



Midpeninsula Regional  
Open Space District

# Memorandum

To: Use & Management Committee  
Through: Steve Abbors, General Manager  
From: Meredith Manning, Senior Planner  
Date: 2011 November 10  
Re: Designating Black Mountain Trail Easement as an official hiking/equestrian trail at Rancho San Antonio OSP with new drainage improvements

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## **Purpose of Memorandum:**

1. Provide a brief history of the Black Mountain Trail Extension Easement through Permanente Quarry and its historic, unofficial use by Preserve visitors;
2. Describe drainage and trail tread solutions to provide the most sustainable trail possible, given constraints of the existing easement;
3. Acknowledge significant variances from standard District trail guidelines;
4. Seek Committee consensus to officially designate the Black Mountain Trail Extension Easement as part of the existing Preserve trail system and allow for new drainage improvements;
5. Seek Committee consensus for the new proposed trail name of "Quarry Trail", and;
6. Seek Committee approval to forward the recommendations to the full Board.

## **Brief History**

The Black Mountain Trail Extension Easement (Easement) was adopted by the Board of Directors at its July 12, 2006 meeting (R-06-84) as part of a land exchange with the owner of Permanente Quarry, Hanson Permanente Cement (Hanson)(Exhibit A). This agreement exchanged 107 acres of scenic open space land owned by Hanson for 20 acres of District land, upon which Hanson's quarry operations of limestone and aggregate mining had historically encroached. Permanente Quarry is now managed and operated by Lehigh Southwest Cement Company (Lehigh), but the land is still owned by Hanson.

The agreement included a 20-foot easement given to the District along an informal but established, well-used trail, originating at the westernmost end of the PG&E Trail and extending west along a ridge to the Black Mountain Trail. The total distance of the 20-foot easement across Hanson is approximately 0.9 miles (4,800 feet); the trail

that extends across this easement continues onto District property for an additional 0.2 miles (1,100 feet) at the far west end, connecting to the Black Mountain Trail, for a total distance of roughly 1.1 miles (5,900 feet) (Exhibit B).

The Easement is valued for the connection it provides between two popular Preserve trails, as well as for the link it provides to Monte Bello Ridge and public lands along Page Mill Road and Skyline Boulevard. The link was also identified in the 1998 Regional Open Space Study as a future planned trail connection. The Preliminary Use & Management Plan, which took effect at the close of escrow and still remains in effect, called for the Easement to remain open and to be designated for hiking and equestrian use.

### **Constraints**

The trail within this easement is locally very steep with about 2,500 feet having a gradient between 15-30%, with several segments extending down the fall line of the hillside. Fall-line trails are nearly impossible to retrofit for proper drainage because there is little opportunity to allow runoff to leave the trail except where the ridge meets a saddle. The unsurprising results are gullies that form down the length of the trail until a saddle allows runoff to disperse. The trail contains no drainage structures such as rolling dips or waterbars. As a result, runoff is locally concentrated down the trail. This, coupled with the steep trail grade and general poor trail alignment, has resulted in erosion and gullying of over 1,300 feet (roughly 20%) of the trail. Existing gullies are up to two (2) feet deep.

Trail gradients in excess of 15% are extremely difficult to repair or retrofit with proper drainage and require ongoing maintenance, which is why the District normally strives for gradients less than 15% during new trail construction. The terms and conditions of the easement exchange constrains any work that can be done on this trail to only a narrow 20-foot-wide corridor. The trail may only be moved up to a distance of ten (10) feet from the centerline of the trail in either direction in order to make corrective improvements for drainage and line of sight. This width may seem generous but in reality it imposes severe limitations on options for correcting the poor drainage along the current alignment.

### **Solutions**

On several occasions, staff has walked the entire existing alignment to determine the feasibility of reconstructing the trail for hiking and equestrian use within existing Easement restrictions of 10 feet on both sides from trail centerline. Last July, staff hired Timothy C. Best, Certified Engineering Geologist and author of many Road and Trail Inventories for the District, to address staff's skepticism about whether the trail can be brought up to current District guidelines within such tight constraints. That review resulted in a draft feasibility study that concurred with staff's concerns and recommended completely moving the trail outside the easement, stating that the trail could not be sustainable over the long-term in its current location without a great deal of maintenance.

Operations and Planning staff took a fresh look at the site earlier this year and took into account the following: 1) expert confirmation of staff's concerns, 2) the desire to make

use of the tremendous efforts by other departments to negotiate and secure the Easement as part of the land exchange, and 3) the importance of the Easement from a circulation standpoint to link other trails in the Preserve and beyond. Consensus was to recommend a reconstruction of the trail within the existing Easement using heavy equipment to improve drainage as much as feasible, monitor its performance, and adjust as necessary, rather than recommending a completely new, rerouted alignment at this time. Any variation from the existing Easement would require reopening negotiations with Hanson, which staff does not recommend at this time due to the previous difficulty and time staff experienced in securing the existing Easement.

Ideas to address the trail steepness, such as equestrian steps, were considered but rejected in favor of earthmoving techniques to minimize cost and future maintenance. Some of the typically applied Best Management Practices (BMPs), such as rolling dips and waterbars at standard intervals, will not be appropriate for this trail as they are expected to have a very short life expectancy. The overall trail gradient is too steep and the Easement too narrow to install grade reversals, which is typically the preferred practice. Instead, many of the existing gullies can be significantly “dewatered” by strategic placement of rolling dips that can help slow down the erosion process on these gullies. The end result will produce a trail that exceeds and varies from standard District trail guidelines, but will use innovative techniques to maximize positive drainage and reduce erosion.

While the existing erosion is not aesthetically pleasing, considering its age, the gullies are also not eroding at a very rapid rate. Although the past and present amount and intensity of use are unknown, the trail was originally constructed in the 1970s and has had little to no maintenance since then. Some attempt to reroute the trail within the last 5-10 years was evident where woody brush material had been placed in the gullies, thereby forcing users to travel alongside instead of within the gully, which has created a new trail tread.

#### **Trade-offs of Recommended Improvements**

- If the trail is improved in its current alignment, it will be one of the steepest in the District.
- The trail will not be ‘comfortable’ to travel in either direction along the steepest areas over 15% gradient, which comprise roughly forty percent (40%) of the trail length. This is true whether on horse or foot (bikes are not allowed on this trail).
- Rills, gullies, and other erosion scars will always be present on the trail surface, and will not necessarily be aesthetically pleasing; however, they will be incorporated into the innovative design to provide the only drainage available to the trail while still remaining within the 20-foot wide easement corridor.
- Erosion will continue and is expected to increase with increased use. However, no sediment has reached the aquatic environment due to the generally long distance that lies between the trail and streams, but this should be monitored similar to trail inspections elsewhere in the District.
- The trail will always require more intensive maintenance and monitoring as compared to other District trails.

### **Staff Recommendation**

Given all of the information presented, staff is seeking Committee consensus to formalize the informal Black Mountain Trail Extension Easement trail as a new official District trail and to add this trail to the existing Rancho San Antonio trail network. Staff also seeks Committee consensus to pursue an iterative approach to improve the surface conditions and drainage patterns on the trail, which includes monitoring and repair adjustments as necessary. Lastly, staff suggests a new trail designation of "Quarry Trail" based on its location within the boundaries of Permanente Quarry, and given that the "spoils" site of the adjacent quarry operations is clearly visible from the trail as seen through gaps in the vegetation. The recommended approach should be considered an interim action to provide "acceptable" public access in the near term. The District will be open to future opportunities to work with the owners and operators of the Permanente Quarry to obtain the additional property rights needed to realign the trail so that the physical constraints described above can be overcome.

### **CEQA**

Planning staff expects to apply a Categorical Exemption under CEQA for this project, which the Board would certify at their regular Board meeting on December 14, 2011.

### **Permitting**

The District would apply the current grading exemption that is provided by Santa Clara County to conduct the trail improvements. The project does not affect any watercourse and therefore is exempt from CA Department of Fish and Game and Regional Water Quality Control Board permits.

### **Budget**

Funds for this project are included in the Operations Department's FY2011-12 Services & Supplies Budget for road and trail improvements and maintenance. At this time, the Operations Department expects to request an additional amount next fiscal year to complete the work (the project may begin in late FY2011-12 and continue into FY2012-13, to take advantage of proper soil moisture conditions.)

### **Next Steps**

Staff would proceed with forwarding the Committee's recommendations to the full Board for consideration at their December 14, 2011 meeting. Upon Board authorization, staff would begin construction when moisture conditions are best. The project is expected to be completed by the end of summer 2012.

### **Attachments**

Exhibit A: Report R-06-84, Hanson Land Exchange

Exhibit B: Map, Black Mountain Trail Extension Easement

Exhibit A

Report R-06-84, Hanson Land Exchange

# REGIONAL OPEN SPACE



MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

R-06-84  
Meeting 06-17  
July 12, 2006

## **AGENDA ITEM 1**

### AGENDA ITEM

Proposed Exchange of Real Property at Rancho San Antonio Open Space Preserve for Additions of Hanson Permanente Cement Property to Rancho San Antonio and Monte Bello Open Space Preserves (Santa Clara County Assessor's Parcel Numbers 351-09-003, 351-09-011, 351-09-012, 351-09-017, and 351-12-001)

### ASSISTANT GENERAL MANAGER'S RECOMMENDATIONS

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in this report.
2. Adopt the attached Resolution authorizing the President of the Board to execute an Agreement to Exchange Interests in Real Property with Hanson Permanente Cement Property, Santa Clara County Assessor's Parcel Number 351-09-017, in exchange for acceptance of portions of Santa Clara County Assessor's Parcel Numbers 351-09-003, 351-09-011, 351-09-012, and 351-12-001 for land adjacent to Rancho San Antonio and Monte Bello Open Space Preserves.
3. Adopt the Preliminary Use and Management Plan contained in this Report, including naming the properties as additions to Rancho San Antonio and Monte Bello Open Space Preserves.
4. Indicate your intention to dedicate the properties, conservation easement and trail easement as public open space at this time.

### DISCUSSION

Hanson Permanente Cement (Hanson) is proposing to exchange 107 acres of scenic open space land to the south and west of its quarry operation for 20 acres of District land located near the southern boundary of Rancho San Antonio Open Space Preserve (see attached map). Hanson would like to acquire the 20-acre property for the purpose of incorporating into its ownership a portion of the existing quarry that has historically encroached on District land. The District will retain a conservation easement over the parcel in order to ensure it will not be used for commercial quarrying in the future and the property's open space values will be protected to the maximum extent possible. In exchange for the 20-acre parcel, the District will acquire ownership of a 61-acre parcel of land located between the southern boundary of Rancho San Antonio Open Space Preserve up to and including the PG&E Trail, a trail easement on an existing trail connecting the PG&E Trail to the Black Mountain Trail, and ownership of a 46-acre parcel of land located on Monte Bello Ridge and adjacent to Monte Bello Open Space Preserve.

The District's interest in a land exchange dates back to 1977 when District staff first discovered an encroachment of the quarry wall on the southwest corner of an 80-acre parcel acquired from the Archdiocese of San Francisco. At that time, Kaiser Cement Company owned the quarry property and its representatives agreed with staff's assessment of an encroachment, acknowledging that the extent of the encroachment could not be determined without a detailed survey. The District proposed a land exchange

that has remained a topic of discussion with both Kaiser Cement Company and its successor, Hanson Permanente Cement. Not until recently, when Hanson decided to undertake a slope stabilization project, has District staff been able to come to an agreement with Hanson on the terms of a land exchange. The proposed project provides valuable open space additions to Rancho San Antonio and Monte Bello Open Space Preserves while providing Hanson the opportunity to stabilize the quarry walls and reduce the chances of future ridgeline failures.

If the land exchange is approved, it is the District's understanding that Hanson will seek permits through the appropriate regulatory agencies to perform a permanent slope stabilization project. The expectation is for Hanson to grade the slopes of the quarry wall in a series of terraces that will establish a more stable slope gradient than currently exists and create a new crest that will be less susceptible to landslides, which have occurred in the past. Under the conditions of the exchange agreement, grading associated with the slope stabilization project can only occur on 4 of the 20 acres being conveyed to Hanson.

To ensure the open space values of the 20-acre parcel are protected to the maximum extent possible, the District will retain a conservation easement over the parcel, secured by significant financial guarantees. The conservation easement accommodates the slope stabilization measures necessary to prevent the quarry walls and ridgetop from failing in the future within a 4-acre area under the purview of the regulatory agencies, but will prohibit future commercial quarrying activity and development of any kind. Santa Clara County has indicated they will be responsible for reviewing the project and will require an environmental review and permitting process that includes a revised reclamation plan. The reclamation plan will address restoration of the quarry walls and basin. This process will involve opportunities for District review and comment.

#### DESCRIPTION (see attached Map 1)

##### District Land to be Acquired by Hanson Permanente Cement

The triangularly shaped 20-acre parcel is located approximately 1/2 mile west of Rancho San Antonio County Park, and on the south side of the PG&E Trail as it crosses through the southeast corner of Rancho San Antonio Open Space Preserve. The property is most important in terms of providing wildlife habitat and scenic backdrop to the County Park and the nearby communities of Los Altos and Cupertino. Recreational amenities are lacking in the project area due to the property's steep and rugged terrain and its proximity to the quarry.

The property is bounded by District land to the north and east and Hanson property to the south and west. It is comprised of steep northeast facing slopes that are densely wooded with occasional patches of grassland. The eastern crest of the quarry wall that can be seen from the County Park delineates the property's western boundary. The southeast corner of the property actually extends into the quarry wall at a far lower elevation than the crest of the quarry wall that is visible from the Park. Within the past five years, a landslide has occurred near the top of the quarry wall on District land and has impaired quarry operations below due to safety concerns.

The southern boundary is parallel to a steep ravine and tributary to Permanente Creek. Except for riparian vegetation along the tributary, scrub oak and chaparral are the dominant plant communities and provide valuable habitat for a variety of wildlife. An overgrown path climbs steeply from the PG&E Trail up to the crest of the quarry, but little use has occurred and it is closed with a fence and sign. An unsurfaced access road originating within the Hanson property extends through the southwest corner of the property, ending at the eastern crest of the quarry.

##### Hanson 61-acre Parcel and Trail Easement to be Acquired by District (see attached Map 2)

The elongated and irregularly shaped 61-acre parcel is bounded by District land to the north and east, and remaining Hanson property to the south and west. The property forms a large portion of the scenic backdrop to the Preserve as viewed from the majority of Preserve trails, Deer Hollow Farm, and the nearby communities of Los Altos and Los Altos Hills. Most importantly, the property includes the PG&E Trail, a well-used trail that interconnects with the Preserve's extensive trail system and, although used by the public for many years (even prior to the acquisition of the Preserve), is not a designated public trail. This fee interest conveyance will ensure that the trail will be available for public use in perpetuity.

The property is comprised of steep, densely wooded slopes and a series of deep ravines descending to the north fork of Permanente Creek. Oak, madrone, buckeye and bay laurel form a thick canopy over most of the hillside, and provide valuable cover for a wide variety of wildlife. A 1.5-mile segment of the PG&E Trail swings in and out of the many ravines as it makes its way up the side of the hill toward Monte Bello Ridge. The popular trail has superior views of the Preserve and the San Francisco Peninsula. At the west end of the property, the trail turns northward into the Preserve and connects to the High Meadow Trail. Located on a PG&E easement, the trail has been largely maintained by the District in order to maintain emergency access to the area, recognizing that many Preserve visitors use the trail in conjunction with the Preserve's trail system.

In addition to the property described above, the District will acquire a trail easement on an existing Black Mountain Extension Trail that connects from the PG&E Trail to the nearby Black Mountain Trail. This trail, also well used by the public, originates at the westernmost end of the PG&E Trail and extends to the Black Mountain trail, approximately ½ mile in a southwest direction. The trail provides a valuable link to Monte Bello Ridge and public lands along Page Mill Road and Skyline Boulevard.

#### Monte Bello Road 46-Acre Parcel to be Acquired by District

The triangularly shaped 46-acre parcel is bounded by Monte Bello Road to the north, Ridge Vineyards and District land to the south and west. In addition to including a ½-mile section of Monte Bello Road, the District's Waterwheel Creek Trail originates in the eastern portion of the property. The fee interest conveyance of this property is a natural extension of the Preserve and would protect an extremely valuable portion of Monte Bello Ridge as open space.

The property comprises a major portion of an expansive grassland ridgetop extending along Monte Bello Ridge from Waterwheel Creek Trail westward to Page Mill Road. Lying southeast of Black Mountain, the broad ridgetop includes scenic hilltops overlooking Stevens Creek Canyon and four District preserves along Skyline Boulevard, including Long Ridge, Skyline Ridge, Russian Ridge and, in the distance, Windy Hill Open Space Preserves. The property is very visible from many trails in Monte Bello Open Space Preserve as well as from the other nearby preserves. Over 90% of the property is comprised of grassland, which is bordered by oak woodland and patches of chaparral. These vegetative edges between the grassland and brush provide valuable habitat for a variety of animals and birds, including rarely seen mountain lions and eagles.

The segment of Monte Bello Road passing through the property is a popular hiking, bicycling and equestrian trail. It is often used in combination with Waterwheel Creek Trail to form a loop trail that is regularly used by the District docents for its organized hikes. Like the PG&E Trail and Black Mountain Extension Trails, the segments of Monte Bello Road and Waterwheel Creek Trail located on the Hanson Property have been well used by the public even prior to the District acquiring adjacent lands. A permit parking area, located on the Preserve near the east side of Ridge Vineyards, provides the staging area for these hikes. Monte Bello Road also serves as a regional connecting trail between Page Mill and Steven Canyon Roads. Acquisition of this property will permanently protect the scenic landscape along this trail as well as the scenic ridgeline as viewed from distant Preserves and Skyline Boulevard.



## USE AND MANAGEMENT

### Planning Considerations

The properties being exchanged are located within the unincorporated area of Santa Clara County and are zoned HS (Hillside), requiring a 20- to 160-acre minimum lot size based upon a slope density formula. Clustered residential development could occur on the 46-acre Monte Bello Road parcel due to easy access and desirable homesites located along the gentle grassland ridge overlooking Stevens Creek Canyon. The 61-acre parcel below the PG&E Trail is relatively inaccessible, steep and less desirable for residential development.

The 20-acre parcel being acquired by Hanson is not zoned for quarrying activities and the conservation easement will preclude any future development. Unlike the adjacent quarry lands owned by Hanson that are not subject to grading permits for quarrying activities due to the quarry's historical use and resulting "grandfathered" exemptions from grading permits, the District's 20-acre property proposed to be added to the Hanson property will be subject to grading permits. The County of Santa Clara has jurisdiction over grading activities that may occur in the future within the 20-acre triangular parcel to be conveyed to Hanson. If work is undertaken to stabilize the slope, that grading project will be subject to County review and permitting. As the regulatory agency having responsibility for permitting, the County will also be responsible for conducting such environmental review as is required by CEQA.

The 20-acre parcel will be subject to a conservation easement designed to protect the open space and scenic values of the property while allowing Hanson to stabilize the existing landslide and upper quarry wall. To accomplish this, the easement has been divided into 3 areas, as depicted in the attached Map 1. Area A-1, which encompasses approximately 4 acres, is an area where Hanson may undertake a quarry wall stabilization project that would likely involve establishing new benches in order to reduce the steep slope. The larger 11-acre Area A-2 permits temporary construction activity to occur if a stabilization project is undertaken, but this area is required to be restored to a natural condition. A 20-foot wide unsurfaced maintenance road will be allowed adjacent to the crest of the quarry wall if the stabilization project occurs. Area B, which includes approximately 5 acres, would not be disturbed in any manner and will be designated as a permanent buffer between the potential stabilization project and Open Space Preserve. The provisions of the easement will not permit commercial quarrying activities to occur anywhere within the 20-acre parcel. If the stabilization project occurs, the quarry wall and maintenance road will not be visible from surrounding open space land or the nearby communities of Cupertino, Los Altos and Los Altos Hills.

In addition to the required permitting process that should ensure a quarry wall stabilization project that is designed to minimize the chances of further landsliding, loss of slope and potential lowering of the ridgeline as viewed from Rancho San Antonio County Park, the Exchange Agreement requires Hanson to provide financial guarantees to secure the protections of the conservation easement. These guarantees stipulate that a slope failure at the A-1/A-2 boundary, A-2/B boundary, and B/remaining District land boundary will require a payment to the District of \$500,000, \$500,000, and \$1,000,000 respectfully (see attached Map 1). Permanent monuments will be placed by a surveyor on each of the boundaries and monitored on a regular basis. The financial guarantees will stay in place until such time as the District and Hanson can agree upon a Ridgeline Scenic Easement. Such an easement would permanently protect the integrity of the ridgeline as it exists on the 20-acre property. Currently, a County Ridgeline Scenic Easement exists over an adjacent segment of the ridgeline to the north of the quarry, but does not extend across the District's 20-acre parcel.

The parcels being acquired are rated in the District's Open Space Master Plan as having moderate to high composite open space values, and are important in terms of providing outdoor recreation and protecting scenic resources and wildlife habitat. The Monte Bello Road parcel has the highest rating in the Master

Plan. The District's Regional Open Space Study shows Monte Bello Road and the PG&E Trail as existing trails, and a planned trail connection between the PG&E Trail and Black Mountain Trail.

The 20-acres being acquired by Hanson are dedicated public open space and can be exchanged under provisions in Public Resources Code Section 5540.5, provided the exchange is less than 40 acres and is exchanged for open space land of equal or greater value. This action requires unanimous approval by the District's Board of Directors.

#### Preliminary Use and Management Plan

The Preliminary Use and Management Plan will take effect at the close of escrow and remain effective until the plan is amended or a Comprehensive or Master Use and Management Plan is prepared. The property being acquired will be maintained in a natural condition and no changes to land use are anticipated. The PG&E Trail, Black Mountain Extension Trail and Monte Bello Road will remain open for continuation of existing public trail uses. If changes to land use are proposed in the future, the plan would be subject to further environmental review and public input.

Public Access: Existing trails to remain open for public use.

Trail Use Designation: PG&E Trail and Black Mountain Extension Trail to be designated for hiking and equestrian use; Monte Bello Road to be designated for hiking, equestrian and bicycling.

Patrol: Routinely patrol of the property.

Signs: Preserve boundary signs and regulations to be installed where appropriate.

Monitoring: Regular inspection of the conservation easement parcel to be carried out four times per year to ensure compliance.

Name: The 61-acre parcel below and including the PG&E Trail and Black Mountain Trail Extension to be named as additions to Rancho San Antonio Open Space Preserve and the 46-acre Monte Bello Road parcel to be named as an addition to the Monte Bello Open Space Preserve.

Dedication: Indicate your intention to dedicate all of the properties and easements as public open space.

Site Safety Inspection: Preliminary site safety inspection has been conducted and there are no known safety hazards on the properties.

#### CEQA COMPLIANCE

##### Project Description

Hanson Permanente Cement (Hanson) will exchange 107 acres of scenic open space land to the south and west of its quarry operation for 20 acres of District land located near the southern boundary of Rancho San Antonio Open Space Preserve. Hanson will acquire the 20-acre property for the purpose of incorporating it into its ownership as a portion of the existing quarry that has historically encroached on District land. The District will retain a conservation easement over the parcel in order to ensure that the parcel will not be used for commercial quarrying in the future and that its open space values will be protected to the maximum extent possible. In exchange for the 20-acre parcel, the District will receive fee interest in a 61-acre parcel of land located between the southern boundary of Rancho San Antonio Open Space Preserve and including the PG&E Trail, a trail easement on an existing trail connecting the PG&E Trail to the Black Mountain Trail, and a 46-acre parcel of land located on Monte Bello Ridge that includes a segment of Monte Bello Road adjacent to Monte Bello Open Space Preserve. The properties being transferred to the District have existing trails that are currently utilized by the public, and this use

will be permitted to continue. These lands will continue to be open for public trail use and maintained in a natural condition.

When the District property is transferred to Hanson, given its stated intention to stabilize a portion of the quarry located on the 20-acre parcel, it is reasonable to expect that grading will occur within a 4-acre triangular area in the future. Since it is possible that such a project will occur, the conservation easement being reserved by the District over the 20-acre parcel would allow for a one-time quarry wall-stabilization project and the construction of a 20-foot wide maintenance road along the crest of the quarry wall. If such a grading project is proposed on the 20-acre parcel, it would be subject to all laws, ordinances and regulations of federal, state, regional or county governments, including an appropriate environmental review of the project by Santa Clara County, as required by CEQA.

#### CEQA Determination

The District concludes that this project will not have a significant effect on the environment. It is categorically exempt from CEQA (California Environmental Quality Act) under Sections 15316, 15317, 15325, and 15061 of the CEQA Guidelines as follows:

Section 15301 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the agency's determination. Under the terms of the conservation easement, Hanson is permitted to undertake a repair to a landslide and a quarry wall stabilization project on approximately 4 acres of the 20-acre parcel. The project would probably involve establishing benches, which would be a minor alteration to topographical features involving no expansion of commercial quarrying.

Section 15316 exempts the acquisition of land in order to create parks if the site is in a natural condition and the management plan proposes to keep the area in a natural condition. The Use and Management Plan specifies that the properties being transferred to the District will not be developed and will remain in a natural condition. In addition, the conservation easement reserved by the District over the 20-acre parcel being transferred to Hanson requires the property to remain in a natural condition after a one-time quarry wall stabilization project to repair an existing landslide.

Section 15317 exempts the acceptance of fee interests in order to maintain the open space character of an area. The District will receive fee interest in two non-contiguous, undeveloped parcels of land and will maintain their open space character. No new development is proposed as part of this project.

Section 15325 exempts transfers of ownership of interests in land in order to preserve open space. This project will transfer to the District fee interest in two non-contiguous open space parcels and a trail easement. The 20-acre parcel of land being transferred to Hanson accomplishes the preservation of 107 acres of open space land adjacent to Rancho San Antonio and Monte Bello Open Space Preserves. Although fee interest of the 20-acre parcel will transfer from public to private ownership, the District will retain a conservation easement to protect the property's open space values. The District will ensure the fee, and easement interests will be preserved for public open space purposes by incorporating the lands and easement into Rancho San Antonio and Monte Bello Open Space Preserves.

This acquisition qualifies under all four sections.

#### TERMS & CONDITIONS

The recommended exchange between Hanson and the District involves the District transferring a 20-acre property to Hanson with the District reserving a conservation easement over the property to protect the scenic and open space qualities of the property to the maximum extent possible. In return, the District

would receive two properties totaling 107 acres and a public trail easement. This is an equal-value property exchange, and the only costs will be for due diligence, escrow services, and title insurance.

The exchange would transfer a 20-acre portion of an 80-acre parcel originally acquired by the District from the Archdiocese of San Francisco in 1977. The area has not been designated for public use due to its steep terrain, and more recently due to its proximity to the unstable area at the edge of the Hanson quarry. The District will reserve a conservation easement over the entire 20-acre property, prohibiting development and commercial quarrying activity and limiting other activity to that required for slope stability as determined by the regulating agencies. Hanson will provide financial guarantees in the total amount of \$2,000,000 to ensure that the District will receive compensation if slope failure causes erosion of the area protected by the conservation easement.

In exchange, the District will receive from Hanson:

- 61 acres of land north of and including the PG&E Trail.
- 46 acres of land south of and including Monte Bello Road.
- A 20-foot-wide trail easement along the existing Black Mountain Trail extension.

Hanson will retain ingress and egress easements along the PG&E Trail and Monte Bello Road solely for the purpose of maintaining its adjacent lands. These easements may not be used for any other purposes, including potential future alternative uses of its adjacent lands.

The two fee parcels of land to be transferred to the District are highly desirable additions to Rancho San Antonio and Monte Bello Open Space Preserves because of their valuable wildlife habitat, scenic values, and regional trail connections. Both parcels have existing trails that have been utilized by the public for many years, even prior to the District's purchase of adjacent lands. Due to the extremely scenic value of Monte Bello Ridge, the District has been particularly concerned about the potential visual and traffic impacts that residential development would have had on the upper Monte Bello Road parcel. The Black Mountain Trail extension is important in terms of preserving an existing trail that provides public access between Rancho San Antonio Open Space Preserve and the Black Mountain area of the Monte Bello Open Space Preserve. The trail easement is for public trail use and maintenance and patrol purposes.

The recommended property exchange involves the transfer of 20 acres of dedicated open space land, which requires a unanimous vote by the Board of Directors. District staff has determined that the 46- and 61-acre properties and the public trail easement being transferred to the District are of equal or greater value than the 20-acre property being transferred by the District to Hanson.

#### PUBLIC NOTIFICATION

Property owners of land located adjacent to or surrounding the subject property have been mailed written notices of this proposed acquisition.

Prepared by:  
Del Woods, Senior Acquisition Planner

Contact Persons:  
Mike Williams, Real Property Manager  
Del Woods, Senior Acquisition Planner

RESOLUTION 06- \_\_\_\_

RESOLUTION OF THE BOARD OF DIRECTORS OF  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT  
AUTHORIZING EXECUTION OF AGREEMENT TO  
EXCHANGE INTERESTS IN REAL PROPERTY,  
AUTHORIZING OFFICER TO EXECUTE GRANT DEED  
AND RESERVATION OF CONSERVATION EASEMENT  
FOR THE DISTRICT'S REAL PROPERTY BEING  
EXCHANGED, AUTHORIZING OFFICER TO EXECUTE  
CERTIFICATES OF ACCEPTANCE OF GRANTS TO  
DISTRICT, AND AUTHORIZING GENERAL MANAGER TO  
EXECUTE ANY AND ALL OTHER DOCUMENTS  
NECESSARY OR APPROPRIATE TO CLOSING OF THE  
TRANSACTION (MONTE BELLO AND RANCHO SAN  
ANTONIO OPEN SPACE PRESERVES – LANDS OF  
HANSON PERMANENTE CEMENT)

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The Board of Directors of Midpeninsula Regional Open Space District does resolve as follows:

Section One. The Board of Directors of Midpeninsula Regional Open Space District does hereby accept the offer contained in that certain Exchange Agreement (“Agreement”) between Hanson Permanente Cement, Inc. an Arizona corporation (“Hanson”) and Midpeninsula Regional Open Space District (“District”), a copy of which is attached hereto and by reference made a part hereof, and authorizes the President and/or appropriate officers to execute the Agreement on behalf of the District.

Section Two. The President of the Board of Directors and/or other appropriate officer is authorized to execute a Grant Deed and Reservation of Conservation Easement conveying title to the Real Property being exchanged to Hanson.

Section Three. The General Manager or President of the Board of Directors and/or other appropriate officer is authorized to execute Certificates of Acceptance on behalf of the District for the properties being exchanged to the District from Hanson.

Section Four. The General Manager of the District or the General Manager’s designee shall cause to be given appropriate notice of execution to Hanson and to extend close of escrow if necessary. The General Manager and General Counsel are further authorized to approve any technical revisions to the attached Agreement and any other transactional documents that do not involve any material change to any term of the Agreement or other transactional documents that are necessary or appropriate to the closing or implementation of this transaction.

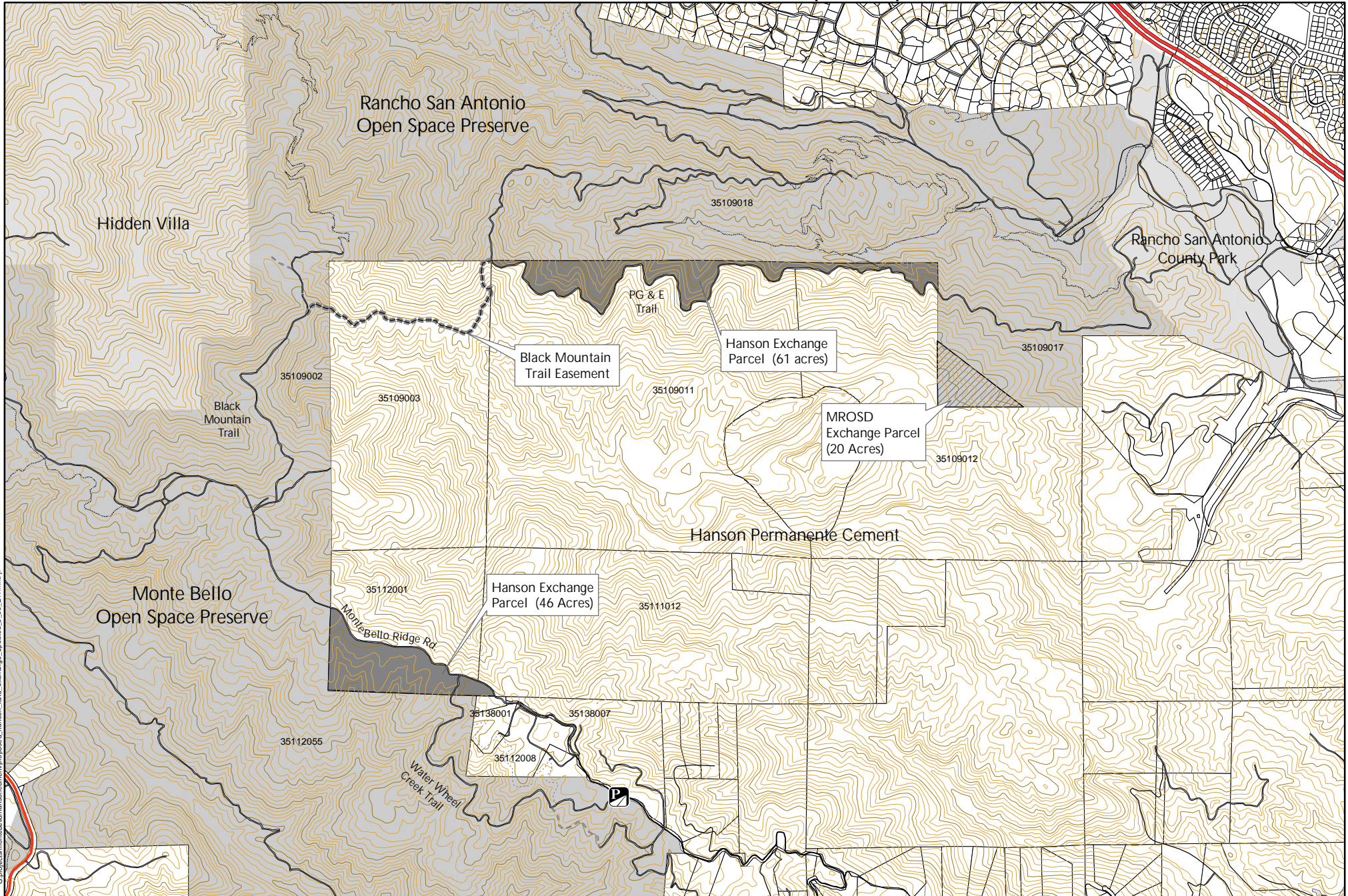
Section Five. The General Manager of the District is authorized to expend up to \$20,000 to cover the cost of title insurance, escrow fees, and other miscellaneous costs related to this transaction.

Section Six. The Board of Directors finds and determines that, pursuant to Section 5540.5 of the Public Resources Code of the State of California, the granting and acceptance of these Grant Deeds is consistent with Public Resources Code 5540.5, that the real properties being acquired by the District are of equal or greater value than the real property being transferred to Hanson, and are necessary to be acquired for open space purposes. And that the District property being granted to Hanson is no longer needed for open space purposes.

\* \* \* \* \*

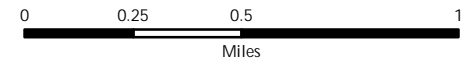
# PROPOSED HANSON LAND EXCHANGE

## Rancho San Antonio and Monte Bello Open Space Preserves



Map 1

Produced by Midpeninsula Regional Open Space District, July 2006



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Proposed 20 Acre Exchange Parcel with Reservation of Conservation Easement and Financial Guarantees



Scale: 1" = 200'

**AREA B**  
(+/- 5 Acres)

20' wide road will be located within a 200' wide hatched corridor.

1450

\$500k Guaranteed Payment Line A-1/A-2

\$1 million Guaranteed Payment Line B/Property Line

**AREA A**  
(+/- 15 Acres)

\$500k Guaranteed Payment Line A/B

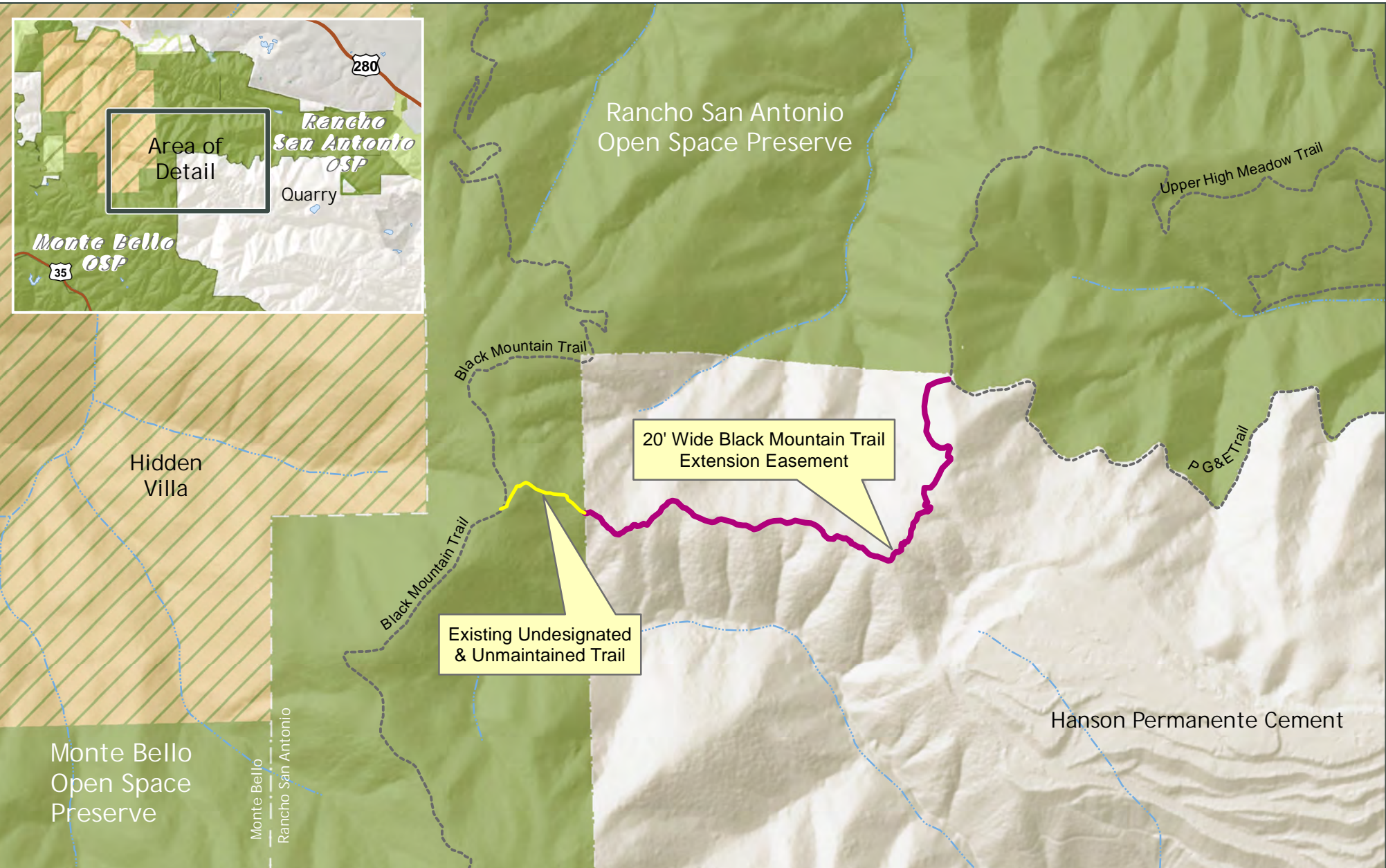
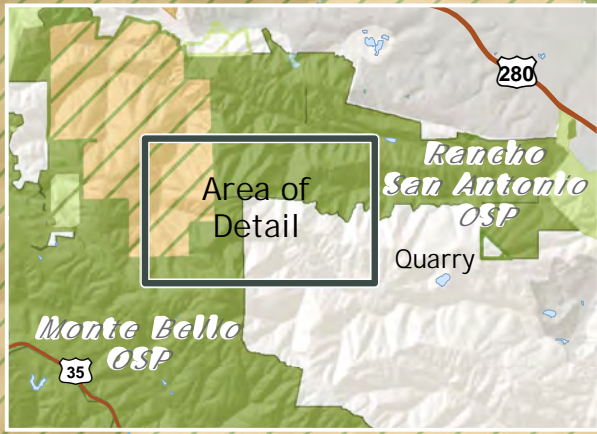
**A-1**  
(+/- 4 Acres)

**A-2**  
(+/- 11 Acres)








Potentially new grading lines

1400

Created By: ccleve Path: G:\Projects\Rancho\_San\_Antonio\HansonTrail\_Easement\BlackMountain\_HansonTrail\_Easement.mxd



### Exhibit B: Black Mountain Trail Extension Easement

-  Existing Undesignated Trail (Hanson Easement)
-  Existing Undesignated Trail (On District Land)
-  District Preserve Trail (Hiking & Equestrian Use Only)
-  MROSD Preserves
-  Private Property
-  Hidden Villa
-  MROSD Conservation or Agricultural Easement

Midpeninsula Regional Open Space District (MROSD)



November, 2011



While the District strives to use the best available digital data, this data does not represent a legal survey and is merely a graphic illustration of geographic features.