



Midpeninsula Regional  
Open Space District

R-19-143  
Meeting 19-28  
November 13, 2019

### AGENDA ITEM 3

#### AGENDA ITEM

Proposed purchase of the Chet Gallaway Property as an addition to El Corte de Madera Creek Open Space Preserve in unincorporated San Mateo County (Assessor's Parcel Number 081-100-050).

#### GENERAL MANAGER'S RECOMMENDATIONS

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in this report.
2. Adopt a resolution authorizing the purchase of the Chet Gallaway property and amending the Fiscal Year 2019-20 budget accordingly.
3. Adopt the Preliminary Use and Management Plan, as set out in the staff report.
4. Withhold dedication of the Property as public open space.

#### SUMMARY

The Midpeninsula Regional Open Space District (District) has an opportunity to purchase the 1.7-acre Chet Gallaway property (Gallaway Property) for \$55,000. The following report presents a description of the Property, a Preliminary Use and Management Plan, findings of the environmental review, the purchase terms and conditions, and financial considerations. A budget adjustment/increase of \$55,000 to the Fiscal Year (FY) 2019-20 budget would be required to proceed with the acquisition.

#### DISCUSSION

In 2012, the District purchased the 58.2-acre Gallaway property and 30.78-acre Sempervirens Fund properties as additions to the western boundary of El Corte de Madera Creek Open Space Preserve (R-12-50). The Gallaway purchase included a right of first offer and right of first refusal (right to purchase) for a separate 1.7-acre property, which connects the northern portions of the Sempervirens property to the west and original Gallaway property purchase to the east. The proposed purchase of this property would further protect the north facing ridgeline and the Tunitas Creek watershed, wildlife habitat corridors, old growth redwoods, and Douglas fir forest, and may someday provide a future trail connection between El Corte de Madera Creek Open Space Preserve and Tunitas Creek Open Space Preserve. The property is within the Coastal Service Plan (Service Plan) Area, an area that was annexed into the District boundaries in 2004.

This purchase advances land conservation opportunities in Measure AA Portfolio #4 for bike trail and water quality projects.

### **Property Description**

The property is undeveloped and situated along the north-facing ridgeline above Tunitas Creek and borders the El Corte de Madera Creek Open Space Preserve to the west and east. The property is bounded by the privately owned 1,155-acre Kings Grove property to the north and a small private parcel to the south. A redwood grove, including 60 old-growth trees, is located on District land (formerly the Sempervirens Fund property) to the west. The proposed property is accessed from an existing gated dirt road via Native Sons Road. Tunitas Creek Open Space Preserve is located approximately a half mile to the west. The proposed property is characterized by densely wooded slopes with mixed evergreen forest, including redwood, Douglas fir, madrone, and tanbark oak.

## **USE AND MANAGEMENT**

### **Planning Considerations**

The San Mateo County General Plan designation for the proposed Gallaway Property is General Open Space, and the zoning is Resource Management-Coastal Zone (RM-CZ). Adjacent private properties to the north and south are zoned Timber Production Zone-Coastal Zone (TPZ-CZ). Nearby private properties to the southwest along Native Sons Road are zoned Resource Management-Coastal Zone (RM-CZ). In 2012, San Mateo County determined that purchase of the Gallaway properties for open space (including the proposed property) was in conformity with the County General Plan.

If purchased, the Gallaway Property will be incorporated into El Corte de Madera Creek Open Space Preserve, and a Preliminary Use and Management Plan will be implemented. When undertaken, a subsequent planning process that includes this property would analyze opportunities for natural resource management and compatible public use. Further environmental review would be prepared as needed. Subsequent planning would be in accordance with the District's Service Plan, including consultation with appropriate agencies and organizations.

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

The Preliminary Use and Management Plan (PUMP) would take effect at the close of escrow and remain effective until the PUMP is amended or a Comprehensive Use and Management Plan is approved for El Corte de Madera Creek Open Space Preserve. The PUMP represents a status quo approach to management. The Gallaway Property would be maintained in its current condition, with no changes anticipated. 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.

Name: Designate the Gallaway Property as an addition to the El Corte de Madera Creek Open Space Preserve.

Public Access: Designate the property as closed to the public. Issue hiking permits to the former owner and neighbors on a case-by-case basis, allowing use consistent with historical use patterns.

Patrol:	Regularly patrol the property utilizing existing roads.
Resource Management:	Maintain the property in its natural condition. Conduct plant and animal management activities consistent with the District's adopted Resource Management Policies as needed.
Roads and Trails:	Implement maintenance and minor erosion and sediment control measures for access roads in accordance with District and Service Plan standards.
Wildfire Fuel Management:	Implement standard District-wide fuel management and defensible space practices.
Site Safety Inspection:	No evidence of hazardous conditions was detected.
Coastal Service Plan:	Operate and manage the property in conformity with the provisions of the Service Plan and the mitigation measures adopted pursuant to the Coastal Service Plan Environmental Impact Report.
Dedication:	Withhold dedication of the property as open space at this time.
Site Condition:	No evidence of any recognized hazardous condition has been found on the property or in the 2012 Phase I Environmental Assessment.

## CEQA COMPLIANCE

### Project Description

The project consists of the purchase of the 1.7-acre Gallaway Property as an addition to the District's open space preserve system and concurrent adoption of a PUMP. Minor erosion and sediment control measures in accordance with District standards would be conducted along the existing access roads to prevent erosion and water quality degradation. Minor resource management activities may be conducted to control invasive plants. The land would be preserved as open space and maintained in a natural condition.

The Gallaway Property is within the boundaries of the District's Service Plan for the San Mateo County Coastal Annexation Area. The Service Plan and Final Environmental Impact Report (FEIR) incorporated policies, guidelines, and mitigations to ensure compatibility with the County General Plan and Local Coastal Plan. Actions proposed to purchase the property and implement the PUMP comply with the Service Plan and the Service Plan FEIR.

### CEQA Determination

The District concludes that this project would 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, and 15325 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. The PUMP for the Gallaway Property includes minor erosion control work as necessary along existing roads and minor restoration activities to maintain the property in 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 PUMP for the Gallaway Property specifies that the land will remain in a natural condition.

Section 15325 exempts transfers of ownership of interests in land to preserve open space. This acquisition would transfer fee ownership of the property to the District to ensure that the open space is preserved as part of El Corte de Madera Creek Open Space Preserve.

**TERMS AND CONDITIONS**

The 1.7-acre Gallaway Property has a purchase price of \$55,000. The property would be purchased “as-is” and on an all cash basis.

**FISCAL IMPACT**

Land acquisitions brought before the Board for approval include a budget adjustment/increase to the adopted budget. If approved, a budget adjustment/increase of \$55,000 to the FY2019-20 budget is required.

Gallaway Property Purchase Amount	\$55,000
Total Land purchases approved to date for FY2019-20	\$0
Total Land Purchases (if approved)	\$55,000

The following table outlines Measure AA Portfolio 04 (El Corte de Madera Creek: Bike Trail and Water Quality Projects) allocation, costs to date, and the fiscal impact related to the Property.

<b>MAA 04 - El Corte de Madera Creek: Bike Trail and Water Quality Projects</b>	<b>\$8,376,000</b>
Life-to-Date Spent (as of 10/15/19):	(\$2,114,819)
Encumbrances:	(\$18,642)
Gallaway Property Land Acquisition:	(\$55,000)
Title, Escrow, Survey & Misc. Expenses:	(\$2,000)
<b>Budget Remaining (Proposed):</b>	<b>\$6,185,539</b>

**Current Coastside Protection Area Fiscal Considerations**

The 1.7-acre Gallaway property is located in the District’s Coastside Protection Area and within the service area of San Mateo County Fire. Under the terms of the District and County Successor Fire Agreement, the District would pay \$23.90 annually to the County, which would increase annually by 2%.

The property is not located in the La Honda-Pescadero School District; therefore, no fees are incurred under that Agreement as a result of the proposed purchase.

**BOARD COMMITTEE REVIEW**

As part of the original Gallaway purchase, the right to purchase the 1.7-acre Gallaway Property was reviewed by the Real Property Committee (RPC) on April 24, 2012, and approved at the Board Meeting on May 23, 2012 (R-12-50). In addition, as part of a comprehensive review of District-held rights to purchase property, the 1.7-acre Gallaway Property was reviewed by the RPC on February 28, 2017 and reaffirmed by the full Board on April 26, 2017 (R-17-44).

**PUBLIC NOTICE**

Public notice was provided as required by the Brown Act. A copy of this agenda was mailed to property owners of land located adjacent to or surrounding the subject property and the Coastside Protection Area interested parties mailing list.

**NEXT STEPS**

Upon approval by the Board of Directors, staff will proceed with close of escrow for the Gallaway Property purchase and will undertake the next steps identified in the Preliminary Use and Management Plan contained in this report.

**Attachments:**

1. Resolution Authorizing Execution of Purchase and Sale Agreement, Amending the Fiscal Year 2019-20 Budget, and Authorizing the General Manager or other Appropriate Officer to Execute the Certificate of Acceptance and Grant to District and to Execute any and all other Documents Necessary or Appropriate to Closing of the Transaction (El Corte De Madera Creek Open Space Preserve - Lands of Gallaway)
2. Location Map

**Prepared by:**

Michael Williams, Real Property Manager

**Graphics prepared by:**

Francisco Lopez Tapia, GIS Technician

**RESOLUTION 19-\_\_**

**RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING EXECUTION OF PURCHASE AND SALE AGREEMENT, AMENDING THE FISCAL YEAR 2019-20 BUDGET, AND AUTHORIZING THE GENERAL MANAGER OR OTHER APPROPRIATE OFFICER TO EXECUTE THE CERTIFICATE OF ACCEPTANCE AND GRANT TO DISTRICT AND TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO CLOSING OF THE TRANSACTION (EL CORTE DE MADERA CREEK OPEN SPACE PRESERVE - LANDS OF GALLAWAY)**

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

**SECTION ONE.** The Board of Directors of Midpeninsula Regional Open Space District (District) does hereby accept the offer contained in that certain Purchase and Sale Agreement with Chetwynd Howard Gallaway, 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 Gallaway Property”).

**SECTION TWO.** The Board of Directors of the Midpeninsula Regional Open Space District authorizes the expenditure of \$55,000.00 covering the purchase of the Gallaway Property, including a deposit of \$5,000.00.

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

**SECTION FOUR.** The Board of Directors of the Midpeninsula Regional Open Space District authorizes amending the Budget and Action Plan for the Midpeninsula Regional Open Space District for Fiscal Year (FY) 2019-20 by increasing the Measure AA Fund Capital budget in the amount of \$55,000.00. Except as herein modified, the FY 2019-20 Budget and Action Plan, Resolution No. 19-15 as amended, shall remain in full force and effect.

**SECTION FIVE.** The General Manager or the General Manager’s designee is authorized to provide notice of acceptance to the seller and to extend escrow if necessary.

**SECTION SIX.** The General Manager or the General Manager’s designee is authorized to expend up to \$3,000.00 to cover the cost of title insurance, escrow fees, and miscellaneous costs related to this transaction.

**SECTION SEVEN.** 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.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2019, 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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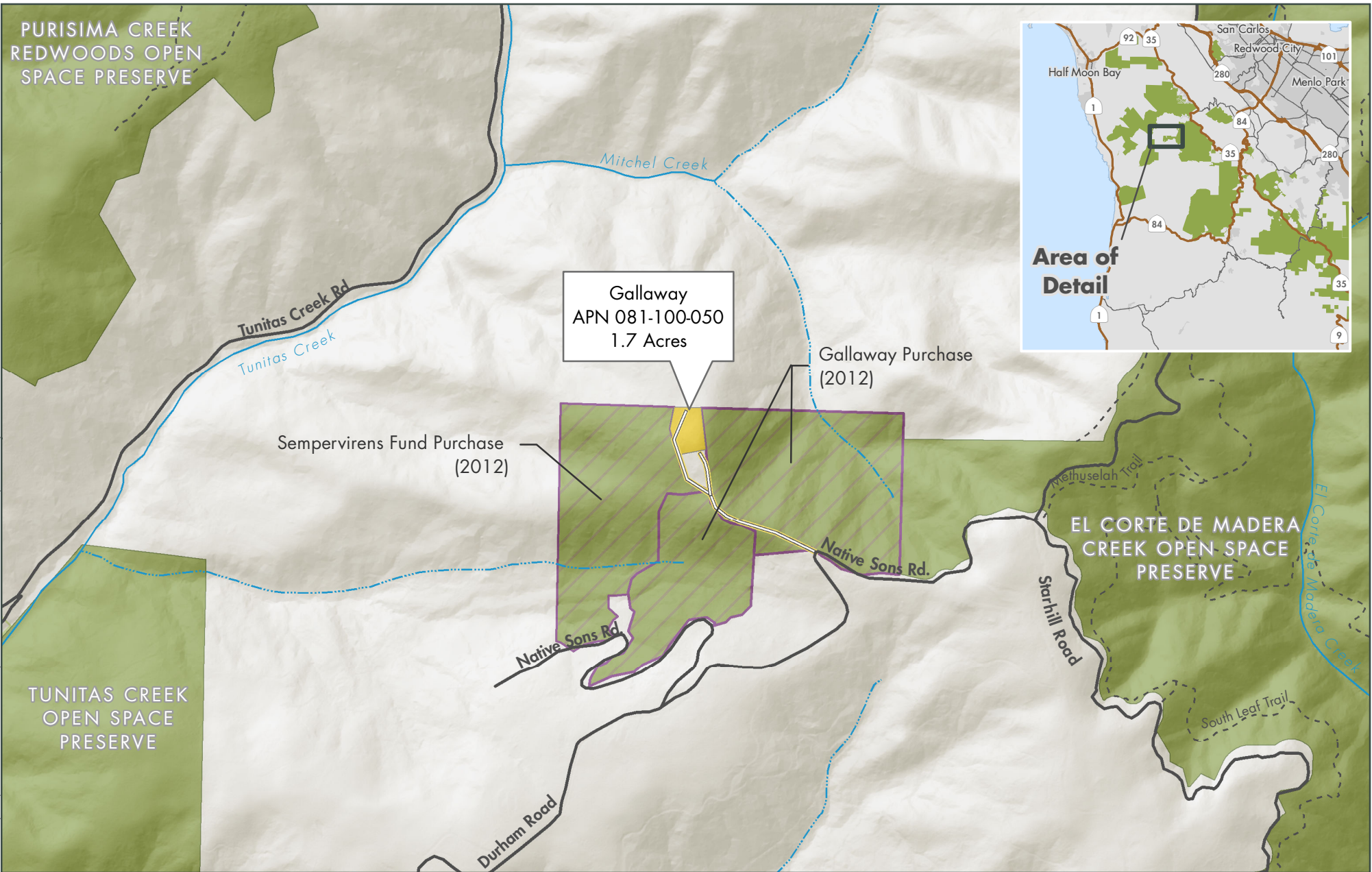
General Counsel

I, the 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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District Clerk

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Created By: flopez



### Proposed Gallaway Addition to ECDM

- MROSD Preserves
- Private Property
- Subject Property
- Gallaway Purchase (2012)
- Sempervirens Fund Purchase (2012)
- Unpaved Property Access Road

### ATTACHMENT 2

Midpeninsula Regional  
Open Space District  
(Midpen)  
10/9/2019



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