operations in San Mateo County and will protect the physical and economic integrity of agriculture in the County."*

Impact on fire protection and emergency services

In addition to comments from La Honda Fire Brigade concerning fiscal impacts addressed above Oscar Braun of Half Moon Bay Coastsides Foundation, Coastsides CRMP and Fire Safe Council states that MROSD the District's EIR fails to provide adequate information regarding wildfire risk analysis for wildland urban interface areas. MROSD's response to comments states that: *The District recognizes that fire prevention activities are necessary before wildfire occurs to reduce the potential spread of fire and threat to people and property. Therefore, the District's fuel management program includes effective fuel management practices. District staff maintains disk lines around the perimeter of preserves with highly flammable grassland vegetation and provide a defensible space and fire safe zone around structures. The District uses prescribed burns to reduce fuel load and manage invasive plants in grasslands when environmental conditions allow. In addition, goat and cattle grazing have been used as a resource management tool and for fuel load reduction on an experimental basis."*

Other applicable comments from MROSD include the following comments on emergency services as they relate to emergency response from fire agencies: *Over the last five-year period, an average of 56 accidents occurred annually on approximately 45,000 acres of District land. This count included both accidents and illnesses that required a response by another EMS provider, as well as incidents where no EMS response by another service provider was needed. District rangers responded and provided treatment for minor injuries. Based on this data, a conservative projection is that an EMS response rate of one incident per year per 800 acres may occur as a result of the annexation. Given a projection of 11,800 acres of lands that may be acquired, this would result in an annual call volume of 15 calls, or a little more than one per month. In addition, given the relative distance of the annexation area to urbanized areas, as well as limited trail development, accident rates should be well below those on existing District lands. District rangers are trained to aid victims of accident or illness occurring on District land, and lead or participate in search and rescue operations according to the procedures outlined in the District's Ranger Field Operations Manual. These rangers actively patrol District property so they are often first on the scene of District EMS incidents in addition to incidents on nearby public roads and highways. District staff are trained and equipped to meet the Basic Life Support incidents until the County Fire Advanced Life Support Unit arrives. All District rangers are required to maintain minimum First Responder and CPR Certificates. The District's maintenance staff is required to possess Basic First Aid and CPR Certificates. A number of rangers maintain higher Emergency Medical Technician (EMT) certification, which the District supports. Incident Command System (ICS)-trained staff have been integrated into the leadership structure of wildland fire and search and rescue operations."*

Impact to Sheriff Services

In response to comments from the Sheriff's Dept. that MROSD land acquisitions could result in increased illegal activity such as "squatting" and illegal drug production, MROSD acknowledges that there are a number of land management issues associated with stewardship of open space resources that are open to the general public. The District states that: *As noted in the comment, occasions of illegal trespass and use of large parcels of land along the coast is not now uncommon and is not limited to lands under public ownership. More lands opened for public use also means that there are more opportunities for discovery of inappropriate activities. Additionally, the growing and manufacturing of illegal drugs or "squatting" of open space lands as referenced in the comment are not typically short-term endeavors. District ranger staff and volunteer trail organizations regularly use / patrol all District Open Space Preserves. Often illegal activities that are observed are managed by District Ranger staff. Only if the situation warrants is the Sheriff's Office called upon to support the District.*

Invasive species control

In response to comments regarding invasive species, MROSD states: *Control of non-native invasive plants is a major component of the District's Resource Management Program. In 1998 and again in 2002, all roads and trails on District lands were inventoried to identify and prioritize populations of non-native invasive plant species. High priority areas were targeted for weed eradication and restoration. As of March 2003, District field staff devoted approximately four days per month to these on-the-ground stewardship activities...Weed control will remain a priority for the District's Resource Management Program, as new lands acquired by the District may have pre-existing non-native invasive plant species. Control of non-native invasive plant species is a major component of the District's 5-Year Resource Management Strategic Plan. The District's Service Plan for the Coastside Protection Area addresses protection of natural and cultural resources within the development of site-specific resource management plans (Policy Guideline G.6.3). Under this Guideline, these plans are tied to public access. This Guideline states that all lands acquired by the District within the Coastside Protection Area will be inventoried to identify and prioritize resource management issues. Where there are critical issues, such as the presence of non-native invasive species which threaten the habitat of endangered species or the economic viability of an adjacent agricultural operation, resource management plans will be prepared for these areas even if they remain closed to the public.*

Sudden Oak Death

MROSD response to concerns that visitors to MROSD preserves in the annexation area will spread Sudden Oak Death (SODS) states that: *"Because SODS is already established in the Coastside Protection Area, even if it were demonstrated that animal vectors spread SODS, the potential human contribution would be insignificant and would pale in comparison with the potential of other animal vectors to spread SODS."*

The District is committed to protecting the preserves' resources from SODS to the extent feasible. District staff have been trained in monitoring protocols established by the California Oak Mortality Task Force and regularly send samples to the Plant Pest Diagnostics Center in Sacramento to confirm suspected cases of SODS on District lands. Confirmed sites and areas of high risk are mapped with GPS and entered into the District's geographic Information System to facilitate monitoring efforts."

Traffic

Comments from Pescadero Municipal Advisory Council and others state that the traffic analysis included in the environmental document does not adequately address impact to roads serving Pescadero (Route 1 south of Hwy. 84, Hwy. 84 west of Skyline, Pescadero Creek Road, Cloverdale Road). The traffic analysis conducted for the EIR was based on the methodology prescribed by the San Mateo County Congestion Management Program adopted in 2001 (CMP) and uses trip data based on two existing MROSD preserves which indicates that an average open space preserve generates between 34 and 83 total trips during peak hours on a normal Saturday. The study finds that based on the County's CMP the above noted roads are well below the capacity at the Saturday peak hour and that access to preserves would be spread over several access points; these roads are not likely to experience a noticeable traffic increase. LAFCo staff referred the following MROSD response (shown in italics) along with the original MROSD traffic analysis to staff of the County's CMP, who concurred with the analysis.

The traffic analysis was performed to evaluate the traffic impacts projected to be attributable to the District's Coastsides Protection Program. The proposed program includes annexation of approximately 140,000 acres of land. Traffic impacts would not be associated with annexation itself, but could arise in connection with allowing public access to lands acquired or otherwise managed by the District following annexation. Approximately 12,000 acres of open space land is expected to fall in this category over a fifteen year period following annexation. The results of the traffic analysis are presented in the Final EIR.

Because the specific location of lands to be managed and opened to public access is not known, the traffic analysis used a program-level approach to investigate the roads most likely to be used to drive to the annexation area and focused on those roads where a significant impact had the greatest potential to occur. The referenced roadway segments did not fall into either of those categories. Neither Cloverdale Road nor Pescadero Creek Road is included in San Mateo County's CMP because neither roadway meets any one of the five requirements that were used in that Program to determine which freeways, streets, highways, and intersections in San Mateo County merited ongoing traffic monitoring.

Route 1 south of Highway 84 and Highway 84 west of Skyline are included in the CMP and have LOS standards of D and C respectively. The CMP found that the baseline operations on these roads was at least a full level of service better than the standard. Because the total increase in trips for the entire annexation area after fifteen years is expected to be under 400 trips, the number of new trips that would occur on these segments would be relatively small. The LOS standards for these segments would allow for a relatively large increase in traffic. Based on these facts, no traffic impacts can reasonably be expected along those segments.

Other visitor serving impacts

In response to concerns that the MROSD plan for service does not adequately address the need for additional visitor serving facilities such as restrooms, the MROSD states: "The Service Plan for the Coastsides Protection Program provides, over time, for opening selected areas to public access. This could increase visitor use of the Coastsides area. The District's standard practice is to provide self-contained sanitary facilities at all developed parking areas used for access to District lands. This should limit the demand for public restrooms from users of District facilities."

Representation

Several comments expressed concern that the MROSD service plan and annexation application did not provide adequate means for representation of residents of the coastal annexation area following annexation. As noted in the District's application, by law the District is divided into 7 wards of equal population with a director elected from within each ward. Included as Attachment H is the MROSD staff report and resolution establishing a public participation process for reapportionment of the District's ward boundaries to include the coastal annexation area. This resolution, adopted by MROSD on February 25, 2004, sets a procedure by which the District would prepare up to four alternative redistricting scenarios consistent with State law that would provide for extension of one to four wards into the coastal annexation area. The resolution also sets forth that the District shall conduct public workshops to present and receive input from constituents in the coastal annexation area.

District responses to comments also note: *"In addition to formal representation through voting for District Board members, residents of the Coastsides Protection Area will also have an opportunity to be involved in establishing District priorities and implementation plans for the Coastsides Protection Area pursuant to the Service Plan. The consultation requirements are set forth in Guideline G.5.1 and a series of related implementation actions. These include a requirement for District Board meetings on the Coastsides for major decisions affecting the Coast, local advisory committees, and mandatory notification of various government, non-profit, and private organizations and individuals."*

Good Neighbor Policy

Pescadero Municipal Advisory Council states that there is no stated good neighbor policy in regard to private property adjacent to MROSD properties. Other comment letters express dissatisfaction in dealing with MROSD as a neighbor relating to land management practices and constructive ways to resolve conflicts or problems between MROSD and private property owners as neighbors. At LAFCo's request, MROSD has submitted a document titled "Good Neighbor Policy" (Attachment G) which was adopted by the MROSD Board of Directors in 1988 and amended in 1996. This document deals in general terms with the day-to-day activities and long term planning activities as they relate to MROSD interaction with neighboring property owners. LAFCo staff believes that the MROSD good neighbor policies or the could be clarified and strengthened to include information for neighboring property owners on how to best work with the district address property owner concerns and problems.

Project Alternatives and Alternative Boundaries

Discussion of alternative boundaries is pertinent to comments from Pescadero Municipal Advisory Council statement citing the 1998 advisory vote in which the advisory vote on District expansion to the Coast passed in the area-wide election, but failed in south coast precincts.

As required by the California Environmental Quality Act and Government Code Section 56668, Chapter V of the District's Draft E.I.R. examines "no-project" alternatives and alternate geographic areas as alternatives for the sphere amendment and annexation. As noted in the Draft EIR, under the no project alternative, open space and agricultural preservation in the coastal annexation area would be dependent upon the activities of existing Federal, State and County government which, with the exception of GGNRA have no expansion plans in the foreseeable future. Other alternative providers include private open space organizations such as Peninsula Open Space Trust, Trust for Public Land and others which focus predominantly on acquisition for preservation purposes and lack resources for land management to provide for public access.

Alternative geographic boundaries discussed include inclusion of the entire Coastal Area in the MROSD sphere of influence but annex territory in the following geographic areas: Northern Watersheds only, Skyline Upper Sub-area only, Skyline Upper Watersheds and Northern Watersheds only, Skyline Upper and Southern Watersheds together. Inclusion of the Southern Watershed only is not considered because this area is not contiguous to current district boundaries and therefore not eligible for annexation. These watershed areas can be viewed in Map 17 of the Draft EIR.

While public agencies are permitted to own property outside jurisdictional boundaries, this situation is typically avoided, in part because such lands are taxable. Given the District's stated policy that lands will be acquired outside district boundaries only under special circumstances, the no project alternative or alternatives which would place all of the coastal area in the MROSD sphere of influence and only include portions of the coastal area in MROSD district boundaries would limit acquisitions to only portions of the coastal area. From the LAFCo perspective, if the goal of the Coastal Annexation is to have a single agency provide open space and agricultural preservation and the entire coastal area is considered the County's agricultural district and a coastal and natural resource, the alternative boundaries would not provide for a comprehensive and consistent open space and agricultural preservation plan for this area.

Municipal Service Review

Municipal service review as required by Government Code Section 56430 is an analysis of public services in which determinations are made regarding adequacies or deficiencies in service, cost effectiveness and efficiency, government structure options and local accountability. Section 56430 requires that in order to prepare and to update spheres of influence in accordance with Section 56425, the Commission shall conduct a service review of the municipal services provided in the county or other appropriate area. In this case, the service review will examine open space services provided within district boundaries and in the proposed annexation area. The following analysis therefore focuses on MROSD and on the nine determinations required in Section 56430.

(1) Infrastructure needs or deficiencies.

MROSD states that there will be no need for extension of sewer, water or road infrastructure and that properties acquired or managed by the District have very few or limited improvements such as unpaved trails, trail signs, self-contained sanitary facilities, and staging areas (gravel surface parking lots). Table 1 of the District's response to the service review request form details the types of facilities available on current district reserves.

(2) Growth and population projections for the affected area.

The District reports the population for the current District territory in San Mateo County is 241,696 based on Census 2000 and the population for current district boundaries in Santa Clara County (excluding San Jose) is approximately 649,924. The District reports that based on the Association of Bay Area Governments (ABAG) that between 2010 and 2025, the Cities of San Mateo, Redwood City, Daly City and South San Francisco will lead the county in growth and that growth in more remote parts of San Mateo County outside urbanized areas will come to a standstill by 2015. Staff believes that the District is capable of providing services that can accommodate the growth and population projections for the affected territory. The District states that as the population grows within District boundaries and the region, the need for programs protecting open space and providing for low-intensity recreation will also increase.

Growth Projections: Association of Bay Area Government (ABAG) "Projections 2004":

	2000	2010	2020
San Mateo Co.	707,161	756,400	813,300
Santa Clara Co.	1,682,585	1,887,400	2,089,400

(3) Financing constraints and opportunities

The District reports that the adopted service plan for the coastal annexation area is based on using existing revenues and that no new tax is proposed. The District's primary revenue source is a share of the 1% property tax, approximately 1.7 cents per \$100 of assessed property value and that these revenues will be augmented with grants and gifts. The service plan proposes that in years 1 to 5 grants and gifts will be the primary source of funding for acquisition. The District identifies likely opportunities for funding opportunities including California Farmland Conservancy Program, State Grants and Bonds. The District states that any future tax would be subject to voter approval and that the District would first work with local interests to identify a funding measure that could be submitted for voter approval. The District plan for service and service review questionnaire cite opportunities for collaboration with San Mateo County Farm Bureau, San Mateo County Resource Conservation District and other public and private agencies regarding.

(4) Cost avoidance opportunities.

Comments from MROSD:

The District identifies the following agencies that provide services either in District boundaries or in the Coastal Annexation Area.

Agency	Type of Service	Within District	Within Coastal Annexation Area
Nat'l Park Service G.G.N.R.A.	Resource Conservation, env. Education, trails, day & overnight recreation		X
U.S. Fish & Wildlife Don Edwards SF Bay National Wildlife Refuge	Habitat Protection, env. Education, Trails, low-impact recreation	X	
State of California Parks & Recreation	Coastline Access, resource conservation, trails, day & overnight recreation, campgrounds, toilets & parking	X	X
San Mateo County Dept. of Parks & Recreation	Coastline Access, resource conservation, trails, high- and low-intensity recreation, day & overnight recreation, campgrounds, toilets & parking	X	X
Peninsula Open Space Trust	Private Land Conservation	X	X
State of CA Dept. of Fish and Game	Resource Conservation and land management programs, limited public access	X	X

Santa Clara County Parks & Recreation	Regional Parks, Open Space, trails, high-and low-intensity recreation day and overnight recreation, specialty recreation areas	X	
City of San Jose Parks & Recreation	Regional parks as well as traditional urban park and recreation areas	X	
City of Palo Alto Community Services – Recreation, Open Space and Sciences	Nature Preserves and low-intensity recreation as well as traditional urban park and recreation areas	X	

The District comments that MROSD services are intended to complement the activities of existing providers and to that extent will avoid duplication of costs in terms of land acquisition, planning and management. The District states that District services in the annexation area will result in a positive effect on resources and that the extension of District boundaries to include the Coastsides will allow the District to work with other service providers, will have no net effect on the services the District provides within current boundaries, will complement open space preservation activities of the City of Half Moon Bay and that there are no special district which provide open space services in the coastal annexation area.

(5) Opportunities for rate restructuring

Comments from MROSD:

Not applicable.

Note: MROSD does not charge park entrance fees.

(6) Opportunities for shared facilities.

The District has provided a listing of several shared facilities or agreements with other agencies in San Mateo and Santa Clara Counties. Cases in San Mateo County include conservation easement at Edgewood County Park and Ravenswood Preserve, co-ownership with GGNRA in the Coastal Annexation Area and revocable trail permit with City & County of San Francisco. The District reports that it works with other public recreation and open space providers, conservation agencies, non-profit land trusts and community organizations and will seek opportunities for preservation of regionally significant resources.

(7) Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.

The District states that agencies identified above are distinct types of organizations with different enabling legislation, different ranges of services and that there is no opportunity for consolidation or reorganization. Staff concurs that based on the wide range of agencies providing open space and the fact that they have varying enabling legislation and mission, there is no opportunity for consolidation or reorganization.

Staff notes that alternative organizational structures in other counties include county governed open space districts that are coterminous with county boundaries. Staff believes that based on recommendations from the open space and land preservation community both locally and regionally, inclusion of the coastal annexation area in the MROSD boundaries is the means to have one agencies provide open space preservation on a regional basis. Staff would also note that a clear advantage of independent special districts is that they focus on a single mission such as open space and agricultural preservation whereas general-purpose government by definition must provide a wide array of services.

(8) Evaluation of management efficiencies.

The District reports that it has a total of 79 full-time positions and that if annexation is approved, one full-time land management staff person would be provided for every 1,720 acres of land purchased in fee or under management contract, that one full-time planning or administrative position would be added at the outset to manage the annexation area, that one additional full-time position would be added for every 3,440 acres of land acquired in fee or under contract, and an additional full-time position would be created for every 5,160 acres of conservation easement.

(9) Local accountability and governance.

The District is composed of seven wards or geographic areas, of approximately equal population (approximately 100,000 people). One director elected to a four-year term of office by voters within the geographic area represents each ward. The District holds regular meetings on the second and fourth Wednesday of the month at 7:30 p.m. and special board meetings are conducted as needed. The Board also has standing committees which include: Administration and Budget; Legislative; Finance & Public Affairs; Use and Management Committee; and Acquisition and Real Property Committee. The District publishes a quarterly newsletter, maintains a website at www.openspace.org and distributes Budget Data which is also available in the quarterly newsletter. The District also maintains a subscriber mailing list of over 70 individuals. The District also has a public notification policy to inform surrounding landowners and interested members of the public of acquisitions, grant applications and land use planning projects and the public notification policy supplements public notice required by law. As noted above, the District would, upon annexation, implement appropriate forms of representation including redistricting of wards to include the coastal annexation area that best reflects the desired ward configuration of coastal residents, government agencies and government-sponsored agencies.

As noted above, staff believes that the District could improve relations with owners of property neighboring district preserves by clarifying and strengthening the MROSD existing "Good Neighbor Policies".

Sphere of Influence

Sphere of influence is defined in Government Code Section 56425 as a plan for the probable physical boundary and service area of a local agency or municipality. Section 56425 states: (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and

coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere. In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

- (1) The present and planned land uses in the area, including agricultural and open-space lands;
- (2) The present and probable need for public facilities and services in the area;
- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide;
- (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Sphere of Influence Considerations

Territory may only be annexed to a city or special district if annexation is consistent with the sphere of influence of the subject agency. Staff believes that the comments from other public and private open space, parks and land conservation agencies and organizations and on the municipal service review support inclusion of the Coastal Annexation Area in the MROSD sphere of influence. The following summarizes sphere considerations that could be adopted by the Commission in amending the district's sphere.

- (1) The present and planned land uses in the area, including agricultural and open-space lands.**

Territory within MROSD boundaries consists of urbanized residential, commercial, industrial and open space uses. In the coastal annexation area approximately 80% of land area is agricultural, rangeland or forest. While some areas are projected to experience more development and growth than others, the need for need for open space and agricultural preservation will continue.

- (2) The present and probable need for public facilities and services in the area.**

While there are a number of local and state public agencies and private organizations providing public recreation and land preservation services in the coastal annexation area these agencies have limited resources and varying goals and missions. There is currently no single agency that focuses on open space and agricultural preservation in the Coastal Annexation Area. The need for public facilities in the coastal annexation area is limited. However, there is agreement from local, state and regional public and private open space and conservation organizations that open space and agricultural preservation is needed in the coastal annexation area now and in the future.

- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The District's plan for service and fiscal analysis indicates that the District has the capacity to expand services to the annexation area without impacting services within current district boundaries.

- (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.**

The Coastal Annexation Area represents the County of San Mateo's agricultural district and a key biological and natural resource regionally and statewide. As such the area represents the County's agricultural community and is of significance economically on a county and regional basis.

Factors to be considered pursuant to Section 56668

The following is a brief analysis of the applicable factors to be considered by the Commission in the review of a proposal as required by Government Code Section 56668. Unlike sphere of influence determinations, the commission is not required to make any express findings concerning these factors.

Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years

As noted above, the territory proposed for annexation covers 220 square miles and includes a wide range of land use designations. ABAG Projections 2002 are summarized for San Mateo County in the following table:

2000	2010	2015	2020	2025
707,161	754,600	775,900	795,100	813,300

ABAG projects that between 2010 and 2025, the Cities of San Mateo, Redwood City, East Palo Alto, Daly City and South San Francisco will lead the county in growth with over 40% of the County's household growth during this period.

Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas and the effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county

Organized community resources related to open space and agricultural preservation are needed to the extent that there is no single agency that provides for land management and public access in addition to land acquisition in the Coastal Annexation Area. While there is a demonstrated need to expand services such as open space and agricultural preservation, maintenance and public access, such services are limited to current service levels and limited resources of an array of existing agencies with varying goals and revenue sources. The proposed coastal annexation and plan for service provides for a comprehensive, regional plan subject to controls and regulations in the County's General Plan and Local Coastal Program..

There is general agreement indicated in the record that acquisitions by MROSD following annexation will provide for protection of agricultural and open space lands which will be a benefit to the County's agricultural community and district. In this respect, the proposed annexation would be beneficial to residents of the proposed annexation area as well as areas currently within district boundaries by providing a comprehensive, regional open space and agricultural preservation program and providing representation for communities served by the District. With the exception of reduction of property tax revenue resulting from privately owned lands being removed from the tax roll upon acquisition by MROSD, the annexation in itself presents a long-term plan for resource management consistent with the General Plans of the County of San Mateo and City of Half Moon Bay that will be of benefit to the area and the agricultural economy and the County as a whole.

The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code Section 56016

As noted in the MROSD response to comments above, preservation of economically viable agriculture is a major component of the *Coastside Protection Program*. The EIR concluded that there would be no significant impact to agricultural resources and the *Service Plan* contains a number of policies to protect agriculture and includes all the mitigation measures recommended for adoption in the EIR. Based on mitigation measures included in the service plan, a memorandum of understanding between MROSD and the Farm Bureau that would include input from the Farm Bureau in MROSD agricultural related activities, the Farm Bureau supports annexation as a tool that will protect the physical and economic integrity of agriculture in the County.

Consistency with City and County General Plan:

The proposed plan for service, policies and guidelines are consistent with the City of Half Moon Bay and County General Plan Policies concerning open space and agriculture.

The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries

The proposed boundaries of the annexation are clearly defined and do not create islands or corridors of unserved territory.

The sphere of influence of any local agency that may be applicable to the proposal being reviewed

The proposed sphere amendment and annexation does not conflict with the spheres of influence of other affected agencies.

The comments of any affected local agency

As noted previously, the District's annexation application with a request for comment was distributed to all cities and special districts, affected county departments, municipal advisory councils and interested individuals. LAFCo has received extensive comment from public agencies concerning this application with the primary concern being fiscal impact as the District acquires privately owned lands that are subsequently removed from the tax roll.

The ability of the receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change

As noted on Page 5 above, the fiscal analysis indicates that the estimated operating expenses for the Coastal Annexation Area and the District's cash flow projections for the 15-year basic service plan period indicate that the District is likely to have adequate financial resources to fund the coastal annexation and acquisition program without impacting existing programs or its cash reserves.

Any information or comments from the landowner or owners

The Commission has received extensive comments supporting and opposing the annexation application from public agencies, private organizations and individuals from within the annexation area, within current MROSD boundaries and from the greater Bay Area. Copies of these letters have been provided to the Commission.

Whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district

Expansion of Midpeninsula Regional Open Space District boundaries to include the coastal annexation area as proposed would provide for long-term open space and agricultural preservation and public access program by a single public agency as well as representation for residents in the affected area, which are not available through programs offered by private, non-profit organizations in the area. Expansion of service to provide a comprehensive program will be of benefit to both residents in the annexation area as well as residents within current district boundaries by enhancing opportunities for preservation of open space and agriculture on a regional basis.

Any resolution raising objections to the proposed annexation.

No such resolutions have been received by the Commission.

Environmental Review

In June of 2003 the Midpeninsula Regional Open Space District, acting as lead agency under the California Environmental Quality Act (CEQA), certified the "San Mateo County Coastal Annexation Final Environmental Impact Report". Environmental review included analysis of impacts related to expanding the District's sphere of influence and annexation to include the Coastal Area of San Mateo County on a program level and analyzed activities such as land acquisition and management of open space and agricultural lands. If annexation is approved, the District would be subject to the provisions of CEQA in subsequent activities such as land acquisition and development of trails or other related activities. The EIR also considered the no project alternative as well as alternative boundaries. The District adopted mitigation measures to minimize potential impacts and found that the San Mateo Coastal Sphere of Influence Amendment and Annexation would not have significant impacts on the environment.

As responsible agency under CEQA, the Commission must certify that it has considered the EIR prepared by the MROSD in making your determination on this application. As a Program E.I.R., the San Mateo Coastal Annexation Draft and Final E.I.R. adequately discuss the environmental impacts related to the MROSD plan for providing service and potential impacts related to annexation. Staff believes that the Commission can find that annexation will not introduce any new considerations with respect to this E.I.R. and that future projects such as acquisitions, trail and staging development on district acquired land, as they become known, will be subject to environmental review as they are developed by MROSD.

As the Commission is aware, there is pending litigation challenging the E.I.R. In the event the adequacy of an EIR is being litigated, CEQA expressly requires a responsible agency to assume that the challenged EIR is valid. As a responsible agency for the San Mateo Coastal Annexation, San Mateo LAFCo is bound by the requirements of Public Resources Code section 21167.3(b). This section requires that

where an action is commenced challenging the adequacy of an EIR, "responsible agencies shall assume that the environmental impact report or negative declaration for the project does comply with [CEQA] and shall approve or disapprove the project according to the timetable for agency action." Thus, San Mateo LAFCo must follow its normal procedures of review to determine whether to approve or disapprove a proposal regardless of whether there is a challenge to the EIR submitted with the District's annexation application.

Conclusion

The stated legislative intent for LAFCo is to exercise powers in a manner that encourages and provides for orderly development and efficient delivery of services with appropriate consideration of preservation of open space and agricultural lands. LAFCo File 03-10 represents a significant and unique boundary change proposal because of the size of the proposed annexation and the challenge of expanding public services with limited local government revenues. The application itself is the product of several years of preparation by the district and debate in the community. Among other factors to consider, the Commission is asked to weigh the benefits of a long-term program for open space acquisition and management and agricultural preservation against the fiscal impact to governmental agencies containing open space and agricultural lands. The Commission has received very thoughtful and sincere correspondence in both support and opposition of the proposal and the District at the writing of this report indicates that discussion continue with La Honda Pescadero School District and County Fire to address their concerns. It is recommended that MROSD also examine the District's existing "Good Neighbor Policy" as it relates to working with neighboring property owners and as it relates to clarifying for staff and constituents how to resolve issues concerning shared property lines or district activities.

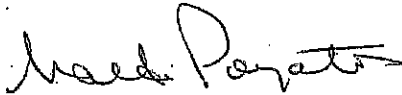
As part of LAFCo application process, MROSD has worked with the San Mateo County Farm Bureau and both organizations have signed a memorandum of understanding and the District is pursuing special legislation to permanently exclude eminent domain from the annexation area. These actions also addressed concerns expressed about consistency with County Agricultural policies have resulted in recommendations of support for the proposed annexation from both the Farm Bureau and the County's Agricultural Commissioner. Lastly, the District has also submitted a plan for representation that would involve area residents in the redistricting of wards if annexation is approved and other policies of the District facilitate public participation. Staff believes that these actions by the District demonstrate their ability and intent to implement open and agricultural preservation while working with the Coastal Annexation community to develop a program that will be of benefit to the coastal community, the County's agricultural district and the residents of the region.

Recommendation

Based on the foregoing, staff believes that the service review, sphere of influence determinations and information concerning the factors to be considered by the Commission support approval of the MROSD Coastal sphere amendment and annexation. Staff recommends that the Commission open the public hearing in Half Moon Bay, accept testimony and continue the public hearing to Redwood City to ensure full participation and input to the Commission by interested agencies and individuals prior to taking action. If at the conclusion of the public hearing the Commission is to approve the application, considerations for final action will include:

- Certification that the Commission has considered the EIR prepared by MROSD in making your determination on this application.
- Acceptance of the Municipal Service Review prepared by staff.
- Adoption of a statement of determinations concerning the sphere of influence amendment.
- Adoption of a resolution amending the sphere of influence and approving LAFCo File 03-10—Proposed Annexation of Coastal San Mateo County to the Midpeninsula Regional Open Space District
- Direction to the Executive Officer on the period of time for the protest hearing and direction to the Executive Officer to conduct protest proceedings pursuant to Government Code Section 57000 et seq.

Respectfully Submitted,



Martha Poyatos
Executive Officer

Attachments:

Attachment A: Map

Attachment B: Chronology

Attachment C: Summary table of comment letters received thru 2/23 and distributed to the Commission

Attachment D: Farm Bureau letter and Memorandum of Understanding

Attachment E: MROSD responses to comments

Attachment F: MROSD service review submittal

Attachment G: MROSD Good Neighbor Policy

Attachment H: MROSD report & resolution establishing a public participation process for reapportionment of the District's ward boundaries to include coastal annexation area.

Attachment I: Santa Cruz LAFCo Resolution Recommending Approval

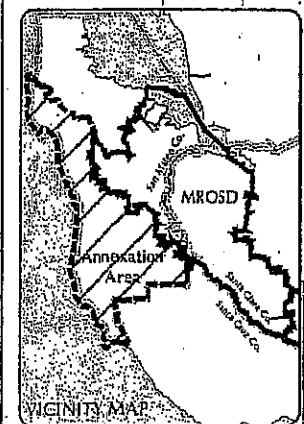
Attachment J: Santa Clara LAFCo Resolution Recommending Approval





Attachment K: Additional Comment Letters

Chronology: MROSD Coastal Annexation

Attachment B

Fall 1996	MROSD Informal meeting with San Mateo County citizens to discuss participating in expansion of District's boundaries to coast
4/1/97	Resolution from Half Moon Bay City Council supporting District's expansion to coast
4/9/97	MROSD Board receives requests from coast for District's expansion to coast and requesting GIM to utilize District resources to research possible methods or processes for preserving open space on the San Mateo Coast, and to form the ad hoc committee
6/27/97	Annexation Workshop—Board and Staff Committee at Main Office in Los Altos
8/26/97-10/7/97	8 Meetings of MROSD staff with: Half Moon Bay City Parks, LAFCo, POST, GGNRA, Save Redwoods, Coastal Conservancy, Sempervirens Fund, Nature Conservancy State Parks
10/8/97 - 1/27/99	10 MROSD Public Meetings at which Board authorizes consultants, advisory ballot measure, establish coastal advisory committee, consider ballot results
2/9/99-1/1/00	17 Coastal Advisory Committee (CAC) chaired by Supervisor Rich Gordon meets over 11 months. The charge of the committee was to review district policies & make recommendations to District Board regarding acquisition, eminent domain and agricultural uses recognizing that many district policies designed for the bayside might need alteration. Board accepted CAC's declaration that its work was completed & disbanded committee at public hearing on 1/26/00.
11/1/99	MROSD public hearing & adoption of policy requiring District acquisitions on coastline to be from willing sellers only with no use of eminent domain.
2/1/00	Review of preliminary <i>Draft Service Plan</i> , San Mateo County Farm Bureau & San Mateo County Agricultural Advisory Committee-Half Moon Bay
2/23/00	Review of preliminary <i>Draft Service Plan</i> , Midcoast Community Council - El Granada
3/9/00	Review of preliminary <i>Draft Service Plan</i> , Pescadero Municipal Advisory Committee - Pescadero
4/3/00	Review of preliminary <i>Draft Service Plan</i> , Half Moon Bay City Council - Half Moon Bay
5/31/00	MROSD Meeting: Workshop to review, discuss, amend & comment on the Proposed Preliminary <i>Draft Service Plan</i> , main office, Los Altos
6/9/00	Review of CEQA process, Notice of Preparation issued
6-20-00	Public EIR scoping session - Half Moon Bay: solicitation of public comment on preliminary <i>service plan</i> and notice of preparation
6/22/00	Public EIR scoping session - Pescadero: solicitation of public comment on preliminary <i>service plan</i> and notice of preparation
6/27/00	Public EIR scoping session - Los Altos: solicitation of public comment on preliminary <i>service plan</i> and notice of preparation
10/16/00	MROSD Special Meeting/Public Hearing: Workshop to review, discuss, amend, and comment on the Preliminary <i>Draft Service Plan</i>
11/28/00	MROSD Special Meeting/Public Hearing: Approval of the <i>Draft Service Plan</i>
2/02	MROSD Special Meeting/Public Hearing: Acceptance of Updates to the <i>Draft Service Plan</i> , Informational Report on <i>Draft EIR</i> and <i>Fiscal Impact Analysis</i> , establishment of public comment period on <i>Draft EIR</i> .
7/9/02	MROSD public hearing in Pescadero to receive public comments on <i>Draft EIR</i>
7/17/02	MROSD public hearing in Half Moon Bay to receive public comments on <i>Draft EIR</i>
7/31/02	MROSD Special Meeting/Public Hearing to receive public comments on the <i>San Mateo County Annexation Project Draft Program Environmental Impact Report</i> and consideration of an extension of the public comment period
6/5/03	MROSD Special Meeting/Public Hearing to receive public comments on and consider approval of the <i>San Mateo County Coastal Annexation Final Program Environmental Impact Report, Service Plan, and Fiscal Analysis</i> ; adopt a Willing Sellers Ordinance, Annexation Policy, Resolution of Application for Annexation and Sphere of Influence Amendment, Resolution of No Property tax Exchange; and, consideration of a Mutual Aid Agreement for Fire Services with the County of San Mateo.
10/28/03	MROSD submits application to San Mateo LAFCo
2/4/04	Santa Cruz LAFCo receives comment & adopts recommendation of approval of Coastal Annexation
2/11/04	Santa Clara LAFCo receives comment & adopts recommendation of approval of Coastal Annexation



-  Proposed Annexation Area Boundary
  MROSD Open Space Preserves
 Existing MROSD Boundary
  Other Protected Lands

MROSD Comment Letters Received as of 1/14/04		
Agency/Organization/Individual	Date/Page ¹	Position
Californians for Property Rights (CPR)	12/01/03(70)	Opposed
Half Moon Bay Coastsides Foundation	11/26/03(74)	Opposed
Half Moon Bay Fire Dist.	11/21/03 (18)	No Recommendation
La Honda Pescadero School Dist.	11/30/03(36)	Concern/fiscal impact/request addl. time
Peninsula Open Space Trust (POST)	11/26/03 (111)	Support
Pescadero Municipal Advisory Council	11/30/03 (46)	Opposed
Point Montara Fire Dist.	12/02/03 (20)	Neutral
San Mateo County Farm Bureau	12/03/03 (113)	Opposed ²
SMC Harbor District	11/20/03 (47)	Support
SMC Office of Education	11/17/03 (34)	Concern/fiscal impact
SMC Resource Conservation Dist.	11/26/03 (31)	No Recommendation
Allen, Geoff & Gillian	12/01/03 (159)	Opposed
Armstrong, Jack & Judy	12/01/03 (145)	Opposed
Bierman, Vicki	12/01/03 (1)	Opposed
Bierman, Vicki, Crocker Curve Water Co.	12/01/03 (152) (156)	Opposed
Bixen, Pattie	11/30/03 (133)	Opposed
Bordi, Angelo (Pat) & Sheila	11/30/03 (164)	Opposed
Bordi, George & Mary	11/28/03 (134)	Opposed, request for vote
Braitman, Bob	11/26/03 (138)	Opposed
Braun, Oscar	11/26/03 (127)	Opposed
Brown, Terry & Cathy	12/01/03 (142)	Opposed
Chalios, Gail, Luke, Toby & Henry & Garrett Morris	11/28/03 (154)	Opposed
Domitilli, Bill	11/23/03(130)	Opposed
Ettinger, Debra	11/21/03 (158)	Opposed
Finger, Pam	12/01/03 (155)	Opposed
Gardner, Charlie	11/28/03 (175)	Opposed
German, Carrie	11/21/03 (157)	Opposed
Gomes, Carron	12/01/03 (162)	Opposed
Gossett, Terrence	10/08/03 (123)	Opposed
Gossett, Terry	12/08/03 (172)	Documents Not available
Hehner, Sandy	12/01/03 (149)	Opposed
Lau, Con & Pat	11/26/03 (135)	Opposed
Lehner, Sandra	12/01/03 (163)	Opposed

¹ Page # refers to sequential numbering on packets of letters distributed to commission.

² See Farm Bureau letter of () supporting annexation based on Memorandum of Understanding between Farm Bureau and MROSD.

Maraviglia, Alan & Lorraine	12/01/03 (150)	Opposed
Modena, Raymond & Jeanette	12/01/03 (161)	Opposed
Pellegrini, Mario	12/01/03 (167)	Opposed
Pellegrini, Nina	11/17/03 (136)	Opposed
Rapley, Bonnie, Broker	12/01/03 (166)	Opposed
Sauerbry, Sandra (Sam), Broker	12/03/03 (171)	Opposed
Simon, Carol	12/08/03 (174)	Opposed
Snyders, Bill and Ann	11/29/03 (132)	Opposed
Stariha, Marina	12/01/03 (165)	Opposed

MROSD Comment Letters
From 1/15 to 2/23/04

Name	Date (Page #)	Position
Acterra, Michael Closson	02/05/04 (17)	support
American Farmland Trust, Ed Thompson	02/12/04 (11)	support
Bay Area Open Space Council, John Woodbury	01/26/04 (24)	support
Bay Area Ridge Trail Council, Holly VanHouton	02/06/04	support
California Oak Foundation, Janet S. Cobb	01/26/04 (27)	support
Citizen's Committee to Complete the Refuge, Florence LaRiviere	02/11/04 (16)	support
Coastside County Water District	01/20/04 (2)	support
East Bay Regional Park District, Pat O'Brien	02/05/04 (19)	support
Federation of Flyfishers, Mondy Lariz	01/23/04 (26)	support
Greenbelt Alliance, Jessica Fitchen	02/02/04 (8)	support
Half Moon Bay Open Space Trust, Kathy Wnorowski	01/26/04 (28)	support
Hidden Villa, Judith Steiner	02/04/04 (20)	support
Landsmiths, Bern Smith	02/20/04 (10)	support
Midcoast Community Council	01/14/04 (1)	support
Planning & Conservation League, Fred Keeley	02/17/94 (6)	support
San Bruno Mountain Watch, Philip Batchelder	01/27/04 (23)	support
San Mateo Trail Users Group, Adda Quinn	02/20/04 (30)	support
Save Our Shores, Jane De Lay	02/14/04 (4)	support
Save-the-Redwoods League, Katherine Anderton	02/06/04 (12)	support
Sierra Club, Melissa Hippard	01/26/04 (25)	support
Silicon Valley Manufacturing Group, Carl Guardino	02/03/04 (21)	support
Surfrider Foundation, Edmundo Larenas	02/04/04 (22)	support
Trail Center, Scott Heeschen	02/11/04 (3)	support
Trust for Public Land, Tim Wirth	02/10/04 (14)	support
U.S. Dept. of Interior, Fish & Wildlife, Margaret Kolar	02/10/04 (13)	support
U.S. Dept. of Interior, Nat'l Park Service Mai-Liis Bartling	02/13/04 (5)	support
Abbe, Jessica	01/26/04 (103)	support
Antholzner, Gregory	01/26/04 (79)	support
Arbuckle, Nancy	01/26/04 (136)	support
Barnby, Nancy	01/26/04 (135)	support
Beckert, Nancy	01/31/04 (83)	support
Bonfantini, Dario	01/25/04 (105)	support
Borgsteadt, John & Olive	01/23/04 (143)	support
Brout, Ellen	02/08/04 (63)	support
Brown, Melvin, M.D.	01/28/04 (45)	support
Bruno, Dave & Jennifer & Sheila Brogna	02/22/04 (34)	support
Carley, Jeanne	02/22/04 (33)	support
Cook, Eda	01/25/04 (122)	support

Cook, Robert P.	01/25/04 (115)	support
Cunningham, Rob	02/27/04 (36)	support
Dieves, Treva	02/07/04 (65)	support
Dryer, Diane	01/26/04 (41)	support
Evans, Dinda	01/31/04 (42)	support
Farwell, David	01/23/04 (129)	support
Feeney, Harold V.	02/10/04 (49)	support
Fellows, Sheila	01/26/04 (78)	support
Ferenz, Tom	02/14/04 (37)	support
Fisher, Kenneth L.	01/14/04 (155)	support
Foley, John	02/04/04 (70)	support
Forrister, Ann	01/24/04 (118)	support
Frank, George	02/02/04 (40)	support
Gentsch, Velma	01/26/04 (119)	support
Gheewala, Tom	01/21/04 (128)	support
Goldstein, Dr. Chip B. and Linda	01/14/94 (153)	support
Gomez, Audrey	01/25/04 (96)	support
Gomez, Richard	01/28/04 (75)	support
Gomez, Vicki	01/28/04 (100)	support
Gould, Laura E.	01/18/04 (149)	support
Greene, Robert	01/27/04 (47)	support
Hankermeyer, Carol	01/28/04 (101)	support
Hanrahan, Suzanne	01/28/04 (46)	support
Harris, Jean	02/08/04 (56)	support
Harris, W.L.	02/08/04 (55)	support
Hays, Walter	02/04/04 (59)	support
Henderson, James & Cathy	01/26/04 (126)	support
Hinshelwood, Clyde & Lisa	01/31/04 (73)	support
Johnson, Don	01/24/04 (117)	support
Kersteen-Tucker, Zoe	02/04/04 (71)	support
Ketcham, Lisa	01/22/04 (131)	support
Kidwell, Karen	02/07/04 (54)	support
Kirk, Lexy	01/29/04 (44)	support
Kirkaldie, Joan	01/29/04 (85)	support
Koland, Ellen	01/26/04 (109)	support
Lambertson, Syd	02/08/04 (58)	support
LaTourrette, Peter & Sue	01/26/04 (110)	support
LeBlanc, Maurice & Ingrid	02/08/04 (57)	support
Lee, A.G.	01/25/04 (139)	support
Lewis, Stephen	01/31/04 (84)	support
Lynch, John	01/26/04 (113)	support
Mandohl, Kris	02/07/04 (69)	support
Mangold, Keith	01/27/04 (134)	support
Marsh, James & Judy	01/23/04 (152)	support
Martinson, Linda	02/10/04 (29)	support

Mayall, Patty	01/28/04 (89)	support
McCarthy, Jack	01/29/04 (43)	support
McCarthy, Leslie	01/27/04 (121)	support
McEntee, Shannon Rose	01/23/04 (144)	support
McVey Gill, Mary	01/23/04 (141)	support
Mears, Cynthia	02/07/04 (64)	support
Meisenheimer, Laurie	02/07/04 (50)	support
Meissner, Ernst	01/28/04 (88)	
O'Maura, Kitty	02/07/04 (66)	support
Okuzumi, Margaret	01/23/04 (142)	support
Olmstead, Jean & Franklin	01/24/04 (127)	support
Ornstein, Severo M.	01/18/04 (148)	support
Palmer, Gary	01/28/04 (72)	support
Pappajohn, Caroline	01/23/04 (145)	support
Pasternak, Mimi	02/04/04 (67)	support
Pendleton, Dave & Ella	01/26/04 (125)	support
Perrone, Dave	01/28/04 (76)	support
Persson, Ingemar	01/30/04 (157)	Opposed
Platz, Robert	02/08/04 (68)	support
Rebarchik	02/22/04 (35)	support
Rich, Ursula	01/27/04 (74)	support
Robertson, Doris	02/09/04 (52)	support
Rosengreen, Annemarie	01/27/04 (111)	support
Rourke, Claudia	01/26/04 (104)	support
Rourke, Jim	01/27/04 (90)	support
Rourke, Krista	01/26/04 (98)	support
Samuelson, Ralph	01/25/04 (138)	support
Schreck, Albert	01/28/04 (107)	support
Segal, Jonathan, M.D.	01/24/04 (140)	support
Segall, Jeff	02/02/04 (92)	support
Sheldon, Matt & Pat	02/04/04 (62)	support
Singer, Molly	02/06/04 (38)	support
Smernoff, David T. Ph.D.	01/24/04 (116)	support
Smith, Clay	01/28/04 (77)	support
Smith, Zach	01/27/04 (94)	support
Squires, Pamela	01/31/04 (82)	support
Stein, Antoinette "Toni" Ph.D.	01/23/04 (146)	support
Straub, Carolyn & Steve McHenry	01/23/04 (130)	support
Strawbridge, JoAnne & Richard	02/16/04 (48)	support
Sundermeyer, Niels & Pat	01/28/04 (60)	support
Switky, Kathy	01/22/04 (133)	support
Torrance, Jerry B.	01/26/04 (132)	support
Touma, Bess	01/25/04 (137)	support
Vian, Ted	01/27/04 (120)	support
Vukic, Louis	02/08/04 (53)	support

Waldhauer, Ann	01/27/04 (87)	support
Waldhauer, Ruth	01/16/04 (150)	support
Walsh, Catherine	01/27/04 (95)	support
Walsh, Kelsey	01/25/04 (102)	support
Walsh, Larry	01/25/04 (99)	support
Walsh, Shannon	01/25/04 (97)	support
Webbon, Muriel A.	01/31/04 (86)	support
Welden, Sherman	01/31/04 (81)	support
Weinstein, Barbara	02/06/04 (51)	support
Whiting, Tom	01/22/04 (147)	support
Woodward, Gladys	01/27/04 (93)	support
Wynkoop, Christine	01/31/04 (80)	support
Yost, Daniel	01/26/04 (106)	support

MROSD Comment Letters Received 2/14/04 to 3/2/04		
Agency/Organization/Individual	Date	Position
Santa Clara Valley Audubon Society	2/23/04	Support
City of Palo Alto	2/19/04	Comments on Service Review and Support
Postcards request approval of the Coastal Annexation (Total of 382)	Various	Support
Braitman, Bob	3/2/04	opposition
Braun, Oscar	3/1/04	Opposition, application incomplete
Braun, Oscar	2/24/04	Opposition, application incomplete
Caletti, Robert	3/1/04	Support
Dryer, Diane	3/1/04	Support
Gheewala, Tushar	3/1/04	Support
Legrand, Bertille, S.F. Horsemen Assoc.	3/1/04	Support
Lordier, Kathy	2/21/04	Support
Meyers, Bill	2/25/04	Support
Montoya Bretz, Sharon	2/20/04	Support
Raczek, Ted	2/25/04	support
Riedy, N.J.	3/1/04	Support
Stein, Toni	3/1/04	Support
Townsend, Marilyn	2/27/04	Support
True, Chris & Veronica	3/2/04	opposition
Wnorowski, Kathy	1/26/04	Support

MROSD Comment Letters Received 3/3/04 to 3/9/04		
Agency/Organization/Individual	Date	Position
Postcards request approval of the Coastal Annexation (Total of 343 of which 109 are from coastal annexation area)	Various	Support
Begun, Ed	3/5/04	Support
Carr, Pat	3/5/04	Support
Committee for Green Foothills, April Vargas	3/8/94	Support
Durham, P.	3/7/04	Support
Elliott, Alison	3/5/04	Support
Enisco, Ben & Judith Dean	3/2/04	Support
Feder, Clair	3/2/04	Support
Foreman, Linda	3/6/04	Support
Goitein, Ernest	3/1/04	Support
Hassel, Irene	3/9/04	Opposed
Korbhols, Bill & Kathy	3/2/04	Support
Liebes, Linda	3/8/04	Support
Lindsay, Lorna	3/4/04	Support
San Mateo County Agricultural Commissioner, Gail Raabe	2/27/04 (rec'd 3/3)	Support
Spretnak, Charlene	3/7/04	Support
Straub, Carolyn & Stephen McHenry	3/1/04	Support

Please also note, not listed above but received by the Commission on 1/21/04 is: "A Community Report regarding the Proposed Annexation of Western San Mateo County by MROSD" prepared by Kurt Heiner

MROSD Comment Letters Received 3/9/04 to 3/16/04		
Agency/Organization/Individual	Date	Position
Postcards request approval of the Coastal Annexation (Total of 114 of which 15 are from coastal annexation area)	Various	Support
Blanchard, Jim, Midcoast Park Lands	3/9/04	Support
Braitman, Bob, Braitman & Associates	3/15/04	Alternative Boundary Action
Braitman, Bob, Braitman & Associates	3/16/04	To MROSD, request for info
Congress, Laura	3/10/04	Support
Drekmeier, Peter	3/10/04	Support
Fazzino, Gary P.	3/10/04	Support
George, Roseanna	3/11/04	Support
Granada Sanitary District, Chuck Duffy	11/27/03	Support
Lindsay, Margaret	3/5/04	Support
Lytle, Jackie		Support
Martin, Keith	3/1/04	Support
Meyer, Albert William	3/3/04	Support
Morgan, Hilary	3/3/04	Support
MROSD, Cathy Woodbury	3/11/04	Transmitting CPR letter to residents
MROSD, Craig Britton	3/2/04	Update/transmittal
Mullin, Assemblymember Gene	3/2/04	Support
Page, Martha, Robert, Ben & Tovis	3/3/04	Support
Pollock, Anneliese		Support
Rolleri, Terry	3/4/04	Support
San Mateo Co. Farm Bureau, Jack Olsen	3/16/04	Williamson Act Info
Scutchfield, Kathleen	3/15/04	Support
Waldhauer, Ruth	3/14/04	Support
Wilson, John, La Honda Pescadero School Dist.	3/9/04	Neutral
Zonka, Aaron	3/11/04	Support
Documents received at the March 9, 2004 LAFCo Meeting in Half Moon Bay		
Baez, Joan	3/9/04	Support
Braitman, Bob, Braitman & Assoc.	3/9/04	Oppose
Cattermole, George, Coastside Habitat Coalition	No date Rec'd 3/9/04	Comments on MROSD Draft EIR
Coastal Open Space Alliance (COSA)	No Date Rec'd 3/9/04	List of Agencies supporting MROSD annexation
Lindsay, Lorna	3/4/04	support
Periat, Judy	3/9/04	

MROSD Comment Letters Received 3/17/04 to 3/25/04		
Agency/Organization/Individual	Date	Position
Postcards request approval of the Coastal Annexation (Total of 25, from outside annexation area)	Various	support
Roberts, Lennie, Committee for Green Foothills	3/24/04	support
Folsom, Meredith (Forwarded by SMC Planning Commission)	3/23/04	opposed
Linder, Gloria	3/18/04	support
Oden, Joy	3/17/04	opposed
Jepsen, Donald & Dana O'Neill	3/17/04	opposed
Waldhauer, Ann	3/16/04	support
Peery, Catherine, Chair Pescadero Municipal Advisory Council	3/15/04	Opposed, request to hold meeting in Pescadero
McReynolds, Pamela W.	3/15/04	opposed
Prince, Bill & Gloria Stigall	3/14/04	support
Vogel, K. Christie	3/13/04	support

MROSD Comment Letters Received as of 3/30/04		
Agency/Organization/Individual	Date	Position
Abrevaya, David (letter to MROSD)	6/4/03 (received 3/30/04)	oppose
Allen, Geoff with Article on SODS	3/31/04	oppose
Clay, Jill	3/31/04	support
Coastal Open Space Alliance Volunteer Petitions, submitted at 3/30 hearing	Various	
Delay, Ari	3/31/04	oppose
Durrey, Rich	3/30/04	oppose
Editorial, Palo Alto Weekly	3/31/04	support
Editorial, The Menlo Park Almanac	3/31/04	support
Enteras, Bill	3/30/04	oppose
Johnston, John	No date	oppose
Schorr, David & Wendi Shafir	3/31/04	support
Schuchat, Sam, Nature Conservancy	3/30/04	support
Stigall, Georgia	3/30/04	support
Urgo, Michael	3/30/04	oppose
Wargo, Tom	3/30/04	oppose

Regional Open Space

Attached C

March 30, 2004

Chairwoman Richardson and Members
San Mateo County Local Agency Formation Commission
455 County Center
Redwood City, CA 94063-1863

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
CELEBRATING 30 YEARS OF OPEN SPACE PRESERVATION

Re: Application for Annexation and Sphere of Influence Amendment of the
Midpeninsula Regional Open Space District to Extend its Boundaries to the San Mateo
County Coast-- LAFCo File No. -3-10

Dear Commissioners:

Next week will be an important milestone in a long, six-year process leading to a LAFCo decision regarding our application to expand Midpeninsula Regional Open Space District's boundaries to include the San Mateo coast. We would like to thank you for your time, your involvement, and your guidance during this process. We would also like to thank the countless citizens of San Mateo County who have actively participated over the years in more than 40 public meetings, including 17 Citizens' Advisory Committee meetings, 21 District Board meetings, 7 public hearings on the Environmental Impact Report, and in countless individual meetings with Board members and District staff. As you know, residents also participated in a positive advisory vote on this Program sponsored by the District's Board of Directors.

The involvement of citizens has been truly amazing. People who participated in these activities did not come from narrow, issue-focused backgrounds, but rather represented a broad, representative cross-section of the population.

As this part of the LAFCo process nears its end, we are grateful for the support we have received and grateful for the ideas, criticisms, and suggestions voiced by constituents that have helped shape the Coastside Protection Program and made it richer and more comprehensive.

We are immensely gratified by the strong support our program has received. To date, the Coastside Protection Program has been endorsed by 19 cities, both San Mateo and Santa Clara Counties, Santa Cruz and Santa Clara LAFCos, state and federal elected representatives, and a host of environmental, recreational, and business organizations, including the Silicon Valley Manufacturing Group. To date, LAFCo has received 199 letters in support of the project and 37 in opposition. At the March 9 hearing in Half Moon Bay, 23 speakers supported and 26 opposed the Program and at the March 17 hearing there were 28 supporters and 14 opponents.

Please also see the attached list of endorsements this Program has received ("Attachment A").

But in addition to numbers, we are appreciative of the new partnerships created during this process, such as our alliance with the San Mateo County Farm Bureau. These partnerships will allow us to provide a higher quality Program.

As a government agency, we believe in being as inclusive as possible and we have demonstrated this by not only listening to opponents, but by voluntarily addressing their concerns in our plan. We are proud that our efforts represent an extraordinary effort to respond to the public, and we know that it far exceeds any legal requirements. We have initiated state legislation that will eliminate our power of eminent domain on the San Mateo Coast, an effort the Senate Local Government Committee called "unprecedented". This has resulted in an unprecedented cooperative agreement between the District and the San Mateo County Farm Bureau, as well as successful negotiation of cooperative agreements with San Mateo County Fire and the La Honda-Pescadero Unified School District.

The multi-year process to present, discuss, and shape the Coastsides Protection Program has now reached the LAFCo hearing stage. For us, these hearings are a continuation of our ongoing discussions with constituents and stakeholders. We welcome the chance to comment on our proposal as the preservation of open space and agriculture on the coast is critical to the environment and economy of San Mateo County. We realize that the Coastsides Protection Program is not just "another" open space preservation proposal. It is the attempt to fuse the protection of one of America's most beautiful and treasured stretches of land with the protection of our local time-honored traditional professions and the economic well-being of all coastsiders. Scenic beauty is important to all who live here. But, the health of our natural environment is equally as critical and would, in turn, be meaningless if our economic survival was threatened. The resources at stake benefit our entire region. Their loss or their protection has profound implications for the current and future citizens of San Mateo County for generations to come.

LAFCo Role in Reviewing Annexations

Allow us to directly relate our program to both the legal requirements and the spirit of the Cortese-Knox-Hertzberg Act of 2000.

The Legislature's emphasis on LAFCo's role in the preservation of open space and agricultural resources grew out of the state Commission on Local Governance for the 21st Century, established in 1997. The Commission's report, "Growth Within Bounds" was intended to give LAFCo new tools to deal more effectively with growth challenges, including tools to protect open space and agricultural resources that benefit an entire region, not just a locality.

The Commission recommended that LAFCo's policies to protect agricultural and open space lands be strengthened. (Please see the attached excerpt from "Growth Within Bounds" showing the ongoing loss of agricultural lands in California and recommendations to strengthen LAFCo's role in agricultural preservation - "Attachment B"¹) The Commission report "encourages all LAFCo's to adopt strong policies regarding conversion of agricultural and open space lands." (see page 94).

¹ State of California Commission on Local Governance for the 21st Century, 2000, *Growth Within Bounds: Planning California Governance for the 21st Century*.

The Commission's recommendations led to a comprehensive revision of LAFCo law: the Cortese-Knox-Hertzberg Act of 2000. The Legislature adopted the Commission's public policy recommendations concerning the importance of LAFCo's role in the preservation of agriculture and open space. Among other things, the Act added the preservation of open space and agricultural lands to LAFCo's purposes, elevated the preservation of agricultural land as a goal of LAFCo, and strengthened the definition of "prime agricultural land". These policies added to the pre-existing directives to LAFCo to guide development or use of land other than open space uses away from prime agricultural land.

As you deliberate and consider the materials and testimony you've received, we urge you to consider the statutory criteria for reviewing an annexation proposal established by the Legislature. Those criteria strongly emphasize preservation of open space and agricultural lands.

The District's Program meets or exceeds every legal criterion that you will consider as you make your decision. The conformity of the District's program to all applicable LAFCo criteria is, of course, not by happenstance. It's the product of seven years of public participation and input which allowed the District to shape the Program to respond to the local needs and circumstances of agriculture and open space on the coast.

The following is a brief analysis of the applicable factors and policies to be considered by the Commission in reviewing an annexation and sphere proposal. The March 2, 2004 Staff Report from your Executive Director provided a thorough analysis of these factors. We'd like to note what we view as some of the most important points to be considered with regard to each factor.

Factors to be Considered in Reviewing an Annexation Application

A. Population and population density; the likelihood of significant growth in the area; topography, natural boundaries, and drainage basins

Coastal San Mateo County is rich in natural resources and ecological diversity due to its mountain-to-ocean landscape. The dramatic visual character with forested backdrop, coastal plains and valleys, rural agricultural lands, continental edge, and views of the Pacific Ocean is unparalleled.

The current population of San Mateo County (707,163) will increase by over 100,000 residents in less than 20 years based on Association of Bay Area Governments (ABAG) projections. Throughout the Bay Area an estimated 570,000 additional acres will be developed over the next 30 years, the equivalent of 18 areas the geographic size of San Francisco.

The proposed extension of the District's boundary and sphere of influence follows the existing District boundary along Skyline Ridge at the upper reaches of the coastal watersheds and along the San Francisco watershed lands west to the Pacific Ocean. The annexation area encompasses the 19 sparsely developed, rural watersheds of coastal San Mateo County from the southern boundary of the City of Pacifica to the boundary of San

Mateo and Santa Cruz Counties. A number of streams in coastal San Mateo County provide habitat for Steelhead trout and Coho salmon; both listed as federally threatened species. In addition to their critical importance as watersheds, San Gregorio and Pescadero Creeks are of particular importance to Steelhead and Coho.

B. Need for organized community services

The lower land costs in rural areas, like coastal San Mateo County, and the small town setting attract the development of scattered single-family homes on large parcels beyond the urban fringe. This type of development removes land from agricultural production and grazing, and fragments the larger-scale, economically viable agricultural operations. These growth pressures threaten the long-term sustainability of the community's open space values rural agricultural heritage. At the same time, budget cutbacks and fiscal constraints have greatly diminished the ability of other government agencies to purchase lands from willing sellers to meet the increasing need to protect this area for its agriculture, unique natural and scenic resources and recreation opportunities.

A regional approach is the most effective way to protect open space and agricultural land and preserve the rural heritage of the coastside. Natural processes transcend property boundaries and property owners must work collaboratively to address land protection and resource issues like, erosion, wildlife corridors, preventing the spread of invasive plant species, feral animal control and improved fish migration. The District provides a forum for sharing expertise in these areas and working with other landowners in developing comprehensive solutions to resource protection issues.

In order to promote the viability of agriculture in San Mateo County, public agencies can acquire agricultural lands and offer them for sale or lease to farmers and ranchers, or purchase agricultural easements that would permanently protect farmland from development while providing revenue to continue agricultural operations. As ABAG stated, "Expansion of Midpeninsula Regional Open Space District's boundaries represents one of the most promising efforts for acquisition and preservation of open space."²

Organizations and agencies whose mission is preservation of open space have expressed the need for increased stewardship of the open space and agricultural resources of coastal San Mateo County. Discussions with other open space, recreation, and park service providers that serve the Coastside Protection Area (including the National Park Service, the California Department of Parks and Recreation, and the San Mateo County Parks Department) indicate that these agencies have a limited capacity to provide expanded open space preservation and management services. These agencies also lack the capacity to provide agricultural preservation.

While local conservation organizations owning land in the Coastside Protection Area will continue to be successful in acquiring land, they are not ordinarily structured to manage open space lands on a long-term basis. Thus these organizations have asked the District to manage natural resources and low-intensity public-use programs on some of their

² The Association of Bay Area Governments. 1998. *Coastside Subregional Planning Project*, p. 7.

properties, as the District is the only funded, comprehensive and locally represented public agency capable of providing this land management.

C. Effect on adjacent areas and mutual social and economic interests

The District takes a comprehensive watershed-based approach to planning and land management in preservation of open space, agriculture, public recreation, and natural, scenic and cultural resources. This approach ensures fulfillment of the following objectives:

- Protect watershed integrity and water quality
- Preserve existing and potential agricultural operations in order to keep the maximum amount of prime agricultural land and other lands suitable for agriculture in agricultural production
- Protect sensitive resources such as habitats for special-status species
- Provide opportunities for scientific research, resource conservation demonstration projects, outdoor environmental education programs, and interpretive programs, and
- Provide key links to existing District and other public open space lands
- Provide visitor-serving facilities (unpaved trails and small, gravel-surfaced parking lots) for low-intensity recreation (hiking, bicycling and horseback riding)
- Support development of an integrated regional trail system coordinated with the San Mateo County Trails Plan

Inherent in the Coastsides Protection Program is the opportunity for coastsides residents to share in the decision-making about District lands and to work together on regional open space and agricultural issues. The Board is strongly committed to an inclusive process for policy development and use and management planning that ensures consultation with local residents, elected officials, government agencies, organizations and community interest groups. Local representation ensures that staff and Board members alike are accessible to residents who wish to discuss new ideas or resolve issues regarding neighbor relations.

As a local public agency, the District provides democratic and accountable, elected representation to all residents within its boundaries. Extension of the District's boundaries will make it possible for coastsides residents to run for a seat on the Board of Directors. In recognition of the Board's commitment to work with coastsides residents, community groups, local elected officials, and interested parties to develop a redistricting plan that best reflects their desired ward configurations, the Board of Directors adopted a resolution that specifies a robust public participation process.

(D) Conformity of the proposal and its effects with LAFCo policies regarding orderly, planned growth and the policies to preserve open space and agricultural land set out in Section 56377

Preservation of open space and agricultural land is the major goal of the Coastsides Protection Program as stated in the mission statement for the Program:

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.

The Service Plan contains a number of policies to protect agriculture. It also includes all of the Agriculture Mitigation Measures of the Programmatic Environmental Impact Report adopted by the District. These policies both help to preserve existing agriculture and to promote its long term economic viability. As a result of these policies and Mitigation Measures, and a Memorandum of Understanding between the District and the Farm Bureau formalizing the Bureau's role in the review of District plans and policies regarding site specific agricultural lands, the Board of Directors of the Farm Bureau voted 13-0 to endorse the Coastsides Protection Program, contingent upon the passage of jointly sponsored eminent domain legislation.

(E) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands

The District developed its Program with preservation of coastal agriculture as one of its key goals. We have developed one of the strongest agricultural preservation programs of its kind in the state. The Farm Bureau and the County Agricultural Commissioner agree that this Program will provide enhanced opportunities to preserve San Mateo County agriculture. The District's partnership with the Farm Bureau is precedent-setting. The Farm Bureau has concluded that "the District's Coastsides Protection Program will benefit and help preserve agriculture in San Mateo County, and will help to protect agriculture's physical and economic integrity."

Our collaboration will insure that the District can benefit from the expertise and resources of the Farm Bureau prior to any final decision concerning agricultural lands that might be acquired. Our Program includes significant measures that will assist ranchers and farmers in preserving their lands and way of life far into the future. These include:

- An active agricultural easement and lease program tailored to meet the needs of individual farmers and ranchers so they can adapt their operations to changing economic conditions, provide needed farm labor housing, and be of a sufficient term to provide certainty for investment and infrastructure improvements
- An active agricultural grant program
- Technical assistance to facilitate the provision of farmworker housing and the continuation of water rights
- Development of site-specific agricultural production plans in consultation with the Farm Bureau and County Agricultural Commissioner
- Effective buffers between trails and adjacent agricultural operations adequate to address potential trail user conflicts, and to avoid the potential for non-native invasive plants or pathogens to affect adjacent lands
- Location of trails and improvements away from agricultural lands
- A sale and leaseback policy that prioritizes continued use by the owner or operator

With the input of the Farm Bureau, agricultural community and other interested parties, the end product was a set of effective policies that will preserve coastal agriculture far into the future.

(F) Definiteness and certainty of the boundaries of the territory; conformity with lines of assessment or ownership; creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries

The proposed boundaries are clearly defined and certain. No islands or corridors of unserved territory will be created. The proposed boundaries will also allow the District to enhance its management of lands within its existing boundaries by allowing for more comprehensive watershed-based resource management planning

(G) Consistency with city or county general and specific plans

The Service Plan is consistent with the General Plans of the City of Half Moon Bay and the County. The Service Plan provides that the District will not propose any uses that will require General Plan or zoning ordinance amendments.

In fact, the Service Plan implements and is encouraged by the goals of the County General Plan.

County General Plan Policy 6.47 states:

“Encourage the Midpeninsula Regional Open Space District to acquire, protect, and make available for public use open space lands in rural areas and open space of regional significance in urban areas in cooperation with San Mateo County.”

General Plan Policy 1.41 encourages public agencies to acquire and manage sensitive habitats. Policy 6.10 encourages recreation providers to “locate passive park and recreation facilities in rural areas in order to protect and preserve environmentally sensitive and open space lands.” Policy 6.38.b encourages the development of trails that link park and recreation facilities on San Francisco Bay to those on the Pacific Coast.

The Program conforms to all General Plan policies pertaining to the protection of agricultural lands, including assistance with easements, leaseback and sale, and avoidance of land use conflicts with adjacent agriculture.

With the Program in place, the District looks forward to working with the County and the Farm Bureau to turn these goals into reality.

(H) The sphere of influence of any local agency which may be applicable to the proposal being reviewed

The proposed sphere amendment and annexation do not conflict with the spheres of any other affected agency.

(I) The comments of any affected local agency

There are 22 affected local agencies in the area proposed for annexation. (An affected agency is a city, county or district within an annexation area).

No affected local agency opposes the District's application. In fact, the largest public agency, the City of Half Moon Bay, has endorsed the proposal, as have many other cities. Resolutions or recommendations of support have also been received from the following districts: the San Mateo Harbor District, the Coastside County Water District, and the Granada Sanitary District.

The La Honda Pescadero Unified School District initially expressed concerns about potential fiscal impacts from the Program. District staff met with School District staff and officials to reach an agreement that satisfied the School District's concerns. In addition to achieving a tax neutral solution for the School District, the agreement will allow both agencies to collaborate on environmental education projects that benefit both the students of the School District and the constituents of the District. The District is proud of the hard work it took to make this agreement a reality.

The County initially had submitted comments stating concerns about potential impacts to fire services. These concerns have been addressed to the County's satisfaction by means of a cooperative agreement between the District and the County. This agreement provides for cooperative efforts including mutual aid, consultation on site-specific fuel modification and management programs, and cooperative efforts to develop additional water supplies for fire response.

The District has also resolved the County's initial concerns about potential impacts to agriculture to its satisfaction. (See Section (E), above).

There are two advisory councils on the coastside which are not affected local agencies as defined by LAFCo. The Midcoast Community Council has endorsed the application and the Pescadero Municipal Advisory Council is opposed.

(J) Sufficiency of revenues for services following the proposed boundary change

The Coastside Protection Program would be funded with the District's existing revenue sources augmented by grants and gifts. The District's primary revenue source is a share of the annual total property tax, approximately 1.7 cents per \$100 of assessed property value, collected within the current District boundaries. The Fiscal Impact Analysis studied the potential impact on service levels within the existing District boundaries by determining whether adequate cash reserves would be available to cover both the ongoing operating costs of the existing District and the cost of implementing the Coastside Protection Program. The Analysis looked closely at the District's cash flow projections, and the costs of purchasing and managing land, and concluded that the available cash flow is more than adequate to cover the estimated \$2 million annual expense of implementing the Program over the 15-year planning horizon. The District reviews long-range revenue and budget projections every year, which provides ample time to adjust to any upcoming potential changes in cash reserves. The District policy had been to hold the

operating budget growth to 6% per year until recently when resources made it possible to raise this growth limit to the current 7%. Consequently, the extension of the District boundaries to include the Coastsides Protection Area will have no net impact on the level of service that the District is able to provide within its existing boundaries.

The District's Board of Directors adopted a "Resolution of No Property Tax Exchange", which means that no share of property taxes collected in the Coastsides Protection Area will be transferred to the District. In an annexation, LAFCo procedures permit an agency to request a share of the property taxes collected in the area to be annexed from local agencies. A typical annexation involves a redistribution of property tax revenues among affected agencies. However, the District Board of Directors determined that it would not ask for any property taxes to be transferred to the District from any local agency in the Coastsides Protection Area, including any special district. Therefore, the property taxes collected in San Mateo County will continue to be distributed exactly as they are today.

(K) Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5

There are adequate water supplies to meet the very small increase in water supply needs of the Program. No new hookups would be required beyond an eventual field office and maintenance facility.

(L) Effect on regional housing needs

The Coastsides Protection Program will not have a significant effect on housing. The District's main acquisition interests will be large, undeveloped, or sparsely developed parcels and in the event structures are acquired, such structures will be maintained and either made available for rental or will continue to be occupied by existing residents through such mechanisms as life estates. Since the purpose of the project is preservation and management of open space and agricultural land of regional significance, open space lands typically purchased by the District have no, or very limited, services and housing. When land purchases do include housing, the District will continue to use several methods to retain viable housing.

- Life estates for existing residents
- Use of residences for staff or caretaker housing
- Make housing not used by the District available for rental with special consideration for public service workers
- Providing technical assistance in obtaining permits for farm worker housing from the County of San Mateo

The District has preserved housing in this manner on its existing lands. Along the Skyline Boulevard corridor of the Santa Cruz Mountains, which includes portions of San Mateo, Santa Clara and Santa Cruz Counties, the District has purchased thirty four (34) properties which involved sixty one (61) residential structures. Of the sixty one residential structures, seventeen (17) uninhabitable structures have been removed, another seventeen (17) residences are tenant occupied, sixteen (16) residences structures were either remained on private property or were conveyed as long term ownership

interests (defeasible fee estate), six (6) residences are employee (Ranger) occupied, three (3) structures are vacant and secured and will be evaluated as part of the Master Planning process for the La Honda Creek Open Space Preserve during 2004 and 2005, and one (1) Life Estate interest. All of the residences but five (5) remain on the property tax rolls (including the long term ownership interests) and the tenant and employee residences pay Possessory Interest Taxes in the County where located.

(M) Any information or comments from the landowner or owners

To date, the Coastsides Protection Program has been endorsed by 19 cities, both San Mateo and Santa Clara counties, Santa Clara and Santa Cruz LAFCos, state and federal elected representatives, and a host of environmental, recreational, and business organizations, including the Silicon Valley Manufacturing Group.

To date, LAFCo has received 199 letters in support of the project and 37 in opposition. At the March 9 hearing in Half Moon Bay, 23 speakers supported and 26 opposed the program and at the March 17 hearing there were 28 supporters and 14 opponents.

(N) Any information relating to existing land use designations

Land use designations in the Coastsides Protection Area are predominantly agriculture and open space. The more intense residential and commercial land use designations are found in the City of Half Moon Bay, the mid-coast region, and the rural communities of La Honda, Pescadero, and Loma Mar. As a policy of the Coastsides Protection Program, the District will not amend the land use designation or rezone any property it may acquire on the San Mateo Coast.

The Coastsides Protection Area includes approximately 3% in urban land uses including the City of Half Moon Bay. Around 10% of the land is in cultivated agricultural production, and 27% is used for grazing. Forested land makes up 28% of the area. Roughly 12% of the total acreage is in public ownership (Federal, State and County Parks) and is primarily used for recreation and open space purposes.

Sphere of Influence Factors

A sphere of influence is LAFCo's designation of the probable future physical boundary and service area of an agency and designates where an agency will annex and provide services in the future. The District's annexation area will extend the District's boundaries to the natural geographic boundaries of San Mateo County at the Pacific Ocean. In this case, given that the proposed service area will include all of this area and must end at the Pacific Ocean, there will not be a future extension of service boundaries or service area beyond these natural boundaries. Accordingly, approval of a coterminous sphere of influence is the most logical and appropriate designation. Since the Program proposes to make the District's services available throughout this geographic area from the inception of the Program, coterminous extension of the sphere at this time is also consistent with the District's Service Plan.

Extension of the District's sphere is consistent with the factors LAFCo must consider in determining sphere boundaries. These factors were well analyzed by LAFCo's Executive Director in her March 2nd Staff Report and the District concurs with her findings with regard to these factors.

Conclusion

"...expansion of the boundaries of...Midpeninsula Open Space District...represents the most promising attempt in over a decade to secure public support and funding for the acquisition and preservation of open space within the subregion." *The Association of Bay Area Governments ; 1998, Coastside Subregional Planning Project, p. 7*

The District's seven year effort was not the easy road to take, but it was the right one. This tremendous effort may not be visible to you as you deliberate, but its results are. In your record are the policies, agreements, and legislation that are the foundation on which this Program was built. That impressive foundation is the result of the personal and professional commitment of every District Board Member and staff member involved in this Program that it be a successful and effective Program, responsive to local community concerns, tax neutral and environmentally and economically beneficial.

Your Executive Director has characterized this proposal as "significant and unique." It *is* significant. The critical open space and agricultural resources that can be preserved if the Program is approved are of local, regional and even statewide importance. Your approval will allow the District to put its Program into action to preserve these resources.

It *is* unique. The Program is the result of years of hard work done, compromises reached, and partnerships formed. At every juncture, the District and its elected officials have gone far beyond anything any LAFCo applicant has ever done, to our knowledge, to address every legitimate issue raised about this Program. From the advisory vote in 1998, the year and a half meetings of the Coastal Advisory Committee, the adoption of an ordinance prohibiting condemnation, the adoption of a "No Tax Exchange" Resolution, to the extensive and numerous public workshops on the coast in developing the Service Plan and the EIR, the District has reached out to the community and to all interested organizations and agencies to reach common ground.

The District's efforts didn't stop when it filed its application with LAFCo in October. The District has continued to back its Program up with action. Since October, the District has negotiated a precedent setting partnership with the San Mateo County Farm Bureau. The District has negotiated a partnership with County Fire to work cooperatively together to address the fire service needs of the area. The District has entered into a cooperative MOU with the LaHonda Pescadero School District to insure that there are no tax impacts on the District, and to promote environmental education for the benefit of the constituents of both the School District and our District.

The District and Farm Bureau have sponsored legislation that the Senate Local Government Committee called "unprecedented" giving up its power of eminent domain—unconditionally.

In short, the Coastsides Protection Program meets or exceeds every factor the Legislature intended LAFCo to consider when approving a district annexation.

The Commission on the 21st Century recognized the importance and challenge to LAFCo in protecting resources that benefit more than one locality. Their advice: "think locally, but act regionally."

ABAG has stated that "Unfortunately, government funding for park and open space acquisitions at the state and local level has steadily diminished over the past fifteen years."³ The District's Coastsides Protection Program, however, is an existing, fully funded and comprehensive program for services from a single agency to preserve open space and agriculture. It is supported and encouraged by the policies of the County's General Plan and LCP.

This program represents the most cost-efficient, effective and orderly way to provide these needed services on a local as well as a regional level. It accomplishes the goals of LAFCo and responds to every legitimate concern of local residents.

With your approval, the District looks forward to bringing its services to this treasured coast so that its open space, its artichoke fields, and its rural character will remain for present and future generations.

Sincerely,



L. Craig Britton
General Manager

³ The Association of Bay Area Governments. 1998. *Coastsides Subregional Planning Project*, p. 49.

Resolutions and Letters of Support for Midpeninsula Regional Open Space District's Coastside Protection Program

Cities within the District

Atherton
Cupertino
East Palo Alto
Los Altos
Los Altos Hills
Los Gatos
Monte Sereno
Mountain View
Palo Alto
Portola Valley
Redwood City
San Carlos
Saratoga
Sunnyvale

Cities outside the District

Belmont
Half Moon Bay
Pacifica
Santa Cruz
San Jose

Counties

Santa Clara Board of Supervisors
Santa Cruz Board of Supervisors

State Senate

Honorable Byron Sher, District 11
Honorable Jackie Speier, District 8

State Assembly

Honorable Rebecca Cohn, District 24
Honorable Sally Lieber, District 22
Honorable Gene Mullin, District 19
Honorable Joe Simitian, District 21

Federal

Honorable Anna Eshoo
Honorable Mike Honda
Honorable Tom Lantos
U. S. Department of the Interior, National Park Service

Other Agencies

East Bay Regional Parks
Marin County Open Space District
Midcoast Community Council

Organizations

Acterra
Audubon Society: Sequoia Audubon Society
Bay Area Open Space Council
Bay Area Ridge Trail Council
California Oak Foundation
Central Coast Wilds
Committee for Green Foothills
Community Alliance with Family Farmers
Greenbelt Alliance
Half Moon Bay Open Space Trust
Half Moon Bay Coastside Chamber of Commerce
Landsmiths

Midcoast Park Lands
Peninsula Open Space Trust
Save Our Shores
Save the Redwoods League
Sempervirens Fund
Sierra Club – Loma Prieta
Silicon Valley Manufacturing Group
Sonoma Land Trust
South Skyline Association
Stanford Open Space Alliance
Surfrider Foundation
Trail Center

Eight of the nine leading agricultural counties in the United States are in California.

destroyed (Bank of America, et al, *Beyond Sprawl: New Patterns of Growth to fit the New California*).

- About 16 percent of the oak woodlands in the Western foothills of the Sierra Nevada have been lost in the past 40 years, endangering several other species (Sierra Nevada Ecosystem Project, Institute for Ecological Health).
- Five to 10 percent of California's urban areas, some 250,000 to 520,000 acres, are "brownfields" suffering from toxic contamination (*Beyond Sprawl*).
- All of California's major metropolitan regions are classified as non-attainment areas for air pollutants, exposing more than 80 percent of the population to unhealthy air.
- Due to declining water quality and water availability, 42 percent of freshwater fish species have been identified as "at risk" (Nature Conservancy).
- In Southern California in 1997, there were more than 750 beach closings due to the inability of sewage treatment facilities to process adequately the region's waste (Natural Resources Defense Council).

Other problems have been cited, as well. These include the wide physical separation of affordable housing from major job centers, increased expense in provision of infrastructure to far-flung areas, increased consumption of water for suburban uses such as landscape maintenance, the loss of open-space, and infringement upon agricultural lands. This latter issue has received wide-spread attention in California because of the importance of agriculture to California's economy and its historic place in California's culture.

Loss of Agricultural Lands

Although several others could justify a claim, the title of "California's leading industry" has traditionally been conferred upon agriculture. The 1997 Census of Agriculture lists the direct value of California's agricultural production as \$23 billion. The California Department of Food and Agriculture estimates that the total value of the agriculture

Fig. 6-3
Agricultural Production of California Counties

County	Market Value of Agricultural Products Sold (1997)	Rank Among U.S. Counties
Fresno	\$2,772,785,000	1
Kern	\$1,968,513,000	2
Tulare	\$1,921,381,000	3
Monterey	\$1,749,747,000	4
Merced	\$1,273,475,000	6
Stanislaus	\$1,208,524,000	7
San Joaquin	\$1,179,706,000	8
Riverside	\$1,047,525,000	9

SOURCE: U.S. Department of Agriculture, National Agricultural Statistics Service, 1997 Census of Agriculture, May 1999.

industry, including production and related economic activity, exceeds \$100 billion, or nearly 10% of the State's economy. Eight of the nine leading agricultural counties in the United States are in California.

This underscores what is perhaps the most far-reaching effect of suburban sprawl, the permanent loss of productive agricultural lands. The other effects of sprawl — air pollution, traffic, housing costs — can conceivably be remedied through investment in infrastructure and technological breakthroughs. Paving over farmland, however, results in an irreversible loss. And it has been occurring at a steady pace, as illustrated in Figure 6-6.

The loss of farmland has been a special concern in California's Central Valley. A lack of housing availability in the Bay Area and Silicon Valley and the relatively low cost of agricultural land has contributed to expansion of suburban growth into the heart of California's most productive farming region. Growth pressure is also being felt in Fresno, Bakersfield, and throughout the southern San

Fig. 6-4

Projected Urban Sprawl in the Central Valley in 2040

SOURCE: American Farmland Trust, *Alternatives for Future Urban Growth in California's Central Valley: the Bottom Line for Agriculture and Taxpayers*, 1995.

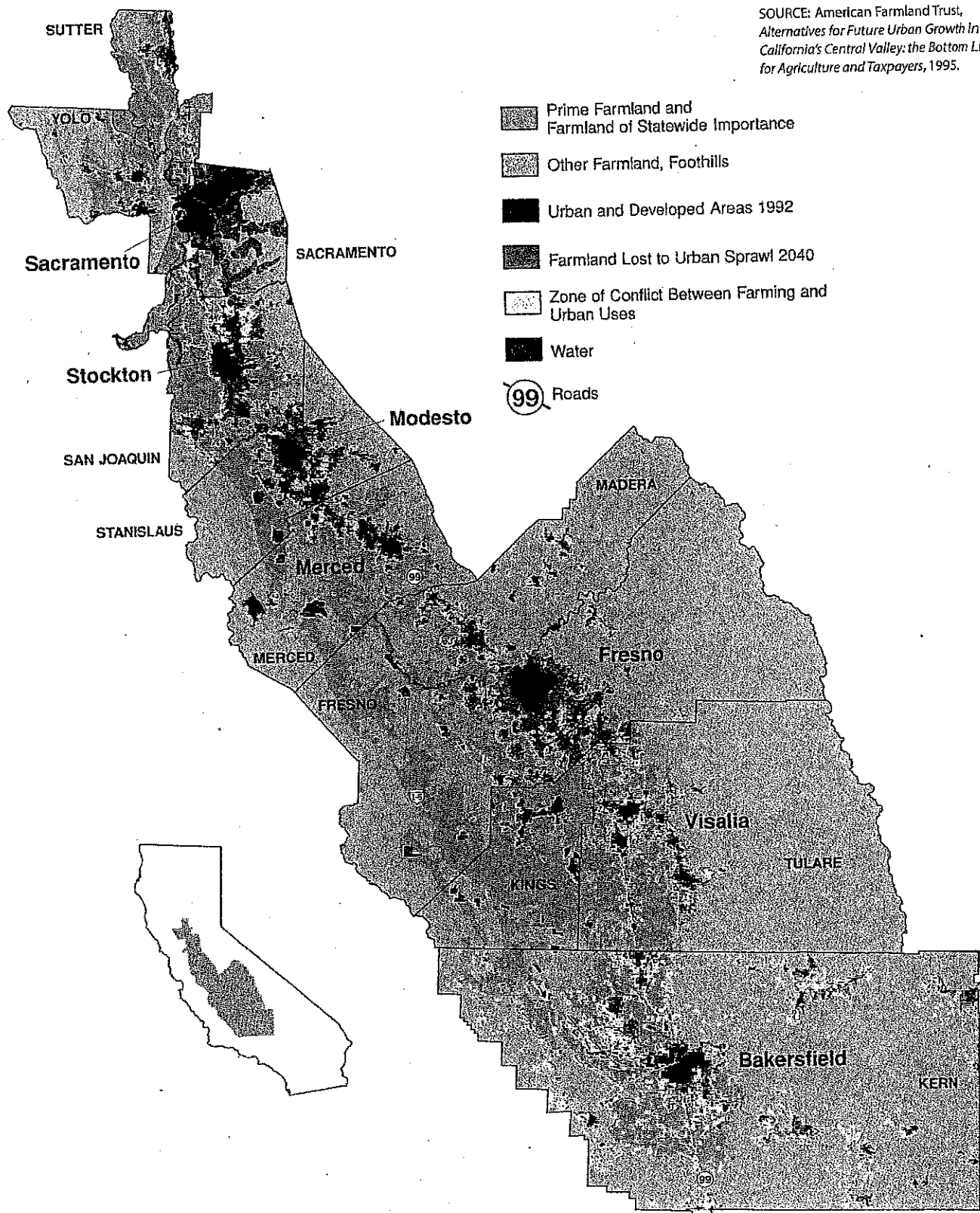


Fig. 6-5

Alternative Compact Growth Model for the Central Valley in 2040

SOURCE: American Farmland Trust, *Alternatives for Future Urban Growth in California's Central Valley: the Bottom Line for Agriculture and Taxpayers*, 1995.

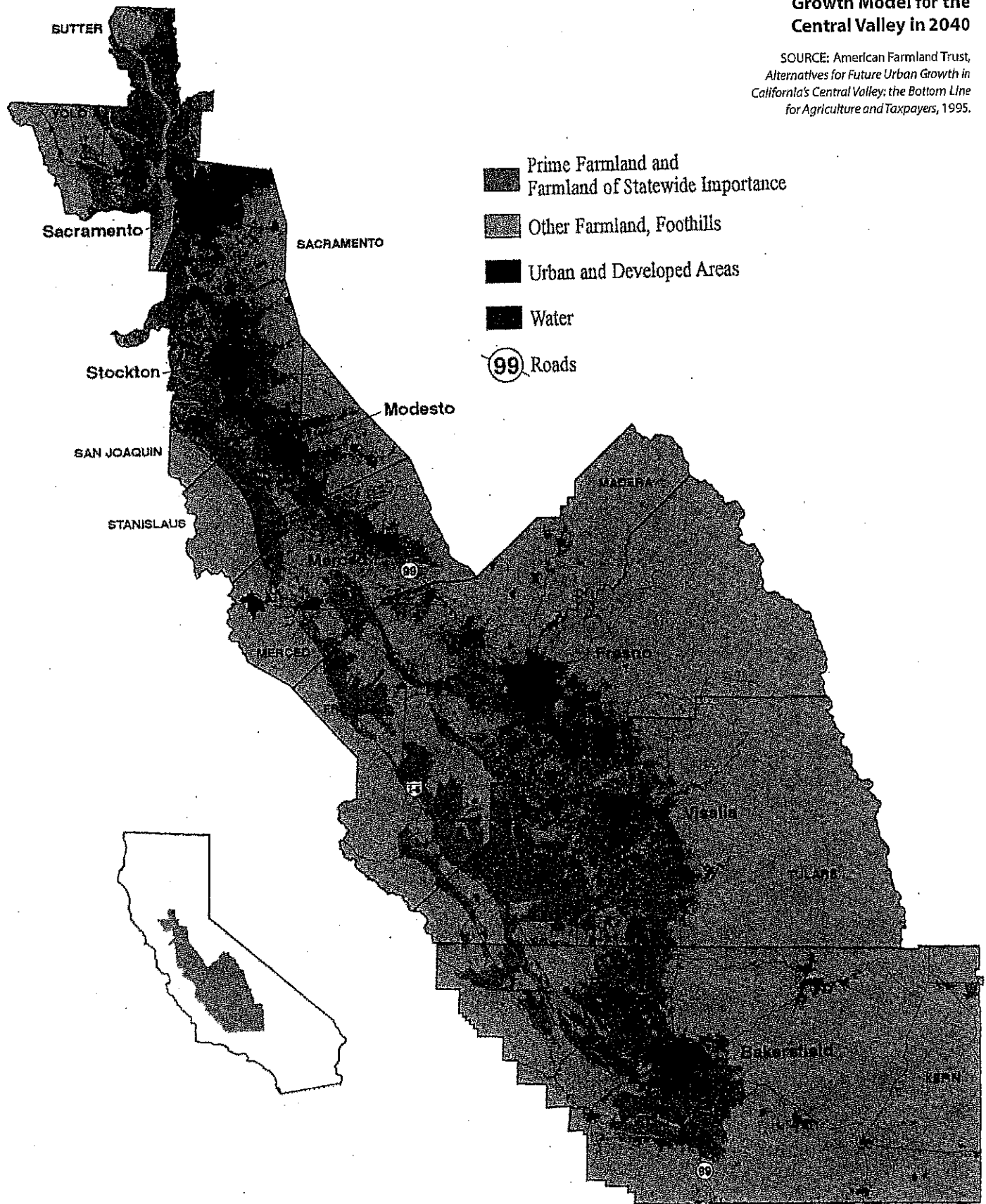


Fig. 6-6
California Farmland

Year	Acres in Farms & Ranches	Percent of Total Land Area
1964	37,012,000	36.9%
1969	35,328,000	35.3%
1974	33,386,000	33.4%
1978	32,727,000	32.7%
1982	32,157,000	32.1%
1987	30,598,000	30.6%
1992	28,979,000	29.0%

SOURCE: U.S. Department of Commerce, Bureau of the Census, *Census of Agriculture*, various years.

Joaquin Valley. The American Farmland Trust (AFT), a national, nonprofit organization working to stop the loss of productive farmland, has devised urban growth models for the Central Valley in 2040, based upon probable future land use patterns under various assumptions, for comparison with current urban development. This comparative model indicates, in Figure 6-4, farmlands likely to be lost to urban sprawl if current development patterns continue, and includes delineation of a potential "zone of conflict" where agricultural productivity suffers because of conflicts with suburban development. This is compared to a "compact growth" scenario in Figure 6-5. The AFT estimates that by 2040, current development patterns will result in the loss of 1 million acres of farmland in the Central Valley and another 2.5 million acres that would fall into zones of conflict. More compact growth patterns, on the other hand, could reduce the farmland loss to less than 500,000 acres and cut the zones of conflict by 38%.

Several State programs have been enacted in an effort to preserve agricultural and open-space lands. Most of the programs, like the Farmland Mapping and Monitoring Program

in the Department of Conservation, are designed to provide information or technical assistance that will indirectly benefit preservation of the resources. At least three major State programs, however, directly support preservation. These are:

1. The Williamson Act, passed in 1965 as the California Land Conservation Act, provides subventions to local governments that enter into voluntary contracts with land owners to restrict such property to agricultural or open-space uses by reducing the owner's property tax burden.
2. Several Fish and Game Code provisions promote cooperation with developers to protect wildlife habitat and significant natural areas by allowing exchanges of development rights. For example, under the Natural Community Conservation Planning Act, a conservation plan is prepared for an area that sets aside land for habitat purposes and permits appropriate development on the remainder of the property.
3. Conservation easements, authorized under various sections of State code, are a means of restricting use of open-space or agricultural lands. The easements generally take the form of a deed limitation and are purchased by the government entity from the property owner. The purpose of such an easement, which typically is recorded and is binding upon successive owners, is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition. The last State program that provided significant funding for the purchase of agricultural easements was financed through Proposition 70, the \$776 million California Wildlife, Coastal and Park Land Conservation Bond Act approved by the voters in 1988. A small portion of the funds were available to local governments for purchasing conservation easements.

Today, many California LAFCOs are placing a high value on preserving prime agricultural lands and open space, often with controversial results. The Commission's survey of LAFCOs found that most have

Many California LAFCOs are placing a high value on preserving prime agricultural lands and open space, often with controversial results.

The commission encourages all LAFCOs to adopt strong policies regarding conversion of agricultural and open-space lands.

agricultural or open-space policies, though the nature and rigor of the policies vary greatly. Napa LAFCO prohibits inclusion of agricultural land in a sphere of influence unless a city makes a compelling argument and discourages any urban development outside designated urban areas. The Monterey LAFCO has convened a City Centered Growth Task Force of cities and the county to develop a joint plan for preserving farmland by channeling growth to cities and guiding the direction of city expansion. Ventura LAFCO has established a similar agricultural policy working group of "stakeholders" in long-term survival of the agricultural industry. In one of the most interesting innovations, Yolo County LAFCO has developed a Land Evaluation and Site Assessment Model, which scores boundary change proposals to provide quantitative assistance to decision making.

The Commission finds these efforts commendable and encourages all LAFCOs to adopt strong policies regarding conversion of agricultural and open-space lands. To emphasize the importance of preserving agricultural and open-space lands, the Commission previously recommended (in Chapter 3), that the statutory admonitions be more clearly stated in the overall legislative and LAFCO intent sections, GC §56001 and §56301. In addition, the Commission believes that the definition of prime agricultural land, which receives deferential attention by LAFCO under various provisions of the Cortese-Knox Act, should be revised and clarified.

RECOMMENDATION 6-1

The Commission recommends that the definition in GC §56064 of "prime agricultural land" be amended to add clarity and permit the designation of lands of local economic significance.

The revised definition, described in detail in Appendix C, should include a qualification that the land meets the prime agricultural standard if irrigation is reasonably feasible and it is rated as class I or class II in the Natural Resource Service land use capability classification. The definition should also update the economic criteria required for such

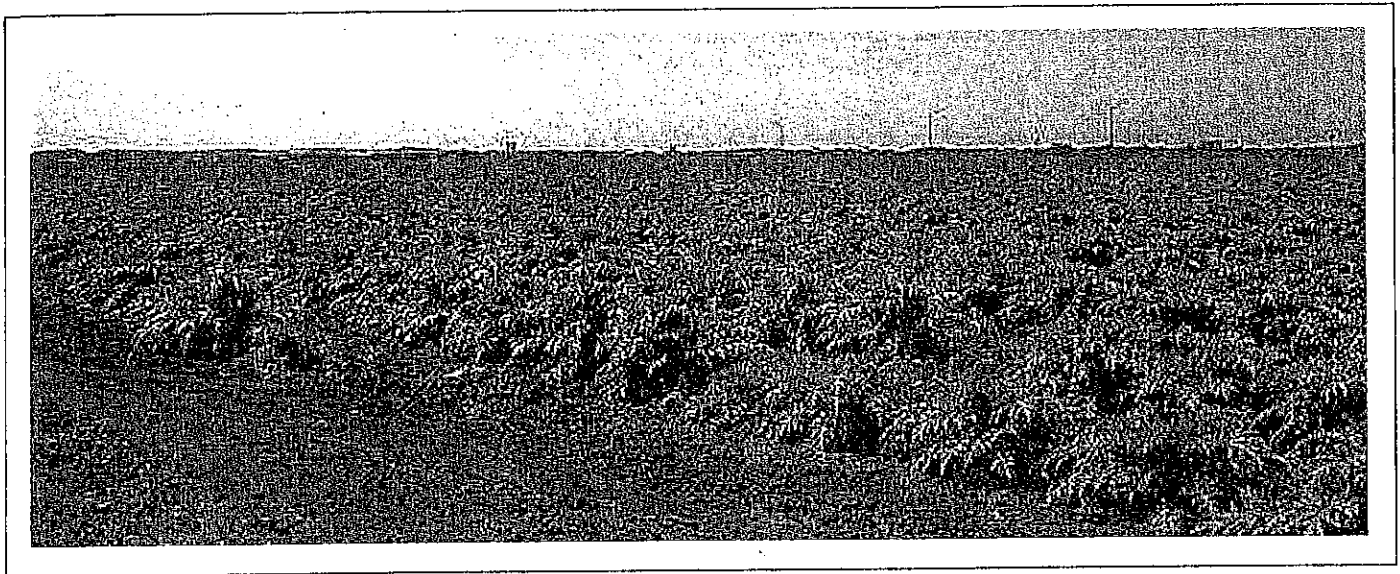
classification and provide an "escalator" provision, and should provide for designation by LAFCO of agricultural land of local economic significance based upon the record and after a public hearing. This will allow implementation of stronger measures to protect local agricultural industries, such as grazing or low margin crops, even if they do not meet a strict statewide definition. To avert unwarranted banking of land that might otherwise be appropriate for suburban expansion, findings should be required at a public hearing to support such designation. These provisions will not only improve the ability to protect key resources, but will also create greater certainty as to the classification of lands for agricultural purposes.

With a clearer definition of prime agricultural lands, the Commission believes that LAFCOs should strengthen their resolve to protect this important resource. Similar to the approach taken by some individual LAFCOs, all LAFCOs in California should have agricultural land protection policies and should not approve proposals that could lead to development of prime lands if alternatives are available.

RECOMMENDATION 6-2

The Commission recommends that an additional policy and priority be included in GC §56377, providing that LAFCOs shall not approve a project that might lead to development of prime agricultural lands or open-space lands if there are other feasible alternatives to the proposal.

Inevitably, this will mean that LAFCOs must request information on in-fill prospects and density options when cities or special districts submit applications for annexations. LAFCOs should also develop inventories of lands and potential development patterns to make informed decisions, and will need to define the location of prime agricultural lands within their jurisdictions.



Popular Response to Sprawl

Sprawl is becoming a visible and contentious issue throughout California. Dozens of California communities have considered slow-growth initiatives in recent years. The most common type of measure, adopted by voters in numerous communities, has been enactment of an "urban limit line" or "urban growth boundary." This is an artificial border drawn within the jurisdiction to limit urban growth only to those areas within the confines. More extreme measures in Livermore, Pleasanton, and San Ramon were defeated in November 1999, albeit by narrow margins in some areas. These measures would have required submittal to voter approval of even moderately-sized new development proposals.

Urban limit lines are understandably controversial. Properly drawn, they can be very useful for protecting irreplaceable resources. Inappropriately implemented, however, they may sometimes lead to exclusionary policies that simply push development elsewhere and may actually hinder efforts to promote more compact growth. The Commission has not taken a blanket position on any specific local growth policies. It is appropriate for local governments to consider and plan for the effects of growth, but this planning should be done in concert with other jurisdictions within the region.

In response to their voters, many jurisdic-

tions have adopted or are considering ordinances to regulate development. Some 95 jurisdictions have adopted urban limit lines or urban growth boundaries, either by ordinance or voter initiative; 49 cities and 6 counties have included a growth management element in their general plans; 75 cities and counties have adopted "sustainable development" policies. Many people are looking to LAFCO to help control sprawl. In Contra Costa County, where an urban limit line was established by county voters in 1990, LAFCO has adopted a policy not to approve any annexations outside the line. Ventura LAFCO has similarly vowed to honor voter approved urban limit lines in that county, while noting that the voter-adopted lines would actually allow more urban development than the existing LAFCO spheres of influence.

A locally adopted urban limit line, the meaning of which the Commission believes should be defined in State statute, is not binding upon LAFCO, even if implemented by the voters. This is because LAFCO authority is established by State law, which takes precedence over a local ordinance. While the Commission neither supports nor opposes urban limit lines and similar measures, it feels that each LAFCO should recognize the existence of any such measures and consider them at the time that it takes action on an application that is affected by the growth policy. Other regional growth goals or policies that have been established by a collaboration

Fig. 6-7

Artichokes thrive in the micro-climate and soils unique to California's coastal agricultural region

Staff photo

Development at the Urban Fringe and Beyond

Impacts on Agriculture and Rural Land

Ralph E. Heimlich and William D. Anderson

I. Overview

In the early 1970's, bipartisan legislation was introduced in Congress to establish a national land-use policy, but failed after extensive debate. In the decades that followed, urban area in the United States has more than doubled. Public concerns about ill-controlled growth once again have raised the issue of the Federal role in land-use policy.

Purpose of This Report

Although land-use issues have traditionally been the prerogative of State and local government, policymakers at the Federal level are increasingly urged to respond to concerns about development and growth, particularly with regard to their impacts on agriculture and rural land uses. While anecdotes are legion, and much has been written by commentators, advocates, and experts, there are surprisingly few places to find a comprehensive picture of land-use changes in urbanizing areas, relative to the rural landscape. This report responds to that need in two ways.

This overview provides a summary of our findings about the forces driving development, its character and impacts on agriculture and rural communities, the means available to channel and control growth, and the pros and cons of potential Federal roles.

The following chapters provide the details, presented in a documented, objective way that make the case for the arguments presented here. A consensus culled from the literature supports some of the points, while original analyses presented in this report have not been published elsewhere.

What is Sprawl?

This report is about urban development at the edges of cities and in rural areas, sometimes called "urban sprawl." With no widely accepted definition of sprawl (U.S. GAO, 1999; Staley, 1999), attempts to define it range from the expansive to the prescriptive.

Most definitions have some common elements, including:

- Low-density development that is dispersed and uses a lot of land;
- Geographic separation of essential places such as work, homes, schools, and shopping; and
- Almost complete dependence on automobiles for travel.

Without an agreed definition, any growth in suburban areas may be accused of "sprawling."

Short of a return to a form of urban living not seen since before World War II, it is not clear how growth can be accommodated at suburban densities without incurring the worst features of "sprawl." Because "sprawl" is not easily defined, this report is couched in the more neutral terms "development" or "growth," without making implicit judgments about the quality or outcomes of that development or growth. See *Trends In Land Use: Two Kinds of Growth* p. 9.


How To Think About Development

Concerns about development around urban areas are not new, but have arisen periodically during most of the last century, and certainly since automobile ownership

became widespread after World War II. Amid the environmental concerns during the 1970's, bipartisan legislation was introduced in Congress to establish a national land-use policy. Recognizing the primacy of State authority over land use, the legislation sought to provide Federal grants to States to strengthen their ability to plan for development and channel growth. After 5 years of debate, the legislation was passed in the Senate, but narrowly defeated in the House on June 11, 1974. What lessons have been learned about urban development and the Federal role in managing it in the 26 years since then?

There are two kinds of growth, but both affect the amount and productivity of agricultural land and create other problems—Our existing urban areas continue to grow into the countryside, and more isolated large-lot housing development is occurring, generally beyond the urban fringe.

At the urban fringe—The urban "fringe" is that part of metropolitan counties that is not settled densely enough to be called "urban." Low-density development (2 or fewer houses per acre) of new houses, roads, and commercial buildings causes urban areas to grow farther out into the countryside, and increases the density of settlement in formerly rural areas. The extent of urbanized areas and urban places, as defined by the Bureau of Census, more than doubled over the last 40 years from 25.5 million acres in 1960 to 55.9 million acres in 1990, and most likely reached about 65 million acres by 2000.



Beyond the urban fringe—Another kind of development often occurs farther out in the rural countryside, beyond the edge of existing urban areas and often in adjacent nonmetropolitan counties. Development of scattered single-family houses removes land from agricultural production and changes the nature of open space, but is not "urban." Large lots dominate this process, and growth in large-lot development has accelerated with business cycles since 1970. Nearly 80 percent of the acreage used for new housing construction in 1994-97—about 2 million acres—is outside urban areas. Almost all of this land (94 percent) is in lots of 1 acre or larger, with 57 percent on lots 10 acres or larger. About 16 percent was located in existing urban areas and 5 percent was on farms. See *Two Kinds of Growth*, p. 12.

Growth in developed areas is increasing, but at rates only slightly higher than in the past—Urbanized areas and urban places increased at about the same 1

million acres per year between 1960 and 1990. Developed land, including residential and other development that is not dense enough to meet urban definitions, increased from 78.4 million acres in 1982 to 92.4 million acres in 1992, and was estimated to be about 107 million acres in 2000. The rate of increase in developed land grew from 1.4 million acres per year to about 1.8 million acres. See *Two Kinds of Growth*, p. 12.

The processes of land-use change are well understood and flow predictably from population growth, household formation, and economic development—Changes in land use are the end result of many forces that drive millions of separate choices made by homeowners, farmers, businesses, and government. The ultimate drivers are population growth and household formation. Economic growth increases income and wealth, and preferences for housing and lifestyles, enabled by new transportation and communications technologies, spur new housing development and new land-use patterns. Metropolitan areas grow organically, following well-known stages of growth.

Almost alone among developed nations, the United States continues to add population from high fertility rates, high immigration, and longer life expectancy, increasing 1 percent per year, or another 150 million people by 2050. Average household size has dropped to 2.6 persons, creating about 1 million new households, the unit of demand for new housing, each year in the 1990's.

Increased income and wealth increased the number of new houses constructed each year by 1.5 million units, faster than the rate of household formation. Two-thirds of these houses are single-family dwellings. While average lot sizes have been dropping near cities as owners turn to townhouses and condominiums, a parallel growth in large-lot (greater than 1 acre) housing has occurred beyond the urban fringe.

Metropolitan expansion since 1950 has occurred because rural people moved off the farms, and residents of the densely populated central cities dispersed to surrounding suburbs. Urbanized areas (excluding towns of 2,500 or more) increased from 106 to 369 and expanded to five times their size. Population density in urbanized areas dropped by more than 50 percent, from 8.4 to 4 people per acre, over the last 50 years. Growth is spilling out of metropolitan areas, as population disperses to rural parts of metropolitan counties and previously rural nonmetropolitan counties.

Enabling this dispersion are investments in new infrastructure such as roads, sewers, and water supplies. New information and communication technologies, such as the Internet and cellular telephone networks, facilitate population in rural areas, and free employment to follow. New retail, office, warehouse, and other commercial development follows in the wake of new housing development, to serve the new population and to employ the relocated labor force. See *Driving Forces*, p. 15.



There are benefits of low-density development that attract people—Living beyond the edge of the city is a lifestyle much sought after by the American people. While 55 percent of Americans living in medium to large cities preferred that location, 45 percent wanted to live in a rural or small town setting 30 or more miles from the city (Brown et al., 1997). Of those living in rural or small towns more than 30 miles from large cities, 35 percent wanted to live closer to the city. The urban fringe is thus under development pressure from both directions. The most obvious benefit is that growth in rural areas has allowed many people, including those who cannot afford city real estate, to buy single-family homes because land costs are cheaper on the fringe than in the core.

The automobile imposes private and social costs in exchange for the comfort, flexibility, low door-to-door travel time, freight-carrying capacity (for shopping trips), cheap long-distance travel, and aesthetic benefits of extensive, automobile-dependent development. Air quality improvements may also result from decentralizing population and employment, because emissions are dispersed over larger rural airsheds and are reduced by higher speeds. Automobile pollution is more strongly related to the number of trips than to the length of each trip, with a major part of auto pollution deriving from cold starts.

Not everyone wants to live the rural lifestyle. The “new urbanism” school of urban design is redesigning conventional suburban developments as small towns and finding a market (Chen, 2000; Duany et al., 2000). In 1992, 55 percent of those surveyed living in large cities (over 50,000) preferred that type of community (Brown et al., 1997). See *Demand for Low-Density Development*, p. 17.

Development imposes direct costs on the communities experiencing it, as well as indirect costs in terms of the rural lands sacrificed to it—A number of studies show that less dense, unplanned development

requires higher private and public capital and operating costs than more compact, denser planned development. Eighty-five studies gauging the cost of community services around the country have shown that residential development requires \$1.24 in expenditures for public services for every dollar it generates in tax revenues, on average. By contrast, farmland or open space generates only 38 cents in costs for each dollar in taxes paid. See *Impacts on Taxpayers*, p. 28.

Finally, development can disrupt existing social, community, environmental and ecological patterns, imposing a variety of costs on people, wildlife, water, air, and soil quality. Agricultural production has its own negative environmental impacts, but these are generally less severe than those from urban development. See *Impacts on Landscape, Open Space, and Sense of Community*, p. 31.

However, does moving out into the “country” ultimately destroy all the good things that prompt that move? In the words of the National Governor’s Association, “In the context of traditional growth patterns, the desire to live the ‘American Dream’ and purchase a single-family home on a large lot in a formerly open space can produce a negative outcome for society as a whole” (Hirschorn, p. 55).

Continued demand for low-density development despite negative consequences for residents can be understood as a market failure—Consumers, businesses, and communities fail to anticipate the results of development because they often lack information on potential or approved development proposals for surrounding land. When communities fail to plan and zone, there is no institutional framework within which development can proceed, and little information to help housing buyers anticipate their future landscape setting.

Spillovers from development include the loss of rural amenities, open space, and environmental goods when previously existing farms and rural land uses are developed. Negative spillovers from increased housing consumption in developing areas can include traffic congestion, crowding, and destruction of visual amenities. If the landscape features that contribute to rural amenity were marketed in developments, housing prices would be higher.

Real estate markets are based on many small decisions which, when taken without an overall context, produce results that can neither be envisioned by nor anticipated by consumers and developers. Cumulative impacts

MROSD Comment Letters Received as of 1/14/04		
Agency/Organization/Individual	Date/Page ¹	Position
Californians for Property Rights (CPR)	12/01/03(70)	Opposed
Half Moon Bay Coastside Foundation	11/26/03(74)	Opposed
Half Moon Bay Fire Dist.	11/21/03 (18)	No Recommendation
La Honda Pescadero School Dist.	11/30/03(36)	Concern/fiscal impact/request addl. time
Peninsula Open Space Trust (POST)	11/26/03 (111)	Support
Pescadero Municipal Advisory Council	11/30/03 (46)	Opposed
Point Montara Fire Dist.	12/02/03 (20)	Neutral
San Mateo County Farm Bureau	12/03/03 (113)	Opposed ²
SMC Harbor District	11/20/03 (47)	Support
SMC Office of Education	11/17/03 (34)	Concern/fiscal impact
SMC Resource Conservation Dist.	11/26/03 (31)	No Recommendation
Allen, Geoff & Gillian	12/01/03 (159)	Opposed
Armstrong, Jack & Judy	12/01/03 (145)	Opposed
Bierman, Vicki	12/01/03 (1)	Opposed
Bierman, Vicki, Crocker Curve Water Co.	12/01/03 (152) (156)	Opposed
Bixen, Pattie	11/30/03 (133)	Opposed
Bordi, Angelo (Pat) & Sheila	11/30/03 (164)	Opposed
Bordi, George & Mary	11/28/03 (134)	Opposed, request for vote
Braitman, Bob	11/26/03 (138)	Opposed
Braun, Oscar	11/26/03 (127)	Opposed
Brown, Terry & Cathy	12/01/03 (142)	Opposed
Chalios, Gail, Luke, Toby & Henry & Garrett Morris	11/28/03 (154)	Opposed
Domitilli, Bill	11/23/03(130)	Opposed
Ettinger, Debra	11/21/03 (158)	Opposed
Finger, Pam	12/01/03 (155)	Opposed
Gardner, Charlie	11/28/03 (175)	Opposed
German, Carrie	11/21/03 (157)	Opposed
Gomes, Carron	12/01/03 (162)	Opposed
Gossett, Terrence	10/08/03 (123)	Opposed
Gossett, Terry	12/08/03 (172)	Documents Not available
Hehner, Sandy	12/01/03 (149)	Opposed
Lau, Con & Pat	11/26/03 (135)	Opposed
Lehner, Sandra	12/01/03 (163)	Opposed

¹ Page # refers to sequential numbering on packets of letters distributed to commission.

² See Farm Bureau letter of () supporting annexation based on Memorandum of Understanding between Farm Bureau and MROSD.

Maraviglia, Alan & Lorraine	12/01/03 (150)	Opposed
Modena, Raymond & Jeanette	12/01/03 (161)	Opposed
Pellegrini, Mario	12/01/03 (167)	Opposed
Pellegrini, Nina	11/17/03 (136)	Opposed
Rapley, Bonnie, Broker	12/01/03 (166)	Opposed
Sauerbry, Sandra (Sam), Broker	12/03/03 (171)	Opposed
Simon, Carol	12/08/03 (174)	Opposed
Snyders, Bill and Ann	11/29/03 (132)	Opposed
Stariha, Marina	12/01/03 (165)	Opposed

MROSD Comment Letters
From 1/15 to 2/23/04

Name	Date (Page #)	Position
Acterra, Michael Closson	02/05/04 (17)	support
American Farmland Trust, Ed Thompson	02/12/04 (11)	support
Bay Area Open Space Council, John Woodbury	01/26/04 (24)	support
Bay Area Ridge Trail Council, Holly VanHouton	02/06/04	support
California Oak Foundation, Janet S. Cobb	01/26/04 (27)	support
Citizen's Committee to Complete the Refuge, Florence LaRiviere	02/11/04 (16)	support
Coastside County Water District	01/20/04 (2)	support
East Bay Regional Park District, Pat O'Brien	02/05/04 (19)	support
Federation of Flyfishers, Mondy Lariz	01/23/04 (26)	support
Greenbelt Alliance, Jessica Fitchen	02/02/04 (8)	support
Half Moon Bay Open Space Trust, Kathy Wnorowski	01/26/04 (28)	support
Hidden Villa, Judith Steiner	02/04/04 (20)	support
Landsmiths, Bern Smith	02/20/04 (10)	support
Midcoast Community Council	01/14/04 (1)	support
Planning & Conservation League, Fred Keeley	02/17/94 (6)	support
San Bruno Mountain Watch, Philip Batchelder	01/27/04 (23)	support
San Mateo Trail Users Group, Adda Quinn	02/20/04 (30)	support
Save Our Shores, Jane De Lay	02/14/04 (4)	support
Save-the-Redwoods League, Katherine Anderton	02/06/04 (12)	support
Sierra Club, Melissa Hippard	01/26/04 (25)	support
Silicon Valley Manufacturing Group, Carl Guardino	02/03/04 (21)	support
Surfrider Foundation, Edmundo Larenas	02/04/04 (22)	support
Trail Center, Scott Heesch	02/11/04 (3)	support
Trust for Public Land, Tim Wirth	02/10/04 (14)	support
U.S. Dept. of Interior, Fish & Wildlife, Margaret Kolar	02/10/04 (13)	support
U.S. Dept. of Interior, Nat'l Park Service Mai-Liis Bartling	02/13/04 (5)	support
Abbe, Jessica	01/26/04 (103)	support
Antholzner, Gregory	01/26/04 (79)	support
Arbuckle, Nancy	01/26/04 (136)	support
Barnby, Nancy	01/26/04 (135)	support
Beckert, Nancy	01/31/04 (83)	support
Bonfantini, Dario	01/25/04 (105)	support
Borgsteadt, John & Olive	01/23/04 (143)	support
Brout, Ellen	02/08/04 (63)	support
Brown, Melvin, M.D.	01/28/04 (45)	support
Bruno, Dave & Jennifer & Sheila Brogna	02/22/04 (34)	support
Carley, Jeanne	02/22/04 (33)	support
Cook, Eda	01/25/04 (122)	support

Cook, Robert P.	01/25/04 (115)	support
Cunningham, Rob	02/27/04 (36)	support
Dieves, Treva	02/07/04 (65)	support
Dryer, Diane	01/26/04 (41)	support
Evans, Dinda	01/31/04 (42)	support
Farwell, David	01/23/04 (129)	support
Feeney, Harold V.	02/10/04 (49)	support
Fellows, Sheila	01/26/04 (78)	support
Ferenz, Tom	02/14/04 (37)	support
Fisher, Kenneth L.	01/14/04 (155)	support
Foley, John	02/04/04 (70)	support
Forrister, Ann	01/24/04 (118)	support
Frank, George	02/02/04 (40)	support
Gentsch, Velma	01/26/04 (119)	support
Gheewala, Tom	01/21/04 (128)	support
Goldstein, Dr. Chip B. and Linda	01/14/94 (153)	support
Gomez, Audrey	01/25/04 (96)	support
Gomez, Richard	01/28/04 (75)	support
Gomez, Vicki	01/28/04 (100)	support
Gould, Laura E.	01/18/04 (149)	support
Greene, Robert	01/27/04 (47)	support
Hankermeyer, Carol	01/28/04 (101)	support
Hanrahan, Suzanne	01/28/04 (46)	support
Harris, Jean	02/08/04 (56)	support
Harris, W.L.	02/08/04 (55)	support
Hays, Walter	02/04/04 (59)	support
Henderson, James & Cathy	01/26/04 (126)	support
Hinshelwood, Clyde & Lisa	01/31/04 (73)	support
Johnson, Don	01/24/04 (117)	support
Kersteen-Tucker, Zoe	02/04/04 (71)	support
Ketcham, Lisa	01/22/04 (131)	support
Kidwell, Karen	02/07/04 (54)	support
Kirk, Lexy	01/29/04 (44)	support
Kirkaldie, Joan	01/29/04 (85)	support
Koland, Ellen	01/26/04 (109)	support
Lambertson, Syd	02/08/04 (58)	support
LaTourrette, Peter & Sue	01/26/04 (110)	support
LeBlanc, Maurice & Ingrid	02/08/04 (57)	support
Lee, A.G.	01/25/04 (139)	support
Lewis, Stephen	01/31/04 (84)	support
Lynch, John	01/26/04 (113)	support
Mandohl, Kris	02/07/04 (69)	support
Mangold, Keith	01/27/04 (134)	support
Marsh, James & Judy	01/23/04 (152)	support
Martinson, Linda	02/10/04 (29)	support

Mayall, Patty	01/28/04 (89)	support
McCarthy, Jack	01/29/04 (43)	support
McCarthy, Leslie	01/27/04 (121)	support
McEntee, Shannon Rose	01/23/04 (144)	support
McVey Gill, Mary	01/23/04 (141)	support
Mears, Cynthia	02/07/04 (64)	support
Meisenheimer, Laurie	02/07/04 (50)	support
Meissner, Ernst	01/28/04 (88)	
O'Maura, Kitty	02/07/04 (66)	support
Okuzumi, Margaret	01/23/04 (142)	support
Olmstead, Jean & Franklin	01/24/04 (127)	support
Ornstein, Severo M.	01/18/04 (148)	support
Palmer, Gary	01/28/04 (72)	support
Pappajohn, Caroline	01/23/04 (145)	support
Pasternak, Mimi	02/04/04 (67)	support
Pendleton, Dave & Ella	01/26/04 (125)	support
Perrone, Dave	01/28/04 (76)	support
Persson, Ingemar	01/30/04 (157)	Opposed
Platz, Robert	02/08/04 (68)	support
Rebarchik	02/22/04 (35)	support
Rich, Ursula	01/27/04 (74)	support
Robertson, Doris	02/09/04 (52)	support
Rosengreen, Annemarie	01/27/04 (111)	support
Rourke, Claudia	01/26/04 (104)	support
Rourke, Jim	01/27/04 (90)	support
Rourke, Krista	01/26/04 (98)	support
Samuelson, Ralph	01/25/04 (138)	support
Schreck, Albert	01/28/04 (107)	support
Segal, Jonathan, M.D.	01/24/04 (140)	support
Segall, Jeff	02/02/04 (92)	support
Sheldon, Matt & Pat	02/04/04 (62)	support
Singer, Molly	02/06/04 (38)	support
Smernoff, David T. Ph.D.	01/24/04 (116)	support
Smith, Clay	01/28/04 (77)	support
Smith, Zach	01/27/04 (94)	support
Squires, Pamela	01/31/04 (82)	support
Stein, Antoinette "Toni" Ph.D.	01/23/04 (146)	support
Straub, Carolyn & Steve McHenry	01/23/04 (130)	support
Strawbridge, JoAnne & Richard	02/16/04 (48)	support
Sundermeyer, Niels & Pat	01/28/04 (60)	support
Switky, Kathy	01/22/04 (133)	support
Torrance, Jerry B.	01/26/04 (132)	support
Touma, Bess	01/25/04 (137)	support
Vian, Ted	01/27/04 (120)	support
Vukic, Louis	02/08/04 (53)	support

MROSD Comment Letters Received 2/14/04 to 3/2/04		
Agency/Organization/Individual	Date	Position
Santa Clara Valley Audubon Society	2/23/04	Support
City of Palo Alto	2/19/04	Comments on Service Review and Support
Postcards request approval of the Coastal Annexation (Total of 382)	Various	Support
Braitman, Bob	3/2/04	opposition
Braun, Oscar	3/1/04	Opposition, application incomplete
Braun, Oscar	2/24/04	Opposition, application incomplete
Caletti, Robert	3/1/04	Support
Dryer, Diane	3/1/04	Support
Gheewala, Tushar	3/1/04	Support
Legrand, Bertille, S.F. Horsemen Assoc.	3/1/04	Support
Lordier, Kathy	2/21/04	Support
Meyers, Bill	2/25/04	Support
Montoya Bretz, Sharon	2/20/04	Support
Raczek, Ted	2/25/04	support
Riedy, N.J.	3/1/04	Support
Stein, Toni	3/1/04	Support
Townsend, Marilyn	2/27/04	Support
True, Chris & Veronica	3/2/04	opposition
Wnorowski, Kathy	1/26/04	Support

MROSD Comment Letters Received 3/3/04 to 3/9/04		
Agency/Organization/Individual	Date	Position
Postcards request approval of the Coastal Annexation (Total of 343 of which 109 are from coastal annexation area)	Various	Support
Begun, Ed	3/5/04	Support
Carr, Pat	3/5/04	Support
Committee for Green Foothills, April Vargas	3/8/94	Support
Durham, P.	3/7/04	Support
Elliott, Alison	3/5/04	Support
Enisco, Ben & Judith Dean	3/2/04	Support
Feder, Clair	3/2/04	Support
Foreman, Linda	3/6/04	Support
Goitein, Ernest	3/1/04	Support
Hassel, Irene	3/9/04	Opposed
Korbhols, Bill & Kathy	3/2/04	Support
Liebes, Linda	3/8/04	Support
Lindsay, Lorna	3/4/04	Support
San Mateo County Agricultural Commissioner, Gail Raabe	2/27/04 (rec'd 3/3)	Support
Spretnak, Charlene	3/7/04	Support
Straub, Carolyn & Stephen McHenry	3/1/04	Support

Please also note, not listed above but received by the Commission on 1/21/04 is: "A Community Report regarding the Proposed Annexation of Western San Mateo County by MROSD" prepared by Kurt Heiner

MROSD Comment Letters Received 3/9/04 to 3/16/04		
Agency/Organization/Individual	Date	Position
Postcards request approval of the Coastal Annexation (Total of 114 of which 15 are from coastal annexation area)	Various	Support
Blanchard, Jim, Midcoast Park Lands	3/9/04	Support
Braitman, Bob, Braitman & Associates	3/15/04	Alternative Boundary Action
Braitman, Bob, Braitman & Associates	3/16/04	To MROSD, request for info
Congress, Laura	3/10/04	Support
Drekmeier, Peter	3/10/04	Support
Fazzino, Gary P.	3/10/04	Support
George, Roseanna	3/11/04	Support
Granada Sanitary District, Chuck Duffy	11/27/03	Support
Lindsay, Margaret	3/5/04	Support
Lytle, Jackie		Support
Martin, Keith	3/1/04	Support
Meyer, Albert William	3/3/04	Support
Morgan, Hilary	3/3/04	Support
MROSD, Cathy Woodbury	3/11/04	Transmitting CPR letter to residents
MROSD, Craig Britton	3/2/04	Update/transmittal
Mullin, Assemblymember Gene	3/2/04	Support
Page, Martha, Robert, Ben & Tovis	3/3/04	Support
Pollock, Anneliese		Support
Rolleri, Terry	3/4/04	Support
San Mateo Co. Farm Bureau, Jack Olsen	3/16/04	Williamson Act Info
Scutchfield, Kathleen	3/15/04	Support
Waldhauer, Ruth	3/14/04	Support
Wilson, John, La Honda Pescadero School Dist.	3/9/04	Neutral
Zonka, Aaron	3/11/04	Support
Documents received at the March 9, 2004 LAFCo Meeting in Half Moon Bay		
Baez, Joan	3/9/04	Support
Braitman, Bob, Braitman & Assoc.	3/9/04	Oppose
Cattermole, George, Coastside Habitat Coalition	No date Rec'd 3/9/04	Comments on MROSD Draft EIR
Coastal Open Space Alliance (COSA)	No Date Rec'd 3/9/04	List of Agencies supporting MROSD annexation
Lindsay, Lorna	3/4/04	support
Periat, Judy	3/9/04	

MROSD Comment Letters Received 3/17/04 to 3/25/04		
Agency/Organization/Individual	Date	Position
Postcards request approval of the Coastal Annexation (Total of 25, from outside annexation area)	Various	support
Roberts, Lennie, Committee for Green Foothills	3/24/04	support
Folsom, Meredith (Forwarded by SMC Planning Commission)	3/23/04	opposed
Linder, Gloria	3/18/04	support
Oden, Joy	3/17/04	opposed
Jepsen, Donald & Dana O'Neill	3/17/04	opposed
Waldhauer, Ann	3/16/04	support
Peery, Catherine, Chair Pescadero Municipal Advisory Council	3/15/04	Opposed, request to hold meeting in Pescadero
McReynolds, Pamela W.	3/15/04	opposed
Prince, Bill & Gloria Stigall	3/14/04	support
Vogel, K. Christie	3/13/04	support

MROSD Comment Letters Received as of 3/30/04		
Agency/Organization/Individual	Date	Position
Abrevaya, David (letter to MROSD)	6/4/03 (received 3/30/04)	oppose
Allen, Geoff with Article on SODS	3/31/04	oppose
Clay, Jill	3/31/04	support
Coastal Open Space Alliance Volunteer Petitions, submitted at 3/30 hearing	Various	
Delay, Ari	3/31/04	oppose
Durrey, Rich	3/30/04	oppose
Editorial, Palo Alto Weekly	3/31/04	support
Editorial, The Menlo Park Almanac	3/31/04	support
Enteras, Bill	3/30/04	oppose
Johnston, John	No date	oppose
Schorr, David & Wendi Shafir	3/31/04	support
Schuchat, Sam, Nature Conservancy	3/30/04	support
Stigall, Georgia	3/30/04	support
Urgo, Michael	3/30/04	oppose
Wargo, Tom	3/30/04	oppose

Agreements between MROSD and Other Agencies

San Mateo County Farm Bureau

La Honda Pescadero Unified School District

County of San Mateo (Fire Services)

SAN MATEO COUNTY FARM BUREAU

765 MAIN STREET

HALF MOON BAY, CALIFORNIA 94019

PHONE (650) 726-4485



RECEIVED

February 12, 2004

FEB 23 2004

LAFCO

Iris Gallagher, Chair
San Mateo Local Agency Formation Commission
455 County Center, 2nd Floor
Redwood City, California 94063

Re: Midpeninsula Regional Open Space District
Proposed Extension of District Boundaries

Dear Chair and Members of the Commission:

In December the San Mateo County Farm Bureau (Farm Bureau) sent a letter explaining our opposition to the extension of the Midpeninsula Regional Open Space District (District) boundaries. In response to our letter, the District staff entered into discussions with Farm Bureau in an effort to find solutions to our concerns. We are pleased to report that our negotiations have resulted in a Memorandum of Understanding (MOU) that was signed by both the Farm Bureau and the District after unanimous votes by the directors of both boards. (See Attachment.) Thus, Farm Bureau is now able to support the District's proposed annexation.

As the MOU explains, our support for the District's proposed annexation is predicated on the success of a bill before the California Legislature that would eliminate the District's use of eminent domain in the area of the proposed annexation. In addition, Farm Bureau's support is based on the existence of a cooperative effort between the District and Farm Bureau to ensure that the implementation of the Service Plan and the Coastside Protection Program will preserve and encourage viable agricultural operations and avoid adverse effects on agriculture. This cooperative effort involves the implementation of the District's mitigation measures as defined in the Final EIR and includes the District's consultation with Farm Bureau during the development of site-specific use and management plans for land it acquires in the Coastside Protection Area.

Farm Bureau recognizes that the District has responded to our concerns about the future of agriculture in San Mateo County. We support the District's proposed annexation and look forward to working with the District to keep agriculture viable in San Mateo County.

Very truly yours,

Jack Olsen
Executive Administrator

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE SAN MATEO COUNTY FARM BUREAU
AND
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

WHEREAS, the mission of the San Mateo County Farm Bureau ("Farm Bureau") includes the preservation of existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of agricultural land in production and to provide support and expertise to its members and to private and public entities for those purposes; and

WHEREAS, the Midpeninsula Regional Open Space District ("District") has filed an application with San Mateo County Local Agency Formation Commission ("LAFCo") to extend its boundaries to the San Mateo County Coast and has adopted a related Service Plan for the purposes of preserving open space and agricultural land, encouraging viable agricultural use of land, and preserving agricultural operations in conformance with the San Mateo County General Plan; and

WHEREAS, the Farm Bureau and the District desire to work together cooperatively to support and preserve agricultural operations and to protect the economic and physical integrity of agricultural lands on the San Mateo Coast; and

WHEREAS, the Farm Bureau and the District believe that by such cooperative efforts the Farm Bureau will help enable the District to better accomplish its mission for the Coastside Protection Area for the benefit of its members and all residents of San Mateo County; and

WHEREAS, the Service Plan establishes the policy of the District to insure that where open space recreation or public access occurs, it is planned and managed in a manner that avoids adverse impacts to adjacent agricultural operations; and

WHEREAS, the District desires to consult with the Farm Bureau in planning for open space recreation and public access to ensure that such uses avoid adverse impacts to adjacent agricultural operations; and

WHEREAS, the Service Plan prohibits the District's use of the power of eminent domain in the area proposed for annexation ("Coastside Protection Area"), and the Farm Bureau has requested that this prohibition be established through state legislation so as to further insure the permanence of this District policy; and

WHEREAS, the Board of Directors of the District desires to sponsor such legislation to further insure to the satisfaction of the Farm Bureau and all San Mateo County coastside residents that its policy prohibiting the use of eminent domain in the proposed Coastside Protection Area will be secure and permanent; and

WHEREAS, it is the joint desire of the Farm Bureau and the District to enter into this Memorandum of Understanding in order to formalize the goals and understandings of both parties in their efforts to preserve agriculture in San Mateo County.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The San Mateo County Farm Bureau desires to insure that eminent domain not be used to acquire land in the District's proposed Coastside Protection Area. The Farm Bureau has requested that the District sponsor state legislation permanently removing the District's power of eminent domain in the proposed Coastside Protection Area. The District has agreed to sponsor such legislation. A copy of the proposed legislation is attached hereto, marked "Exhibit A" and incorporated by this reference. The Farm Bureau has agreed to support this legislation without amendment. The enactment of this legislation, in the form set out in Exhibit A, is a condition precedent of the parties' obligations in this MOU. The parties recognize that minor changes to this legislation may be made by the State Legislative Counsel in the normal course of its review and approval of legislative language and the parties shall continue to support and propose such legislation as approved by Legislative Counsel, provided that only minor and technical changes are made by Legislative Counsel. Any other changes shall require the prior written agreement of both the Farm Bureau and the District.
2. The San Mateo County Farm Bureau and the District desire to insure that the District's implementation of the Service Plan and its Coastside Protection Program preserve and encourage viable agricultural operations, and avoid adverse effects on agriculture. To accomplish this goal, the Farm Bureau and the District agree that:
 - a. As part of its Coastside Protection Program, the District has adopted a set of Mitigation Measures to preserve agriculture and to avoid adverse impacts on agriculture. A copy of these Mitigation Measures is attached hereto, marked "Exhibit B" and incorporated by this reference. The Farm Bureau has requested and the District has agreed that these Mitigation Measures shall be incorporated into this MOU. The District agrees that it will implement these Measures, and that implementation of these Measures is a commitment from the District to the Farm Bureau. These Mitigation Measures may not be amended by the District unless required by law.
 - b. The District will consult with the Farm Bureau in the development of site-specific use and management plans and site-specific agricultural production plans in the Coastside Protection Area as set out in Mitigation Measure AGR-3h.
 - c. When practicable and consistent with the Mitigation Measures, when planning for the preservation of land in agricultural production, the District will consider first

whether acquisition of a conservation easement is the best method to enable the land to remain in private ownership and in agricultural production.

- d. When considering the proposed use and management of any agricultural land acquired by the District in the Coastsides Protection Area, the District will provide the Farm Bureau prior written notice of any hearings at which site use and management plans, agricultural production plans, reviews or amendments will be considered. Further, the District will provide a prior opportunity for the Farm Bureau to review and comment on any such plans. This will insure that the Farm Bureau has the opportunity to share its expertise, resources and viewpoints with the District prior to any decision concerning future use or management of such lands. In addition, District staff will meet with representatives of the Farm Bureau from time to time on an informal basis upon request of either party to consult regarding development of such plans.

3. The San Mateo County Farm Bureau determines that, based upon the specific terms and conditions of this MOU, the District's Coastsides Protection Program will benefit and help preserve agriculture in San Mateo County, and will help to protect agriculture's physical and economic integrity in the County. The elimination of the District's power of eminent domain by legislation is a key component that will further protect agricultural lands from being removed from production. On that basis the San Mateo County Farm Bureau expresses its support for and endorsement of the District's Coastal Protection Program.
4. The San Mateo County Farm Bureau requests that LAFCo approve the District's application for annexation of the San Mateo County Coastsides Protection Area as filed on October 28, 2003, in its entirety.
5. This MOU may not be amended without the written consent of both the Farm Bureau and the District.
6. Any written notice sent pursuant to this MOU shall be addressed as follows:

Farm Bureau: Executive Administrator
 San Mateo County Farm Bureau
 765 Main Street
 Half Moon Bay, CA 94019

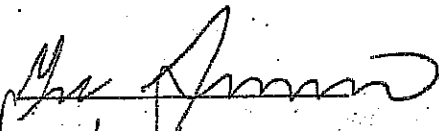
District: General Manager
 Midpeninsula Regional Open Space District
 330 Distel Circle
 Los Altos, CA 94022

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly authorized officers to be effective as of the date of final execution by the District.

FARM BUREAU:

DISTRICT:

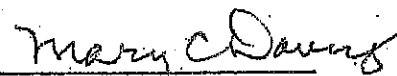
By:



Date:

1/19/04

By:



Date:

1/28/04

EXHIBIT A

SECTION 1. Section 5572.2 is added to the Public Resources Code to read:

5572.2. The Midpeninsula Regional Open Space District shall not exercise the power of eminent domain to acquire any real property or any interest in real property in the San Mateo County Coastal Annexation Area as defined in the Resolution of Application for Annexation Proceedings No. 03-20 adopted by the Board of Directors of the Midpeninsula Regional Open Space District on June 6, 2003.

SECTION 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances applicable only to this proposed project of the Midpeninsula Regional Open Space District. The District has adopted an ordinance and policy prohibiting the use of the power of eminent domain in an area of San Mateo County currently proposed for annexation to the District. This policy was adopted due to the special and unique circumstances of the particular annexation project and the particular nature of the territory proposed for annexation and in response to input from a Citizens' Advisory Committee formed to recommend policies particular to this proposed project. This legislation will further that policy and ordinance. The Legislature further finds and declares that this need is not common to all districts formed under the Regional Park District law nor to other projects of the District.

SECTION 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:
Enactment of this legislation will enable the District to implement the particular policies regarding eminent domain it has adopted for this specific project at the earliest possible time. In order for the prohibitions created by this act to become incorporated into this project, it is necessary for the act to take effect immediately.

EXHIBIT B
Midpeninsula Regional Open Space District Coastside Protection Program
Mitigation Measures

AGRICULTURE

Mitigation AGR-1a: No new buildings or staging areas shall be located on prime agricultural lands or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency that are being used for agricultural purposes. To implement this Mitigation Measure, in order to avoid conversion of Farmland to non-agricultural use, the Draft Service Plan should be revised to provide that the ranger office/maintenance facility and the staging areas may not be located on prime agricultural lands or on Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency Farmland in agricultural use.

Mitigation AGR-1b: Trails and habitat preservation areas shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Owners and operators of active agricultural activities lands shall be consulted to identify appropriate routes on those lands they cultivate. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.

Mitigation AGR-1c: The District shall adopt Draft Service Plan Policy P.1 by ordinance. This policy reads as follows: "Within the Coastal Annexation Area, the District shall only acquire lands or interests in lands from willing sellers. The power of eminent domain will not be exercised by the District within the Coastal Annexation Area. This policy is a Basic Policy for the Coastal Annexation Area."

Mitigation AGR-1d: Amend the Draft Service Plan to include the following:

The term "prime agricultural land" as used in this Plan means:

- a) All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Capability Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.
- b) All land which qualifies for rating 80-100 in the Storie Index Rating.
- c) Land which supports livestock for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
- d) Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period, on an annual basis, from the production of unprocessed agricultural plant production not less than \$200 per acre.
- e) Land which has returned from the production of an unprocessed agricultural plant product an annual value that is not less than \$200 per acre within three of the five previous years.

The \$200 per acre amount in subsections d) and e) shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized consumer price index.

The term "prime agricultural land" as used in this Plan shall also include Unique Farmland and Farmland of Statewide Importance as shown on the Farmland Mapping and Monitoring Program of the California Resources Agency.

Mitigation AGR-2: See Mitigation LU-2

Mitigation AGR-3a:

Guideline 3.2 in the *Draft Service Plan* should be modified to state:
"Improvements or public uses located upon open space lands other than agriculture...shall be located away from existing prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency toward areas containing non-prime agricultural lands, unless such location would not promote the planned, orderly, efficient use of an area. To the extent feasible, all All trails and other public facilities should be located so as not to fragment agricultural operations unless no feasible alternative is available. While trails that bisect grazing lands would not be likely to fragment grazing operations, trails that bisect cultivated crops could adversely affect the vitality of agricultural operations and should be avoided where feasible. If trails must traverse cultivated lands then they shall be permitted only if adequate buffers, signs, and other measures necessary to ensure that trail use does not interfere with the agricultural operations shall be are implemented."

Mitigation AGR-3b: The District shall provide private property signs where appropriate and provide trail users information regarding private property rights to minimize public/private use conflicts and trespassing. The District shall clearly sign trails adjacent to active agriculture and provide trail users with information regarding property rights to minimize trespassing and conflicts with agricultural users.

Mitigation AGL-3c: Trails shall either be located to avoid prime agricultural lands and Unique Farmlands or Farmlands of Statewide Importance as shown on Farmland Mapping and Monitoring Program of the California Resources Agency or traverse such lands in a manner that does not result in interference with agricultural activities or substantially reduce the agricultural potential of those lands. Operators of active agricultural activities on lands owned by or under easement to the District shall be consulted to identify appropriate routes on lands they cultivate. Owners and operators of active agricultural activities on lands adjacent to District lands used for non-agricultural purposes shall be consulted to identify routes that will avoid adverse effects on agricultural operations. The agricultural activities and the agricultural potential of traversed lands shall be protected and buffered from trail user impacts by means of distance, physical barriers (i.e., sturdy fences), or other non-disruptive methods.

Mitigation AGL-3d: The District lands or easements that comprise the trail setting upon which trails are sited shall provide width sufficient for management and/or buffer space from adjacent uses so as not to preclude the viability of those uses. Buffers established to separate recreation and other open space uses from agricultural operations shall be designed and managed in accordance with the following standards:

- a) Buffers shall be designed in relation to the nature of the adjoining land use, potential land uses and proposed public access;
- b) Buffers shall be designed in relation to the topography and other physical characteristics of the buffer area;
- c) Buffers shall be designed with consideration of biological, soil, and other site conditions in order to limit the potential spread of non-native invasive species or pathogens onto agricultural lands;
- d) Buffers shall be of sufficient width to allow agricultural use of adjoining

agricultural lands including application of pesticides and other agricultural chemicals on all lands needing treatment taking into account the likelihood and extent of potential pesticide drift.

- e) All lands used for buffers should be on land or interests in land owned by the District; adjoining landowners shall not be required to provide land for buffers.
- f) The District shall be responsible for the management and maintenance of all lands used as buffers.
- g) If a specific buffer fails to resolve conflicts between a recreational use and adjacent agricultural uses the recreational use shall be moved to a different location.

All buffers shall be developed in consultation with the owners and operators of adjoining agricultural lands.

Mitigation AGR-3e: Where pesticides are used, including pesticides for control of noxious weeds, they must be handled, applied, and disposed of in such a manner that they do not adversely affect adjacent agriculture, including organic agriculture. Pesticide use shall be guided by label restrictions and any advisories published by the California Department of Pesticide Regulation (CDPR) or the County Agricultural Commission. These chemicals shall only be applied by a person who is properly trained in their application.

Mitigation AGR-3f: The District shall conduct its land management practices such that they do not have an adverse significant impact on the physical and economic integrity of timberland preserves on or contiguous to properties owned or managed by the District and so that the safety of visitors to District preserves is not compromised by timber harvesting (e.g., establishing appropriate buffers on District lands).

Mitigation AGR-3g: When acquiring lands in agricultural use, the acquisition shall be subject to continued use by the owner or operator until such time as it is sold or leased pursuant to the use and management plan adopted for the property. All agricultural land which is not needed for recreation or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture and, whenever legally feasible, the District will offer for sale or lease the maximum amount of agricultural land to active farm operators on terms compatible with the recreational and habitat use. Lands that do not have significant recreation or sensitive habitat values and which can clearly support productive agricultural operations will generally be offered for sale while other agricultural lands will generally be offered for lease.

Mitigation Measure AGR-3h: Revise Draft Service Plan Guideline G.6.3
as follows:

GUIDELINE G.6.3

Inherent in the preservation of open space resources in the Coastal Annexation Area is the protection of: rare, threatened and endangered plant and animal species; ecological systems; agricultural resources, water quality; visual resources; unique biological resources, including heritage and significant trees; and the unique cultural resources in the Coastal Annexation Area, including historic, archaeological and paleontological resources. Therefore, prior to making any lands available to low-intensity public recreational access, the District shall prepare and adopt a use and management plan, which, includes site-specific resource management and public access components plan for any lands acquired by the District or managed through contract for other public or private non-profit property owners. All lands acquired by the District within the Coastal Annexation Area will be inventoried to identify and prioritize resource management issues. Where there are critical issues, such as the presence of non-native invasive species which threaten the habitat of endangered species or the economic viability of an adjacent agricultural operation, resource management plans will be prepared for these areas even if they remain closed to the public.

The use and management plan shall include an agricultural production plan for District-owned agricultural lands or District lands adjacent to agricultural lands. For district-owned lands, the plan shall describe the crop and/or livestock potential for the property together with the management actions required to protect existing agricultural production (e.g., growing seasons, water requirements, pesticide, manure, and waste management) and the agricultural potential of the land. The plan shall consider the following factors:

- a) Availability of labor, including farm labor housing;
- b) Availability of farm support services and goods;
- c) Necessary capital improvements (e.g. water storage, fencing, land leveling)
- d) Farm operations, including erosion control, the season(s) and times of pesticide or herbicide usage, manure and waste management;
- e) Water use and availability;
- f) Access to transportation and markets; and
- g) Promoting agricultural production on District-owned land.

In the case of District lands adjacent to agricultural production, the agricultural production plan shall develop site-specific measures to prevent activities on District lands from interfering with adjacent agricultural production.

The development of use and management plans will include consultation with the current owner or operator of any agricultural operations on the land, adjoining landowners, the San Mateo County Environmental Services Agency in addition to other include opportunities for public involvement.

Mitigation Measure AGR-3i: Amend Draft Service Plan Guideline G.2 as follows:

Prior to making any lands available to public access for low-intensity recreation in the Coastal Annexation Area, the District shall have personnel and equipment available to manage public access such that there would be no

significant negative impact on existing services; and adequate stewardship to protect natural and agricultural resources will be provided.

Mitigation Measure AGR-3j: Amend the *Draft Service Plan* to include the following policy:

The District shall actively work with lessees of District lands and with the owners of land in which the District has an agricultural easement interest to:

- a. Facilitate the provision of farm worker housing on District-owned lands by providing technical assistance in obtaining permits for such housing from the County of San Mateo.
- b. Seek grant funding for the continuation or establishment of viable agriculture through the California Farmland Conservancy Program and other agriculture grant programs.
- c. Provide technical assistance to secure water rights for the continuation or establishment of viable agriculture consistent with protection of sensitive habitats.

Mitigation Measure AGR-3k: Amend the *Draft Service Plan* to include the following policy:

The District shall actively pursue opportunities to enter agricultural easements and leases with interested farmers and ranchers. All agricultural easements and agricultural leases in the Coastal Annexation Area shall:

- a. Be tailored to meet individual farmers and ranchers needs while respecting the unique characteristics of the property;
- b. Specify uses that are unconditionally permitted pursuant to the easement or lease to provide certainty to the farmer or rancher entering the lease or easement with the District;
- c. Include terms that allow farmers and ranchers to adapt and expand their operations and farming practices to adjust to changing economic conditions;
- d. Include terms that ensure farmers or ranchers may provide farm labor housing as defined and approved by San Mateo County;
- e. Ensure compatibility of resource protection and management, low-intensity public recreation and viable agricultural operations; and
- f. In the case of leases, be for a sufficient period of time to gain a return on the investment in the agricultural operation.

AGREEMENT
BETWEEN LA HONDA-PESCADERO UNIFIED SCHOOL DISTRICT
AND MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

WHEREAS, the Midpeninsula Regional Open Space District ("MROSD") has submitted an application to the San Mateo County Local Agency Formation Commission ("LAFCo") for the approval of its proposed "Coastside Protection Program" which if approved would expand the MROSD's boundaries to the "Coastside Protection Area" which would include territory within the jurisdictional boundaries of the La Honda Pescadero Unified School District ("LHPUSD"); and

WHEREAS, the LHPUSD has adopted a policy to oppose any annexation by any public agency of territory within the jurisdictional boundaries of LHPUSD, unless the proposal is accompanied by sufficient financial or other arrangements to satisfactorily compensate for any lost tax revenues and any other significant foreseeable negative impacts on LHPUSD as a result of the proposal or as decided on a case by case basis that the annexation is in the best interest of LHPUSD; and

WHEREAS, it is the goal of both public agencies to work together cooperatively to establish a jointly beneficial agreement that will further the mission of both agencies for the public benefit and will satisfy LHPUSD that LHPUSD will receive adequate compensation for any potential reduction in property tax revenue and any other impacts that it may consider negative as a result of annexation and acquisition of lands in the "Coastside Protection Area" by MROSD; and

WHEREAS, in order to avoid an adverse fiscal impact to agencies within the proposed "Coastal Protection Area," MROSD's Board of Directors (by Resolution No. 03-21), and the San Mateo County Board of Supervisors, and the Half Moon Bay City Council, each have adopted a Resolution of No Property Tax Exchange; such that there shall be no transfer of property tax revenue to MROSD from any affected local agency within the proposed "Coastside Protection Area;" and

WHEREAS, further, the mission of the MROSD is: "To acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education," which includes a strong commitment to further and support environmental education, and MROSD desires to support such education within the LHPUSD;

NOW, THEREFORE, the parties mutually agree as follows:

1. **Tax Compensatory Fee.** In the event MROSD's "Coastside Protection Program" is approved by LAFCo and becomes effective, and MROSD acquires land within the "Coastside Protection Area," which acquisition results in a loss of property tax revenue to LHPUSD, MROSD will compensate LHPUSD (hereafter "the Tax

Compensatory Fee'), in consideration for LHPUSD's educational services as set out in this Agreement.

2. Scope.

- a) MROSD acquisitions that shall be subject to the provisions of this Agreement shall include any lands acquired by MROSD in fee title after the Effective Date of this Agreement that are within the geographic jurisdictional boundaries of LHPUSD as they exist on the Effective Date of this Agreement as shown on Exhibit A (a copy of which is attached hereto and incorporated by this reference) and that also lie within the boundaries of the proposed MROSD "Coastside Protection Area" as approved by LAFCo. Such acquisitions are hereafter referred to as "Eligible Acquisitions."
- b) Lands acquired by MROSD from another government agency shall be exempt from this Agreement if title to the land was held by the transferring government agency prior to the Effective Date of this Agreement and LHPUSD received no share of the property tax levied upon such lands on the date it was acquired by MROSD.

3. Reports.

- a) Within thirty (30) days of close of escrow, MROSD will report to LHPUSD on any MROSD Eligible Acquisitions.
- b) By July 1 of each year, MROSD will report to LHPUSD, by assessor parcel number (APN), the current MROSD acquisitions and leases within LHPUSD and the "Coastside Protection Area."
- c) By August 1 of each year, LHPUSD shall report to MROSD the nature, scope and costs of the environmental education services LHPUSD has provided during its prior fiscal year as set out in Section 6 herein.
- d) No more than once a year, upon reasonable written notice from LHPUSD's auditors, MROSD will provide a summary of payments made under this Agreement.

4. Payment Schedule. The Tax Compensatory Fee from MROSD shall be forwarded to LHPUSD in two installments semiannually on January 1st and July 1st of each calendar year.

5. Calculation. The Tax Compensatory Fee shall be calculated based on the following formula:

- a) MROSD will pay LHPUSD for each Eligible Acquisition, on the next semi-annual payment date after such acquisition, a Tax Compensatory Fee equal to the greater of either:
 - (i) the property tax that LHPUSD would otherwise have received, had it not been acquired by MROSD, based upon the actual property taxes levied upon the Eligible Acquisition on the date it was acquired by MROSD; or

- (ii) the property tax that LHPUSD would have received from the Eligible Acquisition, assuming that the assessed value per acre of the Eligible Acquisition on the date it was acquired by MROSD was equal to the current average assessed valuation per acre of undeveloped vacant lands in the Coastal Protection Area. The current average assessed valuation per acre will be calculated based on the Fiscal Impact Analysis dated June 6, 2003 prepared by Economics Research Associates, and submitted to LAFCo in connection with the Coastsides Protection Program.

Such payment shall be referred to as "the LHPUSD Tax Share."

- b) In the case of Eligible Acquisitions from non-governmental tax-exempt entities, such as non-profit land trusts, MROSD will pay a Tax Compensatory Fee equal to the property tax that LHPUSD would otherwise have received, had it not been acquired by such tax-exempt entity, based upon the actual property taxes levied upon the Eligible Acquisition on the date it was acquired by that tax-exempt entity.
- c) **Annual Increase.** For the purpose of calculating each payment for which a Tax Compensatory Fee is to be paid to LHPUSD after the initial payment, as described in a. and b. above, the amount of such Fee shall be based upon the property taxes that would have been levied on a full property tax year basis. Such fee shall be increased at an annual rate of 2% effective June 30 of each year. In the event the 2% limit on annual increases to real property tax assessments set out in Proposition 13 (Cal. Const. Art. XIII A, §2) is either repealed or amended to permit annual real property tax increases exceeding 2%, then effective upon the next succeeding June 30th, the Tax Compensatory Fee shall thereafter be increased annually by the lesser of:
 - (i) the amount specified by the State Constitution, as amended; or
 - (ii) the most recently available Consumer Price Index (All Urban Consumers- San Francisco - Oakland - San Jose Area); or
 - (iii) 5%.

However, in no event shall the annual increase be less than 2%. Such Annual Increase shall apply to each Eligible Acquisition from the date of its conveyance to MROSD.

- d) In the event MROSD conveys all of its interests in an Eligible Acquisition to a private tax-paying third party, MROSD shall be relieved of its obligation for payment of a Tax Compensatory Fee to LHPUSD for such Eligible Acquisition and such Acquisition shall thereafter be exempt from this Agreement. In the event, after conveyance, MROSD retains or reacquires a partial or complete fee interest or easement interest in such Eligible Acquisition, LHPUSD will continue to receive a pro rata share of the property tax generated by such Eligible Acquisition. In the event that the pro rata share of such property tax received by LHPUSD is less than the LHPUSD Tax Share, the Tax Compensatory Fee shall equal the difference in the two amounts so that LHPUSD shall receive the full LHPUSD Tax Share. In the event the pro rata share of such property tax received by LHPUSD is greater than the LHPUSD Tax Share, LHPUSD may retain such

excess share and MROSD shall not owe LHPUSD any further Fee. MROSD may not offset or receive credit for such excess share towards the Tax Compensatory Fee otherwise due LHPUSD under this Agreement.

- e) In the event an Eligible Acquisition is conveyed by MROSD to another public agency or tax-exempt non-profit agency, then at the time of the next semiannual payment, MROSD shall pay to LHPUSD the "present value" of the Tax Compensatory Fee income stream for that Eligible Acquisition for the remaining term of this Agreement. The "present value" shall be calculated based upon the most current tax exempt bond interest rate available to MROSD.
- f) The parties acknowledge that it is anticipated that certain Eligible Acquisitions will be leased for private agricultural, residential, or other private uses. Such Acquisitions may be subject to a Possessory Interest Tax or other real property tax and will generate property taxes ("Alternative Tax"). In such cases, LHPUSD will continue to receive a pro rata share of such Alternative Tax generated by such Eligible Acquisition. In the event that the pro rata share of such Alternative Tax received by LHPUSD is less than the LHPUSD Tax Share, Tax Compensatory Fee shall equal the difference in the two amounts so that LHPUSD shall receive the full LHPUSD Tax Share. In the event the pro rata share of such Alternative Tax received by LHPUSD is greater than the LHPUSD Tax Share, LHPUSD may retain such excess share and MROSD shall not owe LHPUSD any further Fee. MROSD may not offset or receive credit for such excess share towards the Tax Compensatory Fee otherwise due LHPUSD under this Agreement.

6. **Environmental Education Services.** MROSD will pay LHPUSD the Tax Compensatory Fee in consideration for LHPUSD providing educational services promoting and conducting environmental education in furtherance of MROSD's and LHPUSD's missions. Such services shall include, but not be limited to, providing science instruction pertinent to the natural resources of the "Coastside Protection Area" and MROSD lands in the "Coastside Protection Area," environmental education pertinent to MROSD lands in the "Coastside Protection Area," and such other environmental education programs as LHPUSD and MROSD agree are appropriate to further their mutual goals of promoting environmental education. Some examples of educational activities anticipated include, but are not limited to, a field trip to local fish habitats, or a study of erosion control methods conducted on a site within the "Coastside Protection Area."

7. **Meetings.** MROSD and LHPUSD will meet at the request of either agency to coordinate and review LHPUSD and MROSD activities under this Agreement and to determine if other mutually desirable partnership opportunities are available.

8. **Other Collaborative Projects.** In the event MROSD's "Coastside Protection Program" is approved by LAFCo, MROSD and LHPUSD may seek other partnering opportunities such as grants and joint projects to further environmental education, supporting the development of scientific knowledge about natural and cultural resources

and management techniques applicable to MROSD lands, and potentially engaging in joint resource management projects on MROSD lands.

9. **Term.** The initial term of this Agreement shall be 20 years; provided however, for the purpose of maintaining and addressing a long term relationship between the agencies and the fiscal impacts therefrom, the parties desire that, after 19 years from its Effective Date, MROSD and LHPUSD shall review this Agreement and hereby agree to meet and to negotiate in good faith to agree upon a Successor Agreement. Such negotiations shall include discussion of, among other things, the term of a Successor Agreement, and whether amendments to the provisions herein are necessary or appropriate to accomplish the purpose and goals of the Agreement. Such negotiations shall be based on the principles set out in this Agreement, taking into consideration the past experience of both agencies in carrying out the provisions of this Agreement, the services provided by LHPUSD, the anticipated needs of LHPUSD and MROSD in order to be able to continue to participate in this Agreement and related collaborative projects, and other factors directly and reasonably related to the purposes and goals of this Agreement.

If, despite such good faith efforts, the parties are unable to agree upon a Successor Agreement, including the Term thereof, the matter shall be resolved by binding arbitration. The arbitrator shall have only the authority to determine an appropriate Term for a Successor Agreement, taking into account the matters set out in Section 9. Unless the parties mutually agree to amend other provisions of this Agreement, any Successor Agreement shall have the same terms, conditions, and provisions, except that the length of the Term of the Successor Agreement may be set by the arbitrator. The arbitrator may not impose a Term that is contrary to law. The parties shall jointly select one qualified arbitrator who shall be a retired or former judge of the Superior Court of California. The arbitration shall be conducted in accordance with the rules set out in California Code of Civil Procedure Section 1280 et seq. If the parties are unable to agree upon a particular retired or former judge, then they will refer the matter to a qualified commercial arbitration service mutually acceptable to the parties, which shall conduct the arbitration according to its rules. If arbitration is required, it shall be in all cases final and binding.

10. **Effective Date.** This Agreement shall become effective on the date it is fully executed by both MROSD and LHPUSD.

11. **Conditions Precedent.** The conditions precedent of the parties' obligations and rights under this Agreement are

- a) the approval by LAFCo of MROSD's October 28, 2003 application for annexation of the "Coastside Protection Area" in its entirety; and
- b) the issuance by LAFCo of a Certificate of Completion for such annexation and that such annexation becomes final and effective.

12. **Insurance.**

- a) During the term of this Agreement, MROSD and LHPUSD shall continue to carry the amount of general liability insurance, or self-insurance, covering its risks of operation in an amount and scope of coverage substantially similar as exist on the Effective Date of this Agreement. Each agency shall furnish the other agency with Certificates of Insurance evidencing such insurance coverage upon request.
- b) Each agency shall be responsible for providing Workers' Compensation coverage as required by law for its own employees, volunteers and agents performing any acts under this Agreement.

13. **Indemnification.** The parties will allocate between themselves any potential liability arising from this Agreement as set out in Government Code Section 895.6.

14. **Applicable Laws.** This Agreement shall be construed and enforced pursuant to the laws of the State of California.

15. **Notices.**

- a) Any notice required to be given to MROSD shall be deemed to be duly and properly given if mailed to MROSD, postage prepaid, addressed to:

Midpeninsula Regional Open Space District
330 Distel Circle
Los Altos, CA 94022
Attn: General Manager

or personally delivered to MROSD at such address or at such other addresses as MROSD may designate in writing to LHPUSD.

- b) Any notice required to be given to LHPUSD shall be deemed to be duly and properly given if mailed to LHPUSD, postage prepaid, addressed to:

La Honda Pescadero Unified School District
620 North Street
Pescadero, CA 94060
Attn: Superintendent

or personally delivered to LHPUSD at such address or at such other addresses as LHPUSD may designate in writing to MROSD.

16. **Waiver.** The failure of any party to insist upon a strict performance of any of the terms, conditions and covenants contained herein shall not be deemed a waiver of any rights or remedies that LHPUSD or MROSD may have and shall not be deemed a waiver of any subsequent breach or default of the terms, conditions and covenants contained herein.

17. **Severability.** If any one or more of the covenants or agreements or portions thereof provided in this Agreement shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such covenant or covenants, such agreement or agreements, or such portions thereof shall be null and void and shall be deemed separable from the remaining covenants or agreements or portions thereof and shall in no way affect the validity or enforceability of the remaining portions of this Agreement.
18. **Captions.** The captions in the articles of this Agreement are inserted for convenience purposes only and shall not affect the terms of this Agreement.
19. **Assignment.** This Agreement may not be assigned, assumed, transferred, or conveyed by either party without the prior written consent of the other party. Any such transfer or assignment without such prior written consent shall be void.
20. **Amendments.** No provision of this Agreement may be amended except by an agreement in writing signed by both parties.
21. **Prior Agreements.** This Agreement contains all of the agreements of the parties with respect to any matter covered or mentioned in this Agreement, and no prior agreement or understanding pertaining to any such matter shall be effective for any purpose.
22. **Costs of Litigation.** In the event that a dispute should arise relating to this Agreement which results in litigation, it is agreed that the prevailing party shall be entitled to recover all reasonable costs of litigation including reasonable attorney's fees.
23. **Termination.** If at any time after the Effective Date of this Agreement the Board of Trustees of LHPUSD determines that this Agreement are not in the best interests of their educational mission, LHPUSD may terminate this Agreement upon thirty (30) days written notice to MROSD.

This Agreement is executed on the date shown with each signature and is effective on the date it is fully executed by both LHPUSD and MROSD.

MIDPENINSULA REGIONAL OPEN
SPACE DISTRICT

By: Mary Davey
Mary Davey, President
Board of Directors

Date: 3/8/04

Recommended for Approval:

By: [Signature]
L. Craig Britton, General Manager

Date: 3/8/04

Approved as to Form:

By: Susan Schectman
Susan Schectman, General Counsel

Date: 3-8-04

Attest:

By: Sally Thielholdt
Sally Thielholdt, District Clerk

Date: 3/8/04

LA HONDA PESCADERO
UNIFIED SCHOOL DISTRICT

By: [Signature]
Chris Brancart, President
Board of Directors
~~TRUSTEES~~

Date: 3-4-04

Recommended for Approval:

By: [Signature]
John Wilson, Superintendent

Date: 3-4-04

Approved as to Form:

By: [Signature]
Lee A. Thompson
Deputy County Counsel


Date: 3-4-04

Attest:

By: [Signature]
LHPUSD Clerk

Date: 3/4/04

LA HONDA-PESCADERO UNIFIED
SCHOOL DISTRICT BOUNDARIES

 Existing Boundary
 Proposed Coastal Protection Area

THE SCHOLARSHIPS OF THE LA FENOA-PUECOADERO UNIFIED SCHOOL DISTRICT WERE DEFINED BASED ON A LIST OF ADVERSE PERSONS BY THE SCHOOL DISTRICT IN MARCH 1984.

AGREEMENT**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA***** * * * *****AN AGREEMENT BETWEEN
THE COUNTY OF SAN MATEO AND MIDPENINSULA REGIONAL OPEN SPACE
DISTRICT REGARDING FIRE SERVICES**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, the Midpeninsula Regional Open Space District ("DISTRICT") has submitted an application to the San Mateo County Local Agency Formation Commission ("LAFCo") for the approval of its proposed Coastside Protection Program ("Program") which if approved would expand DISTRICT'S boundaries to the Coastside Protection Area; and

WHEREAS, in the event the Program is approved, and District were to acquire land in the Coastside Protection Area, Public Resources Code Section 5561.6 provides that: "For the purposes of the prevention and suppression of fires on such lands, the board may enter into co-operative mutual aid agreements with the federal government, the State, any municipality, county or district..."; and

WHEREAS, the proposed Final Program EIR contains Mitigation Measures which require District to undertake specified joint operations with the County of San Mateo through its Environmental Services Agency and Fire Department ("COUNTY"), including consultation on site-specific fuel modification and management programs for specific lands acquired as part of DISTRICT's Use and Management site planning process; coordination on review of available dry hydrant water resources on specific lands acquired, coordination on use of a DISTRICT 1,500-2,000 gallon maintenance-style water truck for mutual aid calls, and formalizing a mutual aid agreement; and

WHEREAS, it is the desire of DISTRICT and COUNTY to work cooperatively to implement these Mitigation Measures to establish a jointly beneficial agreement that will further the mission of both agencies for the public benefit and resolve to COUNTY's satisfaction any previously expressed concerns by COUNTY and its associated volunteer fire programs about potential Program impacts; and

WHEREAS, DISTRICT and COUNTY desire to enter into a contractual agreement for the provision of fire-related services to District lands in the Coastsides Protection Area that are not currently provided within the State Responsibility Area by the California Department of Forestry and Fire Protection (CDF).

NOW, THEREFORE, the parties mutually agree as follows:

1. **Fire Services Fee.** In the event DISTRICT's Coastsides Protection Program is approved by LAFCo and becomes effective, DISTRICT will, in exchange for COUNTY's services as set out in this Agreement, compensate COUNTY by means of a Fire Services Fee (hereafter "Service Fee") as set out in this Agreement.
2. **Scope.**

- a. DISTRICT acquisitions that shall be subject to the provisions of this Agreement shall include any lands acquired by DISTRICT in fee title after the Effective Date of this Agreement that are within the geographic jurisdictional boundaries of the proposed Coastsides Protection Area as approved by LAFCo and that are not described in paragraphs (b) and (c) of this Section 2, below. Such acquisitions are hereafter referred to as "Eligible Acquisitions."
- b. Lands acquired by DISTRICT from another government agency and lands located within a municipality or a fire protection district shall be exempt from this Agreement.
- c. Lands served by another fire services entity, or which remain subject to property-related taxes which fund COUNTY Services, are exempt from this Agreement.

3. Reports.

- a. By August 1 of each year, DISTRICT will report to COUNTY all DISTRICT acquisitions within the Coastsides Protection Area completed in the preceding twelve months between July 1 and June 30.
- b. By August 1 of each year, COUNTY shall report to DISTRICT the nature, scope and costs of the fire services set out in Section 6 herein. This report shall include a list and dates of all COUNTY response calls to DISTRICT owned or management lands during its prior fiscal year.

- 4. Payment Schedule.** The Service Fee from DISTRICT shall be forwarded to COUNTY in two installments semiannually on January 1st and July 1st of each calendar year.

5. **Calculation.** The Service Fee shall be calculated based on the following formula:

- a. In consideration for providing the fire services set out in Section 6 herein, for each Eligible Acquisition, DISTRICT will pay COUNTY an annual Service Fee equal to the greater of either:

(i) the pro rata share of property tax COUNTY would otherwise have received from tax levied upon the Eligible Acquisition, based upon the assessed valuation of the Eligible Acquisition and the actual property taxes levied upon the Eligible Acquisition on the date it was acquired by DISTRICT; or

(ii) the pro rata share of property tax COUNTY would otherwise have received from tax levied upon the Eligible Acquisition on the date it was acquired by DISTRICT, based on the current average assessed valuation per acre of undeveloped vacant lands in the Coastsides Protection Area. The current average assessed valuation per acre will be calculated based on the Fiscal Impact Analysis dated June 6, 2003 prepared by Economics Research Associates, and submitted to LAFCo in connection with the Coastsides Protection Program.

As used in this Subsection (a), the term "pro rata share of property tax COUNTY would otherwise have received from tax levied upon the Eligible Acquisition" shall mean solely that share of property tax that would have been allocated to the COUNTY for COUNTY fire protection services, and shall not mean that share of property tax that would have been allocated to COUNTY generally.

- b. For the purpose of calculating each payment for which a Service Fee is to be paid to COUNTY, if the Service Fee is calculated based upon the formula described in Subsection (a) (ii) above, the initial amount of such Service Fee as calculated under Subsection (a) (ii), increased by 2% per year for each full year which has elapsed between June 30, 2003, and the date of acquisition. Thereafter, regardless of whether the Service Fee to be paid hereunder is based upon the formula set out in Subsection (a) (i) or (a) (ii) above, the Service Fee shall be increased at an annual rate of 2%, effective June 30 of each year.
- c. In the event the Eligible Acquisition is conveyed by DISTRICT to a third party person or entity, DISTRICT shall be relieved of any future obligation for payment of a Service Fee to COUNTY for such Eligible Acquisition and such Eligible Acquisition shall thereafter be exempt from this Agreement.
- d. The parties acknowledge that it is anticipated that certain DISTRICT Eligible Acquisitions will be leased for private agricultural, residential, or other private use. Such Acquisitions may be subject to a Possessory Interest Tax or other real property tax (hereafter "Alternative Tax"). In such cases, COUNTY will continue to receive the Alternative Tax revenue generated by such Eligible Acquisition. Therefore, no Service Fee will be due from DISTRICT to COUNTY for services provided to such Eligible Acquisition so long as the Alternative Tax continues to be assessed.

- e. Payment Towards the Purchase of a Fire Engine. As further consideration for COUNTY's services, after acquisition by District of 1,000 acres of Eligible Acquisitions within the Coastside Protection Area, DISTRICT shall make a one-time payment of \$50,000 to COUNTY to be applied to the purchase of a four-wheel drive fire engine that will be used by COUNTY to provide fire services to District owned and managed lands in the Coastside Protection Area. COUNTY shall provide evidence of such purchase to DISTRICT within twelve (12) months of DISTRICT payment. The engine will display an authorized DISTRICT logo identifying DISTRICT as a participating funding agency.
6. **Fire Services.** DISTRICT will pay COUNTY the Service Fee in consideration for COUNTY providing DISTRICT fire services as follows:
- a. Fire and Emergency Medical Services. COUNTY will provide wildland and structure fire prevention and suppression services, and emergency medical services, to DISTRICT owned and managed lands in the Coastside Protection Area. COUNTY will include the use of the fire engine described in Section 5(e) herein as part of those services. The fire engine shall be housed at a location, that, in the reasonable judgment of COUNTY, will enable it to serve lands owned or managed by DISTRICT as of the Effective Date of this Agreement as well as Eligible Acquisitions.
 - b. Mutual Aid Agreement. DISTRICT and COUNTY will formalize the assistance currently provided by DISTRICT to COUNTY and by COUNTY to DISTRICT and continue the cooperative relationship already established between the two agencies by entering into a Mutual Aid Agreement within 12 months of the Effective Date of this Agreement. The Mutual Aid Agreement will also provide for joint training opportunities.

- c. Site-Specific Fuel Modification and Management Program. In addition to continuing its current fuel management practices, as new lands are acquired, District will consult with COUNTY in developing site-specific fuel modification and management programs for specific lands acquired, as part of DISTRICT's Use and Management Planning Process.
 - d. Additional Water Resources. DISTRICT will consult with COUNTY to determine whether the construction of dry hydrants on specific lands acquired by DISTRICT in the Coastside Protection Area is feasible in order to provide additional remote area water supplies for fire suppression activities. DISTRICT will purchase a 1,500–2,000 gallon maintenance-style water truck, which DISTRICT will make available for mutual aid calls with COUNTY during fire suppression activities. The terms and conditions for use of the water truck will be included in the Mutual Aid Agreement described in Section 6(b) herein.
7. **Term.** The initial term of this Agreement shall be 15 years. After 10 years from its effective date, DISTRICT and COUNTY shall review this Agreement and shall meet and negotiate in good faith to agree upon a Successor Agreement. Such negotiations shall include discussion of whether amendments to the provisions herein are necessary or appropriate to accomplish the purpose and goals of the Agreement. Such negotiations shall be based on the principles set out in this Agreement, taking into consideration the past experience of both agencies in carrying out the provisions of this Agreement, the services provided by COUNTY, the anticipated COUNTY and DISTRICT needs to be able to continue to participate in this Agreement and collaborative projects, and other factors directly and reasonably related to the purposes and goals of this Agreement.
8. **Effective Date.** This Agreement shall become effective on the date it is fully executed by both DISTRICT and COUNTY.

9. **Conditions Precedent.** The conditions precedent of the parties' obligations and rights under this Agreement are:

- a. The approval by LAFCo of the DISTRICT's October 28, 2003 application for annexation of the Coastsides Protection Area in its entirety; and
- b. The issuance by LAFCo of a Certificate of Completion for such annexation and that such annexation becomes final and effective.

10. **Insurance.**

- a. During the term of this Agreement DISTRICT shall carry general liability insurance, or a policy of self-insurance, covering its risks arising out of the performance of any acts pursuant to this Agreement in an amount not less than Five Million Dollars (\$5,000,000). DISTRICT shall furnish COUNTY with a Certificate of Insurance evidencing such insurance coverage.
- b. During the term of this Agreement COUNTY shall carry general liability insurance, or a policy of self-insurance, covering its risks arising out of the performance of any acts pursuant to this Agreement in an amount not less than Five Million Dollars (\$5,000,000). COUNTY shall furnish DISTRICT with a Certificate of Insurance evidencing such insurance coverage.
- c. COUNTY shall be responsible for the Workers' Compensation coverage and care of COUNTY employees, volunteers and agents, performing any acts under this Agreement. DISTRICT shall be responsible for the Workers' Compensation coverage and care of DISTRICT employees, volunteers and agents performing any acts under this Agreement.

11. **Hold Harmless.**

- a. COUNTY hereby agrees to indemnify, defend and hold harmless DISTRICT from and against all liability for all claims, suits, damages, injuries, costs, losses and expenses, including reasonable attorney's fees and court costs, in any manner related to or arising out of this Agreement to the extent that the matter giving rise to the liability is directly attributable to the negligent or wrongful acts or omissions of COUNTY employees or agents or otherwise arises out of matters which, by the terms of this Agreement, are the responsibility of COUNTY.
 - b. DISTRICT hereby agrees to indemnify, defend and hold harmless COUNTY from and against all liability for all claims, suits, damages, injuries, costs, losses, and expenses, including reasonable attorney's fees and court costs, in any manner related to or arising out of this Agreement, to the extent that the matter giving rise to the liability is directly attributable to the negligent or wrongful acts or omissions of DISTRICT's employees or agents or otherwise arises out of matters which, by the terms of this Agreement, are the responsibility of DISTRICT.
 - c. COUNTY and DISTRICT agree to cooperate in the event of claims or litigation against either COUNTY or DISTRICT by a third party. In the event liability arises due to the alleged concurrent negligence of COUNTY and DISTRICT, or any combination thereof, each party shall contribute costs of any such suits, defense, damages, costs and liability in proportion to its fault as determined under the principles of comparative negligence.
12. **Applicable Laws.** This Agreement shall be construed and enforced pursuant to the laws of the State of California.
13. **Notices.**

- a. Any notice required to be given to DISTRICT shall be deemed to be duly and properly given if mailed to DISTRICT, postage prepaid, addressed to:

Midpeninsula Regional Open Space District
330 Distel Circle
Los Altos, CA 94022
Attn: General Manager

or personally delivered to DISTRICT at such address or at such other addresses as DISTRICT may designate in writing to COUNTY.

- b. Any notice required to be given to COUNTY shall be deemed to be duly and properly given if mailed to COUNTY, postage prepaid, addressed to:

San Mateo County
Attn: County Manager
400 County Center, Hall of Justice
Redwood City, CA 94063

or personally delivered to COUNTY at such address or at such other addresses as COUNTY may designate in writing to DISTRICT.

14. **Waiver.** The failure of any party to insist upon a strict performance of any of the terms, conditions and covenants contained herein shall not be deemed a waiver of any rights or remedies that COUNTY or DISTRICT may have and shall not be deemed a waiver of any subsequent breach or default of the terms, conditions and covenants contained herein.
15. **Severability.** If any one or more of the covenants or agreements or portions thereof provided in this Agreement shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such covenant or covenants, such agreement or agreements, or such portions thereof shall be null and void and shall be deemed separable from the remaining covenants or agreements or portions thereof and shall in no way affect the validity or enforceability of the remaining portions of this Agreement.

16. **Captions.** The captions in the articles of this Agreement are inserted for convenience purposes only and shall not affect the terms of this Agreement.
17. **Assignment.** This Agreement may not be assigned, transferred, or conveyed by either party without the prior written consent of the other party. Any assignment without such prior written consent shall be void.
18. **Amendments.** No provision of this Agreement may be amended except by an agreement in writing signed by both parties.
19. **Prior Agreements.** This Agreement contains all of the agreements of the parties with respect to any matter covered or mentioned in this Agreement, and no prior agreement or understanding pertaining to any such matter shall be effective for any purpose.

MIDPENINSULA REGIONAL
OPEN SPACE DISTRICT

SAN MATEO COUNTY

By: _____

President of the Board of Directors

By: _____

President of the Board of Supervisors

Date: _____

Date: _____

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RESOLUTION NO. 04-07

A RESOLUTION OF THE BOARD OF DIRECTORS
OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
ESTABLISHING A PUBLIC PARTICIPATION PROCESS FOR
REAPPORTIONMENT OF THE DISTRICT'S WARD
BOUNDARIES TO INCLUDE THE COASTSIDE
PROTECTION AREA

RESOLVED, by the Board of Directors of the Midpeninsula Regional Open Space District ("District") that:

WHEREAS, the Coastside Protection Area proposed to be annexed by the District and to be included within the sphere of influence of the District is defined as "inhabited" under State law; and

WHEREAS, Federal and State law provide for representation of the District's constituents by a Board of up to seven Directors, each representing a geographic area or ward, and require that each ward be composed of an approximately equal population; and

WHEREAS, based upon the 2000 Census and current estimates, the Coastside Protection Area is of insufficient population and, therefore, creation of a separate ward is not lawful or feasible at this time; and

WHEREAS, the Coastside Protection Area could be included in one or more wards, providing elected representation for all constituents, and enabling one or more residents the opportunity to be elected to and serve on the District's Board of Directors; and

WHEREAS, the District is strongly committed to providing democratic and accountable representation to all its constituents and desires to create a public participation process for reapportionment of the District's ward boundaries to include the Coastside Protection Area; and

WHEREAS, the District shall prepare up to four alternative redistricting scenarios, based upon the legal criteria established by Federal and State law for reapportionment of election districts and any applicable District redistricting policies, that illustrate the extension of one, two, three or four wards to include the Coastside Protection Area; and

WHEREAS, in order to include as many constituents as possible in determining the new ward boundaries, the District shall conduct public workshops to present the alternative redistricting scenarios and receive input from residents, community groups, coastside organizations and elected officials; and

WHEREAS, the alternative redistricting scenarios shall be posted on the District's web site and shall be available for review at the District's administrative office; and

WHEREAS, within 60 days after the Effective Date of the Annexation and Sphere of Influence Amendment for the proposed Coastal Protection Area is approved by the San Mateo County Local Agency Formation Commission, and the receipt of the revised population estimates to said Area, the District's Board of Directors shall hold the public workshops as set out in this Resolution and further shall hold a public hearing to consider the input received at the workshops and adjust the boundaries of the existing wards of the District so that the wards meet applicable legal criteria and are as nearly equal in population as may be possible.

NOW, THEREFORE, this Resolution Establishing a Public Participation Process for Reapportionment of the District's Ward Boundaries to Include the Coastside Protection Area is hereby adopted and approved by the Midpeninsula Regional Open Space District.

* * * * *

Regional Open Space

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

RESOLUTION No. 04-07

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on February 25, 2004, at a Regular Meeting thereof, by the following vote:


AYES: M. Davey, J. Cyr, N. Hanko, K. Nitz, P. Siemens, D. Little

NOES: None

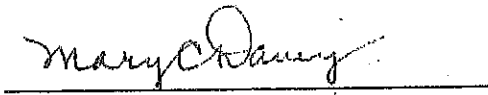
ABSTAIN: None

ABSENT: L. Hassett

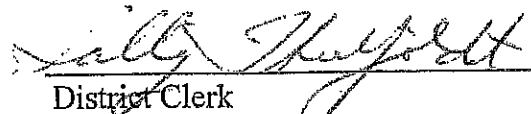
ATTEST:

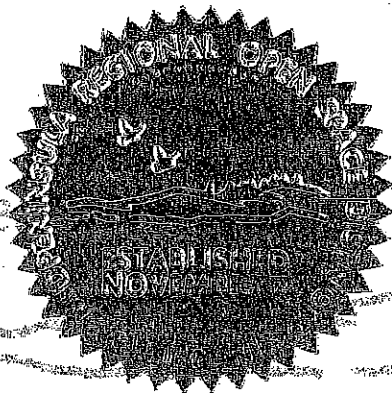

Secretary
Board of Directors

APPROVED:


President
Board of Directors

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.


District Clerk



Regional Open Space District

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Attach F

San Mateo LAFCo Commissioners
c/o Martha Poyatos, Executive Officer
455 County Center
Redwood City, CA 94063
March 31, 2004

Dear LAFCo Board:

I am writing to urge you to approve the proposal before your Commission to expand the boundary of Midpeninsula Regional Open Space District (MROSD) to the San Mateo County Coast. **The proposed expansion will have a minimal effect on tax revenues and on other agencies and special districts.**

Since the Coastside community asked MROSD to expand the District to the San Mateo County Coast more than six years ago, the District has conducted significant research regarding how best to help preserve the extraordinary open space and agricultural resources from the threats of inappropriate development and sprawl. With considerable public input, the District's Board and staff have developed the proposal before you now, which would expand the District to include approximately 140,000 acres west of Skyline.

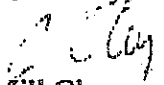
The proposal provides for continued democratic representation and accountability, and will preserve the rural and scenic resources of the San Mateo County Coast, provide increased open space and recreation opportunities to the community, and preserve agricultural lands.

For more than 30 years, the District has been a responsible and professional steward of public resources. The 26 public preserves it now manages from Los Gatos to San Carlos are treasured by Bay Area residents and visitors alike. Expansion of MROSD to the Coastside is the best way we have to ensure that our coastal resources are protected, well-managed and appropriately enjoyed by the public.

The proposed boundary expansion is broadly supported both within current District boundaries and in the proposed expansion area. I am part of a majority of citizens who strongly support the expansion of the District and the protection of coastal open space and agricultural resources.

Again, I urge you to vote to approve the proposed boundary change. Thank you for your consideration.

Sincerely,


Jill Clay
10780 Alderbrook Lane
Cupertino, CA 95014

David Schorr
Wendi Shafir
P.O. Box 295
321 Woodland Vista
La Honda, CA 94020

RECEIVED
MAR 31 2004
LAFCO

San Mateo LAFCo
455 County Center
Redwood City, CA 94063

March 30, 2004

RE: MPROSD Annexation Proposal

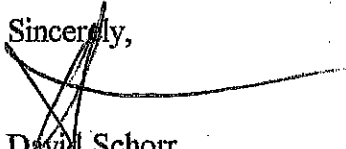
I am writing in support of the annexation proposal as presented. You have been hearing a great deal of objection and outcry against annexation, but you should know that many people in the area support the annexation.

Opponents of annexation are basing many of their objections on incorrect, partial, or misleading information which is circulating among the community members. People think that annexation means their properties will be seized, impounded, or taken from them. People think that annexation means that additional taxes will be levied on the area. People think that annexation means that the Open Space District will be able to dictate land-use policies on private land. People believe that the Open Space District wants to acquire and dismantle residential property within La Honda and Pescadero, turning it into open space.

Have these rumors got started is unknown, and now doesn't even matter. But these are the bases on which people are objecting to the annexation. It has become difficult or impossible to convince people that the above is not true. However, when making your decisions about the annexation process, it may be helpful for you to understand where the objections are coming from, so that you can either work to correct misconceptions when possible, or ignore them if necessary.

I believe that annexation and expansion of open space and parkland in general is a very good thing for this area, protecting it for future generations from ongoing and increasing development pressures.

Sincerely,


David Schorr
321 Woodland Vista
La Honda CA 94020

Property owner and registered better at the above address.

Viewpoint

Ideas, thoughts and opinions about local issues from people in our community. Edited by Tom Gibboney.

Crunch time for San Mateo County coast

A drama playing out in Half Moon Bay and Redwood City will help determine the future of the San Mateo County coast.

That coast, with its open terraces, farm fields, steep canyons, and redwood forests, has so far escaped the fate of the "Valley of Heart's Delight," just across the hills. Those vineyards, farms and orchards are now Silicon Valley.

The Coastside has remained rural and mostly unpaved by accident of geography. It is surrounded by mountains and doesn't

have enough water to support urban development, or even major farming. Over the last 30 years, the environmental movement has also helped block

EDITORIAL

The opinion of The Almanac

development and preserve land.

And we are better for it. The Coastside is a treasured destination for Baysiders wanting a day at the beach, fresh olallieberries, pumpkins, or just a taste of nature.

But change is coming. More needs to be done if we are to protect what people love about the coast from the pressures of seven million people and the world economic engine over the hills. Enter two obscure government agencies. The Midpeninsula Regional Open Space District — called Mid-Pen on the coast — buys land and preserves it for open space, natural resources, and high-intensity recreation. Since 1972, it has preserved almost 100,000 acres along the Bay, and in the foothills and mountains in San Mateo and Santa Clara counties.

Now it wants to expand its activities to include the entire 220 square miles of the San Mateo County coast, from the southern boundary of Pacifica to the Santa Cruz County line. Over 15 years, it plans to acquire some 12,000 acres of Coastside land to preserve farms and open space.

Mid-Pen has met a key objection to its expansion by committing to buy land only from people who want to sell. A new law that would prohibit it from exercising the right of eminent domain — forcing people to sell — is on its way to the governor. The second agency is the Local Agency Formation Commission (LAFCO), a county agency with authority to set the boundaries of other government agencies. It is holding hearings on Mid-Pen's proposed expansion, and is expected to make its decision in April.

These hearings — two past, and two to go — are indeed high drama. More than 100 speakers have split between contrasting visions. Supporters view the expansion as another tool to help preserve a national treasure for future generations. Opponents — mostly from the South Coast — seem to view it as an invasion of government bent on destroying their way of life.

Though relatively few in number, opponents are impressive with their passion and eloquence. Some fear sincerely for their property rights, even though the district has no authority whatever over property it does not own. It will buy land only from willing sellers, and plans on acquiring or leasing only a modest 12,000 acres over 15 years.

While some objections to the district's presence are based on fear and misinformation, others reflect real problems. Pressures for development are real; they will build up over the years as Silicon Valley millionaires seek big houses and mini-ranches in scenic places. Agriculture is under siege; farmers need help and new business models to stay afloat in today's economy.

Meanwhile, support for the district's expansion appears to be building up. Most cities in the district, plus Pacifica and Half Moon Bay, support it. So do organizations as diverse as the Silicon Valley Manufacturers Group, the Half Moon Bay Chamber of Commerce, and even the San Mateo County Farm Bureau.

The new alliance between the farm bureau and the district can be the key to success in preserving farms and making them prosperous. When the district acquires farms or easements on farmland, it has agreed to work with the farm bureau on managing the lands for agriculture.

Many farmers and the Half Moon Bay Chamber of Commerce are developing ways to harness farming to markets across the hills for specialty crops and rural experience. Increasingly, farmers sell to local restaurants and in farmers' markets. They sell Christmas trees and "u-pick" kiwis to excursionists. They can provide fresh products that urbanites hunger for.

There are other opportunities for the district to work with Coastside residents to resolve problems, ranging from neighbor disputes to managing public access, and preventing the spread of exotic plants.

All groups claim to want to preserve the magic island in time that is the San Mateo coast. With good will and cooperation, this could be the chance. We urge LAFCO to approve the expansion.

3/31/09

*Mid Pen has a 30 history of not finding any farmers suitable to farm on Mid Pen property who were not there farming, when Mid Pen acquired the property.

*Of the 10 operations Mid Pen currently lists as agricultural, at least 5 of them have been abandoned, and no longer exist. Of the remaining five, one is a hobby farm with a few head of cattle. Two are Christmas tree farms, which a recent article, says Mid Pen plans to remove and replant with native species. It appears the only viable agriculture Mid Pen supports is two wineries on a total of 35 acres, out of 50,000. Less than .0007% of their property is currently used for agriculture.

*While I have seen Mid Pen ads to hire office staff or rangers, I have never seen ads for farmers, or a person with knowledge of farming, to implement any agricultural programs on Mid Pen Lands. Farmers who have inquired about leasing land have been turned away.

* If Mid Pen was actively seeking to preserve agriculture we would see more evidence than 35 acres out of 50,000.

* A farmer and his wife may have a few people over to dinner once a month and even a party once a year, that is nothing compared to the problems generated by 100,000 or more visitors per year to a park on that same land. Public ownership of land does not mean it is preserved or protected.

*Two very different groups of people have appeared before this LAFCO commission. The first, very vocal group, Led by Committee for Green Foothills, the Sierra Club, POST, and Mid Pen, are from all over the bay area, and several cities East of here. None of them actually own land and live on rural property, South of Half Moon Bay. The second group is people who own property and live on it in the rural area South of Half Moon Bay. The vast majority of them have spoken against annexation. The LAFCO Commission has a duty to listen and respond to the land owners in the affected area. Mid Pen doesn't manage land in cities, and has no interest in Half Moon Bay and the North coast. Why does their vote count, towards annexing the Southcoast.

* 66% of the voters from Half Moon Bay South voted against Annexation. We were told that if our Precincts voted against annexation, we wouldn't

be annexed.....Why are we here.

*Whether you call it "Eminent domain", or "Manifest Destiny" the result is still the same. The big guy takes what he wants from the little guy. The LAFCO Commission has the power to stop that here. *

*If the voters From Half Moon Bay North want to be annexed, let them. The voters South of Half Moon Bay Prefer Not to be annexed.

*Mid Pen doesn't need to annex the Coast to own property here, or caretake land for another organization.

* At the Last LAFCO hearing a Mid Pen Supporter said, "A farmers Last Crop is Asphalt" I believe that speaks volumes towards the way those people feel about our land, and our property rights.

* I would ask you to think for a moment, the different care and feelings you have for a hotel room, compared to how you feel about your home. I think the best way to preserve the Southcoast, is to leave it in the hands of the people who have cared for it for the past 500 years. We are doing a good job of taking care of our home. And, I would invite you to come and enjoy it for the next 500 years as our guests.

Thank you,
Geoff Allen

Sods is a real threat to agriculture. Sods exists on mid pen property.

Geoffrey Allen

From: <tdavis@branchsmith.com>
To: <fogline@southcoast.net>
Sent: Tuesday, March 23, 2004 5:57 AM
Subject: Weekly NMPRO e-mail for Mar. 23, 2004

They are doing nothing to protect farmers from this, or any other threat to agriculture over the Coast.

Geoff Allen

WEEKLY NURSERY E-MAIL
MANAGEMENT & PRODUCTION
YOUR UPDATE ON WHAT'S HAPPENING IN THE NURSERY INDUSTRY

MARCH 23, 2004

The sudden oak death pathogen was confirmed at multiple nurseries in Southern California this month. This has had ramifications nationwide. Here's the latest NMPRO coverage.

States close borders to California nursery stock

The sudden oak death pathogen was confirmed at Monrovia Nursery in Azusa, Calif., and Specialty Plants Inc. in San Marcos, Calif. The Calif. Dept. of Food and Ag. is also 90% sure the fungus (*Phytophthora ramorum*) has been detected at 11 other commercial nurseries in Los Angeles, San Diego and Orange counties. Georgia and Florida officials closed their borders to California nursery shipments until CDFA releases the names of the 11 other nurseries. Mississippi quarantined host plants from California. Claude R. Knighten, USDA APHIS public affairs specialist, said test results were expected back by the end of last week. The state of Washington also took action, requiring all nursery dealers to temporarily hold stock received from out of state.

SOD detected on camellia

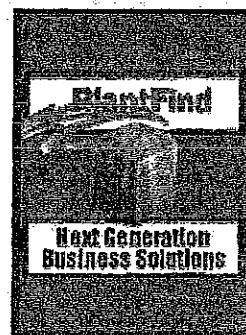
P. ramorum was detected on 6 camellia varieties at Monrovia's Azusa facility, Knighten said. Those varieties are 'Kumasaka,' 'Betty Sette,' 'Mrs. Charles Cobb,' 'Kramer Supreme,' 'Shiro Chan' and 'Jean May.' A total of 398,000 potential host plants have been put on hold at Monrovia's Azusa facility and at Specialty Plants Inc., he said. Other host plants grown at the Azusa facility are *Rhododendron*, *Arbutus*, *Syringa*, *Viburnum opulus* and *V. tinus*. Monrovia does not grow oaks at this facility.

Monrovia advises retailers to check with state officials

Monrovia advised garden centers that have received camellia shipments from any California growers in the past 12 months to contact their local or state ag. inspectors. Protocol will differ by state. Monrovia ships plants to about 5,000 retailers nationwide. USDA established a toll-free hotline to answer questions regarding this month's discovery of SOD at Southern California nurseries: (888) 703-4457. The hotline hours are 8 a.m. to 8 p.m., Eastern Standard Time.

All infected plants will be destroyed

All plants infected with *P. ramorum* have been isolated and are on hold at Monrovia's Azusa, Calif., facility and at Specialty Plants Inc., Knighten said. However, all infected material will eventually be destroyed. As a preventative measure, Monrovia has halted all camellia shipments from its 6 growing facilities until these plants can be tested, said Monrovia spokesperson Judy Lynes. Monrovia also produces plants in Visalia,



PlantFind - the leading provider of technology solutions for the green industry - offers automated solutions to buy and sell everything needed to operate a growing business.



3/23/2004

Calif., Dayton, Ore., Springfield, Ohio, LaGrange, N.C., and Cairo, Ga.

Southern SOD infestation surprises officials

The discovery of the SOD pathogen at Southern California nurseries surprised the CDFA. The disease had previously been found only in Northern California and extreme Southwest Oregon. It's unknown how the pathogen arrived at the nurseries, which are not near any known infected area. The nurseries are in dry climates, and the organism had been confirmed only in wetter areas in the past. *Phytophthora ramorum* has caused the death of thousands of oak trees in California and Oregon, primarily in California's Santa Clara, Santa Cruz, San Mateo and Monterey counties, according to San Jose Mercury News.

Sources: Claude R. Knighten, Judy Lynes, CDFA; Ga. Dept of Ag.; Fla. Dept of Ag. and Consumer Services; Miss. Dept. of Ag. and Commerce; Wash. State Dept. of Ag.

Worth a visit

Check out the latest installment of the Ultimate Greenhouse Series from GMPRO on environmental controls. Only on the Green Beam.



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CC:kheiner

THE URGED FAMILY
BOX 63 STAR RS. #1 LAHONDA

3-30-04

The SMC Board of Supervisors are the only government representatives that the SMC unincorporated residents have. We do not have the voting numbers of all the people that reside within there own City limits, with there own City approved ordinances, services, taxes, etc. Nor do we have the voting numbers of all the people that have voluntarily joined their own kind of authority for the greater good organization. We are a different lot, independent by nature, small in number but just as needed as the rest in this very diverse county. We have many commissions and agency's to regulate development. Our county has the most difficult building permit process in the country. We need a permit to change a broken sprinkler head! When tragedy strikes, if needed, we turn to each other, not the government. When you let us live on our own, you seem to like our home. It's beautiful! That's why we work so hard to keep it this way. Our homes and property are for life, generational family life, not for sale, control OR Annexation. You can see who we are and what our home looks like. You seem to love our home well enough to want it for yourselves. Minus the tall fences, cooky-cutter developments, cooky-cutter office buildings, traffic lights, speed bumps, noise, water and air pollution. The very people that want to control/manage our property are the very ones that have so thoroughly ruined their own. Kind of reminds me of the management controls used by the invaders of the "New World". I lived there once, myself, only as long as I had too. I lived on a piece of unincorporated SMC between Belmont and San Carlos. Those two Cities we're fighting with each other for years over who is going to annex the property I lived on. I moved over thirty years ago to the home I built of my dreams, up on the mountain. I followed that annexation fight to the point of finally seeing that the people that live there, voted for their own destiny. Let the people that live in the unincorporated proposed annexation areas vote for there own destiny. In 1977, the Golden Gate National Recreational Area representatives came to us with a proposal, including maps, pretty pictures and grand ideas about how they could make our canyon a great recreational dream. Their dream was not ours! There dream included building a reservoir, for boats and fishing. There dream allowed me their "fair market value" for my home and the right to rent it from them until I died and/or it was submerged and occupied by their stocked fish. Their dream was not mine! They tried to sell us their dream with several meetings. Some thought, ok, why not. They we're not the long-term care takers we are, for they have moved on. So to their credit, the GGNRA asked us and my family said; "This is not our dream we want what you see now". We have a great deal of trust in the SMC Board of Supervisors, because they are all we have to endorse our continued stewardship of the property we work, protect and share as our home. I am speaking now for the remainder of my dream. To forward the heart felt pride and responsibility of this place that I was happy enough to share, to my children. I see the local mismanagement and unfulfilled promises and restricted use of the Open Space Distict land holdings. They are trying to appease the eminent domain dissenters with a proposed state law. They try to appease the farmers with undisclosed "litagation". They try to tell us our schools and services will not suffer but we are not the illiterate, lethargic, minority. We are the living passionate lovers of this land. They obviously are not satisfied with the size and time table of their land purchases, so they now like bully's, are trying to extend their personal playground right over us! I'll continue to fight the erosion of America's private property rights, as I hope you, our Board of Supervisors, do too.

— MICHAEL

From: "Peggy Wargo" <peggywargo@direcway.com>
To: "Lesley Obermayer" <shadylane@inreach.com>
Sent: Tuesday, March 30, 2004 4:24 PM
Subject: MROSD

LAFCo board:

The devil is in the details. The MROSD wants to annex all the land to the sea for what reason? We who choose to live out here do so to preserve the area. The county allows no unseemly development - the aerial slide shown at the March meeting in Half Moon Bay was indicative of the deceitful nature of the District's attitude. Those two rectangular tracts on the photo have been out there since before Prop 20. Nobody's doing those kinds of things anymore - nor can they. We already have government agencies protecting the region.

We're doing just fine up here in the mountains, nearly an hour from the coast - and the District already bought the parcel next door to me - why to they need to annex more? I want a legal instrument from Craig Brittan and the District binding them to never press me in any way to sell to them. Since I live 3 1/2 miles from the nearest public road, I didn't at first realize what had happened. The District's lawyer informed me that although they would assume no responsibility for developing and maintain the one-lane gravel road in from Skyline Blvd., they now have easement rights throughout the entire Portola Heights community. The District's lawyer told me that not only could they invite their guests all the way back through my property - and their guests are the population of the entire planet. They also informed me that they "can run the Macy's Day Parade down "my road, back and forth through my property, if they so please, at any time of their choosing.

It took me 31 years to finally be able to buy my property, and I'm still working on my house 6 years later. I provide my own water, sewage disposal, garbage and recycling disposal, electricity and road development and maintenance. The time and expense involved in being out here behind the Portola Redwoods State Park are considerable and ongoing, as well as a life-long dream. To listen to people from Mountain View and San Carlos and Los Altos tell me that I need another layer of useless, dishonest government is ludicrous.

Imagine: After 35 years you get your dream house on a huge lot set back from the street. One day you get a knock on your door, and it's Craig Brittan and his Wild Open Space Up to Hikers District. He tells you they bought the empty lot next to your place, and he doesn't have to worry about the road (Rhus Road) that runs to their new property down the east side of the ridge - he has an easement to bring the public up your driveway, through your side yard, cut across your lawn through the flowers and hop the fence. Analogously, that is my situation. If people up here want to be annexed by MROSD, that is their problem, but I don't want anybody telling me what to do or what people I have to have "hiking" around my neighborhood, and I don't need any further layers of governmental nonsense. If the people in suburbia want to give their privacy and neighborhood to the Open-Up Space District and the Macy's Day Parade, that is their right, but they don't have a right to force the dilatants of MROSD down my throat. Their pledges are worthless to me, their assurances mere window dressing.

Annexation will eventually shift more of the local tax burden onto the private owners who are left after MROSD eats away the rural communities like a cancer.

3/30/2004

Twice I have been the one to first report lightning fires out west of Doherty Ridge. I provide considerably more value to the region than the voracious, all-powerful Open Space District does or can do for me. Just as the presumption of rights lies with the people, not with the government, so too should this annexation go forward only if voted in by the local residents affected.

I stand opposed to the annexation.

Thomas A. Wargo
755 Doherty Ridge Road

June 4, 2003

David Abrevaya
2700 Purisima Creek Rd.
Half Moon Bay, Ca 94019

Board of Directors
Midpeninsula Regional Open Space
330 Distel Circle
Los Altos, CA 94022

I wish to comment on the district's consideration to apply to San Mateo county's LAFCO for annexation of the coastal annexation area. I wish to let the board know that my intentions for responding are not born of malice, but rather concern. Please be aware that any question or comment I present here is my own and hope that they are received and considered without prejudice for any reason. I consider my self to be fortunate to have spent some of the most rewarding times of my life in the wilderness (Acadia, Baxter, the White Mts, Green Mts., ADK park, Arches, Yosemite, Rockies, Zion, some remote canyons in AZ, and some of the District's trails). I have had the opportunity to see what I still consider the most beautiful place in this country degrade severely after returning from a 15 year absence. It seems that although in the hands of what appears to be and probably is a very responsible governmental caretaker, (NY D.E.C), they were not able to keep up with or anticipate the effect of rapid growth in the number of visitors it had in the High Peaks Region. As a result, erosion is so bad on many trails that one would think he/she is on a stream hopping from boulder to boulder. Most of the streams I recall swimming in and drinking from with out concern for purification are now contaminated. Even though The Adirondack park is quite a bit larger, at roughly 6 million acres, and the areas affected much more rugged and environmentally sensitive than the San Mateo coast, I remain concerned that if the District does in fact expand its boundaries, or even expands within its existing boundaries, the consequences might be to the contrary of the District's mission and goals. My concerns are fueled to a greater extent by the information I have seen in the FEIR and statements made in the local paper the last time hearings were held on this issue. This is because much of what I read seems to be quite a bit different from what I see.

I understand that the district entered into a stream bed alteration agreement with the Dept. of Fish and Game in 1999 to make improvements to one of the trails in the Purissima Creek redwoods preserve. From what I could see the one day I happened to be in the park when work was going on; culverts were being replaced and added, a portion of trail was widened, and rip rap was being placed. Truckload after truckload of materials were hauled in. An excavator, track loader, skip loader, and roller are the main pieces of equipment I recall on the job. All of this was happening in or within 150 feet of a running stream. Did the district seek or obtain a grading or coastal development permit from the county planning department, as any other landowner would be required to obtain for the work performed? The county has no cdp's or cdx's, or any permits issued for the parcel this work took place on. (067-360-070) If the district did not need to notify the local governing authority, why did it not do the neighborly thing and notify affected property and riparian rights owners that they would expect a large volume of heavy trucking and that work was being done in and

around waters which pass through their properties? If the district's answer is no to either of the above, why should I believe it will comply with San Mateo County ordinances or the LCP as it states in its general response on page ii-15?

Does the district know of any business, roadside farm stand, individual, or public park in San Mateo county allowed to operate without sufficient parking for its clients and or visitors, forcing vehicles to park on a public 2 lane road and effectively choke it down to a single lane road? Why is the district allowed to continue access to the Purisima Creek Redwoods preserve at the Higgins-Purisima Creek road entrance where this condition exists? Why is there no enforcement on the part of the district or other local authorities when these cars are in clear violation of section 22504a of the CA Motor Vehicle Code and chapter 8 section 801.1, item 6 of district regulations? Are there other applicable county or LCP regulations in addition to the above that are not being followed? Does the district feel that this condition does not impede access for emergency vehicles and slow the availability of emergency services to their neighbors? Given the current situation, how can I or the public be assured the district will carry through with Mitigation measures PSI-1 a and PSI-2?

The district has constructed a permanent structure, which is used as a chemical toilet near the trailhead at the Higgins-Purisima entry mentioned above. This structure appears to be in a flood plain and well within 150 feet of Purisima Creek. This structure is also on the same parcel mentioned above and zoned TPZ-CZ/CD. Why is there no record of a coastal development or any other permit obtained or sought for this project? How can I or the public be assured the district will comply with general comments it has made publicly and in the FEIR?

The district says it will assist in obtaining farm labor housing permits. How many PAD permits, applications for "certificate of need", coastal development permits has the district sought and successfully obtained?

Mitigation HYD-1a of the FEIR addresses the environmental/sanitary concerns of equestrian trail locations. The district currently allows equestrian use on miles of trails aligned with streams and located quite to the contrary of what it proposes. How can I or the public be convinced the district will change current trail use designations in the newly annexed area? Why are these concerns not being addressed in existing district lands?

I do not feel the FEIR adequately addresses the environmental effects of human waste. Given the extended distances between sanitary facilities on some of the district's lands, it must surely acknowledge that people will need to relieve themselves while in the preserves.

Section 405.4 of district regulations - "no person shall defecate or urinate in public view" seems to be the only policy that addresses this issue. I am unsure of how one can comply with this regulation when the district requests that visitors stay on designated trails and leave plants and animals undisturbed. Why has the district not educated the public, either at its trailheads or in its pamphlets, on where and how to properly dispose of their excrement? Given the location of many district trails close to streams, I feel this is an area of major concern that needs to be addressed, annexation or not. Is the district aware that there are landowners below them that have domestic water rights to these waters? Is it aware that one of these users is a facility which has over 7,000 youths visit it annually and diverts its drinking water from a stream which has potentially been contaminated by district visitors for many years? The fact that this facility has stringent testing and treatment criteria and might

cease to exist due to lack of funding should have no bearing on the district's need to act responsibly.

Is the district willing to put its money where its mouth is based upon the findings of one expert consultant regarding SODS? If in the future the epidemic gets worse, and it is found that district operations and visitors have caused its spread, will it make financial reparations to nursery owners, firewood processors, soil farms, wood product producers, etc. who will lose revenues as a result of quarantines? Will it reimburse property owners for lost trees and loss of property to wildfire which might be fueled by dead trees?

The district currently owns almost 50,000 acres. If you divide that number by 81 - roughly the number of its employees including volunteers, one comes up with just over 600 acres per employee. I would be curious to know what the true coverage actually is. Should the public really believe that the district has adequate coverage for the level of stewardship they claim to provide on their existing land, let alone proposed acquisitions? The Purisima Creek trail that the district fixed under the above mentioned fish and game permit remained impassable to district emergency vehicles for over 2 years. Was the loss of the portion of trail which fell into the creek caused by improper maintenance or design? The grabtown gulch trail has been closed for over 5 years due to a bridge washout. On a recent short hike on one of the district's trails, I noticed damaged fencing not serving its intended purpose, inadequate maintenance of drainage facilities (partially blocked inlets/outlets of culverts, inboard drainage ditches filled with debris) and inadequate energy dissipators. How can the public believe that the district will be able to provide the maintenance and design as prescribed in the FEIR HYD mitigations when it currently can not keep up with what it has?

I am thankful for the farmers and ranchers who have proven themselves as adequate stewards and did not develop these lands when there was no lcp or strict zoning ordinances preventing them from doing so. They have preserved much of the rural land on the coastside for over a century without benefit of government granted powers, grant money, tax money, or \$1/4 million worth of free labor annually. Their children and successors must also be thanked and applauded for preserving agricultural operations on the coastside despite adversities such as foreign competition, inheritance taxes, diminished water supplies, and many governmental and environmental restrictions. The MROSD, on the other hand is not time tested and it has not shown to me that the lands it owns are being adequately cared for. In light of my concerns, I would respectfully request that the district's board of directors not approve certification of the FEIR and not apply to LAFCo for annexation of the coastal annexation area. I hope that the LAFCo will thoroughly investigate the district's current policies and actions and inspect their lands thoroughly, and if necessary alert the proper authorities to seek restitution for any violations and make an example of them to insure that there are checks and balances in place in our government as well as to insure that it is a good steward and worthy of my and the public's trust moreover, worthy of the land's trust.

Respectfully,

David Abrevaya

c.c. LAFCo , c/o San Mateo County planning department

Jack Olson, Farm Bureau

John Dixon, PMAC

Subject: MROSD's application to LAFCO to annex the Western one-half of San Mateo County California.

Official Communication to the Commissioners.

Dear Commissioner:

Our community has been working together to collect reliable information regarding the proposed MROSD annexation in our area. We sought to arrive at a consensus opinion regarding the annexation.

The community report which was submitted to you reflects the results of our efforts.

There is a great deal of community opposition to this annexation. I am opposed to this annexation and am disappointed that MROSD has not conveyed to your agency the extent of public disapproval in the affected area.

The community report reflects my understanding of the facts and of the adverse impacts that the proposed annexation will have on our schools, fire department, community services, and environmental quality.

Please reject this harmful annexation.

Sincerely,



Name

address

Dated:

3/30/2004

CC:kheiner

Dear LAFCO,

I just wanted to say THANKS for standing up for the little guy. You know, just because I live in a condo on the bay doesn't mean the coast isn't mine too, right. Its great you guys are working so hard to finally do what is right, I mean, we all have known for a long time that this private property crap had to be fixed...it's the peoples planet, right. And, I wanted to say how brave I think you are for standing up to all these wacko eco-pirate capitalists that have been raping **OUR** coast for so long...and to think they have the nerve to call themselves farmers. **WE** know what real farmers are, and it aint about money, right. Feeding the people is about love and caring and sharing and respecting and, well, you know what I mean. Like back when, when we were doing that commune thing up in Sonoma and back in the hills of Marin. You remember, right. It wasn't about who owned the land it was the beauty and joy of sharing it with each other...you remember, don't you. Yah, those were the days, man.

Well, anyway, you guys are doing great. Just hang in there. Its been a long time coming but now it looks like we are finally getting the upper hand, eh. This Open Space plan thing is great! It reminds me of some of the great ideas we always talked about in class, back when Berkeley had the balls to really teach the **TRUTH**. You can't argue with the man, Marx had it right when he wrote "the theory of the Communists may be summed up in the single sentence: **abolition of private property**." Hey, do any of you guys remember me? I think I remember a couple of you in some of my classes, but hey, if you don't remember me that's cool... I don't blame anyone for being a little foggy about back then, hell I did my share, if you know what I mean. Well anyway, let's hope none of those damn "family farmers" figure out the game, eh. Since I mentioned it, can you believe they have the nerve to call themselves "family farmers" they don't even know what family is, now we had a **REAL** family up there in Sonoma, what was the name of the compound...Des Nuedos, or something like that, anyway that was real family, free love man.

Well anyway, like I was saying, those Open Space folks really have something this time don't they. They sure are some smart cookies. I love how they have everyone worried about this silly issue of "eminent domain" and how they all want to have a vote on the issue...I love it, what dolts. Who needs to go and take the property from them when all you have to do is buy it...take your time, wait till they start dying off, and bit by bit, well, I probably shouldn't say too much in case someone gets a hold of this letter. By the way, feel free to pass it along to our comrades over at the Open Space group and let'em know we're behind them all the way. Which reminds me, I need to get those guys another check, you know I do my part for the cause, every month I send them a little money, it aint much but I figure in 20 or 30 years it'll pay off just nicely. Imagine, these morons are begging for their silly little vote and then **WE THE PEOPLE** will just roll on in. Slam dunk right. I mean there is only what a couple hundred of them, right. **Social Justice** man! A couple hundred folks hording all that land when it should be shared by the people - it belongs to us anyway, right. Democracy, aint it great, bring on the vote. Then in about 20 or 30 years Open Space will have

picked off the prime pieces bit by bit. It won't take very long for the infrastructure to fall apart with such a dent in the tax base. Man! That will be so cool. **All nice and legal.** You guys will have created the largest commune in the world, except maybe for Cuba, but right here in the good 'ol US of A... now that is what I call progress! That's when my little contributions will pay off, I know they won't forget I helped them out. Just think of it I am sure they would give me a little place down near the beach, maybe somewhere down near what they call Pescadero now. Hey put in a good word for me would ya, couldn't hurt, right, I mean you guys are buddy buddy, right.

Yup, I figure about 20 or 30 years, well maybe it will take a little longer. But, hey, they taught us this stuff at Berkeley, remember, all you have to do is have a long-term strategy. Its foolproof. Those wacko coast-side freaks claiming they have "rights" and waving their silly little outdated constitution. Times have changed...and about damn time don't ya think. Well, like I said, its great to see those folks at Open Space figuring out how to grab that land, all nice and legal. I just think the Open Space guys are so smart, I mean, look how they have everyone screaming and yelling about "imminent domain"...they can't even see that WE don't have to take their land. Pretty soon, when the property taxes are 10 times what they are now they will be begging US to buy their silly little farms cause the place will be a ghost town.

Well, anyway, you already know all this, you guys are some pretty smart cookies yourselves, and hey, **WE couldn't do it without you.** I mean, I was up at that meeting in HMB the other week and that thing you guys did with the tax impact estimate is just plain genius. You didn't really lie, and nobody can say your numbers aren't real. And, by the sound of the comments it didn't seem like anyone has really caught on that it isn't the tax revenue lost from current owners but how it adds up over time when there is no more land to buy and no new tax revenues. But hey, they deserve what they get. Nobody needs that much money, let those rich bastards pay the taxes for everyone... they can afford it. Anyway, hush hush, and stick to your plan on that model, don't let them try to make you extend it into the future, remember, nobody can say you are lying.

Well I guess I spent a little too much time on this, I better get back to my silly job making money for some jerk capitalist living large off the sweat off my back. By the way, you folks just let me know if there is anything I can do to help out, I really don't do much when I am at work anyway so I could do some work for the movement. My stupid boss actually trusts me, huh, he would never know. I am here for you, you just let me know.

POWER TO THE PEOPLE

Your Faithful Comrade

John "Bunny Love Nuts" Johnston

California Native Plant Society

Santa Clara Valley Chapter
3921 E. Bayshore Blvd., Palo Alto, CA 94303
www.cnps-scv.org

March 30, 2004

To: San Mateo County LAFCo

(Via delivery to 3/30/04 meeting in Half Moon Bay)

Ref: Midpeninsula Regional Open Space District (MROSD) Coastside Protection Program

To Whom It May Concern:

The Santa Clara Valley Chapter of the California Native Plant Society (CNPS/SCV) covers much of San Mateo County including MROSD's proposed coastal expansion area, as well as Santa Clara County in its entirety.

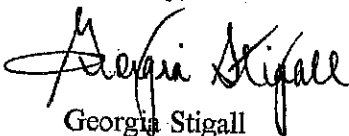
Our chapter interacts extensively with MROSD on the topic of invasive plants. We work together in the San Mateo County Weed Management Area; a regional organization formed by state and local agencies, private landowners, the agricultural industry, and environmental organizations that are concerned about the proliferation of invasive plant species in our County. We also co-sponsor local "weed" workshops and participate in volunteer "weed removal" field days.

Based on this relationship we are aware that MROSD devotes significant staff and other resources to address the challenges and concerns of invasive plant species (as well as feral pigs). MROSD staff also attends relevant scientific conferences, presentations and meetings, for networking with others and for staying current with the scientific literature on invasive species issues.

CNPS/SCV considers MROSD to be extremely educated about and dedicated to this topic, including their rapid response when made aware of new (to our region) invasive plants that are very problematic in other areas.

We are very pleased to support MROSD's Coastside Protection Program and look forward to increased opportunities for cooperation on a topic that is critical to our mission.

Sincerely,



Georgia Stigall
Chapter President

Phone: 650-941-1068

Email: gstigall@aol.com

Cc: Ken Himes, CNPS/SCV Invasive Plants Co-Chair



Dedicated to the preservation of California native flora



Georgia Stigall's comments for 3/30/04 San Mateo County LAFCo meeting

I'm here as a private landowner in the area that is part of the proposed expansion and have already gone on record as being in favor of the expansion conditional on purchasing from willing sellers

AND

As the president of the local chapter of the California Native Plant Society which is a scientifically-credentialed organization that promotes preservation of native flora including managing invasive species

I have many years of experience with invasive plants on both private and public lands and know for a fact that there are ways to effectively push public lands agencies to deal with invasive plants, whereas there is no such mechanism for dealing with private landowners.

MROSD is very responsive to and responsible about addressing invasive plants issues and sponsors regular volunteer efforts in addition to the work done by staff.

MROSD is an active participant in the San Mateo County Weed Management Area, which deals with both private and public lands

They also participate in other scientific entities that work with invasive plants including attending conferences & keeping current with the ever-evolving science.

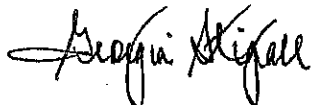
As someone who was personally involved in the registration of participants for the last two weed forums held in our County, I can say that the vast majority of participants were MROSD and other public lands employees and volunteers.

And that in spite of our best efforts to encourage private landowners to participate only a few showed up.

I for one would like to see that change, as we all need to work together on invasive plants. Weeds are a challenge and we need a regional approach that crosses property lines.

In my opinion – and I can assure you that it's not easy to please me OR the California Native Plant Society on this topic because it's so important to us – MROSD is doing a very good job with invasive plants (as well as with feral pigs).

And with increased public support from all of us, they will only be able to do better, which benefits us private landowners who are also struggling with weeds.



Mail: 17287 Skyline Blvd – PMB 102, Woodside CA 94062-3780
Home: Unincorporated San Mateo County in the proposed expansion area
Phone: 650-941-1068
Email: gstigall@aol.com

Palo Alto Weekly

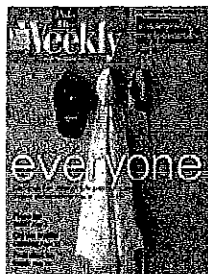
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table of
Contents Page](#)

[Classifieds](#)

[Palo Alto
Online](#)

Editorial: Open space district's move to the coast

Compromise on eminent domain wins support for annexation plan, which deserves approval by Local Agency Formation Commission

When voters approved the original Midpeninsula Regional Open Space District in 1972, its boundaries encompassed only northern and western Santa Clara County, even though it was envisioned as a two-county district.

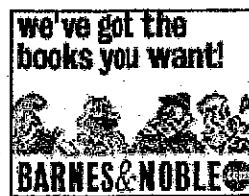
Development-prone San Mateo County supervisors rejected the new district. In 1976, district supporters succeeded through a petition drive in bypassing the still-doubtful supervisors and annexing a huge portion of the southern San Mateo County, from San Francisco Bay to the Skyline Ridge.

The annexation brought the district to its existing size, about 330 square miles, stretching from San Carlos in the north to Mt. Umunhum south of Los Gatos. During its 30-plus years, the district has acquired nearly 50,000 acres of permanently dedicated open-space lands. Lands once bordered by barbed-wire fences and no-trespassing signs are now laced with hundreds of miles of trails, shared by many thousands of hikers, bicyclists, equestrians and roadside picnickers.

Now the district is closing in on its greatest expansion, a 220-square-mile annexation from the Skyline Ridge to the Pacific Ocean, extending from just south of Devil's Slide to the Santa Cruz County line. The annexation has been discussed and debated for more than seven years. The district has agreed to forego its use of eminent domain in the annexation area after farmers and some residents expressed hostile opposition to that power. It will retain the right of eminent domain in its present boundaries, but only when development of a property is imminent.

The district also will levy no taxes in the new area, instead depending on grants and donations of land to acquire lands there -- with no transfer of tax funds from existing areas of the district.

While pockets of opposition still exist, the list of endorsees is formidable,



including 14 cities within the district (including Palo Alto, Mountain View, East Palo Alto, Atherton and Portola Valley) and several cities outside the district (notably Half Moon Bay, Pacifica and San Jose).

It is backed by groups as diverse as the San Mateo County Farm Bureau, the Half Moon Bay Coastside Chamber of Commerce and the Silicon Valley Manufacturers' Group, along with a veritable Who's Who of environmental organizations and state and national legislators representing parts of the region.

The primary condition for the Farm Bureau's support is passing a state law restricting the district's ability to use eminent domain. Such a law has passed the state Senate and Assembly unanimously and is awaiting the governor's signature to become law.

Even the South Skyline Association, once harshly critical of the district, is supporting the annexation, along with Santa Clara and Santa Cruz county supervisors.

District officials have agreed to reimburse the cash-strapped La Honda/Pescadero School District for any tax funds lost through future land acquisitions, as well as help fund local fire districts.

The Midpeninsula Regional Open Space District has a distinguished track record and deserves full support in its bid to extend its governance to the coast when the Local Agency Formation Commission of San Mateo County brings it to a vote, as expected next Wednesday, April 7.

Construction recycling a good idea, even if late

A proposal to require recycling of many parts of demolished buildings -- from carpets and windows to heating systems and concrete -- is a good idea whose time should have come years ago, before the "demolition boom" of the late 1990s and early 2000s.

Local Agency Formation Commission
455 County Government Center
2nd Floor
Redwood City, CA 94063-1663

Dear Local Agency Formation Commission,

My name is Ari Delay I am a 30 year resident of La Honda. I am writing you today to urge the Local Agency Formation Commission to deny the MROSD Annexation as it is currently proposed.

I believe if you ask the average citizen around the county if they think we need Open Space they would say emphatically " YES ", however If you asked that same citizen if they think we need more open space even if it would kill a few rural communities to make it happen I believe the answer would be emphatically " NO ".

The proposed annexation in its current form fails to adequately address the needs of the community. Currently the mitigation for schools, EMS, Fire, police and the community are far from the " little or no impact" as MROSD claims.

The two things that should be closest to our hearts are our children and the safety of our families. The MROSD's EIR and response to questions posed seem to again and again either deny or belittle the communities concerns.

I am a 13-year veteran of the Fire Service and serve in both the capacity of a Career and Volunteer firefighter. Both EMS and Fire concerns have been deemed insignificant in MROSD'S EIR and response to comments. I refute those responses by MROSD in regards to EMS and more specifically the fire threat in the proposed annexation area. MROSD'S consultant claims in their EIR that the threat of wildfire is negligible. I feel MROSD'S and it's stance dismisses The California Department of forestry and Fire Protection District, the State agency responsible for all non-federal and local lands which places the San Mateo County Coast in the moderate to high Fire danger category.

The San Mateo County coastside lies in direct proximity of some of the most devastating fires in California history the Oakland Hills Fire and the Mount Vision fires resulting in the following statistics.

• OAKLAND HILLS FIRE

Deaths.....	25
Injuries.....	150
Single Family Dwellings Destroyed.....	2,843
Single Family Dwellings Damaged.....	193
Apartment Units Destroyed.....	433
Total Living Units Damaged or Destroyed.....	3,469
Total Acreage Burned by the Fire.....	1,520
Fire Perimeter.....	5.25 Miles
Estimated Dollar Fire Loss.....	\$1,537,000,000

Sunday, October 20, will be remembered as the date of one of this nation's most costly fires, the worst fire involving loss of life and property since the Great San Francisco Earthquake and Fire of 1906.

The magnitude and scope of what is simply referred to as the "Tunnel Fire" is far beyond the experience of any living American firefighter. Only those who fought the Chicago Fire last century or battled the Great Fire in San Francisco would be able to identify with this conflagration and firestorm...

The origin of the fire was on a steep hillside in what some have called a box canyon above state Highway 24 near the entrance to the Caldecott Tunnel. This is a wooded area with heavy underbrush, narrow streets and steep terrain. The unusual weather conditions are described in FEMA's Hazard Mitigation Report as follows: "...an unusual east wind, at speeds in excess of 65 miles per hour, that raced down from the crest of the Oakland-Berkeley Hills. Coupled with record high temperatures well into the nineties, the hot, dry winds gusted and swirled through five years of drought-dry brush and groves of freeze-damaged Monterey pines and eucalyptus trees. All the conditions for a major disaster were present that morning of October 20, 1991."

More than 25 firefighters were on the scene overhauling hot spots from a fire the previous day. It is important to note that Saturday's fire had been well overhauled; hose lines were left in place surrounding the burn area, the fire area was checked by Oakland fire companies during the night, and fire crews had been on the scene hours before ignition on Sunday.

These are prudent and accepted firefighting methods.

Eyewitness accounts testify that a sole ember blew into a tree just outside the burn area, and the tree exploded into flame, and the resulting fire was quickly out of control -- raging around and over firefighters who were indeed fighting for their lives.

Rescue and evacuation efforts were made as firefighters were forced to fall back to defensible space.

A request for additional fire units and air drops were immediately called for. Soon, streets were clogged with residents trying to get out, sightseers and emergency personnel trying to get in.

The fire quickly established four fronts, west downhill toward state Highway 24 and the Rockridge District, north toward the Claremont Hotel, south toward Broadway Terrace and east toward Contra Costa County.

The Oakland fire department is divided into three battalions commanded by an assistant chief and two battalion chiefs.

Assistant Chief Donald Matthews assumed command as the operations chief, Battalion Chief James Riley was assigned as Division A commander and Battalion Chief Ronald Campos responded to the Oakland Fire Dispatch Center to coordinate recall, dispatch, finance and logistics functions. Assistant Chief John K. Baker responded from home and assumed the role of incident commander.

At about 11:45 a.m., Director of Fire Services P. Lamont Ewell arrived on scene at the command post and officially assumed command.

The Oakland fire department uses the Incident Command System (ICS) to manage all emergency incidents, as was the case with the "Tunnel Fire."

The system consists of an incident commander who directly supervises four functional groups: operations, planning, logistics and finance.

The operation and planning functions were conducted at the scene from the department's mobile command post, while logistics and finance functions were conducted from the dispatch center.

This was the basic structure of initial management of the "Tunnel Fire," and intact until late into the evening when the California Department of Forestry and Fire Protection (CDF) provided an overhead management team to assist with the enormous task of managing such a large fire.

At this point, a joint command was established that consisted of Oakland, Berkeley, Piedmont and the Department of Forestry.

Oakland firefighters were assisting with evacuation efforts as they were forced to retreat from the advancing inferno. Division Chief Riley and Oakland Police Officer John Grubensky were killed while trying to help citizens escape the fire. Both Chief Riley and Officer Grubensky were found with the remains of those people they were trying to help.

• THE MOUNT VISION FIRE

Mount Vision Fire engulfed and burned 12,354 acres of bishop pine forest, coastal scrub and grasses on state, federal and private lands. Although 94% of the fire burned within the park boundaries, the remaining 6% managed to completely destroy 45 homes in nearby Inverness Park. This area of the park had not experienced a fire in 50-100 years, which only increased its intensity. At the peak of the fire fighting efforts, over 2,100 personnel were directly involved in containing and suppressing the fire.

Early on the 3rd of October 1995, four young men, illegally camping on Mt. Vision in the Pt. Reyes National Seashore, broke camp and extinguished their campfire to the best of their knowledge and capability. Apparently their knowledge and capability were inadequate to the task. Embers hidden under the duff burst into flame and started the Mt. Vision Fire, which lasted for the better part of a week and burned out the central part of the Pt. Reyes National Seashore.

Some forty miles north of San Francisco, Pt. Reyes National Seashore is one of the jewels of the national park system in California. Aside from having one of best whale-watching sites on the California coast, it has protected beaches (Drake's Beach and Limantour Beach), exposed beaches (Ten-Mile Beach on the western coast), rocky headlands up and down its southwestern coast, and (until now) a fine and almost pristine wilderness area along its spine, the Inverness Ridge. The National Seashore is laced with a network of trails and four hikers' campgrounds maintained by the park service. For day trippers, there are (or were) delightful walks along the Bayview and Muddy Hollow trails above Limantour beach, the four-mile Bear Valley trail linking

the park visitor center with the headland at Arch Rock, the trail up to the remarkable views from Mt. Wittenberg, and such lovely loops as the Sky Trail. The Coast Trail from Arch Rock to Limantour -- the ten-mile walk from the visitor center along the Bear Valley trail and the Coast Trail. Many of these walks are now gone, the land destroyed by fire. It will not be restored to an equivalent natural state in our lifetimes. Because of the ecological effects of fire, it will never be restored as it was.

The consultant FIREWISE 2000 fails to adequately address the fire threat on local lands. FIREWISE 2000 believes the MROSD'S road maintenance water truck and Patrol vehicles equipped with one ranger and 120 gallons of water are effective firefighting units. These vehicles Give LAFCO and the public a false sense of security of the threat and MROSD'S ability to mitigate that Wildfire threat within district lands currently and in the future.

Although in recent years no disasterous fires have Occurred in the proposed annexation area, there have been fires. With increased usage by the public and the respective decrease in grazing and agriculture sets up a recipe for a disastrous fire to threaten our local communities. I urge the LAFCO comission to read the California fire plan on the California Department of Forestry's website and to talk with local officials from CDF to further educate themselves on the fire threat within San Mateo county.

• LOSS OF HOUSING

I am including in this report pictures taken of the La Honda , Loma Mar, Pescadero area of homes and businesses that have been lost in Fires, Floods, Landslide and earthquakes that have to this day have not been rebuilt.

MROSD insists they are saving this pristine resource from " urban sprawl" this urban sprawl does not exist on the south coast. I feel our community is suffering as it is with lack of adequate resources to fund schools, EMS, Fire and Police protection and the removal of more properties from the tax base will further this crisis on the south coast.

The numbers about housing and business lost in the south coast speak for themselves.

• HOMES LOST DUE TO FIRES, FLOODS, LANDSLIDES, EARTHQUAKE

• STRUCTURE FIRES

RESIDENTIAL

1 RESIDENCE LOST 15000 BLOCK HIGHWAY 84

LA HONDA

1 RESIDENCE LOST CUESTA REAL @ JUDSON

LA HONDA

1 RESIDENCE LOST REDWOOD DRIVE

LA HONDA

1 RESIDENCE LOST REDWOOD AVENUE

LOMA MAR

COMMERCIAL

1 COMMERCIAL BUISNESS BAR RESTURAUNT, SHOP
BOOT'S&SADDLE'S NEVER REBUILT (La Honda)

1 COMMERCIAL BUISNESS LOST SARABIA'S TOWING
AND AUTO REPAIR
NEVER REBUILT (Pescadero)

• LANDSLIDES

**9 RESIDENCES LOST SENIC DRIVE
NEVER REBUILT (La Honda)**

• FLOODS

1 RESIDENCE VENTURA AVE CONDEMED BY COUNTY
OF SAN MATEO NEVER REBUILT (La Honda)

• OTHER DISASTERS

1 RESIDENCE LOST PROPANE EXPLOSION
NEVER REBUILT (La Honda)

To these small rural communities the housing and business losses have been devastating. Further erosion of the tax base along with extremely limited development in our area is decreasing the quality of life of residents of the south coast.

The LAFCO commissioners have the ability to deny the MROSD's application for annexation in its current form. I feel further study is needed to ensure all affected agencies are fully informed of the extent this annexation will have on their respective agency or special district. Furthermore I request the Commission allow the voters within the proposed annexation area be allowed a vote as I feel the residents of the Coastsides now have a more clear picture of the scope and magnitude of this proposed annexation.

I would like to thank the Commission for taking the time to review this document and would be available if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Delay', with a long horizontal flourish extending to the right.

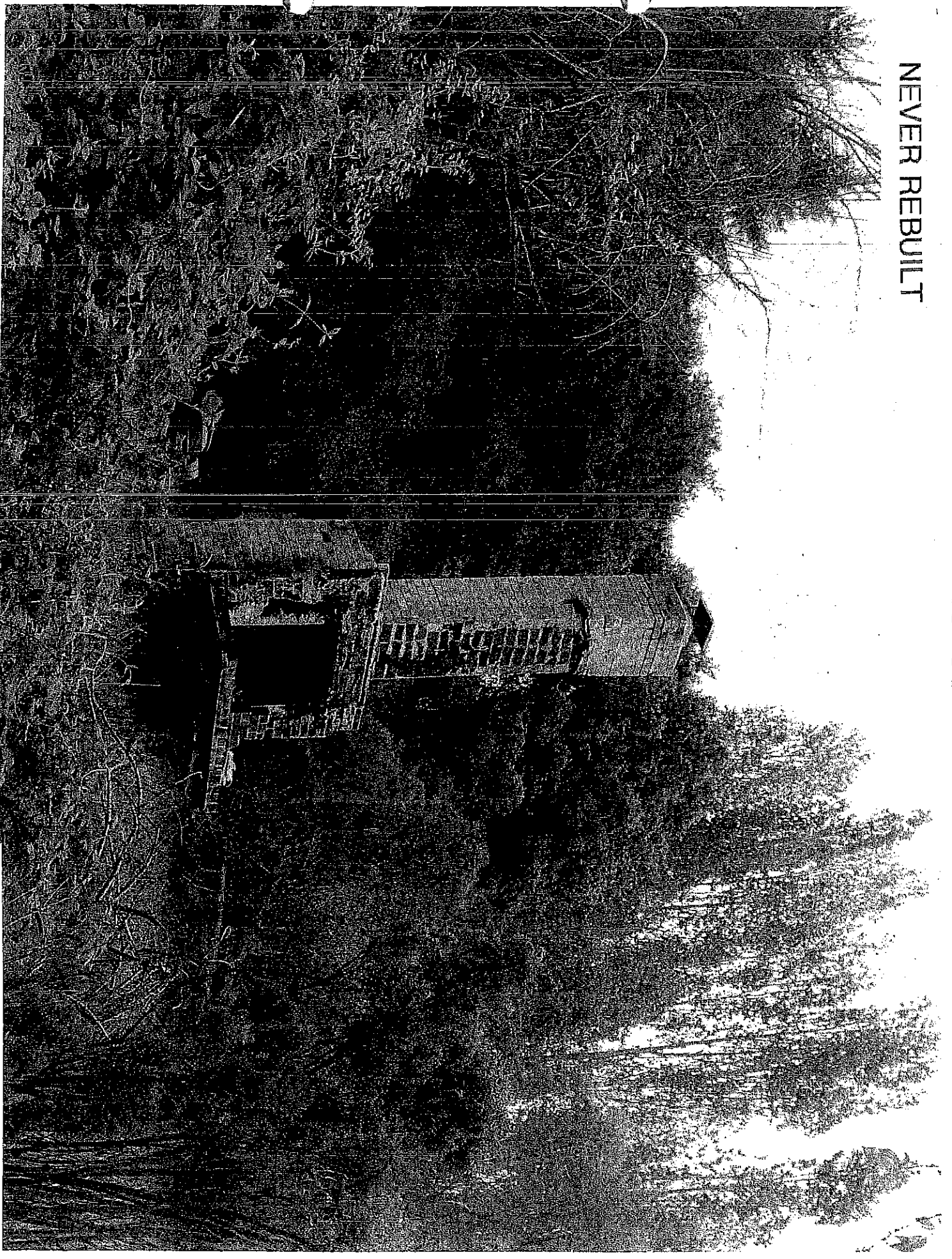
Ari Delay

P.O. BOX 173

La Honda, CA 94020

(650) 747-0039

SIRUCLURE FIRE CUESIA HEAL @ JUDSON
NEVER REBUILT



TAKEN 3/30/04

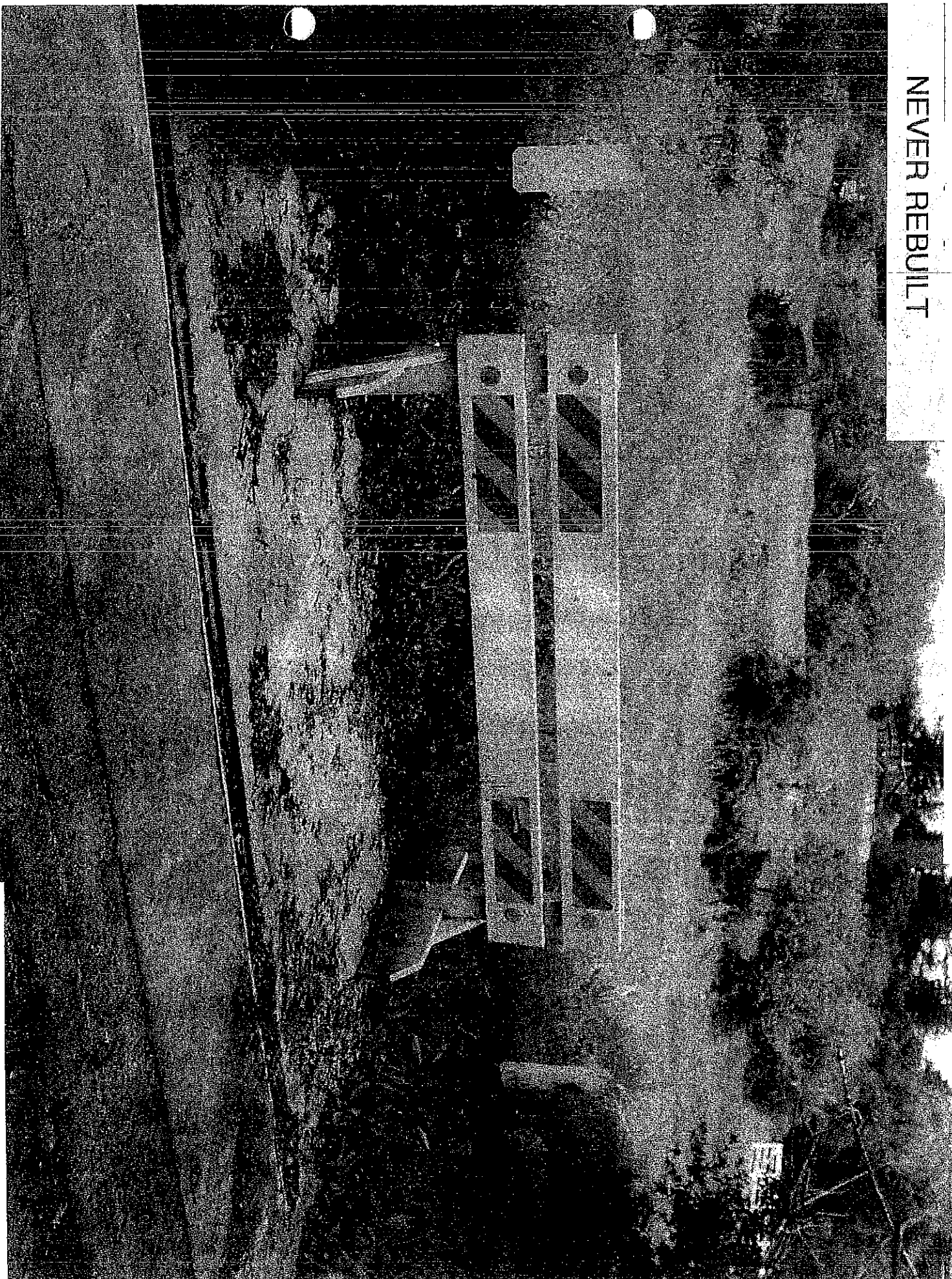
SENIC SLIDE AREA 9 HOUSES LOST

NEVER REBUILT



TAKEN 3/30/04

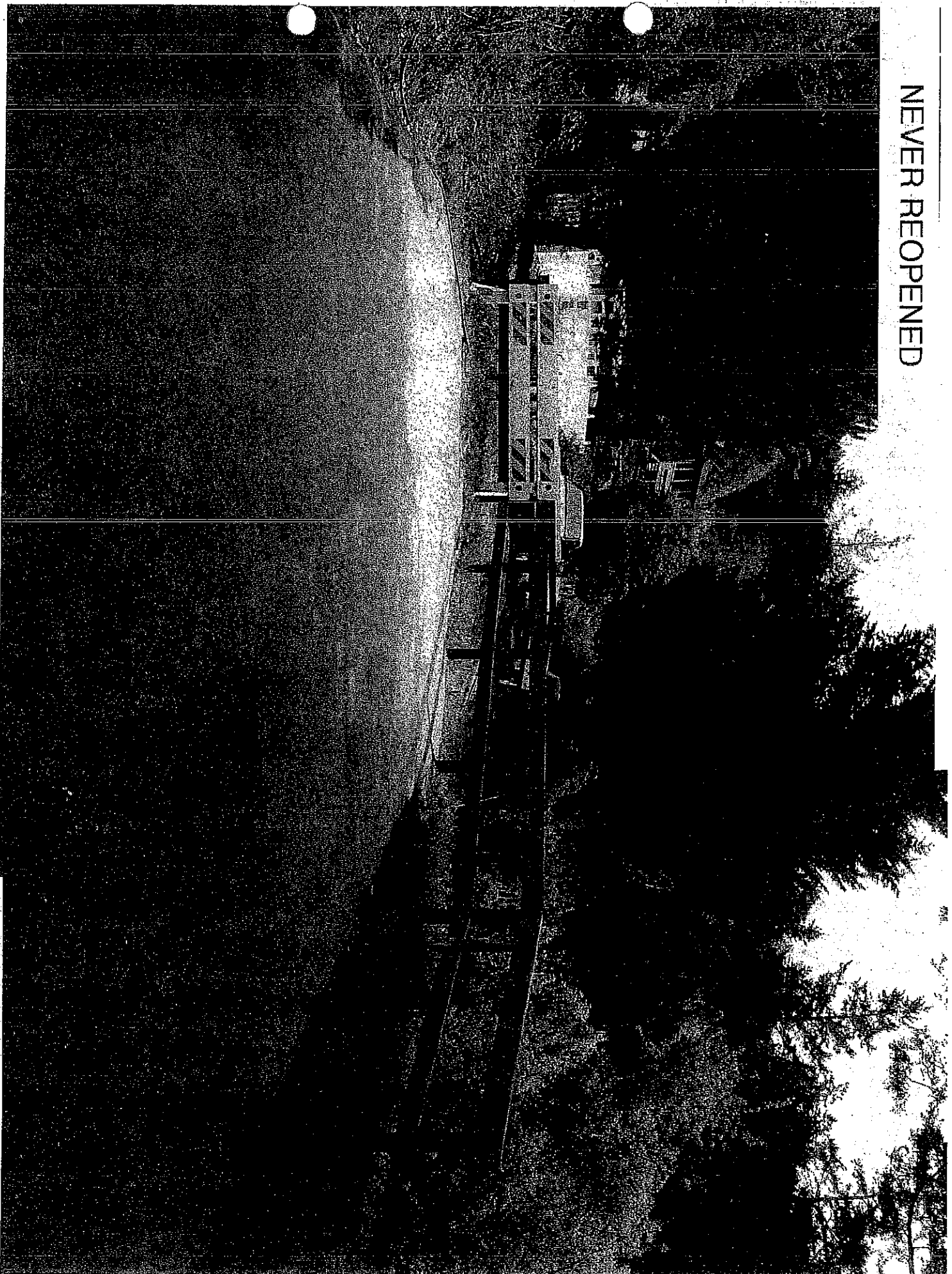
DRIVEWAY TO HOUSE IN SENIC SLIDE AREA
NEVER REBUILT



TAKEN 3/30/04

ROAD CLOSURE DUE TO SENIC SLIDE

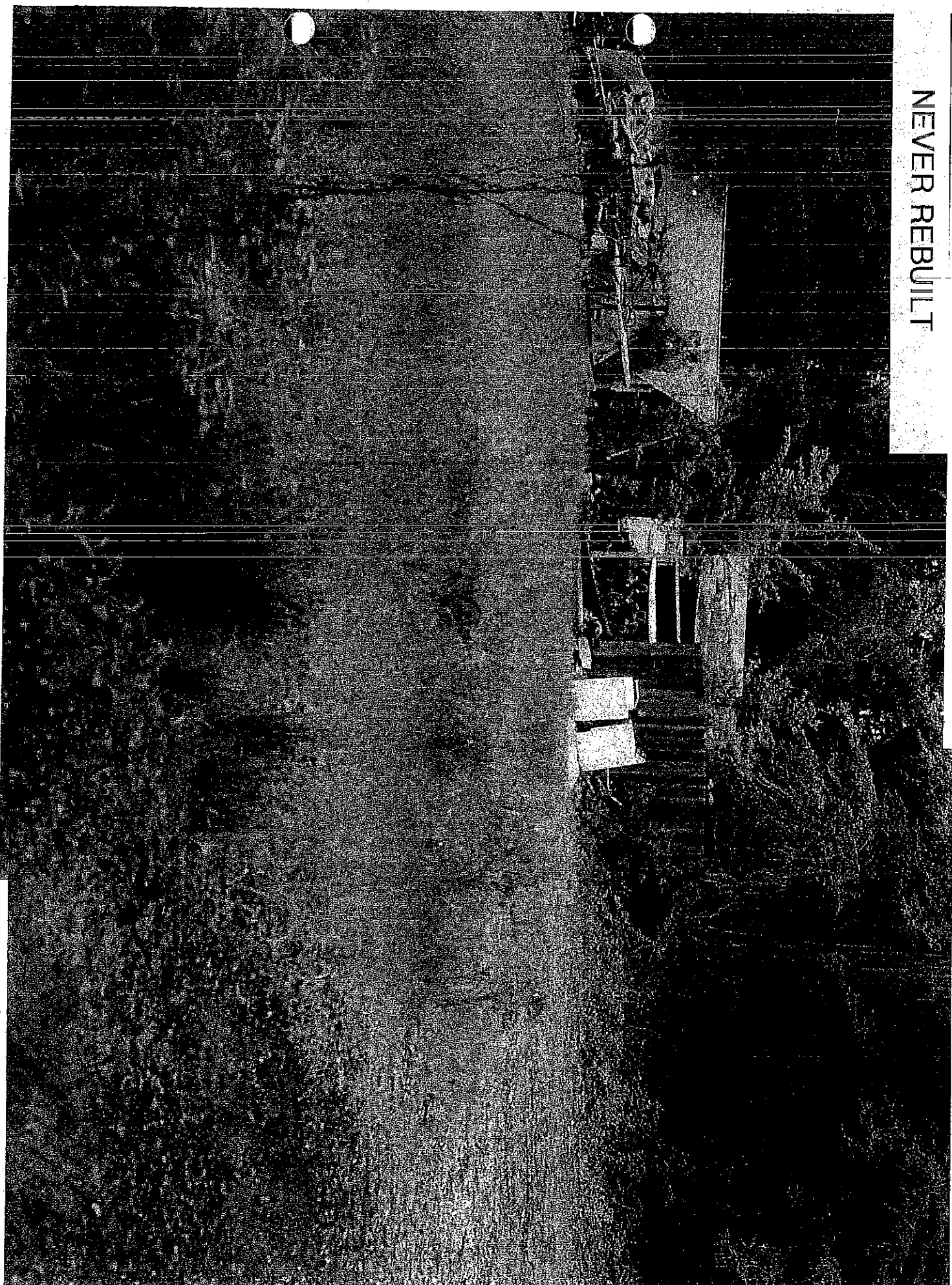
NEVER REOPENED



TAKEN 3/30/04

9100 LONE FIRE HELLWOOD DRIVE

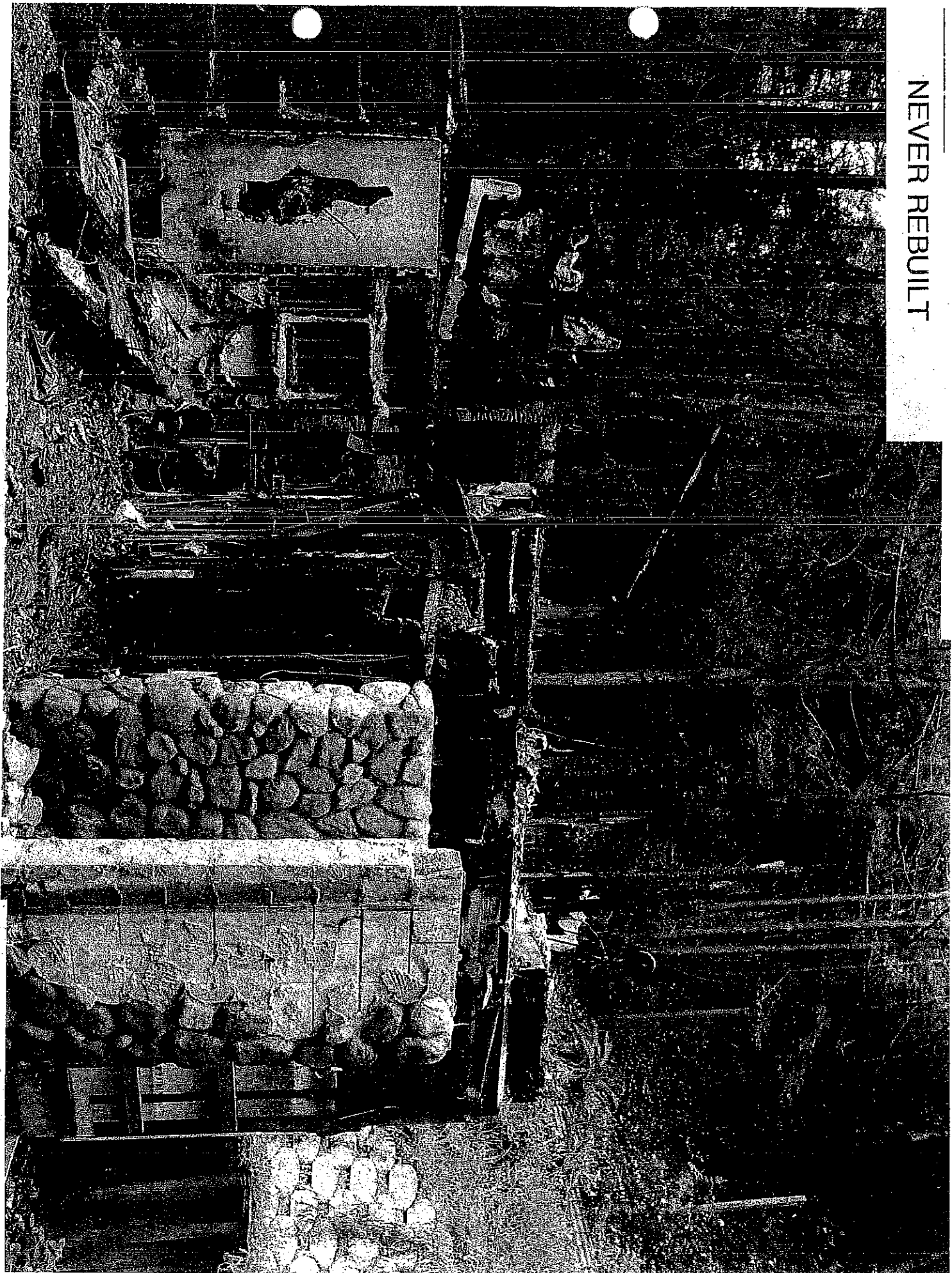
NEVER REBUILT



TAKEN 3/30/04

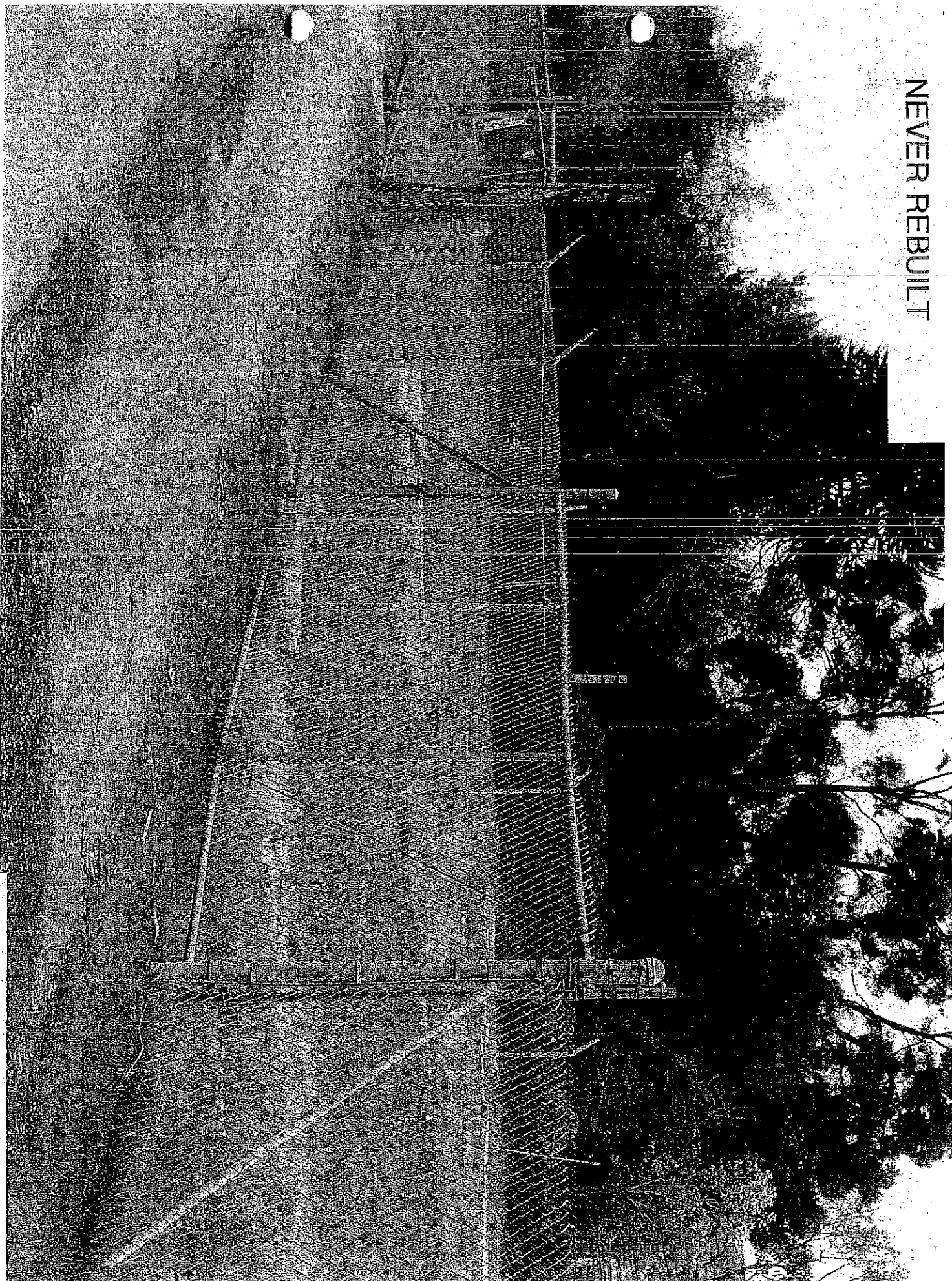
DIKU LUKU FIKE LOMA MAH

NEVER REBUILT



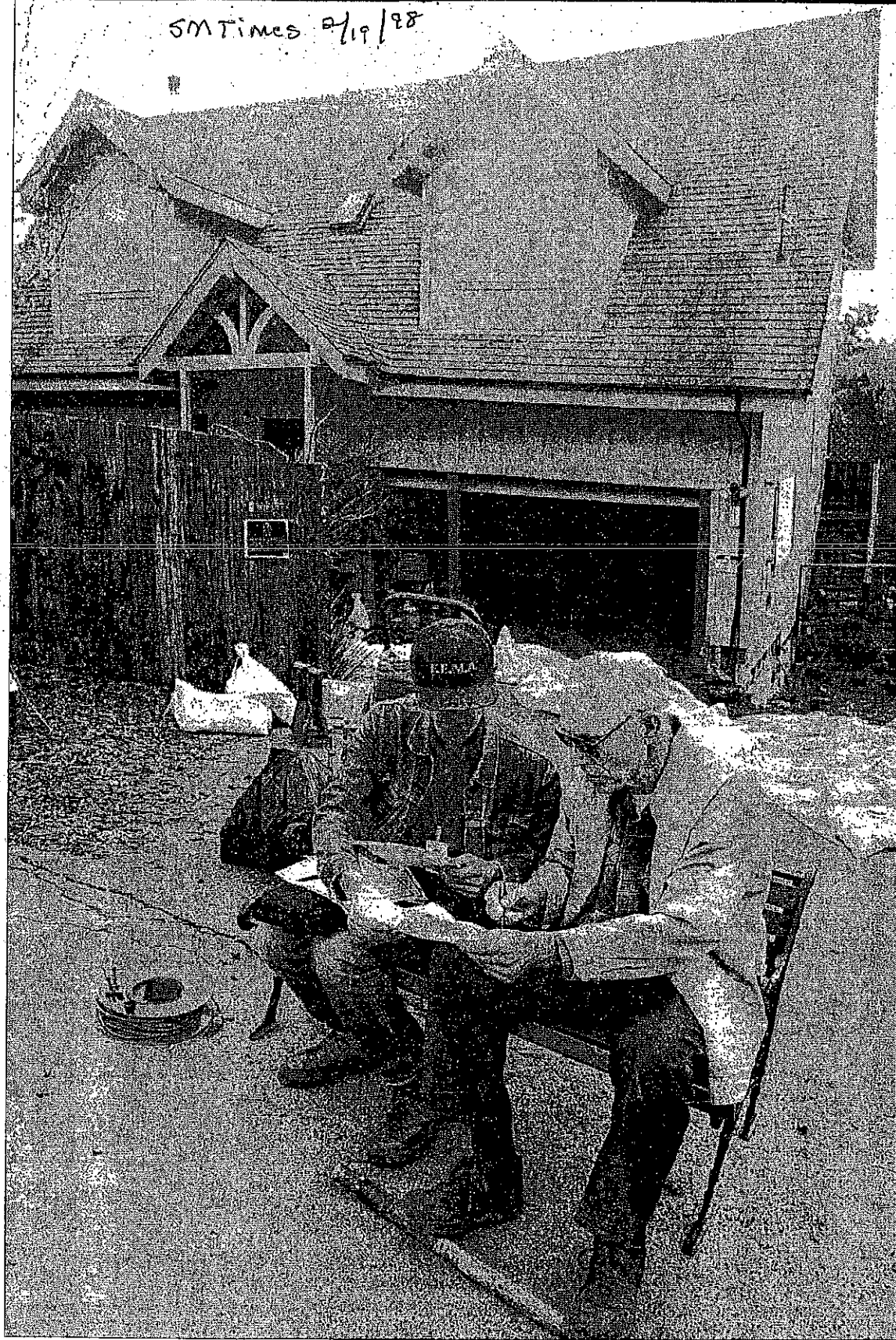
TAKEN 3/30/04

SAHABIA LOWING AND AUTO REPAIR
NEVER REBUILT



TAKEN 3/30/04

SM Times 2/19/98



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MATT SUMNER

George Moffatt (right) fills out paperwork with FEMA Inspector, Ian Grant, in front of his house in La Honda, which has been rendered unsafe by the sliding hillside.

Storm tests La Honda

On Feb. 2 the La Honda Fire Brigade was called upon to carry out one of the most demanding missions ever in its 30-plus years of existence when the South Coast was struck down by a storm unlike any seen in modern times.

Thirty homes were damaged or destroyed in the brigade's response area. Early on there were numerous trees and power lines down, some landing on occupied vehicles. Before that first night was over, mudslides would block roads, the sound of trees crashing down would become almost routine, and many homes would either be flooded, damaged or destroyed. After midnight, the creek continued to rise and by early morning the area was almost completely cut off from the rest of the world by mudslides. The



A MATTER OF OPINION

Larry Whitney

battle, in several instances, became one for life itself. In the adjoining community of Loma Mar, one such battle was lost.

Starting that evening and continuing through the rest of that week, the La Honda Fire Brigade (San Mateo County Fire Company No. 57) went to war. Our volunteer firefighters responded to dozens of calls of all types, and the volunteers of

our Neighborhood Emergency Service Team (NEST) worked along with firefighters to conduct surveys of the homes within this department's response area, checking for trapped victims and documenting the damage. NEST immediately set up a shelter at La Honda Elementary School to offer a place of refuge to those who lost their homes to the flood or whose homes were no longer safe to occupy. During this period, our fire station became a base camp for the multiple agencies who came to the area's aid and for the many emergency workers who were on hand to pass out sand bags and cases of bottled water.

The purpose of this column is to recognize and give thanks to those individuals who unselfishly responded in this time of need. From the La Honda Fire

HALF MOON BAY REVIEW • Wednesday, Feb. 18, 1998 • 5A

Fire Brigade's mettle

Brigade: Board member Shirley Bortoli, Assistant Chief Ken Reed, Cpt. David Bevin, Lt. Cathy Whitney, Lt. Ari Delay, firefighters Marcia Cronk, Ed Daniels, Jeff Dominici, Hod Gotshall, George Hellerich, Greg McCartney, Erin Thomas, Anthony Hernandez, Kathleen Tompkins, Doug Woods, Seth Fishman and Jim Young.

From NEST: volunteers Robin Pilkington, Carol Wholahan, Marty Bollman, Jane Woods, Jan and Jack Haverty, Drake Lewis, Martin Smallen, Liz Chapman, Joe Kral, Sarah Williams, Kathleen and Marc Prisant, Dan and Donna Dobbins, Robyn Hernandez, Ann Geoffrion, Eric Eisenman and Cyrus Yocum.

The La Honda Fire Brigade is a part of the California Department of Forestry/San Mateo County Fire Program, and we

also wish to thank all of their paid staff for their help, especially Cpt. Robert Tooker, a member of the brigade, Cpt. Tom Oldag and his crew from Station No. 59 in Pescadero. We would also like to thank Division Chief Jim Asche for his support from the very start and for allowing us to do what we have been trained to do.

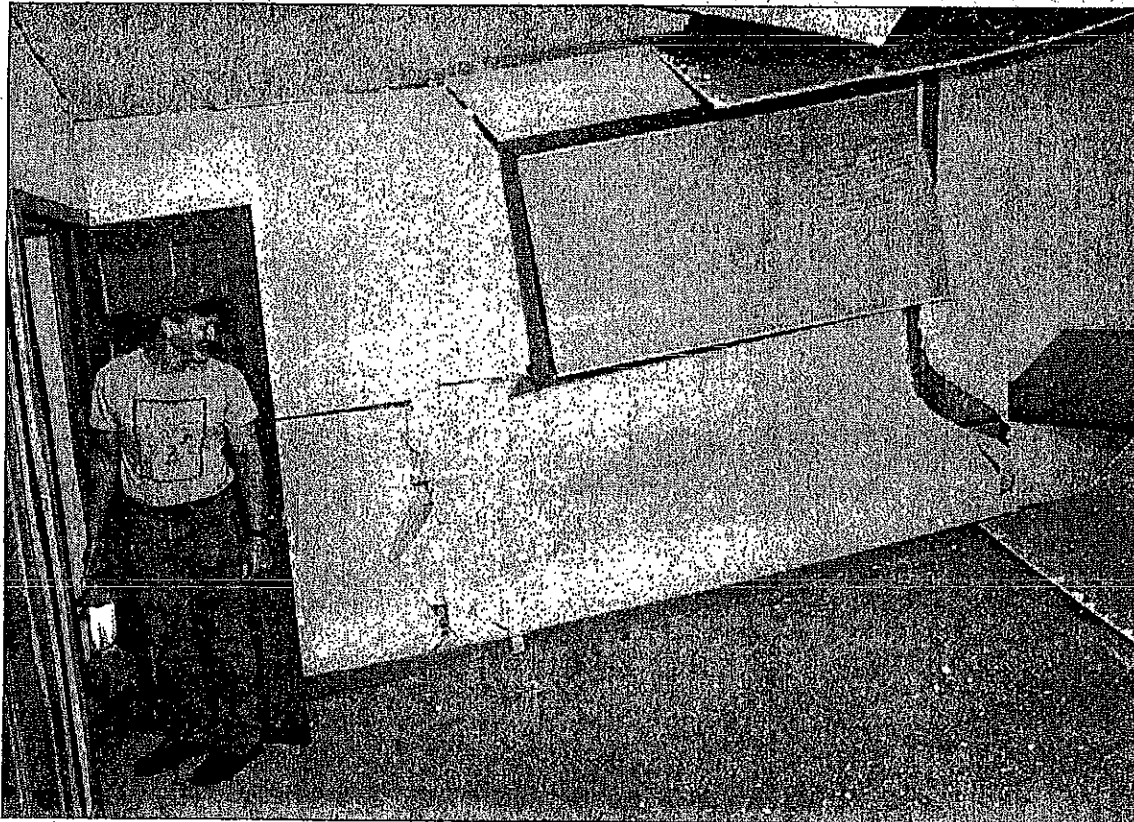
Many other agencies were there providing logistical support, physical help and coordination, including the American Red Cross, Salvation Army, Bill Parker and the Community Action Agency of San Mateo County, the county Sheriff's Office and its Office of Emergency Services, as well as engines 40 and 41 from the Half Moon Bay Fire Protection District and the Swift Water Rescue Team from the Oakland

Fire Department. Without the help of all these individuals and agencies who gave so much time and energy, we would have not been able to do our job.

Clearly this was a test for all emergency responders, as this disaster continues today; we do, however, want both our own local residents and the general public to know that the La Honda Fire Brigade will continue to meet such challenges head on.

Larry Whitney is a 21-year resident of La Honda and serves as chief of the La Honda Volunteer Fire Department. For more information on this incident or how you can be of assistance, Whitney can be reached at (650) 747-0381.

County will get weekend wetting



Bill Hill of La Honda examines the upstairs bedroom of his home, which has been buckled and twisted by a slow-moving landslide. The slide is destroying several homes on Scenic Drive.

GEORGE WOLF — Staff

FROM STAFF REPORTS

Call it rain or call it showers, the bottom line is today will be wet.

The National Weather Service predicts occasionally heavy rain this morning, tapering off to showers by the afternoon. An inch to 2 inches of rain is predicted.

"An inch is substantial rain," said forecaster Dan Klinger. "We're used to it this year, but an inch is a substantial amount."

Sunday will be an "in-between day," Klinger said, with sun and clouds.

Temperatures throughout the weekend will remain in the 50s and winds are expected to blow about 25 mph, except for the coast, where they'll speed up to 40 mph.

And then it's back to rain on Monday, which Klinger says will be harsher than this week's dousing.

"A good rain followed by a thunderstorm," he predicted.

More rain is the bad news for areas where homes are slipping. This month's wet weather has wreaked havoc on hilltop homes in Daly City, San Bruno and La Honda.

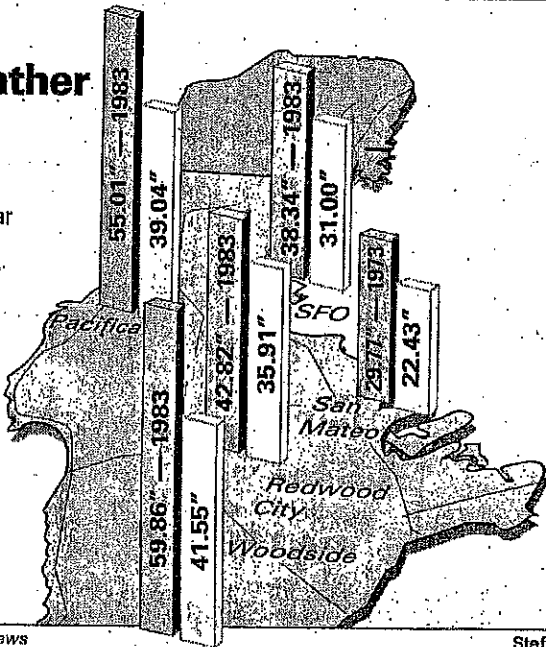
In those areas, homes are struggling to remain stable atop crumbling hillsides. About 17 homes are in danger of sliding down hills and city officials and geologists have said that more rain will only worsen conditions. Friday was beautiful, though, and the few clouds were more picturesque than threatening.

SM Times 2/21/98

Making wet-weather history

Rainfall totals in The County so far this season are approaching all-time record amounts.

Historical high rainfall totals
Season total to date



Source: WNI Weathernews

Steff

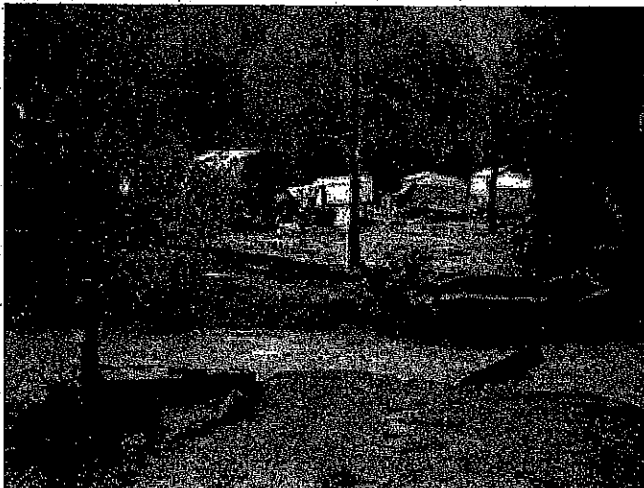
Help from FEMA

Home and business owners who have suffered storm-related losses may apply to the Federal Emergency Management Agency (FEMA) for financial help by calling toll-free hot lines at (800) 462-9029 or (800) 462-7585 (for the hearing impaired).

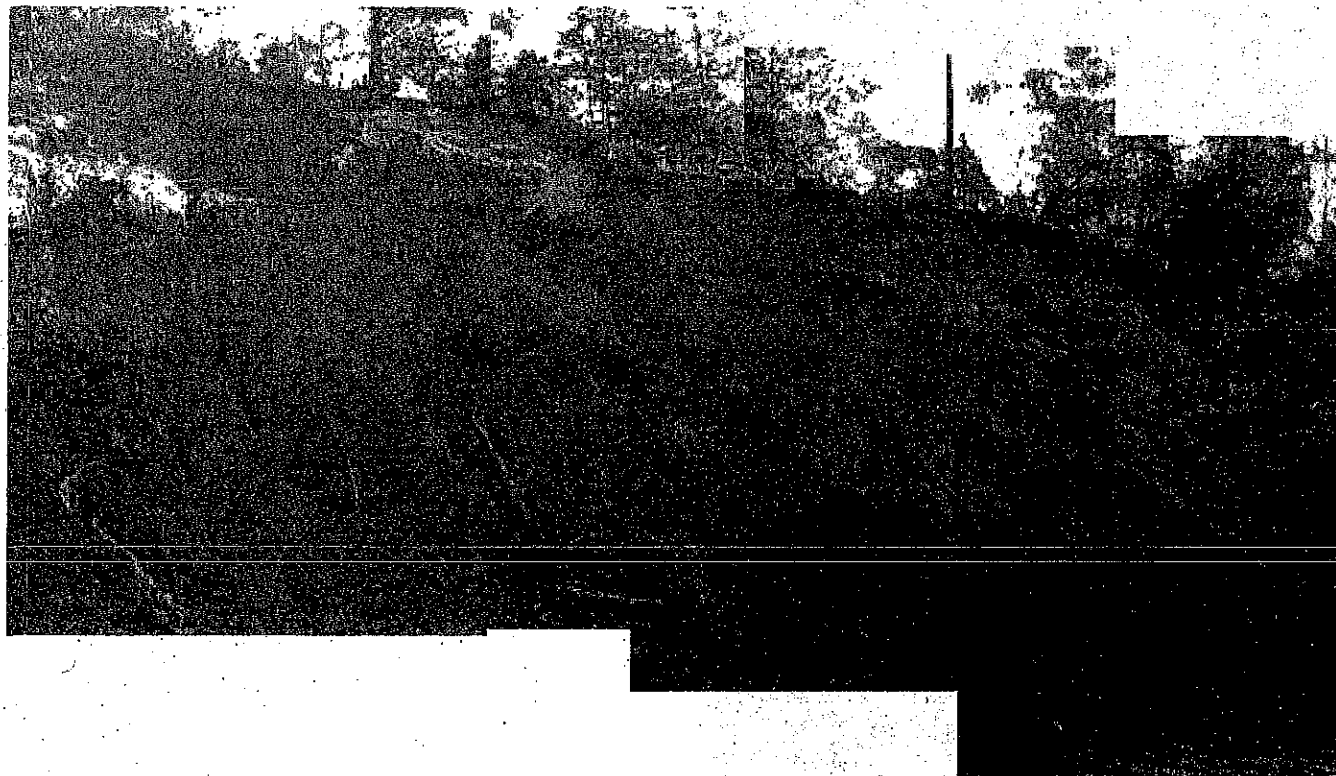
West of La Honda, La Honda Creek has washed through a number of properties. These photos were taken at Troutmere.



Many of the bridges across the creek are washed out, making it impossible to reach the homes on the other side.



A view of the slide taken on 2/18/98



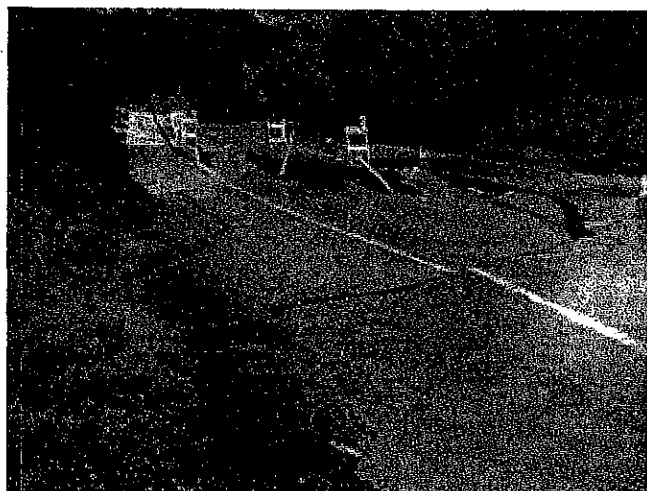
Two views from the top looking down at the roadway.

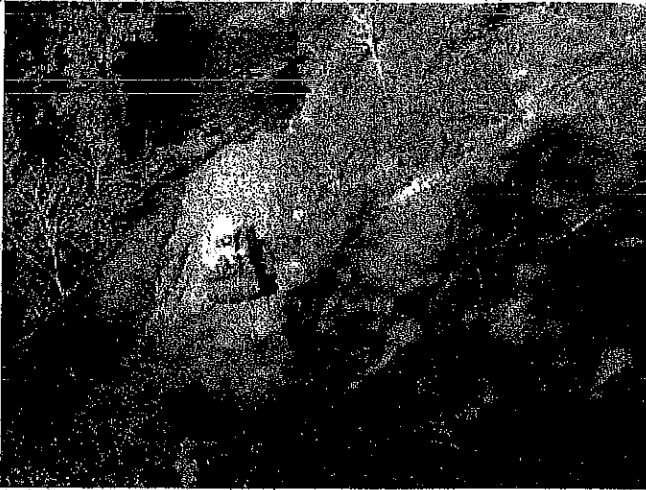


Cars caught up in the flow are stacked among other flood debris

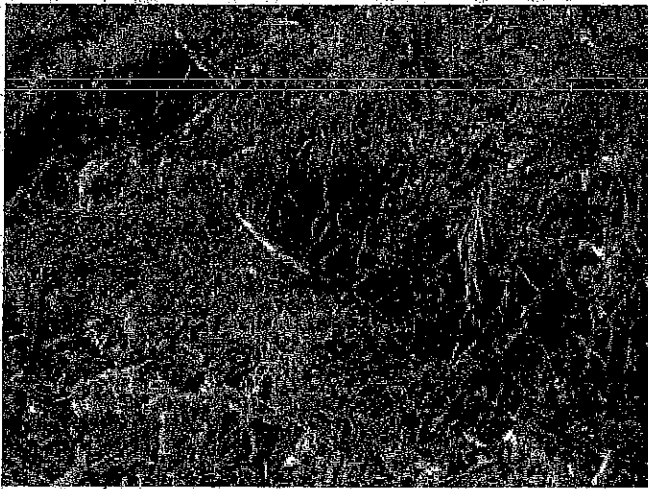


A portion of Hwy 84 West of La Honda





There are still big cracks in the ground back behind the top of the slide area.



One way traffic will be the story once the road is finally opened.



The westbound view of the slide.

La Honda imperils homes in La Honda

San Times 4/19/98

Garages and driveways have dropped three feet

By Kim Vo
STAFF WRITER

LA HONDA — Heavy rains have triggered a slow-moving landslide on Scenic Drive in the wooded hills here, inching homes precariously downhill and prompting at least eight households to evacuate.

"We've been here 27 years and this is the most reluctant thing we've done, but we're using common sense," said resident Lou Wenzel who was planning to stay with his daughter in Half Moon Bay overnight. "There's bags packed and ready to go."

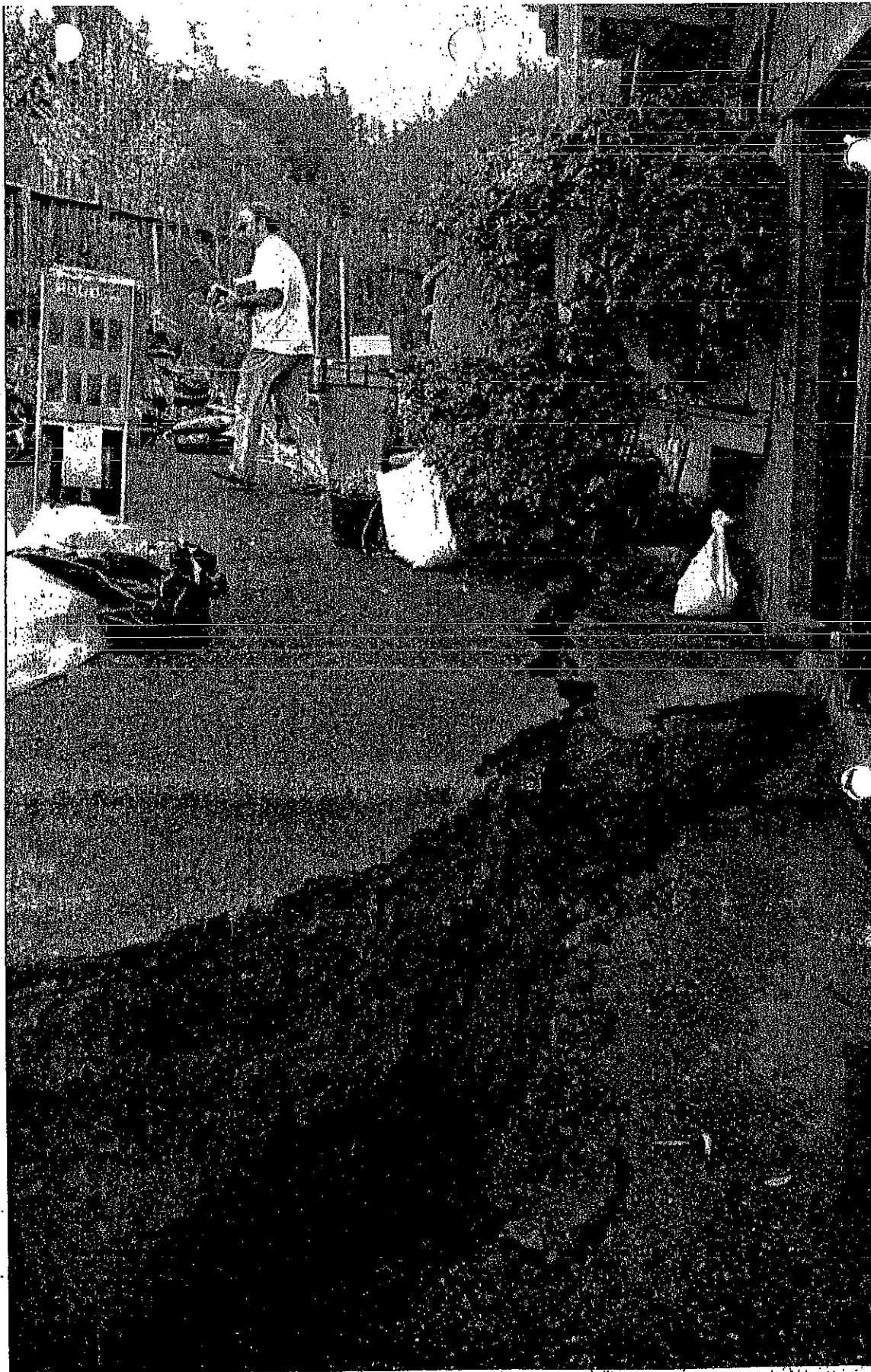
February's rains have soaked this hillside community so thoroughly that geologists said the bedrock is loosened, causing the earth to move. Two weeks ago, residents first noticed small cracks in their homes and streets along the 200 block of Scenic Drive, but the shifting earth has accelerated until some garages and driveways had dropped as much as three feet by Wednesday.

Mini-speed bumps have formed along Scenic Drive, a result of buckling asphalt. And a portion of Recreation Drive, a road parallel to and below Scenic, has collapsed, spilling compacted gravel toward a stream that runs alongside the road.

"This whole thing is moving like a blanket," said Michael Malone, a geologist who evaluated the area Wednesday. "As long as we have as much rain as predicted, it will worsen significantly."

There are two gray houses on this block of Scenic Drive, both boarded up since the windows began "popping" last week. One gray house is collapsing onto itself; the other is sliding down the hill.

The latter house belongs to George Moffatt, 79. In 1992, he bought the \$400,000 house for he and his wife to retire in; his homeowners insurance company told



The Moffatt home in La Honda has slid about three feet, causing massive cracks in the driveway.

MATT SUI

STORMS OF

Road status

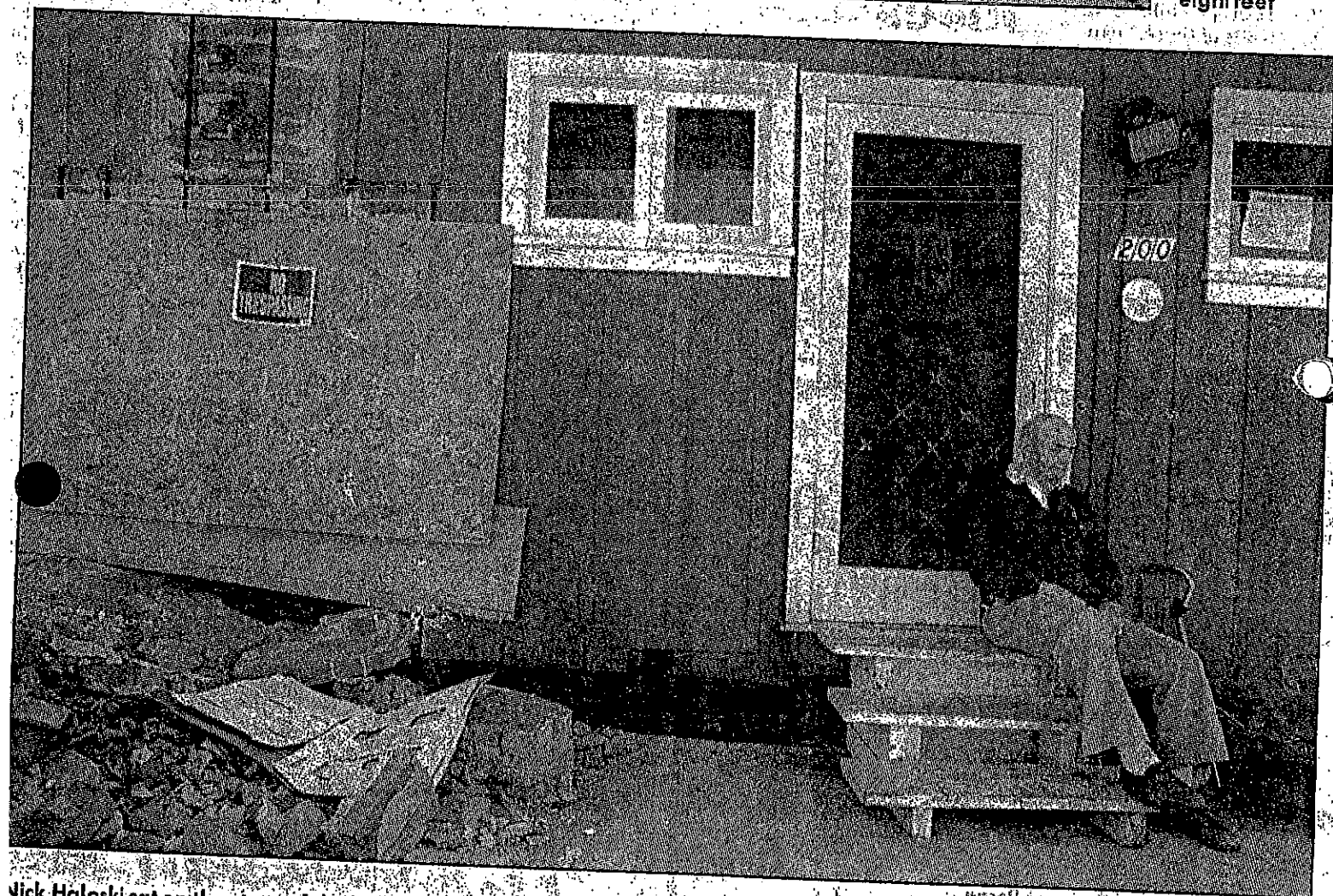
Brief respite

Gore visit

Fallen Land, Fallen Lives



Jeanne LePage (right) helped her mother, Ellie Wenzel, negotiate the driveway of Wenzels' home on Scenic Drive in La Honda. The driveway has dropped eight feet



Nick Haloski sat on the steps of the home he built on Scenic Drive, which was rendered uninhabitable by a landslide

PHOTOS BY CHRIS STEWART/THE CHRONICLE

Fight: La Honda residents standing up to nature

Continued from NEWS-1

storms.

The heavy rains have destroyed homes, ripped away roads and felled trees all over. And residents can't depend on much help from the outside world. Main roads leading to the area have been closed for weeks, and power, water and phone service has been sporadic.

And through it all, people just cope — usually with humor and with help from their friends and neighbors.

"The reason we live in this area is because we are a bunch of independents; we're pretty self-sufficient," said Orril Fluharty, 85, who has lived in a small cabin here since 1959. "This is nature, this is natural law. Every day we take our chances, and we live with those chances."

Across the small draw, where the Henzel house stood, is a sad reminder of that gamble. The rubble from the home is still strewn across the property for 100 yards. Books, photos, art supplies and clothes are stuck behind trees like foam left in the eddies of a stream.

Fortunately, no one else has lost their life to the storms. But many may lose their homes.

A network of stakes shows Stan Eckel whether the house he completed a year ago is slipping down the hill. Several of his neighbors above him on Scenic Drive in La Honda have been forced from their homes by a massive slide. Houses have been slipping more than one foot per day over the last several days.

Eckel wages a daily battle to keep water away from his house. With a mattock and a hoe he tries to divert water into a slight depression and away from his house.

"If the whole hill doesn't col-

lapse, I should be OK," Eckel said. "This is one of those deals where you just have to keep your head down and keep working."

So far, Eckel is staying ahead of things, but it has taken its toll on him, he said.

"I don't sleep very well, I don't eat very well," Eckel said. "Everything I have is locked up in this house. The least little creak in the house and I'm up. If I go out on the porch at night for a cigarette I can hear the houses behind me groaning and creaking."

Sue Gale says that noise is the houses talking.

She and her husband, Bill Hill, heard their house on Scenic Drive talking enough — they moved out Feb. 2.

On Friday, the couple was moving the last of their things from their house. Overnight the house had twisted and fallen so much their garage door was crushed shut. A tour of the skewed house was accompanied by angry snapping sounds.

The structure doesn't have much longer.

"The disappointing thing is, I did a lot of the work myself," Hill said as he scanned clear fir trim and wooden doors.

"But we've got each other, and that's the most important thing," Gale said. "That, and no one got hurt."

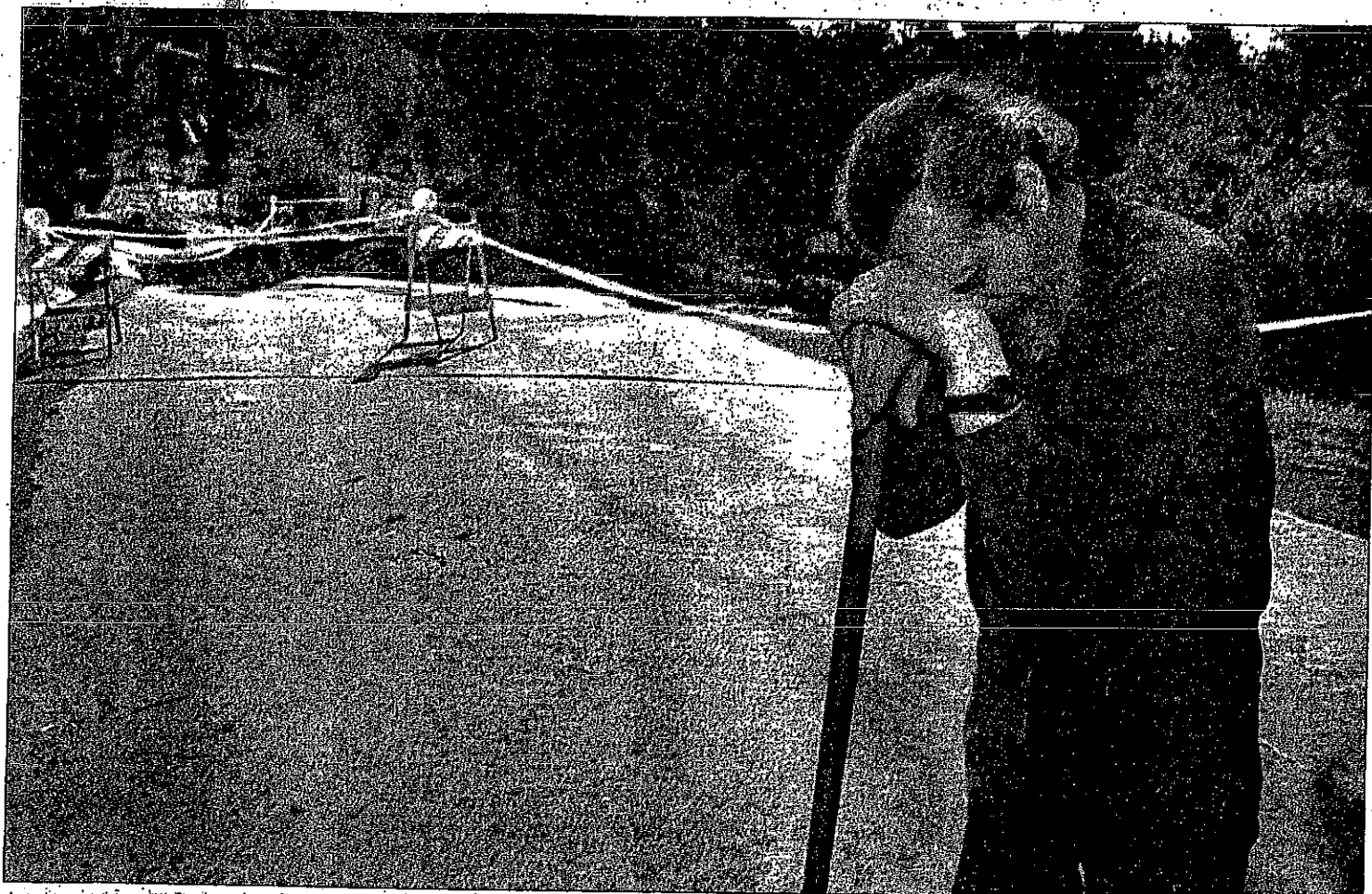
Although they like La Honda, the couple are not going to try and rebuild their home.

"I think we're going to call it quits, and live on the other side of the hill," Hill said. "We're going to do what we can to shore up our finances for retirement."

La Honda resident Laila Selk is staying put, but she's had about enough.

"What's really scary is not knowing what the weather is going to do," Selk said.

STORM'S TOLL



Stan Eckel of La Honda is emotionally and physically exhausted from trying to save his house from the waters that threaten to undermine it. GEORGE WOLF — Staff



Loma Mar resident Paul Henzel was killed Feb. 3 when a rapid mudslide ripped his home from its foundations and crushed it.

Neighbors fighting ravages of elements

By Michael V. Copeland
STAFF WRITER

On the night Paul Henzel was killed by a mudslide that reduced his Loma Mar home to kindling, his neighbors responded as they usually do in this isolated community — quickly and in force.

Henzel's wife, Cindy, rapped on the door of her neighbors, Orril and Clara Fluharty, early on the morning of Feb. 3.

"She was hollering, 'My house is gone, and I think my husband is dead,'" Clara Fluharty, 82, said. "I wrapped her in my robe and she went outside hollering.

"The thing I remember immediately after that was all the flashlights," Fluharty said.

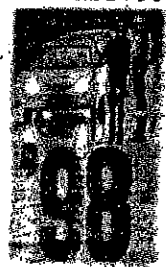
"They seemed to come from everywhere."

The neighbors found Paul Henzel in the rubble of his house, which had slid about 50 feet. They pulled him from the waist-deep mud and rubble that had wedged him against two massive trees. They performed what first aid they could and waited for the paramedics.

Henzel, 46, died at the hospital.

But the tragedy illustrates the cooperation that people in Loma Mar and La Honda have depended on over the past few weeks, while these beautiful communities have been besieged by El Nino-driven

STORMS OF



Road status

► To check road conditions, call the TravInfo line at 817-1717. From the 650 area code, dial 415 or 408 first.

Please see **Fight** NEWS-11

7. *The District shall provide private property signs where appropriate and provide trail users information regarding private property boundaries and to prohibit trespass to minimize public/private use conflicts and trespassing. The District shall clearly sign trails adjacent to active agriculture and provide trail users with information regarding property boundaries to minimize trespassing and conflicts with agricultural users.*
8. *The following measures will be included in every future Use and Management Plan for parcels within the Coastside Annexation Area:*
 - a. *In areas where trail routes are immediately adjacent to private property, fencing shall be employed as necessary to deter users from leaving the trail. Specific fence, gate, and crossing designs will be determined in consultations with adjacent affected property owner(s) at the Use and Management Plan stage.*
 - b. *All new trails/facilities will be sited away from the edges of new preserves to the greatest extent possible. All new trails/facilities will be designed to preserve existing vegetation within new preserves and at the property lines so that views of land uses in adjacent residential properties would be minimized.*
 - c. *Trails shall be sited a minimum distance of 300 feet from occupied dwellings unless site-specific circumstances make this infeasible. Where a 300-foot setback is not feasible, trails shall be set back a minimum distance of 50 feet. Potential noise and privacy impacts must be evaluated for any subsequent District action and shall be reduced by berms, fencing, landscaping and other feasible and compatible means, if necessary.*
9. *Upon completion of the annexation process and with public involvement through local groups, the District shall conduct public hearings to develop its Basic Policies for the Coastside Annexation Area. These hearings shall address, at a minimum, the following topics: public participation; resource management; public access; recreational use; public safety; cultural resources; agriculture and timber production; interagency relationships; and public information.*
10. *As noted in 6 above, all proposed Coastside Protection Area policies shall be considered by the full Board of Directors at public meetings held in the Coastside Protection Area.*
11. *A District staff liaison will be assigned to the Coastal Annexation Area to work with local residents, property owners, government, and interest groups in developing recommendations to the District Board of Directors*
12. *The Legislative, Finance and Public Affairs Committee, a Standing Committee of the Board, shall at an annual public meeting review the Good Neighbor Policy and its implementation and effectiveness. The Good Neighbor Policy shall be amended as necessary to ensure the best possible relationship between the District and its neighbors.*
13. *The District shall develop a Good Neighbor Brochure and shall update it regularly and distribute it to property owners with land adjoining district preserves. The Brochure shall contain the following information:*
 1. *Emergency contact information for District and other agencies by nature of emergency (fire, flooding, medical, illegal activity, abandoned vehicles, etc.)*
 2. *District contact for resource management (weed abatement, feral animal control, restoration and revegetation, etc.)*

***Conditions of LAFCo approval of MROSD Sphere Amendment
and Annexation Application***

Condition 1: Memorandum of Understanding between MROSD and Farm Bureau

Condition 2: Agreement between MROSD and San Mateo County for Fire Protection

Condition 3: Agreement between MROSD and Pescadero La Honda Unified School District

Condition 4: District adopted public participation process for reapportionment

Condition 5: The District shall adopt a plan for amendment of the existing good neighbor policy to include the following provisions:

- 1. The District shall institute appropriate forms of representation so that District planning and decision-making relating to the Coastsides Annexation Area includes the input of Coastsides residents.*
- 2. The District shall establish advisory committees, task forces or work groups as needed to develop or review specific policies or plans.*
- 3. To ensure that local viewpoints are considered in all significant District planning and decision-making relating to the Coastsides Protection Area, the District shall consult with local elected officials, government agencies, and government-sponsored organizations within the Coastsides Protection Area including, but not limited to the Midcoast Community Council, Pescadero Municipal Advisory Council, Half Moon Bay City Council and their elected bodies.*
- 4. To further ensure recommendations representing local involvement are considered in District planning and decision-making relating to the Coastsides Annexation Area, the District shall directly notify community-interest groups, non-profit land trusts, elected officials, and other interested organizations about District Board meetings or other public meetings that involve subjects relating to the District's activities within the Coastsides Protection Area.*
- 5. In addition to adopted and legally required noticing, the District shall notify owners of contiguous properties about public meetings where property acquisitions in the Coastsides Annexation Area or any significant use or improvements proposed on District-owned lands in the Coastsides Protection Area are considered.*
- 6. Because each land use management plan, policy update, acquisition project and significant capital improvement project is subject to full review by the District Board (Page 23 of service plan), meetings of the District Board and/or subcommittees on such matters concerning Coastsides annexation area territory shall be held in the coastal annexation area. (The District may wish to schedule such meetings so that meetings are held in a regular manner such as every third meeting is held in the Coastal Annexation Area.)*

3. *District contact for fire and hazard prevention (fuel management, information regarding firesafe practices, fallen or hazardous trees, etc.)*
4. *District contact for conflicts between neighbors and Preserve visitors (trespass, parking, noise, etc.)*
5. *District contact for general questions regarding use and management of Preserves*
6. *How to make a suggestion or file a complaint regarding use and management of District Preserves or the District's operation in general (phone, write, e-mail, in person)*
 - *Management and Board of Directors contact information*
 - *Website mailbox*
 - *Office hours and location*
 - *Board meeting dates and times*

Condition 6: Ombudsman

The District Board shall adopt a policy to create an appointed position of ombudsperson to evaluate objectively both sides of property owner or affected party dispute with the District.

Condition 7: Agricultural Management Expertise

The District shall hire or contract with an individual or organization with agricultural management expertise.

Condition 8: District Board & Subcommittee meetings to be held in Coastal Annexation Area

Because each land use management plan, policy update, acquisition project and planning of capital improvement project is subject to full review by the District Board (Page 23 of service plan), meetings of the District Board and/or subcommittees on such matters concerning Coastside annexation area territory shall be held in the coastal annexation area. The District's rules of procedure shall be amended to include this provision.

rec'd 3/30
HMB

March 30, 2004

Chairperson Sepi Richardson and
LAFCo Commissioners
455 County Center
Redwood City, CA 94063

**Re: LAFCo File Number 03-10: Midpeninsula Regional Open Space District
(MROSD)**

Dear Commissioners,

I attended your first hearing in Half Moon Bay, but did not get a chance to speak. The topic of land stewardship by MROSD and other public agencies was raised. As a former Board member of the San Mateo County Resource Conservation District, (RCD) and a long time property owner in the Pescadero area, I have been disturbed by the LACK of stewardship over the years on the part of many private property owners.

As you are undoubtedly aware, the Coastside has suffered severe degradation of land over the past 60 years, despite the presence of the RCD whose stated purpose on their letterhead is "Partnering to Implement Conservation Practices and Promote Environmental Stewardship on Public and Private Lands Since 1939".

Erosion of the soil resources has actually increased dramatically during the time the RCD has been active in San Mateo County.

John Wade, of the Pescadero Conservation Alliance, in a recent letter (to Brendan Cummings, Center for Biological Diversity, November 30, 2003), wrote: "There are now over 40 miles of erosion gullies on the San Mateo coast, growing by 2-3% or half a mile to one mile per year. ... We have 3 times more gullies now than we had in 1940. (emphasis added) Over a 25 to 50 year period, it is a disaster. Filling the streams with silt, increasing flooding, causing massive erosion of banks and loss of riparian habitat, erosion shows no sign of stopping."

The manmade causes of gullies include: unmaintained old logging and farming roads, overgrazing, and poor farming practices such as failure to practice contour plowing on our highly erodible hills.

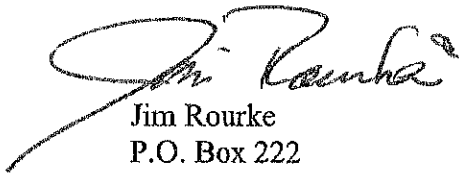
Besides the above-mentioned legacies of bad land management, current practices are often no better. For example, a nursery operator near Half Moon Bay bulldozed an entire hillside and buried trees, cars, trucks, and more under massive amounts of dirt. (HMB Review, January 12, 2000). The results of all these destructive practices include streams choked with sediment, increased flooding, loss of riparian habitat, and damage to fisheries.

Nobody has yet mentioned illegal activities on Coastside private land. Methamphetamine labs, pot farms, high stakes cock fighting dens, poaching of deer and other wildlife are all common practices. I am giving you several articles describing some of these illegal activities. It would appear that some opponents of public parks and open space want to continue to be able to carry on these activities "out of sight, out of mind". It seems that public trails and park rangers may pose a threat to this way of life where "anything goes."

Abandoning old vehicles is also a common practice. I have been on several properties in my role as a RCD Director where somebody has found a new use for the term "truck farms" as trucks, cars, and even old refrigerators were scattered about the landscape.

And while there are some property owners who do care for their land, I hope that MROSD can step in and restore some of the severe damage that has been done to the coastside's land and creeks over the years.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Rourke", with a large, sweeping initial "J" and a stylized "R".

Jim Rourke
P.O. Box 222
Pescadero, CA 94060