



Midpeninsula Regional  
Open Space District

R-11-94  
Meeting 11-25  
September 14, 2011

## **AGENDA ITEM 8**

### **AGENDA ITEM**

Approval of a Funding and Acquisition Agreement with the City of Saratoga and the County of Santa Clara for purchase of the County of Santa Clara Roads and Airports Department Property, located west of the City of Saratoga along the south side of Highway 9 (Congress Springs Road) in unincorporated Santa Clara County (Assessor's Parcel Numbers 503-32-001 and 517-32-001); Acceptance of a Conservation Easement over the County Roads and Airport Department's Property; Adoption of the Preliminary Use and Management Plan for the Property; and Approval of the Negative Declaration prepared by the City of Saratoga in accordance with the California Environmental Quality Act

### **GENERAL MANAGER'S RECOMMENDATIONS**

1. Adopt the attached resolution authorizing the execution of the Funding and Acquisition Agreement with the County of Santa Clara towards the purchase of the County of Santa Clara Roads and Airport Department Property (County Roads Property), including conveyance of a Conservation Easement over the County Roads Property and Consider and Approve the Negative Declaration prepared by the City of Saratoga.
2. Adopt the Preliminary Use and Management Plan recommendations contained in this report.
3. Indicate the Board's intent to withhold this property from dedication as open space pursuant to the District's Annual Policy for Dedication of Lands.

### **SUMMARY**

The Midpeninsula Regional Open Space District (District) is proposing to enter into a Funding and Acquisition Agreement with the City of Saratoga (City) and the County of Santa Clara Parks and Recreation Department (County Parks) to purchase the 66 acre County Roads property. As part of this partnership project, the District would contribute \$250,000 towards the City's purchase of the County Roads property, which will provide a trail corridor from the City's Hakone Gardens' property to Sanborn-Skyline County Park and the Skyline-to-the-Sea trail. The City will convey a conservation easement to the District and County Parks over the County Roads property. The following report presents a description of the County Roads property, a Preliminary Use and Management Plan, the District's environmental review, the purchase terms

and conditions, and the financial impact of the proposed transaction, including a discussion of the proposed funding agreement with the City and County Parks.

## **DISCUSSION**

For the past five years, the District, City and County Parks have been collaborating in an effort to provide a future trail connection from the City's Hakone Gardens to Sanborn-Skyline County Park. It is envisioned that this trail corridor will ultimately connect to Castle Rock State Park and the Skyline-to-the-Sea trail to Big Basin State Park and the Santa Cruz County coast. The City refers to this project as Saratoga-to-the-Sea. The first component of this trail plan is to purchase the 66 acre County Roads surplus property. The City has requested that the District and County Parks help provide funding assistance to purchase this property.

The District's Real Property Committee held a meeting on the property in order to acquaint the Committee, neighbors, and interested parties with the property, and to receive public input into the proposed purchase partnership. This meeting was held on September 2, 2011, after notice was distributed to property owners of land located adjacent to or near the subject property. At the Real Property Committee meeting, staff described the property and explained how the property provides for a future regional trail corridor between the City of Saratoga, Sanborn-Skyline Park and the Skyline to the Sea Trail. After Committee discussion, a brief tour of the property followed. The Committee voted to forward their recommendation to assist in the City's purchase of the property to the full Board of Directors for consideration at a future Board meeting.

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

The irregular shaped 66 acre County Roads property is located west of and contiguous to the City of Saratoga's boundary. Congress Springs Road and Saratoga Creek form the northern boundary of the property. The watershed lands of San Jose Water Company are located along the western boundary and connect to Sanborn-Skyline Park further to the west. Private residential development is situated along the southern boundary and two residential parcels are along the eastern boundary separating the subject property from Hakone Gardens. The upper wooded hillsides of the property are visible from Fremont Older and Monte Bello Open Space Preserves.

Saratoga Creek flows year-round meandering along the northern boundary of the property. This riparian corridor supports a diverse community of plants and wildlife. The property's wooded north facing hillsides include Coastal oak woodlands and Douglas fir and Montane Hardwood-conifer with areas of grassland and chamise-redshank chaparral. The property is connected to wildlife corridors to the west including the San Jose Water watershed lands and Sanborn-Skyline Park .

The County Roads property was purchased by the County in 1920, and used as a quarry providing road base rock material for County roads. The quarry was closed in 1967 and the property has been undergoing hillside restoration since 1969 to minimize slope erosion of the graded slopes on the property. County Roads is retaining a 1.89 acre parcel located along Congress Springs Road at the north-west corner of the property for a material storage yard.

Some structures from the former quarry use such concrete bunkers and picnic tables remain on the lower portion of the property along Congress Springs Road. A network of gravel roads traverses the property. A road that runs along the upper portion of the property may provide a potential trail route towards Sanborn-Skyline Park. The roads in the upper hillsides are overgrown with vegetation and are not currently passable by vehicle.

The partnership between the City, County Parks and the District to purchase the County Road property will provide for a future regional trail connection from the City to Sanborn-Skyline Park and the Skyline-to-the Sea Trail. In addition, the property also provides a potential regional trail connection through the City's tollgate area to the City's Parker Ranch Open Space and the District's Fremont Older Open Space Preserve. The purchase of this property will also protect the scenic view shed and habitat values of the property. Under the proposed purchase partnership, the City will become the fee owner of the property and the District and County Parks will co-hold a conservation and trail easement over the property. The conservation easement will also preserve the property for view shed, open space values, natural habitat and restoration purposes.

## **USE AND MANAGEMENT**

### **Planning Considerations**

The subject property is located within unincorporated Santa Clara County and is zoned HS (Hillside), requiring a 20 to 160 acre minimum lot size based upon a slope density formula. The property consists of five legal parcels and has a potential density of five residential sites. Access to the property is via two road entrances off Congress Springs Road one at the east end of the property and one at the west end of the property.

The Santa Clara County General Plan designates the property as "Regional Park, Existing" and the project is consistent with the Countywide Trails Master Plan. The City of Saratoga's General Plan designates the property as Open Space-Hillside and the Saratoga-to-the Sea Trail is contemplated in the City's General Plan Open Space and Conservation Element, 2007 and as a future public trail corridor in the City's Circulation and Scenic Highway element, 2010. The District's 1998 Regional Open Space Study identifies the property as potential open space lands. The Bay Area Open Space Council's Conservation Lands Network, the result of their Upland Habitat Goals Project, identifies the County Roads property as "Essential to Conservation Goals", indicating that it is an essential component of a network of conservation lands for biodiversity preservation.

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

The Preliminary Use and Management Plan for the conservation easement represent a status quo approach to management. The property subject to the easement will be owned, operated and managed by the City of Saratoga. The Preliminary Use and Management Plan include the following elements:

Public Access:           The City will consult with the District and County Parks on the planning of the trail alignment.

Signs and Site Security:	No District signs will be installed.
Document Baseline Conditions:	Perform an initial inspection of the open space easement to photo document the existing conditions within the easement area at the time the easement is conveyed to the District.
Easement Monitoring:	Regular inspection of the open space easement area to be carried out by the District to ensure compliance.
Site Safety Inspection:	Preliminary site safety inspection has been conducted and there are no known safety hazards within the open space easement area.
Dedication:	Indicate the Board's intention to dedicate the conservation easement for public open space purposes.

### **California Environmental Quality Act (CEQA) Compliance Project Description**

The project consists of a conveyance of a Conservation Easement over the 66-acre County Road property to County Parks and the District to preserve, maintain and restore the open space nature of the property.

### **CEQA Determination**

The City of Saratoga is the lead agency for this project under CEQA. A Negative Declaration (ND) was prepared for the project by the City pursuant to the requirements of CEQA. The notice of intent to adopt the ND was duly noticed and circulated for a 30-day public review period from June 27, 2011 to July 27, 2011. All interested parties desiring to comment on the ND were given the opportunity to submit written and oral comments on the adequacy of the ND up to and including the close of the City Council's consideration of the project on August 17, 2011. On August 17, 2011, the City Council conducted a public meeting on the project during which opportunity was given to address the adequacy of the ND. After the conclusion of public testimony, the City Council considered all material in the record and found that there was no evidence that the Project would have a significant effect on the environment and approved the ND.

The District is the Responsible Agency for this Project. As such, the District's obligation is to consider the lead agency's environmental document and determining whether the District concurs with the conclusions of the document and finds it adequate under CEQA. Staff and the Board have had an opportunity to review the ND and find that it fully complies with CEQA.

Staff recommends that the Board approve the ND for the project as set out in the attached resolution.

## TERMS AND CONDITIONS

The proposed transaction is a three party collaboration between the District, City and County Parks to purchase the 66-acre surplus County Roads property at a purchase price of \$1,000,000 with the District and City each contributing \$250,000 and County Parks contributing the remaining \$500,000. The overall purchase price has been confirmed by an independent appraisal commissioned by County Roads with a fair market value of \$1,150,000 which has been discounted \$30,000 as the value of the County Roads retained 1.89 acre material site.

The City will own the property in fee, and the District and County Parks will jointly hold a conservation and trail easement over the property for open space and public trail purposes. The easement permits the development of a staging area near Congress Springs Road which may include picnic area, restrooms, tot lot and dog park. The development of the future trail alignment connecting to Sanborn-Skyline Park on the subject property will be planned in consultation with the District and County Parks. The City will be solely responsible for the construction and maintenance for future trail development on the property.

## BUDGET CONSIDERATIONS

### 2011–2012 Budget for New Land Purchases:

New Land	\$13,495,000
Land purchased this year	(\$ 4,104,000.00)
County Roads Partnership Purchase Contribution	(\$ 250,000.00)
New Land Purchase Budget Remaining	\$ 9,141,000.00

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.

## PUBLIC NOTICE

Property owners of land located adjacent to or surrounding the subject property have been mailed a copy of the agenda for the public meeting at which the Board of Directors will consider this purchase.

## NEXT STEPS

Upon approval by the Board of Directors, the Board President will execute the Funding and Acquisition Agreement with the City and County Parks. After the close of escrow, District staff will prepare a baseline document of the existing condition of the property for conducting annual easement monitoring of the property.

Attachments:

Resolution  
Location Map

Prepared by:

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Graphics prepared by:

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## RESOLUTION NO. 11-XX

### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING A NEGATIVE DECLARATION, AUTHORIZING APPROVAL OF THE FUNDING AGREEMENT WITH THE CITY OF SARATOGA AND THE COUNTY OF SANTA CLARA AND ACCEPTANCE OF THE CONSERVATION EASEMENT, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO THE CLOSING OF THE TRANSACTION (LANDS OF COUNTY OF SANTA CLARA ROADS AND AIRPORTS)**

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

#### **Section One.**

- A. A Negative Declaration (ND) was prepared for the Project by the City of Saratoga, pursuant to the requirements of the California Environmental Quality Act (CEQA).
- B. The ND was duly noticed and circulated for a 30-day public review period from June 27, 2011 to July 27, 2011. All Interested Parties desiring to comment on the ND were given the opportunity to submit written and oral comments on the adequacy of the ND up to and including the close of the City Council's consideration of the project on August 17, 2011. On August 17, 2011 the City Council conducted a public meeting on the Project during which opportunity was given to address the adequacy of the ND.
- C. After the conclusion of public testimony, the City Council considered all the material in the record and determined pursuant to CEQA and the whole record before it that there was no evidence that the Project may have a significant effect on the environment and approved the ND.
- D. The District Board of Directors has considered the ND and concurs with the determination of the City Council of Saratoga that there will be no significant effects on the environment as a result of the Project and approves the ND.

**Section Two.** The Board of Directors of the Midpeninsula Regional Open Space District does hereby accept the offer contained in that certain Funding and Acquisition Agreement with the City of Saratoga and the County of Santa Clara and the Midpeninsula Regional Open Space District ("Agreement") to purchase the County of Santa Clara's Roads and Airports Property ("County"), a copy of which is attached hereto and by reference made a part hereof, and authorizes the President of the Board of Directors or other appropriate officer to execute the Agreement on behalf of the District.

**Section Three.** 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 Easement on behalf of the District.

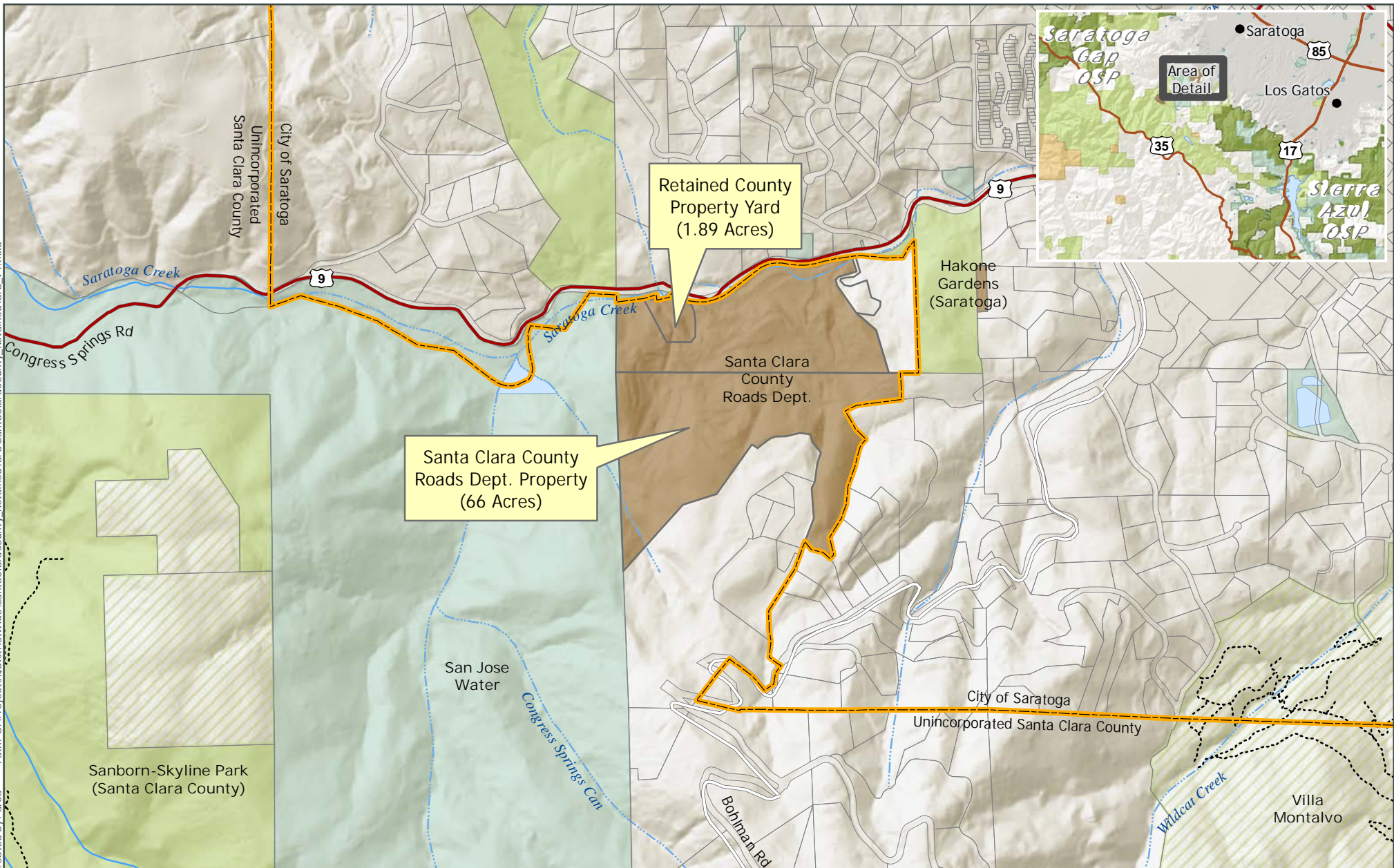
**Section Four.** The General Manager or the General Manager's designee shall cause to be given appropriate notice of acceptance to the County. The General Manager is further authorized to execute any and all other documents in escrow necessary or appropriate to the closing of the transaction.

**Section Five.** The General Manager and General Counsel are further authorized to approve any technical revisions to the attached Agreement, Conservation Easement, and other documents in escrow which do not involve any material change to any term of the Agreement or Conservation Easement, which are necessary or appropriate to the closing or implementation of this transaction.

\* \* \* \* \*



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### Santa Clara County Roads Department Parcel

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

Midpeninsula Regional  
Open Space District  
*(MROSD)*



September, 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.