



Midpeninsula Regional
Open Space District

R-15-19
Meeting 15-03
February 11, 2015

AGENDA ITEM 6

AGENDA ITEM

Proposed Purchase of the Riggs Property as an addition to Purisima Creek Redwoods Open Space Preserve located at the end of Lucy Lane in unincorporated San Mateo County (Assessor's Parcel Number 066-320-120).

GENERAL MANAGER'S RECOMMENDATIONS

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 Riggs' property.
3. Adopt a Preliminary Use and Management Plan for the property as contained in the staff report.
4. Indicate the intention to withhold the Riggs property as public open space.

SUMMARY

The Midpeninsula Regional Open Space District (District) is proposing to purchase the 40.2-acre Riggs property at a 50% bargain sale purchase price of \$362,500 as an addition to the Purisima Creek Redwoods Open Space Preserve (Preserve). The following report presents a description of the Riggs 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 # 3.1. The Fiscal Year 2014-15 Budget contains sufficient funds to cover the cost of this purchase.

MEASURE AA

The purchase of the Riggs property would further the District's Vision Plan Priority Action Items and Measure AA Projects. A 5-year Measure AA Project List was approved by the Board at the October 29, 2014 meeting, which includes Project #3.1 (Complete the Purisima-to-the-Sea Trail to connect the Bay Area Ridge Trail to the California Coastal Trail. Protect and Restore Lobitos Creek). This project meets the criteria to further the goals of Project #3.1 as it conserves open space, protects beautiful scenery and panoramic views, protects the Lobitos Creek watershed resources and its wildlife habitats, and a desirable addition to the Preserve.

DISCUSSION

The Riggs property is adjacent to the 4,712-acre Purisima Creek Redwoods Open Space Preserve and drains into the Lobitos Creek watershed. The property is highly visible from Bald Knob and Lobitos Ridge within Purisima Creek Redwoods Open Space Preserve. Rising approximately 707 feet in elevation, the unimproved property has panoramic views of the Pacific Ocean, Lobitos Creek watershed, Lobitos Ridge, Bald Knob, and the western Santa Cruz Mountains.

Property Description and Regional Context (see attached map)

The 40.2-acre Riggs property is located at the eastern terminus of Lucy Lane, a private unimproved road off of Verde Road, in an unincorporated area of San Mateo County. The property is approximately seven miles south of the City of Half Moon Bay. The rectangular shaped parcel is bounded by the October Farm addition to the Preserve to the north (see report 3-12-30), by private parcels to the east and south, and is in proximity to the Purisima to-the-Sea Trail Corridor. California Highway 1 is approximately one half mile to the west.

The property's parcel was created in the 1970s as part of the subdivision of a 184-acre property historically known as the Bell Ranch, which included a small dairy operation near Verde Road. The subdivision created Lucy Lane and a small graded pad area in the northern portion of the property. The property has been held under the current recorded title since the late 1970s. Two parcels with residences set at lower elevations along Lucy Lane adjoin the property to the south, and west. A residential parcel to the east is accessible from Lobitos Cut-Off Road.

The property is characterized by rolling upland grasslands, coastal scrub, and steep brushy canyons within the Lobitos Creek watershed. Twinberry, coyote brush, and other species in the coastal shrubland plant association grow on the property's slopes, with grassy meadows on the flatter plateaus. The property mostly drains to Rogers Gulch to the north east, a seasonal tributary to Lobitos Creek. Lobitos Creek provides spawning and rearing habitat for steelhead trout and resident rainbow trout. The riparian corridor includes dense groves of alders and willows and other riparian plants. The property provides varied habitat, forage, and unimpeded movement for local species. A wide variety of birds frequent the property to hunt, including Black Shouldered Kite, and Cooper's and Sharp-Shinned Hawks.

Improvements and Land Use

The property is vacant, undeveloped, and contains no residential or agricultural structures. There is an unused well near the southerly boundary of the property with a reported flow of less than 2 gallons per minute. A historic spring box is located uphill of the well. The spring provides good flow. The adjacent residential property owner to the southwest uses the spring for irrigating a portion of their property and filling wildlife water troughs. An existing fence line lies along the south and western boundary of the property. There are no municipal utilities and no septic system is present. An active spring is located on the hillside near the southeastern boundary. Access to the property is via a deeded 50-foot-wide dirt and gravel access road easement known as Lucy Lane, off of Verde Road that is in good condition. Electrical service to adjacent parcels is underground and available to the property within the Lucy Lane access easement.

COASTSIDE PROTECTION PROGRAM PROCESS

The Riggs property is within the boundaries of the District's Service Plan for the San Mateo County Coastal Annexation Area (Service Plan), adopted June 2003. The Service Plan and

subsequent conditions approved by San Mateo Local Agency Formation Commission (LAFCo) both established a number of policies and procedures for conducting the Coastside Protection Program (Program). The Program now guides the District's purchase, as well as the use and management of open space land within the Coastside Protection Area.

The Coastside Protection Program requires solicitation of public input into the planning process prior to the Board's consideration of an acquisition. On January 8, 2015, the District notified contiguous property owners and interested parties in writing of the intent to acquire the property and on opportunities to provide comment. On January 13, 2015, the District's Real Property Committee held their publically-noticed meeting on the site (please refer to section on Board Committee Review for more information).

The District's coastside land purchases are subject to a Memorandum of Understanding between the San Mateo County Farm Bureau and the Midpeninsula Regional Open Space District. In accordance with this memorandum, District staff presented information and solicited comments on the proposed purchase of the Riggs property at a Farm Bureau meeting on February 2, 2015. The Farm Bureau was generally supportive of the purchase and provided additional historical information about past agricultural use of the property. There has been no agricultural use on the property over the last 35 years.

USE AND MANAGEMENT

Planning Considerations

The property is comprised of one legal parcel, located in unincorporated San Mateo County, within the sphere of influence of the City of Half Moon Bay. The 40.2-acre parcel has a General Plan designation of Agriculture-Grazing, with a zoning designation of PAD-CD (Planned Agriculture District - Coastal District). Per the zoning designation, only one dwelling unit or non-agricultural use is permitted per parcel. No applications are on file. According to the California Farmland Mapping and Monitoring Program, the property is suitable for grazing. However, no grazing or other agricultural use has occurred on the property in over 35 years and the property is not under voluntary restrictions of the Land Conservation Agreement under the California Land Conservation Act of 1965 (Williamson Act).

Per the San Mateo County General Plan, recreation, open space, and natural preserves are allowable uses in rural land use areas with a PAD-CD designation. Per Zoning Regulations Section 6353, any development related to recreational use in a PAD is subject to the issuance of a Planned Agricultural Permit.

When purchased, the property will be incorporated into Purisima Creek Redwoods Open Space Preserve and the proposed Preliminary Use and Management Plan will be implemented. When undertaken, a subsequent planning process will analyze opportunities for natural resource management and public use compatible with surrounding rural land use. Further environmental review will be prepared as needed. Subsequent planning will also be done in accordance with the District's Coastside Protection Program Service Plan, including consultation with appropriate agencies and organizations.

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 will take effect at the close of escrow and remain effective until the plan is amended or a Comprehensive Use and Management Plan or Preserve Plan is approved for Purisima Creek Redwoods 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 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 through site in a serviceable condition. Implement maintenance and minor erosion and sediment control measures for access roads in accordance with District and Service Plan standards.
- Patrol:** Routinely patrol property using existing access.
- Structures and Improvements:** Monitor the spring located on the property. Consider issuing a revocable license under the General Manager's authority with the adjacent private property owner for continued use and maintenance of the spring water system on the property. Assess whether to secure or decommission the well located on the property.
- 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. Coordinate with adjacent landowner to remove wood debris pile and tractor implement before close of escrow that was stored on property.
- Name:** Name the property as an addition to Purisima Creek Redwoods 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 40.2-acre Riggs property as an addition to the District's open space preserve system, concurrent adoption of a Preliminary Use and

Management Plan, and minor work to establish and maintain District boundary identification. Minor erosion control and sediment control measures in accordance with District and Service Plan standards may be conducted along the existing access route to prevent erosion and water quality degradation. Minor resource management activities may be conducted to control invasive plants. The land would be permanently preserved as open space and maintained in a natural condition.

The 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 Preliminary Use and Management Plan are in compliance with the Service Plan and FEIR. Uses proposed are in compliance with the San Mateo County's General Plan.

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 15316, 15317, 15325 and 15061 of the CEQA Guidelines as follows:

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 in order to maintain the open space character of an area. The District will acquire fee interest in order to maintain the open space character of the property.

Section 15325 exempts transfers of ownership of interests in land in order 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 Purisima Creek Redwoods 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 40.2-acre Riggs property is proposed for purchase on a 50% bargain sale basis at a price of \$362,500 or approximately \$9,017 per acre. The property has fair market value determined to be \$725,000 based upon an independent appraisal commissioned by the District. The property would be purchased on an all cash and "As-Is" basis at the close of escrow.

BUDGET CONSIDERATIONS

FY2014–2015 Budget for New Land Purchases:

New Land Purchases Budget (Mid-Year FY 2014-2015 Adjusted Amount)	\$8,500,000.00
Land approved for purchase this year	(\$3,980,000.00)
Riggs Property	(\$ 362,500.00)
New Land Purchase Budget Remaining	\$4,157,500.00

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.

Current Coastside Protection Area Fiscal Considerations

The property is not located within the service area of San Mateo County Fire or the La Honda-Pescadero Unified School District. Therefore, the District is not required to pay any County Fire or La Honda-Pescadero School fees.

Installation of boundary demarcation and gates/fencing as necessary to prevent unauthorized vehicular entry is estimated at \$10,000 and are included in the Real Property budget for FY2014-15. No other capital costs are required as part of the purchase.

BOARD COMMITTEE REVIEW

The District's Real Property Committee held a meeting on the property January 13, 2015 with neighbors and interested members of the public to familiarize themselves with the property and receive public input on the proposed purchase. Notice of the meeting was distributed on January 8, 2015 to property owners of land located adjacent to or surrounding the property and interested parties. Two of the three members of the Real Property Committee were in attendance. Four members of the public attended the meeting, including three neighbors who reside on Lucy Lane. Staff provided a tour of the property, described how it would be managed as an extension of the adjacent Preserve, and reviewed the proposed preliminary use and management plan and the purchase terms. The neighbors offered their support for the purchase. The Real Property Committee approved recommending this purchase to the full Board of Directors in a vote of 2-0.

PUBLIC NOTICE

Property owners of land located adjacent to or surrounding the subject property, the Coastside Protection Area mailing list, and attendees of the January 8, 2015 Real Property Committee meeting have been mailed a copy of the agenda. Accordingly, all notice required by the Brown Act and the Coastal Protection Program has been provided.

NEXT STEPS

Upon approval by the Board of Directors, staff would proceed with the close of escrow for the purchase of the property and take the next steps identified in the Preliminary Use and Management Plan as contained in this report. The District's Skyline Field Office would manage the property as an addition to Purisima Creek Redwoods Open Space Preserve.

Attachments:

1. Resolution – Authorizing Acceptance of Purchase Agreement, Authorizing 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 (Purisima Creek Redwoods Open Space Preserve - Lands of Riggs)
2. Location Map

Responsible Department Manager:
Michael Williams, Real Property Manager

Prepared by:
Michael Williams, Real Property Manager
Elish Ryan, Real Property Planner III

Graphics prepared by:
Jon Montgomery, GIS Intern

RESOLUTION 15-__**RESOLUTION OF THE BOARD OF DIRECTORS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING ACCEPTANCE OF PURCHASE AGREEMENT, AUTHORIZING 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 (PURISIMA CREEK REDWOODS OPEN SPACE PRESERVE - LANDS OF RIGGS)**

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 does hereby accept the offer contained in that certain Bargain Sale Purchase and Sale Agreement between Henry E. Riggs and Gayle C. Riggs, as Trustees, or their Successor(s) Trustee(s) under the Revocable Trust Agreement dated December 8, 1982 as amended 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 Riggs Property”).

SECTION TWO. The General Manager, President of the Board of Directors, or other appropriate officer is authorized to execute a 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 \$15,000.00 to cover the cost of title insurance, escrow fees, and other miscellaneous costs related to this transaction.

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:

Secretary
Board of Directors

President
Board of Directors

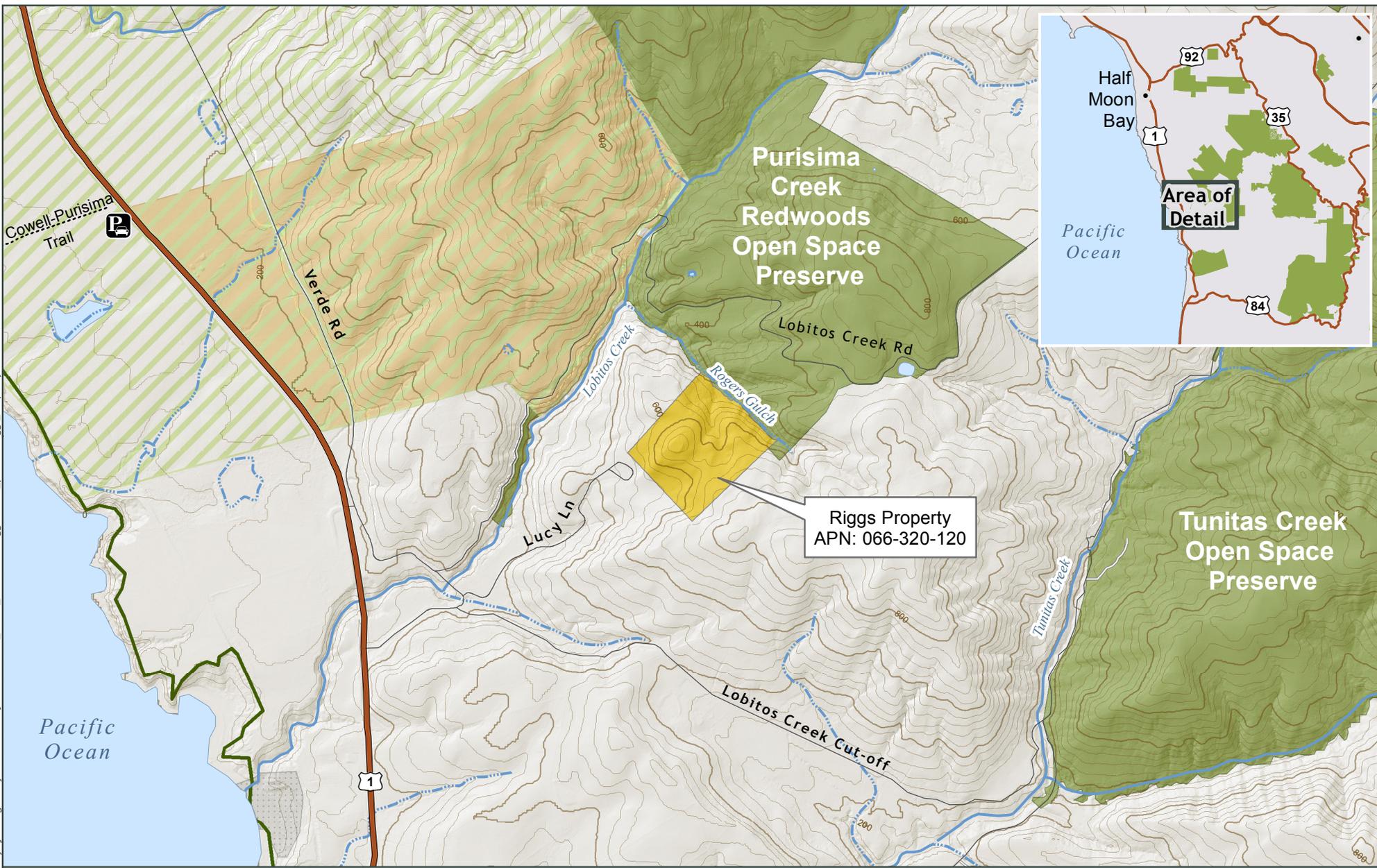
APPROVED AS TO FORM:

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

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Proposed Riggs Property Addition to Purisima Creek Redwoods Open Space Preserve

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

Midpeninsula Regional Open Space District (MROSD)



December, 2014

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.