

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

**DATE:** December 11, 2019

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of a request by the Midpeninsula Regional Open Space District (MROSD) to determine if acquisition of approximately 149 acres in the unincorporated County adjacent to the Purisima Creek and Tunitas Creek Open Space Preserves conforms to the County General Plan.

County File Number: PLN 2019-00426

**PROPOSAL**

Consideration of a request by the Midpeninsula Regional Open Space District, pursuant to Government Code Section 65402, that the County determine whether the proposed acquisition of two parcels, APNs 066-300-020 and 066-300-010, totaling 149 acres, for the purpose of adding portions of the property to the Purisima Creek and Tunitas Creek Open Space Preserves conforms to the County General Plan.

**RECOMMENDATION**

That the Planning Commission find that the proposed acquisition by the Midpeninsula Regional Open Space District Division of two parcels, APNs 066-300-020 and 066-300-010, for the purpose of adding portions of the properties to the Purisima Creek and Tunitas Creek Open Space Preserves, conforms to the County General Plan.

**BACKGROUND**

Report Prepared By: William Gibson

Applicant: Midpeninsula Regional Open Space District (MROSD)

Owners: Tabachnik Mateo Trust

Location: Unincorporated San Mateo County, rural South Coast

APN(s): 066-300-020; 066-300-010

Size: 149 acres

Existing Zoning: Planned Agricultural District/Coastal Development (PAD/CD) (066-300-010) and Resource Management/Coastal Zone (066-300-020)

General Plan Designation: Agricultural/Rural

Existing Land Use: The parcels include some low density residential uses and private open space, and are not in agricultural use.

Flood Zone: X (Area of Minimal Flooding)

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

Setting: The parcels are characterized by steep slopes and various brush cover, typical of the terrain, flora and fauna of the rural South Coast.

## **DISCUSSION**

### A. KEY ISSUES

#### 1. Project Description

The Midpeninsula Regional Open Space District (MROSD) proposes to acquire the subject properties, which lie between the Tunitas Creek and Purisima Creek Redwoods Open Space Preserves, for incorporation into those preserves. The properties are directly between the two preserves, and the addition of portions of the properties would connect the two existing preserves and make them contiguous. The overall intent of the acquisition and addition of the properties to the preserves is open space, habitat preservation, watershed protection, and low-intensity public recreation. Any specific developments proposed on the property would require appropriate permits and would be reviewed by the County at the time of project submittal.

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

#### 2. Analysis

The proposed acquisition potentially implicates the following General Plan policies:

a. Vegetative, Water, Fish and Wildlife Resources Policies

- (1) Policy 1.22.a of the County General Plan requires that the County regulate land uses and development activities to prevent and, if infeasible, mitigate to the extent possible, significant adverse impacts on vegetative, water, fish and wildlife resources.
- (2) Policy 1.22.b places a priority on the managed use and protection of vegetative, water, fish and wildlife resources in rural areas of the County.
- (3) Policy 1.23 requires the County to regulate the location, density and design of development to minimize significant adverse impacts and encourage enhancement of vegetative, water, fish and wildlife resources.
- (4) Policy 1.24 requires that the County ensure that development will (1) minimize the removal of vegetative resources; and/or (2) protect vegetation which enhances microclimate, stabilizes slopes or reduces surface water runoff, erosion or sedimentation; and/or (3) protect historic and scenic trees.

Discussion: The subject properties contain various vegetative, water, fish and wildlife resources, including coastal scrub, Red Alder and Arroyo Willow series communities, various riparian corridors, a portion of Tunitas creek, and habitat for fauna including Coho Salmon, Steelhead Trout, mountain lions, coyotes, and deer, Steelhead and Rainbow Trout, and a variety of other species.

MROSD has not proposed any specific developments on the properties proposed for acquisition, or any changes to the conditions or uses of the properties at this time. The proposal is limited to acquisition of the property, and any subsequent changes in use would be determined through a planning process and creation of a comprehensive use and management plan or master plan, consistent with MROSD's Coastside Protection Program Service Plan ("Service Plan"), in consultation with appropriate agencies, including the County.

The proposed acquisition itself conforms to the General Plan Vegetative, Water, Fish and Wildlife Resources Policies, because a primary purpose of the acquisition, consistent with MROSD's mission and the requirements of its Service Plan and use and management planning process, is long-term protection of natural resources on properties acquired by MROSD. In addition, any proposed future changes or improvements to the property would be regulated by the

County tree removal and grading ordinances and the “Site Design Criteria” of Chapter 20.A.2 of the Zoning Regulations, and the County will have the authority to review any specific development plans for the property at the time of application. In particular, any intended recreational use of the property would require PAD and Coastal Development Permits (CDP), which would be subject to review and approval by the relevant decision-making bodies. MROSD is also currently undertaking an environmental review consistent with CEQA, and any changes will be subject to CEQA and required to incorporate appropriate mitigation measures.

b. Soil Resources Policies

- (1) Policy 2.17 calls for the County to regulate development to minimize soil erosion and sedimentation.
- (2) Policy 2.23 calls for the County to regulate excavation, grading, filling and land clearing activities to protect against accelerated soil erosion and sedimentation.

Discussion: The proposed acquisition does not conflict with the General Plan Soil Resources Policies. Any proposed future development would be subject to the County Grading Ordinance, which incorporates measures to minimize soil erosion and sedimentation, and subject to the guidelines and policies of MROSD’s Service Plan, which requires MROSD to adopt measures that minimize and mitigate any erosion-creating activities. The County would have the opportunity to review any proposed development at the time of application. Such review would include any improvements proposed to make the properties suitable for recreational use. As noted, MROSD’s Service Plan also includes measures to ensure minimization of any impact due to increased intensity of uses on properties acquired by MROSD, and intended recreational use would also require approval of relevant CDP and PAD Permits.

c. Visual Quality Policies

- (1) Policy 4.21 calls for the County to protect the visual quality of scenic corridors by managing the location and appearance of structural development.
- (2) Policy 4.25.a calls for minimizing grading or earth-moving operations.

- (3) Policy 4.25.b requires blending graded areas with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site.
- (4) Policy 4.26.c discourages the alteration of streams and other natural drainage systems that would affect their appearance, reduce underground water recharge, or cause drainage, erosion or flooding problems.

Discussion: The proposed acquisition, in itself, does not impact the visual quality of the property, and conforms to the General Plan Visual Quality Policies. Any future improvements, if proposed, would be subject to review by the County at time of application and would be regulated through the cited policies and Section 6325.1 of the Zoning Regulations, "Primary Scenic Resources Areas Criteria."

d. Park and Recreation Resource Policies

- (1) Policy 6.10 generally encourages park providers to locate passive park and recreation facilities in rural areas in order to protect and preserve environmentally sensitive open space lands. This policy considers the following activities to be generally compatible with passive park and recreation facilities: camping, hiking, picnicking, horseback riding and nature study.

Discussion: MROSD has not determined the precise recreational improvements that may be made to the property. However, this acquisition and any potential future recreational uses resulting from the acquisition would be located entirely in the rural area, and limited to the types of compatible uses identified by Policy 6.10.

- (2) Policy 6.12 calls for the County to preserve the best agricultural land for agricultural uses. On other lands capable of supporting agriculture, the policy calls for permitting the location of park and recreation facilities when efforts are made to lease land not needed for recreational purposes to farm operations.

Discussion: While the subject properties are designated as agricultural lands by the County General Plan, and are zoned PAD and RM/CZ, they are not in current agricultural use, and the nature of the terrain makes them unsuitable for agricultural use. In general, MROSD's Service Plan, which has been determined to be consistent with the County General Plan, governs the disposition of agricultural uses by MROSD, and MROSD will be required to follow these policies.

- (3) Policy 6.14 calls for the County to encourage all providers to design sites to accommodate recreation uses that minimize adverse effects on the natural environment and adjoining private ownership.

Discussion: MROSD is not proposing any specific recreational improvements of the property at this time. Any future recreational development on the property will require conformance with the development review criteria of Chapter 20.A.2 of the Zoning Regulations, and, to the extent relevant, issuance of CDPs and PAD permits approved by the relevant decision-making bodies. Any required permits will address impacts to the natural environment, agriculture and adjoining properties, as will MROSD's policies and management planning, in accordance with MROSD's Service Plan.

- (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.

Discussion: MROSD's planning process for the subject properties will include assessment of opportunities to make additional open space lands available for public use, while balancing public access with resource protection.

e. Rural Land Use Policies

- (1) Policy 9.35(a) encourages the continuation and expansion of existing public recreation land uses on non-agricultural lands, including but not limited to public beaches, parks, recreation areas, wild areas and trails.

Discussion: MROSD's acquisition of the subject property would effectively expand MROSD's existing public recreational area located in the adjacent Purisima Creek Redwoods and Tunitas Creek Open Space Preserves.

- (2) Policy 9.42.b calls for locating development in areas of parcels that cause the least disturbance to scenic resources and best retain the open space character of the parcel.
- (3) Policy 9.42.c calls for locating development in areas free from hazardous conditions, including but not limited to steep slopes, unstable soils, and areas of special flood hazard.

Discussion: Future development of the property must conform to the development review criteria of Chapter 20.A.2 of the Zoning Regulations, which include restrictions intended to prevent hazards to the public. MROSD's use and management plans for the property will also address potential hazards, and trails and other public facilities will be restricted in non-hazardous areas, consistent with the guidelines and policies of MROSD's Service Plan. In addition, appropriate conditions, consistent with Policies 9.42.b and 9.42.c, would be included in any CDP and PAD permits required to allow any recreational use of the subject properties.

B. ALTERNATIVES

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

C. ENVIRONMENTAL REVIEW

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

D. REVIEWING AGENCIES

County Counsel

**ATTACHMENTS**

A. Recommended Findings

B. Location and Site Maps

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS**

Permit or Project File Number: PLN 2019-00428      Hearing Date: December 11, 2019

Prepared By: William Gibson  
Project Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

That the Planning Commission find that the proposed acquisition by the Midpeninsula Regional Open Space District Division of two parcels, APNs 066-300-020 and 066-300-010, the purpose of adding portions of the property to the Purisima Creek and Tunitas Creek Open Space Preserves, conforms to the County General Plan

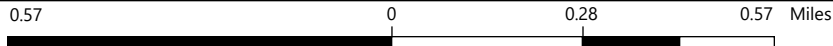
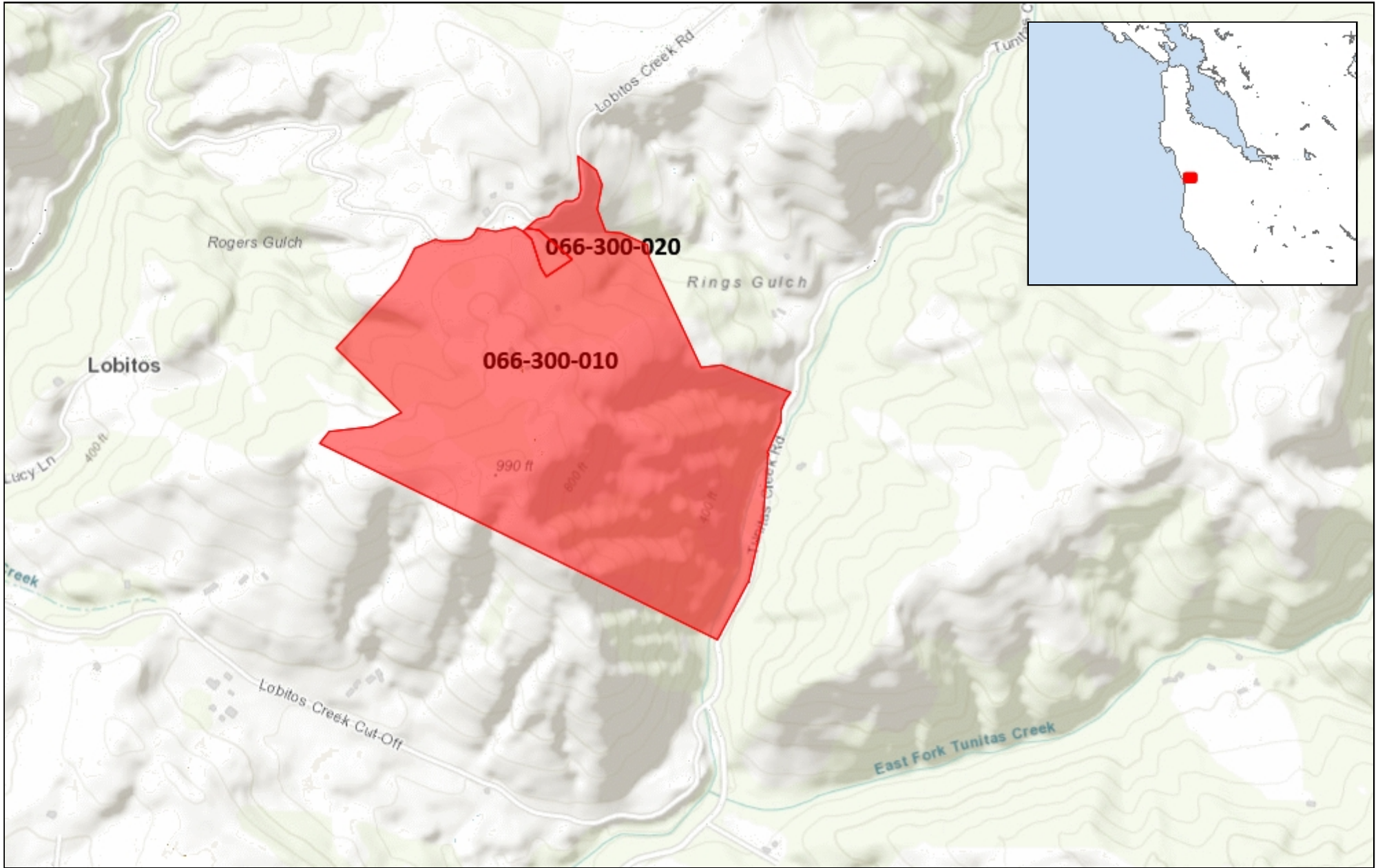
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**County of San Mateo - Planning and Building Department**

# **ATTACHMENT B**



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