



Midpeninsula Regional
Open Space District

R-15-117
Meeting 15-20
August 12, 2015

AGENDA ITEM 4

AGENDA ITEM

Acceptance of Conservation Easements over three Los Trancos County Water District Parcels, two located in unincorporated San Mateo County (Assessor Parcel Numbers 080-071-010 and 080-060-580) and one located in the Town of Portola Valley (Assessor Parcel Number 080-241-410).

GENERAL MANAGER'S RECOMMENDATIONS

A handwritten signature in black ink, appearing to be "S. J. ...".

1. Determine that the recommended actions are categorically exempt from the California Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the acceptance of two conservation easements over three Los Trancos County Water District parcels.
3. Adopt the Preliminary Use and Management Plan, as set out in the staff report.
4. Withhold dedication of the Los Trancos County Water District Parcels as public open space.

SUMMARY

The Midpeninsula Regional Open Space District (District) has an opportunity to protect three parcels totaling 5.19-acres owned by the Los Trancos County Water District (LTCWD) in the community of Los Trancos Woods through the acceptance of two conservation easements. These properties are owned by the LTCWD, which is undergoing dissolution and is preparing to transfer fee title of the Lake Property (1.91-acres comprised of two parcels) to San Mateo County (County) and fee title of the Red Shed Property (3.28-acres) to the Woodside Fire Protection District (Fire District). The acceptance of these conservation easements is in response to a request by the LTCWD to assist it in fulfilling its obligations for the dissolution of that agency. As a regional organization, District is in a unique position to assist partner agencies in the dissolution of LTCWD by accepting the conservation easements.

DISCUSSION

On May 13, 2015, the Board of Directors authorized the General Manager to negotiate with the County and Fire District (future successors in interest to the LTCWD property) regarding the terms of two conservation easements and to return for acceptance once the dissolution of the LTCWD was complete (R-15-77). Subsequent to the May Board meeting, it was determined that acceptance of the easements from LTCWD prior to the dissolution was required pursuant to actions taken by the Local Agency Formation Commission of San Mateo County (LAFCo). Over the past two months, the District has coordinated and negotiated with LTCWD, County, and the Fire District regarding the terms of the easements.

Background

The LTCWD is an independent special district that was originally formed to provide water to the Los Trancos Woods community. In 2005, the LTCWD sold its water system to California Water Service Company and continued to exist as a special district, collecting property taxes although it no longer performed its original core function. 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 1.91 acres (1.78 and 0.13) that together are mostly comprised of an impounded reservoir (refer to additional property details below and attached map). 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).

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 LAFCo and San Mateo County Supervisor Don Horsley to facilitate discussions with the District on the acceptance of conservation easements based on the District's unique position in the region.

Improvements and Land Use

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. 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 as there is a seasonal pond.

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 boundary. The Lake Property largely consists of a dammed reservoir that retains year-round water with minimal upland habitat and a small viewing area with two benches. 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.

Terms and Conditions

The conservation easements will protect in perpetuity the property's conservation and open space values, including scenic, habitat, natural, and recreational values. The easement terms include:

- Conservation easements to be executed by LTCWD and recorded, but will not become effective until the properties are transferred to the County and Fire District.
- County and Fire District, as fee owners, will be responsible for enforcing their own ordinances (e.g., trespassing, illegal dumping).
- County and Fire District, as fee owners, will be responsible for all maintenance and repairs of the properties (e.g. mowing, fences).
- County and Fire District to retain all liability and maintenance responsibility for water bodies, dams, etc.
- District to perform annual monitoring of the Conservation Easements.
- County and Fire District to reimburse the District for monitoring costs.
- District, at its sole discretion. may assign the Conservation Easements should a more appropriate easement holder emerge in the future.
- No third party beneficiaries to the Conservation Easement.
- Limited public recreation as an allowed use.
- Explicitly state that the District will never take fee ownership of these properties.

The proposed Conservation Easements would be held solely by the District, which 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. 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, and would be responsible for any liability arising from non-District activity on or uses of the easement areas. The conservation easement would remain on the properties in the event of property ownership transfer.

USE AND MANAGEMENT

Planning Considerations

The Red Shed Property is located 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. The Lake 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.

Preliminary Use and Management Plan

The Preliminary Use and Management Plan for the conservation easements represent a status quo approach to management. The property subject to the conservation easements will be owned, operated and managed by the County and Fire District. The Preliminary Use and Management Plan include the following elements:

Public Access: A public viewing area is located on the Lake Property. The construction of any new trails or public viewing areas on the Lake Property or Red

	Shed Property are subject to District approval.
Signs and Site Security:	County and Fire District may install safety improvements such as fencing, gates and signage.
Structures and Improvements:	Monitor the conservation easements to ensure that maintenance activities and operation of all structures and improvements are compatible with the conservation easement.
Natural Resource Management:	Monitor the conservation easements to ensure that natural resource management activities are compatible with the conservation easements
Roads and Trails:	The construction of new trails and roads on the property are subject to District approval.
Flood Control:	Construction and maintenance of flood control measures are permitted with District approval.
Document Baseline Conditions:	Perform an initial inspection of the conservation easements to photo document existing conditions within the easement areas at the time the easements become effective.
Easement Monitoring:	Conduct regular inspection of the conservation easement areas to ensure compliance with provisions of the easements.
Site Safety Inspection:	A preliminary site safety inspection has been conducted and there are no known safety hazards within the conservation easement areas.
Dedication:	Indicate the Board's intention to withhold the conservation easement for resource conservation and public open space and park purposes.

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. Under the conservation easements, the County and Fire District would be responsible for reimbursing the District for these monitoring costs.

BOARD COMMITTEE REVIEW

Given the time sensitivity of the easement, this item was brought initially to the full Board on May 13, 2015 to receive Board authorization to proceed with negotiating the terms of the conservation easements.

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

Project Description

The project consists of the conveyance of two conservation easements in perpetuity over the 1.91-acre Lake Property and the 3.28-acre Red Shed Property to the District to preserve and maintain the property for the conservation values identified in the Conservation Easement.

CEQA Determination

The District is the lead agency for this project under CEQA. 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 15317 and 15061 of the CEQA Guidelines as follows:

Section 15317 Open Space Contracts or Easements - the acceptance of fee or easement interests in order to maintain the open space character of an area. The District will acquire a conservation easement interest to maintain the open space character of the property.

Section 15061(b)(3) - The actions recommended in the Preliminary Use and Management Plan are exempt as there is no possibility the recommended actions will have a significant effect on the environment.

NEXT STEP

If approved by the Board, the conservations easements will be executed and recorded in San Mateo County. Once the County and Fire District take fee ownership to the properties, the conservation easements will become effective.

Attachment:

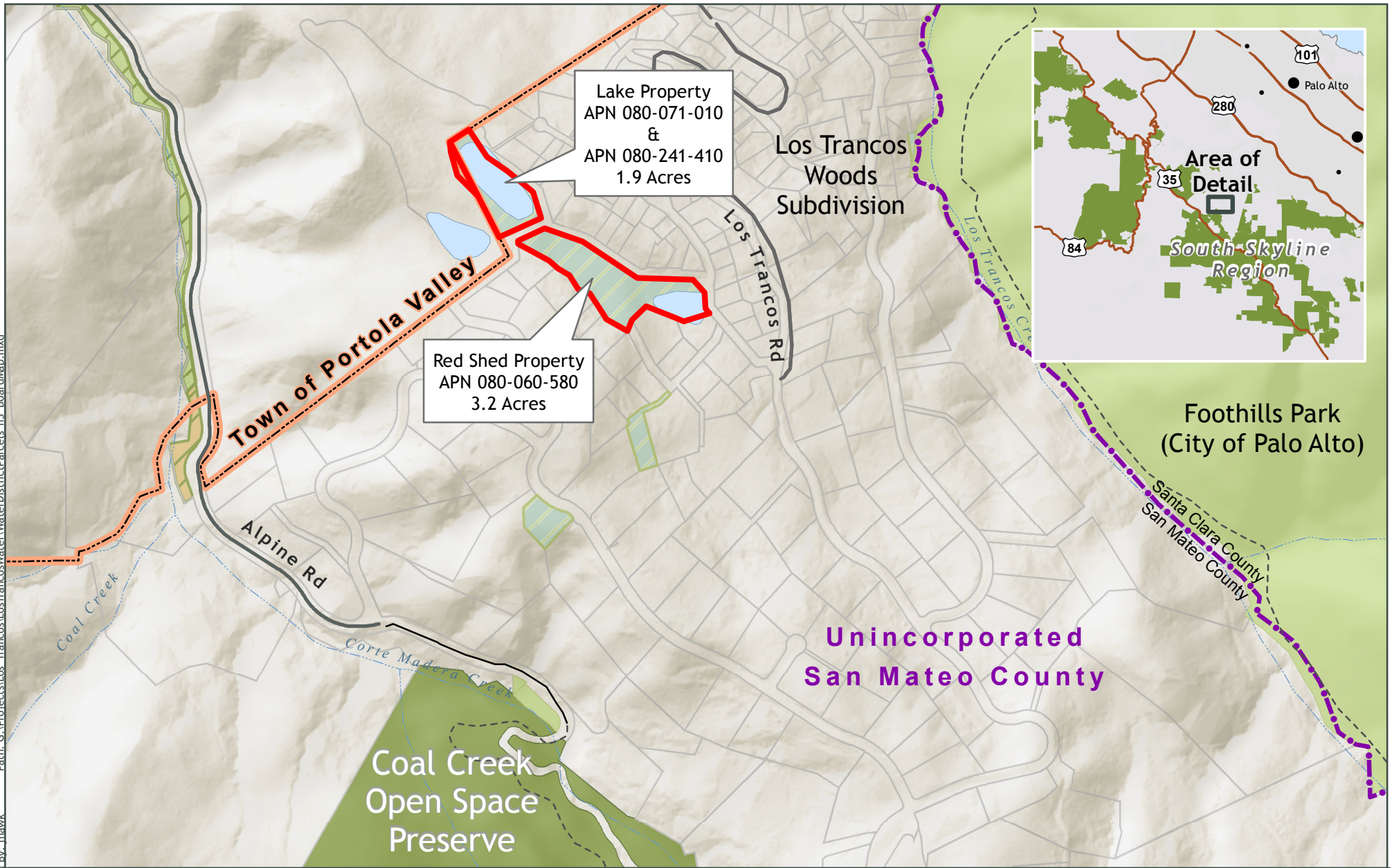
1. Map showing Los Trancos County Water District Parcels
2. Resolution Authorizing the Acceptance of the Two Conservation Easements, and Authorizing the General Manager to Execute any and all Other Documents Necessary or Appropriate to the Closing of the Transaction (Windy Hill Open Space Preserve - Lands of Los Trancos County Water District)

Responsible Manager:







Michael Williams, Real Property Manager

Prepared by:

Allen Ishibashi, Senior Real Property Agent



Los Trancos County Water District Parcels

- | | |
|---|---|
|  MROSD Preserves |  Watershed Land |
|  Other Protected Open Space or Park Lands |  Private Property |
|  Non MROSD Conservation or Agricultural Easement |  Los Trancos County Water District Parcels |

Attachment 1

Midpeninsula Regional
Open Space District
(MROSD)



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July, 2015

RESOLUTION NO. 15-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING THE ACCEPTANCE OF THE TWO CONSERVATION EASEMENTS, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO THE CLOSING OF THE TRANSACTION (WINDY HILL OPEN SPACE PRESERVE - LANDS OF LOS TRANCOS COUNTY WATER DISTRICT)

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

SECTION ONE. The Board of Directors of the Midpeninsula Regional Open Space District (Open Space District) does hereby accept the two Grant Deed of Conservation Easements from the Los Trancos County Water District, in substantial form as attached hereto and by reference made a part hereof, and authorizes the General Manager or other appropriate officer to execute the Conservation Easements on behalf of the Open Space District.

SECTION TWO. The General Manager, President of the Board of Directors or other appropriate officer is authorized to execute Certificates of Acceptance for the Grant Deed of Conservation Easements on behalf of the Open Space District.

SECTION THREE. The General Manager or the General Manager’s designee shall cause to be given appropriate notice of acceptance to Los Trancos County Water District. The General Manager is further authorized to execute any and all other documents in escrow necessary or appropriate to the closing of the transaction.

SECTION FOUR. The General Manager and General Counsel are further authorized to approve any technical revisions to the Conservation Easements, and other documents in escrow which do not involve any material change to any terms of Conservation Easements, which are necessary or appropriate to the closing or implementation of this transaction.

* * * * *

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:

Secretary
Board of Directors

President
Board of Directors

APPROVED AS TO FORM:

General Counsel

I, the 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.

District Clerk