

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

DATE: September 23, 2020

To: Planning Commission

From: Steve Monowitz, Community Development Director

Subject: EXECUTIVE SUMMARY: Consideration of a request by the Midpeninsula Regional Open Space District (MROSD), pursuant to Government Code Section 65402, to determine if MROSD's proposed acquisition of an undivided 54% interest in the approximately 600-acre South Cowell Ranch, adjacent to the Purisima Creek Redwoods Open Space Preserve in the unincorporated South Coast, conforms to the County General Plan.

County File Number: PLN 2020-00236

RECOMMENDATION: That the Planning Commission find that the proposed acquisition by the Midpeninsula Regional Open Space District Division of an undivided 54% interest in the South Cowell Ranch property, APNs 066-280-010, 066-280-020 and 066-280-050, conforms to the County General Plan.

BACKGROUND: The Midpeninsula Regional Open Space District (MROSD) proposes to acquire a 54% interest in three properties which form South Cowell Ranch, APNs 066-280-050, west of Highway 1 and bisected by Verde Road, and 066-280-010 and 066-280-020, east of Highway 1. The proposal will result in MROSD's 54% interest, 33% interest to Peninsula Open Space Trust (POST), and 13% interest retained by the Marsh Family. After purchase, the owners intend to apply for a subdivision to divide the parcels in a manner that would create a 371-acre parcel owned by MROSD, a 226-acre parcel owned by the Marsh Family, and a 2-acre parcel owned by POST. Most of the property between Verde Road and Highway 1 is intended for continued farming, and the properties west of Highway 1 for continued grazing. The property east of Verde Road and 10 acres at the south portion between Verde Road and Highway 1 will be managed for conservation grazing, open space, habitat preservation, and future low intensity recreation. Any future development will require appropriate permits and review by relevant agencies.

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.

DISCUSSION: The subject properties contain vegetative, water, fish and wildlife resources, including coastal chaparral and grassland meadows providing habitat for wildlife, and watershed and riparian areas. The properties are designated as Agriculture in the General Plan, are zoned PAD, and portions are in use for farming and

grazing. The proposed acquisition potentially implicates the following General Plan policies:

Vegetative, Water, Fish and Wildlife Resources Policies 1.22.a, 1.22.b, 1.23, and 1.24, which call for regulation of land use and development to prevent or mitigate adverse impacts on vegetative, water, fish and wildlife resources; prioritizes managed use and protection of such resources in rural areas; calls for regulating development to minimize adverse impacts and encourage enhancement of these resources and ensure development will protect vegetative resources and historic and scenic trees.

Soil Resources Policies 2.17 and 2.23, which call for the County to regulate development and excavation, grading, filling and land clearing to minimize and protect against soil erosion and sedimentation.

Visual Quality Policies 4.21, 4.25.a, 4.25.b, and 4.26.c, which call for protection of visual quality of scenic corridors by managing structural development; minimizing grading and earth-moving; blending graded areas with adjacent landforms; and discourage alteration of natural drainage systems.

Park and Recreation Resource Policies 6.10, 6.12, 6.14, and 6.47, which encourage location of passive park and recreation facilities in rural areas; calls for preservation of agricultural land for agricultural uses, and on other lands capable of supporting agriculture, permitting such facilities when efforts are made to lease land not needed for recreational purposes to farm operations; calls for recreational site design that minimizes adverse effects on the natural environment; and encourages MROSD to acquire, protect, and make available open space lands in rural areas.

Rural Land Use Policies Policy 9.35(a), Policy 9.42.b, Policy 9.42.c, which encourage continuation and expansion of public recreation land uses on non-agricultural lands, and call for locating development in areas of parcels that cause least disturbance to scenic resources and best retain open space character.

The proposed acquisition does not conflict with the above policies. The purpose of the acquisition is consistent with the General Plan, and with MROSD's mission, Service Plan, and use and management planning process, as are all uses currently intended for the site. Any future development would be regulated by relevant County ordinances, would require relevant permits, and would be subject to review by relevant agencies. All aspects of the acquisition are consistent with the County General Plan.

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. Any future action on the subject property would be subject to applicable CEQA requirements.

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DATE: September 23, 2020

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a request by the Midpeninsula Regional Open Space District (MROSD), pursuant to Government Code Section 65402, to determine if MROSD's proposed acquisition of an undivided 54% interest in the approximately 600-acre South Cowell Ranch, adjacent to the Purisima Creek Redwoods Open Space Preserve in the unincorporated South Coast, conforms to the County General Plan.

County File Number: PLN 2020-00236

PROPOSAL

Pursuant to Government Code Section 65402, MROSD has requested that the Planning Commission determine that their proposed acquisition of an undivided 54% interest in the approximately 600-acre South Cowell Ranch, adjacent to the Purisima Creek Redwoods Open Space Preserve in the unincorporated South Coast, 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 an undivided 54% interest in the South Cowell Ranch property, APNs 066-280-010, 066-280-020 and 066-280-050, conforms to the County General Plan.

BACKGROUND

Report Prepared By: William Gibson

Applicant: Midpeninsula Regional Open Space District (MROSD)

Owners: Marsh Robert E. and Julia M. Trust

Location: Rural South Coast

APNs: 066-280-010, 066-280-020 and 066-280-050

Size: 600 acres

Existing Zoning: PAD/CD

General Plan Designation: Agricultural/Rural

Existing Land Use: The parcels include some low density residential uses, barns and sheds, grazing lands in current use, and various open space and natural habitat.

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 variably characterized by coastal grassland and brush, with rolling hills and steep slopes, and farmland west of Highway 1.

DISCUSSION

A. KEY ISSUES

1. Project Description

The Midpeninsula Regional Open Space District (MROSD) proposes to acquire an undivided 54% interest in the three subject properties which form South Cowell Ranch. APN 066-280-050 lies west of Highway 1 and is bisected by Verde Road; APNs 066-280-010 and 066-280-020 lie east of Highway 1. The portion of APN 066-280-050 east of Verde Road is currently grazed by a local rancher, while the portion between Verde Road and Highway 1 is farmed by the current owners, the Marsh Family, and the remaining parcels west of Highway 1 are grazed by the Marsh Family.

The proposed purchase will result in a 54% undivided interest in the property by MROSD, a 33% interest held by the Peninsula Open Space Trust (POST), and a 13% interest retained by the Marsh Family. Subsequent to purchase, the various owners intend to apply to divide the parcels to create a 371-acre parcel owned by MROSD, a 226-acre parcel owned by the Marsh Family, and a 2-acre parcel owned by POST. The majority of the property between Verde Road and Highway 1 is intended for continued farming by the Marsh Family, and the properties west of Highway 1 for continued grazing by the Marsh Family. The property east of Verde Road, and 10 acres at the southern portion of the area between Verde Road

and Highway 1 is intended to be managed for conservation grazing, open space, habitat preservation, and future low intensity recreation, including connection to the future regional Purisima to the Sea trail project. Any future development proposed on the property will require appropriate permits and would be reviewed by the County and other relevant agencies 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 chaparral and grassland meadows providing habitat for various wildlife, and watershed and riparian areas including perennial stream frontage along the north side of Lobitos Creek, which provides spawning and rearing habitat for steelhead trout and resident rainbow trout. The property has two

ponds used for livestock watering, a tributary of Lobitos Creek and a seasonal creek flowing to the coast.

Other than identifying their intent to pursue a future subdivision in conjunction with the other landowners, MROSD has not proposed any development 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 a PAD Permit and Coastal Development Permit (CDP), which would be subject to review and approval by the Planning Commission.

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, although the general intent includes future development of parking, trailhead, and trails connecting to a regional trail project. 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: The subject properties are designated as agricultural lands by the County General Plan, are zoned PAD, and parts of the properties are currently in use for both farming and grazing. The intent of the various owners subsequent to purchase and disposition of ownership of the properties is to continue grazing and farming on the properties, while also dedicating portions of the properties to natural resource protection, open space, and low intensity recreational uses. 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 the District, 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, although the general purpose includes future development of trails. 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 and impacts on the continued agriculture uses on the subject 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 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 adjacent to the Purisima Creek Redwoods Open Space Preserve, while allowing use of portions of the properties for farming and grazing.

- (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 will be required to 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 and minimize potential hazards, 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 recreational use of the subject properties.

B. SUMMARY

The proposed acquisition does not conflict with the above-listed policies. The purpose of the acquisition is consistent with the General Plan, and with MROSD's mission, Service Plan, and use and management planning process, as are all uses currently intended for the site. Any future development would be regulated by relevant County ordinances, would require relevant permits, and would be subject to review by relevant agencies. All aspects of the acquisition are consistent with the County General Plan.

C. 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.

D. 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.

E. REVIEWING AGENCIES

County Counsel

ATTACHMENTS

- A. Recommended Finding
- B. Location and Site Maps

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A

County of San Mateo
Planning and Building Department

RECOMMENDED FINDING

Permit or Project File Number: PLN 2019-00428 Hearing Date: September 23, 2020

Prepared By: William Gibson
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDING

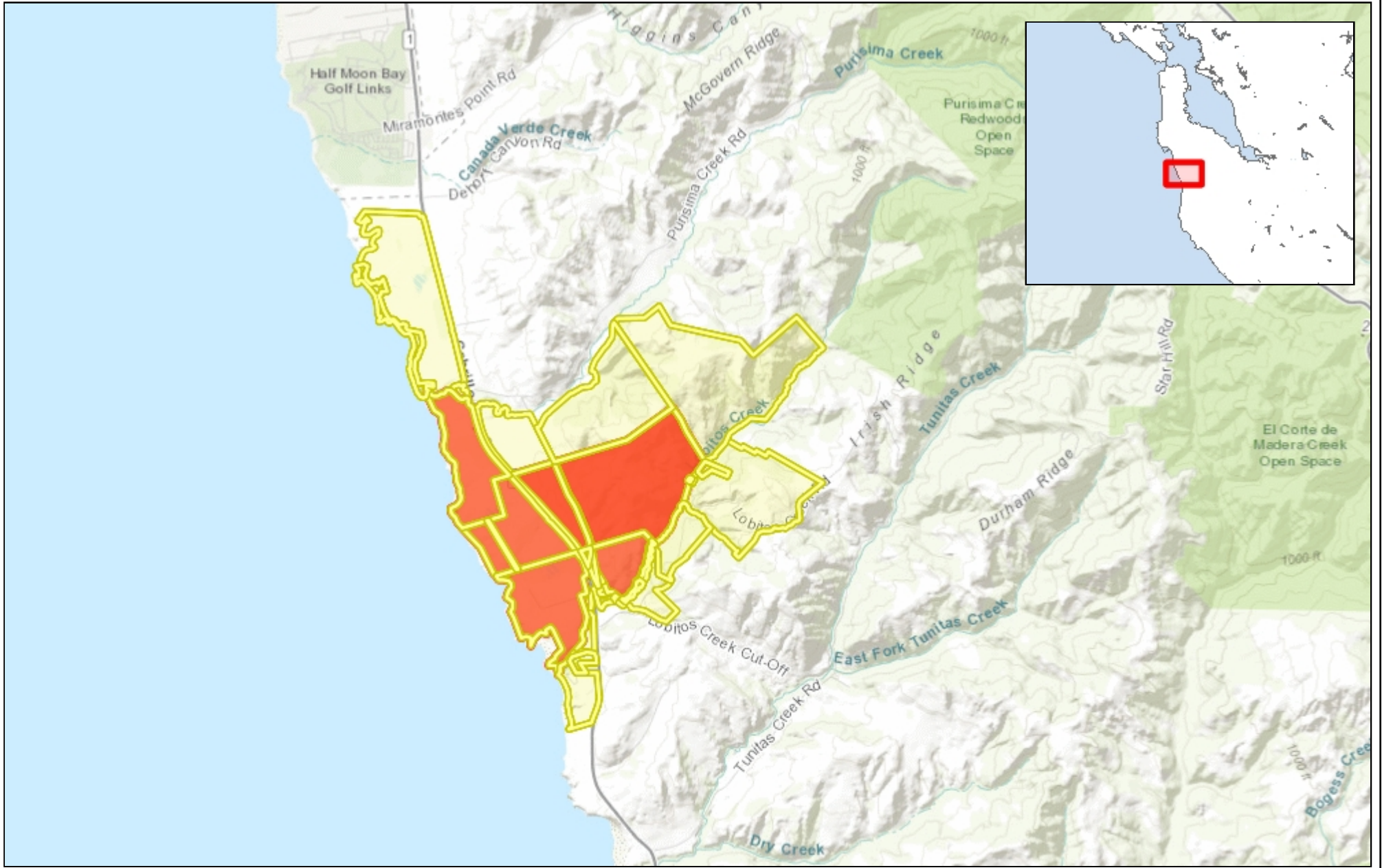
That the Planning Commission find that the proposed acquisition by the Midpeninsula Regional Open Space District Division of an undivided 54% interest in the South Cowell Ranch property, APNs 066-280-010, 066-280-020 and 066-280-050, conforms to the County General Plan.

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COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



2.28 0 1.14 2.28 Miles

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1:72,224 

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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