



Midpeninsula Regional  
Open Space District

R-15-74  
Meeting 15-13  
May 13, 2015

## AGENDA ITEM 10

### AGENDA ITEM

Proposed Purchase of the Ashworth Property as an addition to La Honda Creek Open Space Preserve located on Bear Gulch Road in unincorporated San Mateo County (Assessor's Parcel Number 075-340-240).

### GENERAL MANAGER'S RECOMMENDATIONS

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1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the Ashworth property.
3. Adopt a Preliminary Use and Management Plan for the property, as set out in the staff report.
4. Indicate the intention to withhold the Ashworth property as public open space.

### SUMMARY

The Midpeninsula Regional Open Space District (District) is proposing to purchase the 5.07-acre Ashworth property for \$525,000 as an addition to the La Honda Creek Open Space Preserve (Preserve). Because of its strategic location, this property may serve a critical role in connecting El Corte de Madera and La Honda Creek Open Space Preserves in the future. The following report presents a description of the Ashworth property, a Preliminary Use and Management Plan, the District's environmental review, the purchase terms and conditions, and financial considerations. The proposed purchase is identified as part of Measure AA Project #5. The Fiscal Year (FY) 2015-16 Budget contains sufficient funds to cover the cost of this purchase.

### MEASURE AA

The purchase of the Ashworth property would further the District's Vision Plan and qualify as a Measure AA Project. A 5-year Measure AA Project List was approved by the Board at the October 29, 2014 meeting, which includes Project #5.1 (Pursue Land Conservation Opportunities at La Honda Creek Open Space Preserve). This project meets the criteria to further the goals of Project #5.1 as it conserves open space, increases recreational opportunities, and protects the headwaters of Harrington Creek watershed and its wildlife habitats.

## DISCUSSION

The Ashworth property is adjacent to the 6,068-acre La Honda Creek Open Space Preserve and contains the headwaters of Harrington Creek. The 2,906 acre El Corte De Madera Creek Open Space Preserve is located across Bear Gulch Road in close proximity. The Ashworth property may serve a critical role in establishing a future connection between the two preserves.

### **Property Description and Regional Context (see attached map)**

The 5.07-acre Ashworth property is located on the east side of Bear Gulch Road approximately 1.5 miles from the intersection of Skyline Boulevard, in unincorporated San Mateo County. The rectangular shaped parcel is bounded by the Preserve and private property to the south and by private parcels to the north, east and west.

The parcel was created in 1985 as part of the subdivision of a larger 40-acre property. The subdivision created three developable parcels and two of the three are improved with single family residences. The subdivision also required the creation of a Timber Harvest Agreement with San Mateo County as the property is zoned Timberland Preserve-Coastal Zone (TPZ-CZ). The Timber Harvest Agreement requires that if a timber harvest occurs, all three parcels be harvested jointly.

The property is characterized by down sloping terrain that flows into the Harrington Creek watershed. Redwood, Douglas fir, and mixed evergreen forest grow on the property's slopes, with grassy meadows on the flatter plateaus. The property provides varied habitat, forage, and unimpeded movement for local species. A narrow, unimproved driveway provides access from Bear Gulch Road and connects to an old road on the La Honda Creek Open Space Preserve.

### **Improvements and Land Use**

The property is not improved with residential or agricultural structures. There are two wood stage structures and a former shed structure on the property as well as a network of single track trails and an old road. Prior percolation and water well testing indicate that a single family home would be supported. The property has electrical service via an above ground PG&E transmission line that passes through the property.

## USE AND MANAGEMENT

### **Planning Considerations**

The property is comprised of one legal parcel, located in unincorporated San Mateo County. The 5.07-acre parcel has a General Plan designation of Timber Production-Rural, with a zoning designation of TPZ-CZ (Timberland Preserve - Coastal District). Per the County General Plan, outdoor recreation, open space, and outdoor education are allowable uses in rural land use areas with a TPZ-CZ designation. Per the zoning designation, only one dwelling unit is permitted. No applications are on file.

Per the County's General Plan Rural Land Use Element, land within the TPZ District "*may not be divided into parcels less than 160 acres in size unless a timber management plan is approved by a four-fifths vote of the Board of Supervisors.*" A Timber Management Plan was adopted as part of a Timber Harvest Agreement (THA) by the San Mateo County Board of Supervisors on June 23, 1987 (Resolution No. 49266), in conjunction with approval of an application to subdivide the former 40-acre timberland preserve property into three parcels. The subject parcel

is one of the three parcels that resulted. The other two private parcels were residentially developed. Under the terms of the THA, all obligations, term, conditions, and restrictions of the THA binds all owners and successors of all parcels that resulted.

If purchased by the District, the property would be incorporated into the La Honda creek Open Space Preserve and the proposed Preliminary Use and Management Plan would be implemented. A subsequent planning process would analyze opportunities for natural resource management and public use compatible with surrounding rural land use. Further environmental review would be prepared as needed.

### **Preliminary Use and Management Plan**

The Preliminary Use and Management Plan (PUMP) establishes a status quo land management approach in the interim between the purchase and the completion of a subsequent long-term plan. The PUMP takes effect at the close of escrow and remains effective until the plan is amended or the Comprehensive Use and Management Plan or Preserve Plan is amended for La Honda Creek Open Space Preserve. The PUMP includes site security, new signage, and maintenance of the property in its natural condition, as described more fully below. If changes to land use or the physical environment are proposed in the future, the plan would be subject to further environmental review and public input.

Public Access:	Designate the property as closed to public use at this time. Issue seller/neighbor permits on a case-by-case basis allowing hiking use consistent with historical use patterns.
Signs and Site Security:	Install Preserve boundary and closed area signs, where appropriate.
Fences and Gates:	Install gates/fencing as necessary to prevent unauthorized vehicular entry.
Roads and Trails:	Maintain access route into the site in a serviceable condition. Implement maintenance and minor erosion and sediment control measures for access roads in accordance with District standards.
Patrol:	Routinely patrol property using existing access.
Structures and Improvements:	Remove existing improvements on the property, including the two stages, seating areas, and any other unnecessary items.
Resource Management:	Conduct invasive plant and animal management activities consistent with the District's standard policies and procedures.
Wildfire Fuel Management:	Implement standard District-wide fuel management and defensible space practices.
Site Safety Inspection:	No evidence of hazardous materials detected.
Name:	Name the property as an addition to La Honda Creek Open Space Preserve.

Dedication: Indicate your intention to withhold the subject property as open space.

## **CEQA COMPLIANCE**

### **Project Description**

The project consists of the purchase of the 5.07-acre Ashworth property as an addition to the District's open space preserve system and concurrent adoption of a Preliminary Use and Management Plan. Minor erosion and sediment control measures in accordance with District standards may be conducted along the existing access routes/trails to prevent water quality degradation. Minor resource management activities may be conducted to control invasive plants. Minor demolition work may occur to remove the existing stages and associated improvements. The land would be permanently preserved as open space and maintained in a natural condition.

### **CEQA Determination**

The District concludes that this project will not have a significant effect on the environment. It is categorically exempt from the California Environmental Quality Act (CEQA) under Article 19, Sections 15301, 15316, 15317, 15325 and 15061 of the CEQA Guidelines as follows:

Section 15301 exempts the repair, maintenance, or minor alteration of existing public or private structures, facilities, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination, including the demolition of individual small structures. The project proposes demolishing the two stage structures, performing erosion control work as necessary along existing roads, and performing minor restoration activities to return the demolition sites to a natural condition.

Section 15316 exempts the acquisition of land in order to create parks if the land is in a natural condition and the management plan proposes to keep the area in a natural condition. The Preliminary Use and Management Plan specifies that the land will not be developed and will remain in a natural condition.

Section 15317 exempts the acceptance of fee interests to maintain the open space character of an area. The District will acquire fee interest to maintain the open space character of the property.

Section 15325 exempts transfers of ownership of interests in land to preserve open space. This acquisition will transfer fee ownership of the property to the District and ensure that the open space will be preserved. The Preliminary Use and Management Plan ensures that the property is preserved as open space by incorporating it into the La Honda Creek Open Space Preserve.

Section 15061(b)(3) exempts actions recommended in the Preliminary Use and Management Plan as it has been determined that there is no possibility the recommended actions will have a significant effect on the environment.

## **TERMS AND CONDITIONS**

The 5.07-acre Ashworth property is proposed for purchase at a price of \$525,000. The property has fair market value determined to be \$525,000 based upon the property being listed and exposed to the market. There is a back up purchase offer from a private party in the event the

District does not approve the proposed purchase. The Seller is responsible for removing the remnants of the shed structure from the property before the close of escrow. The property would be purchased on an all cash basis.

## **FISCAL IMPACT**

### **Fiscal Year (FY) 2015–2016 Budget for New Land Purchases:**

New Land Purchases Budget (FY 2015-16)	\$11,000,000.00
Previous Land approved for purchase this year	(\$0)
<b>Ashworth Property</b>	<b>(\$ 525,000.00)</b>
POST (Hendrys Creek) Property (also on this agenda)	Partner Funded
New Land Purchase Budget Remaining	\$10,475,000.00

The District Controller was consulted on this proposed purchase and has indicated that, considering cash flow and account balances, funds are available for this property purchase.

Installation of boundary demarcation and gates/fencing as necessary to prevent unauthorized vehicular entry is estimated at \$10,000 and the costs to remove the stage improvements are estimated at \$10,000. These costs are included in the Real Property Budget for FY2015-16. No other capital costs are required as part of the purchase.

## **BOARD COMMITTEE REVIEW**

This item was not previously brought before the Real Property Committee as the District needed to move very quickly to secure this opportunity given the active second offer on this property. However, the acquisition was discussed with and approved by the General Manager pending Board action.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act. Property owners of land located adjacent to or surrounding the subject property have also been mailed a copy of this Agenda.

## **NEXT STEPS**

Upon Board approval, the General Manager with direct staff to proceed with the close of escrow for the purchase of the property and implement the Preliminary Use and Management Plan. Real Property staff will work towards having the stage improvements removed and the District's Skyline Field Office will manage the property as an addition to La Honda Creek Open Space Preserve.

### **Attachments:**

1. Resolution
2. Exhibit A: Location Map

Responsible Department Head:  
Michael Williams, Real Property Manager

Prepared by:

Allen Ishibashi, Senior Real Property Agent  
Elish Ryan, Real Property Planner III

Contact person:

Allen Ishibashi, Senior Real Property Agent

Graphics prepared by:

Michele Childs, GIS Technician

RESOLUTION 15-\_\_\_

RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING ACCEPTANCE OF PURCHASE AGREEMENT, AUTHORIZING THE GENERAL MANAGER OR OTHER OFFICER TO EXECUTE CERTIFICATE OF ACCEPTANCE OF GRANT TO DISTRICT, AND AUTHORIZING GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (LA HONDA CREEK OPEN SPACE PRESERVE - LANDS OF JOHN S. ASHWORTH A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY)

The Board of Directors of Midpeninsula Regional Open Space District (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 Purchase and Sale Agreement between John S. Ashworth, a married man as his sole and separate property, and the Midpeninsula Regional Open Space District, a copy of which purchase agreement is attached hereto and by reference made a part hereof, and authorizes the President of the Board of Directors, General Manager or other appropriate officer to execute the Agreement and all related transactional documents on behalf of the District to acquire the real property described therein (“the Ashworth Property”).

**SECTION TWO.** The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute the Certificate of Acceptance for the Grant Deed on behalf of the District.

**SECTION THREE.** The General Manager or the General Manager’s designee shall cause to be given appropriate notice of acceptance to the seller and to extend escrow if necessary.

**SECTION FOUR.** The General Manager or the General Manager’s designee is authorized to expend up to \$5,000.00 to cover the cost of title insurance, escrow fees, and other miscellaneous costs related to this transaction and up to \$20,000 for the demolition, restoration, and site security of the property.

**SECTION FIVE.** The General Manager and General Counsel are further authorized to approve any technical revisions to the attached Agreement and documents, which do not involve any material change to any term of the Agreement or documents, which are necessary or appropriate to the closing or implementation of this transaction.

**SECTION SIX.** The purpose of this Section is to enable the District to reimburse its general fund for the cost of certain land acquisitions. The District wishes to finance certain of these real property acquisitions and expects to use tax-exempt debt, such as bonds, but a tax-exempt financing is not cost-justified for the District unless the principal amount of the financing is large enough to justify the related financing costs. Consequently, it is the District’s practice to buy property with its general funds and, when a tax-exempt financing is cost-justified based on the aggregate value of acquisitions, to issue tax-exempt obligations to reimburse itself for previous expenditures of general funds. These general funds are needed for operating and other working capital needs of the District and are not intended to be used to finance property acquisitions on a long-term basis.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2015, at a Regular Meeting thereof, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

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Secretary  
Board of Directors

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President  
Board of Directors

**APPROVED AS TO FORM:**

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General Counsel

I, the Interim 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.

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Interim District Clerk

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Ashworth Parcel  
 APN: 075-340-240  
 5.07 Acres

### Ashworth Property

-  Highlighted Property
-  MROSD Preserves
-  Other Protected Open Space or Park Lands
-  Non MROSD Conservation or Agricultural Easement
-  Other Public Agency
-  Private Property
-  Developed Land

Midpeninsula Regional  
 Open Space District  
 (MROSD)



April, 2015



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.