



Midpeninsula Regional
Open Space District

R-15-77
Meeting 15-13
May 13, 2015

AGENDA ITEM 9

AGENDA ITEM

Intent to Accept a Gift of a Conservation Easement over three Los Trancos County Water District Parcels, two located in unincorporated San Mateo County (Assessor Parcel Numbers 080-060-126 and 080-071-010) and one located in the Town of Portola Valley (Assessor Parcel Number 080-241-410)

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to negotiate the terms and conditions of a Conservation Easement over three Los Trancos County Water District (LTCWD) parcels with San Mateo County and Woodside Fire Protection District, the successors in interest to the LTCWD property, to conform to the terms specified herein. This authorization is contingent upon the completion of the LTCWD dissolution and transfer of properties as further described in this report.
2. Direct the General Manager to return to the Board of Directors for acceptance of the Conservation Easement once the various dissolution and property transfer approvals are secured through other agencies.

SUMMARY

The Midpeninsula Regional Open Space District (District) is being offered a gift of a 3.28-acre property (Red Shed Property) and a 1.78-acre property (comprised of two parcels that form the Lake Property), both located along Lake Road in the community of Los Trancos Woods. These two properties are currently owned by the Los Trancos County Water District (LTCWD), which is undergoing dissolution and is preparing to transfer fee title of the Lake Property to San Mateo County (County) and fee title of the Red Shed Property to the Woodside Fire Protection District (Fire District). Residents of the Los Trancos Woods community have a strong desire to ensure the protection of the conservation values of these two properties so that they remain in an undeveloped, natural open space condition in perpetuity. As such, they have worked closely with the San Mateo County Local Agency Formation Commission (LAFCo) and San Mateo County Supervisor Don Horsley to facilitate discussions with the District on the potential transfer of a conservation easement. Although not contiguous to District lands, these properties do lie within the District's jurisdictional boundaries and provide habitat for birds and small mammals.

DISCUSSION

The LTCWD is an independent special district that was originally formed to provide water to the Los Trancos Woods community. The LTCWD's remaining assets include three parcels within the Los Trancos Woods community: a 3.28-acre parcel that is largely undeveloped with the exception of a small Red Shed, and two parcels totaling 1.78 acres that together are mostly comprised of an impounded reservoir (refer to additional property details below and Attachment 1). In 2005, the LTCWD sold its water system to California Water Service Company and continued to exist as a district collecting property tax although it no longer performed its original core function. This situation became the subject of an investigation by the San Mateo County Civil Grand Jury in 2008-09, which recommended the dissolution of the LTCWD. Many discussions with multiple potential take-out partners have been facilitated by LAFCo since 2009, including discussions with the District to consider fee title ownership of the Lake Property. This proposal was reviewed and considered multiple times by the District with consistent findings that the property does not meet District criteria for ownership (small parcel, not contiguous to District land, largely surrounded by development, no direct connection to District trails, not of regional significance).

Just recently, San Mateo County (County) has agreed to take fee title of the Lake Property and the Woodside Fire Protection District (Fire District) has agreed to take fee title of the Red Shed Property. Both agreements include ongoing property maintenance and management. To solidify the land exchange and proceed with dissolution, the Los Trancos Woods community is seeking additional assurances that the natural conditions of both properties will be protected in perpetuity. To this end, LAFCo, Supervisor Horsley, LTCWD Board members, and various community residents have modified the original request that was made to the District to instead request acceptance of a conservation easement over both properties.

Red Shed Property

The Red Shed Property is located at 126 Lake Road in unincorporated San Mateo County, within the Sphere of Influence of the Town of Portola Valley. The property is zoned R-1/S-108 - One Family Residential District. This parcel is largely in a natural condition with the exception of a small storage structure commonly referred to as The Red Shed. Although this parcel is small and largely bordered by Lake Road to the north and east, and neighboring private residences to the south and west, it does provide habitat for local wildlife, particularly birds and small mammals. During years of very heavy rainfall, this parcel can retain standing water.

Lake Property

The Lake Property is located just west of Lake Road, opposite the Old Spanish Trail that extends through property owned by the Town of Portola Valley. This property is comprised of two parcels, one located in unincorporated San Mateo County, within the Sphere of Influence of the Town of Portola Valley, and the other located within the Town's jurisdiction. The parcels are zoned R-1/S-108 - One Family Residential District and M-R/7.5A/SD-3/DR – Mountainous Residential District, 7.5 acres. The Lake Property largely consists of a dammed reservoir that retains year-round water with minimal upland habitat and a small viewing area with one bench. The reservoir serves as a flyover resting place for local waterfowl. The Lake Property is bordered by a Town of Portola Valley parcel to the north and west that includes the Lake Trail, which passes through the common area of the Blue Lakes Subdivision, and by the one-lane Lake Road and Old Spanish Trail (road) and private residences to the south and west.

Neither of these properties is contiguous to District land nor directly accessible via District trails. However, both properties do lie within the District's larger jurisdiction. These properties can be indirectly assessed from the Windy Hill and Coal Creek Open Space Preserves via either Town of Portola Valley trails or paved roads through the Los Trancos Woods community. The proposed Conservation Easement over both properties may be made as an addition to Windy Hill Open Space Preserve.

At this time, the requesting parties are seeking the District's Board of Directors (Board) intent to accept the Conservation Easement so that negotiation of terms and conditions can proceed. If this proposal is supported by the Board, the General Manager recommends finalizing the terms and conditions of the Conservation Easement once all of the prior approvals necessary for dissolution and property transfer are obtained for these properties. These approvals would be managed by the LTCWD and the County, and include: 1) a vote by the LTCWD Board to approve dissolution, 2) approval of the dissolution application by LAFCO, 3) approval by the County Board of Supervisors to receive fee title of the Lake Property and establish a County Maintenance District to receive the ongoing tax assessment for maintenance and management of the properties, and 4) approval by the Fire District to receive fee title of the Red Shed Property.

Once the approvals are secured, the General Manager would finalize the terms and conditions of the Conservation Easement prior to bringing the easement to the Board of Directors for approval. At this time, the General Manager recommends the following proposed terms, which are subject to change based on further discussions with the affected parties and additional review of the properties:

Initial Proposed Terms:

- County and Fire District, as fee owners, to be responsible for enforcing their own ordinances (e.g., trespassing, illegal dumping)
- County and Fire District, as fee owners, to retain all liability and maintenance responsibility for water bodies, dams, etc.
- County and Fire District to perform all maintenance, repairs (e.g. mowing, fences)
- County and Fire District to perform Phase I and share results with District prior to acceptance of the Conservation Easement
- District to prepare a baseline site conditions document
- District to perform annual monitoring of the Conservation Easement.
- District at its sole discretion may assign the Conservation Easement should a more appropriate easement holder emerge in the future.
- No third party beneficiaries to the Conservation Easement

The proposed Conservation Easement would be held solely by the District, who would be responsible for monitoring the easement and notifying the County and Fire District of any violations to the easement. The easement would require that both properties be maintained in their current condition, with no changes in land use and restrict any new infrastructure, including roads, structures or additional improvements. The County and Fire District, as fee title owners, would remain responsible for the ongoing maintenance, repairs, and management, including actions to correct any noted violations. The conservation easement would remain on the properties in the event of property ownership transfer.

FISCAL IMPACT

The proposed easement interests would be granted to the District at no cost. Ongoing monitoring of the conservation easement would result in a nominal fiscal impact, primarily associated with staff time to conduct an annual site inspection and prepare a report to be shared with the County and Fire District. These costs are estimated at approximately \$500-\$750 per year (in 2015 dollars). Initial discussions with the LTCWD indicate a possibility to have these costs reimbursed through the continued LTWCD tax assessment.

BOARD COMMITTEE REVIEW

Given the time sensitivity of the easement proposal, this item was not previously reviewed by a Board Committee.

PUBLIC NOTICE

Notice has been provided as required by the Brown Act. Additional notice was also provided to all residents that lie within the Los Trancos County Water District.

CEQA COMPLIANCE

Authorization to negotiate the terms and conditions of a Conservation Easement is not considered a project under the California Environmental Quality Act (CEQA). Future Board acceptance of a Conservation Easement will be subject to CEQA review.

NEXT STEP

If authorized by the Board, the General Manager will direct staff to negotiate the terms and conditions of the Conservation Easement once all of the approvals for the dissolution and fee title transfer have occurred. The Conservation Easement, including terms and conditions, is expected to return to the Board for acceptance in the summer.

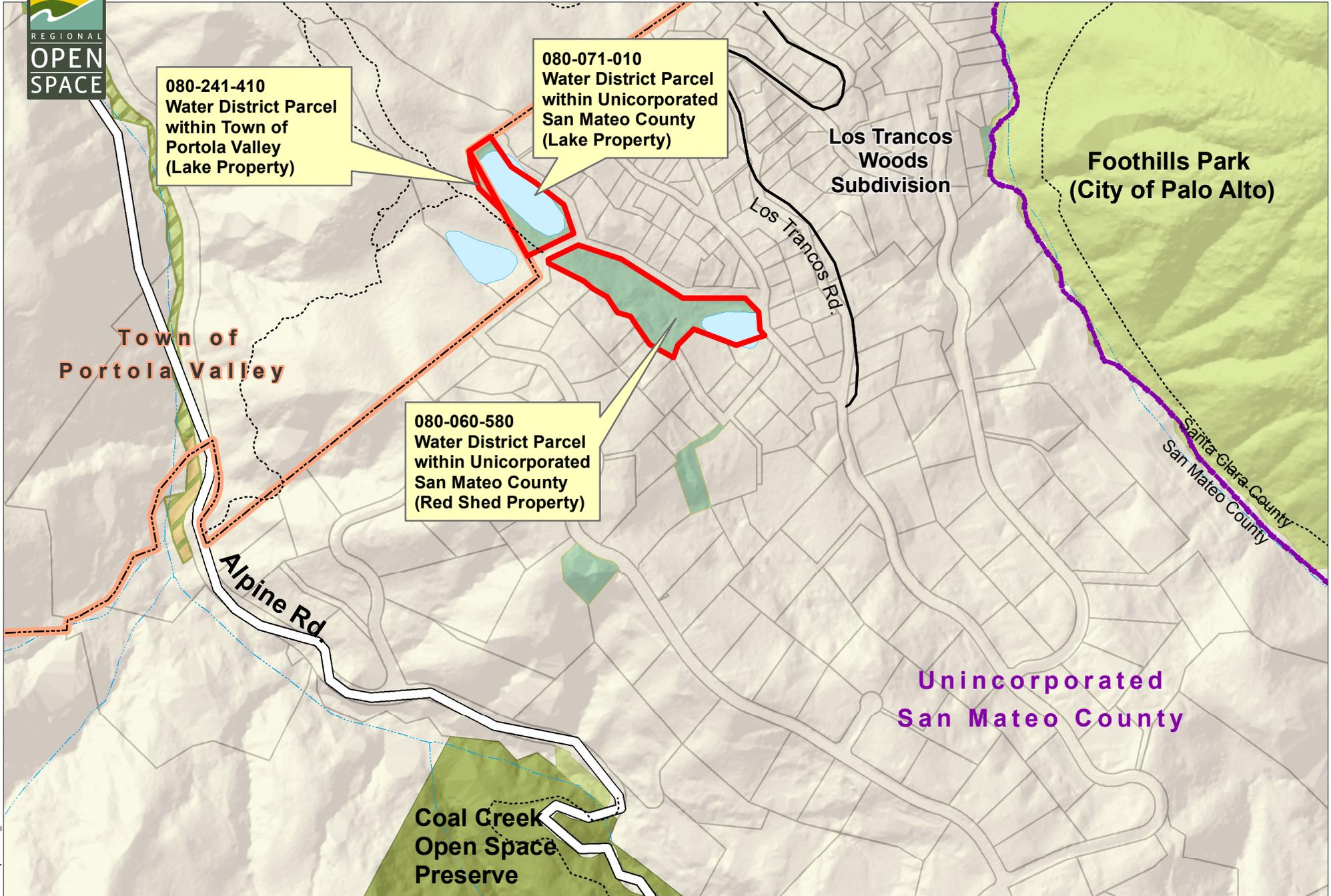
Attachment: Map

Responsible Manager:
Stephen E. Abbors, General Manager

Prepared by:
Ana Ruiz, AICP, Assistant General Manager

Contact person:
Same as above

Los Trancos County Water District Parcels



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-  MROSD Lands
-  MROSD Conservation Easement
-  Other Public Open Space

-  Los Trancos County Water District Parcels
-  Watershed Land

Produced by Midpeninsular Regional Open Space District, May 2015



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