



Midpeninsula Regional
Open Space District

R-17-136
Meeting 17-31
December 13, 2017

AGENDA ITEM 4

AGENDA ITEM

Proposed Purchase of the Lobitos Creek Conservation and Public Trail Easement from the Chamberlain/Lundell Trust as an addition to the Purisima Creek Redwoods Open Space Preserve, located at the end of Lucy Lane in unincorporated San Mateo County (Portion of Assessor's Parcel Number 066-320-160).

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 Lobitos Creek Conservation and Public Trail Easement at a cost of \$150,000, with a corresponding authorization for a Fiscal Year 2017-2018 budget increase of the same amount.
3. Adopt a Preliminary Use and Management Plan for the property as contained in the staff report.
4. Indicate the intention to withhold dedication of the Lobitos Creek Conservation and Public Trail Easement as public open space at this time.

SUMMARY

The General Manager recommends purchase of the 45-acre Lobitos Creek Conservation and Public Trail Easement (conservation easement) at a purchase price of \$150,000 as an addition to the Purisima Creek Redwoods Open Space Preserve. As part of purchase approval, a line item budget increase of \$150,000 to the Fiscal Year 2017-18 budget is required to proceed with the acquisition. This Report contains a description of the conservation easement property, a Preliminary Use and Management Plan, findings of the environmental review, purchase terms and conditions, and financial considerations.

DISCUSSION

Property Description (see attached Location Map)

The proposed 45-acre conservation easement is adjacent to the 4,752-acre Purisima Creek Redwoods Open Space Preserve (Preserve). The property is highly visible from Bald Knob and Lobitos Ridge within the Preserve. Rising about 600 feet in elevation, the property has panoramic views of the Pacific Ocean, Lobitos Ridge, Bald Knob, and the western Santa Cruz Mountains.

The conservation easement covers 45 acres of the larger 60-acre property located near the eastern terminus of Lucy Lane, a private road, in an unincorporated area of San Mateo County. Preserve lands are adjacent to the northeast and southeast. The South Cowell Conservation Easement (held by Peninsula Open Space Trust) runs along Lobitos Creek and forms the property boundary to the northwest. Access to the property is via a deeded 50-foot-wide road easement over Lucy Lane. Highway 1 is approximately one half mile to the west.

Water Resources and Water Rights

The conservation easement area drains to Lobitos Creek, a perennial creek that forms the main stem of the Lobitos Creek watershed, and contains over 2000 linear feet of creek frontage. The conservation easement also fronts Rogers Gulch, an intermittent stream along the property's eastern boundary. The property contains three springs located outside of the conservation easement, one of which is developed for domestic use. One undeveloped spring occurs within the conservation easement. No water is mechanically drawn from either creek.

Habitat and Natural Resources Value

The conservation easement is mostly vegetated in coastal scrub. The District's Vision Plan Conservation Atlas indicates that locally uncommon fire-dependent Blueblossom-Jimbrush chaparral is found in the upper slopes. Lower slopes are densely vegetated with coastal scrub species, Douglas fir, and eucalyptus. The riparian corridor includes groves of Red Alder, willows, and other riparian plants. The plant communities provide habitat for varied wildlife, including coyotes, bobcats, badgers and dusky-footed woodrats. California red-legged frog inhabit the wetter areas. A wide variety of birds frequent the area, such as Red-shouldered, Cooper's, and Sharp-Shinned Hawks. Lobitos Creek provides potential spawning and rearing habitat for Threatened steelhead trout.

Land Use and Improvements

The underlying parcel was created in the 1970s as part of a subdivision of a 184-acre property known as the Bell Ranch. The parcel contains a single-family residence in good condition, a domestic water system based upon one developed spring located outside the conservation easement, four water storage tanks, and a septic system. The house and improvements are located on the southwestern knoll of the property outside the conservation easement. The conservation easement area of the property is vacant with no improvements with the exception of a bench near the high point of the property.

Conservation Easement

The property possesses significant scenic, open space, riparian habitat, natural, and recreational values, collectively known as the Conservation Values. The purpose of the conservation easement is to protect in perpetuity the property's Conservation Values. In addition to protection of the Conservation Values, the conservation easement allows the District to perform creek restoration and other natural resource management activities and for the owner to continue to use the property for quiet enjoyment and low impact recreation.

The conservation easement includes the typical prohibition of any use or activity that degrades or is likely to degrade the Conservation Values of the conservation easement. These include such activities as residential, commercial, or industrial uses, disturbance of wetlands, stream, ponds, or riparian areas, tree cutting, and dumping. It also prohibits hunting, fishing, grading, sale or

transfer of water rights, well drilling or creation of any other water impoundments. Pasturing of horses or livestock is prohibited except with District approval.

The District has prepared Baseline documentation of the Conservation Values, including an inventory of relevant features, conditions, and natural resources of the conservation easement area. The Baseline includes maps, photographs, and other documentation that collectively provides an accurate representation of the conservation easement as of its effective date. The Baseline serves as a basis for monitoring compliance with the terms of conservation easement. At minimum, monitoring of the conservation easement would occur annually.

Public Trail Easement

The conservation easement contains provisions for a possible future public trail. The trail may be located within the conservation easement for public recreational use, and for District patrol and emergency access. The location and design of the future trail is subject to a separate planning process and environmental review. Construction and maintenance of the trail would be the responsibility of the District.

COASTAL ANNEXATION AREA SERVICE PLAN COMPLIANCE

The conservation easement 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) established policies and procedures for conducting the Coastside Protection Program (Program). The Program guides the District's purchase, as well as the use and management of open space land within the Service Plan Area.

The Service Plan requires solicitation of public input into the planning process prior to the Board's consideration of an acquisition. On November 16, 2017, the District notified contiguous property owners and interested parties in writing of the intent to acquire the conservation easement and on opportunities to provide comment. On November 21, 2017, the District's Real Property Committee held a publically noticed meeting to review the proposed purchase (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 District. In accordance with this memorandum, District staff presented information and solicited comments on the proposed conservation easement purchase at a regularly scheduled Farm Bureau meeting on November 6, 2017. The Farm Bureau was supportive of the purchase.

USE AND MANAGEMENT

Planning Considerations

The property is comprised of one legal 60-acre parcel, located in unincorporated San Mateo County. The parcel has a General Plan designation of Agriculture-Grazing, with a zoning designation of PAD-CD (Planned Agriculture District - Coastal District). Per 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 40 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.

If purchased, the conservation easement would be incorporated into Purisima Creek Redwoods Open Space Preserve and a Preliminary Use and Management Plan 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) establishes a status quo land management approach in the interim between the purchase and the completion of a subsequent long-term plan. The PUMP would take effect at the close of escrow and remains effective until it is amended or a Comprehensive Use and Management Plan or Preserve Plan is approved for the 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 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.
Signs and Site Security:	Install signs in accordance with terms of the conservation easement indicating that the property is protected by the District, if and when necessary.
Patrol:	Conduct visual inspection of the conservation easement from access along Lucy Lane and vantage points within the surrounding Preserve as a part of routine patrol.
Roads and Trails:	Monitor the conservation easement to ensure that the maintenance of existing trails are compatible with the terms of the conservation easement. Construction of new roads or trails is subject to District approval.
Water Rights and Resources	Monitor the conservation easement to ensure protection of water rights and resources.
Resource Management:	Perform creek restoration and other resource management activities in accordance with the terms of the conservation easement. Resource management activities covered by previously approved programmatic CEQA documents and/or are categorically exempt from CEQA may be conducted. Resource management activities not evaluated in a programmatic document or exempt from CEQA require separate project-specific review and permitting. Provide owner reasonable prior notice of such management and restoration activities and do not unreasonably interfere with owner's use and quiet enjoyment of the conservation easement area.
Wildfire Fuel Management:	Monitor conservation easement to ensure adherence to District fuel management and defensible space practices.
Site Safety Inspection:	A preliminary site safety inspection was conducted and no safety hazards were identified within the conservation easement area.

Baseline Conditions	Continue to maintain Baseline Conditions documents prepared for the conservation easement to serve as a basis for monitoring compliance with the terms of conservation easement.
Easement Monitoring	Conduct regular inspections of the conservation easement area to monitor the easement and ensure compliance with the conservation easement terms and conditions. At minimum, easement monitoring shall occur annually. Provide owner reasonable prior notice of such visits and do not unreasonably interfere with the use of the easement area by the owner or its lessees.
Name:	Name the property as an addition to Purisima Creek Redwoods Open Space Preserve.
Dedication:	Indicate the Board's intention to withhold dedication of the conservation easement for public open space and park purposes at this time.
Subsequent Planning:	A subsequent planning process that includes this property may be undertaken and may analyze additional opportunities for natural resource management and implementation of the Public Trail component of the conservation easement. Further environmental review will be prepared as needed. Subsequent planning will be in accordance with the District's Service Plan and Environmental Impact Report, including consultation with appropriate agencies and organizations.

CEQA COMPLIANCE

Project Description

The project consists of the purchase of the 45-acre Lobitos Creek Conservation and Public Trail Easement as an addition to the District's open space preserve system, and concurrent adoption of a Preliminary Use and Management Plan. 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. Resource management activities covered by previous programmatic CEQA documents and/or are categorically exempt from CEQA may be conducted. Resource management activities not evaluated in a programmatic document or exempt from CEQA will require separate project-specific review and permitting. The land would be 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 and 15325 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 15325 exempts transfers of ownership of interests in land in order to preserve open space. The acquisition of the conservation easement will transfer a significant interest in 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 Purisima Creek Redwoods Open Space Preserve.

TERMS AND CONDITIONS

The 45-acre Lobitos Creek Conservation and Public Trail Easement has a proposed purchase price of \$150,000 (approximately \$3,333 per acre), based upon a fair market value appraisal commissioned by the District.

The conservation easement grants the District the right to enhance and restore the riparian habitat of Lobitos Creek, including removal of invasive plants and revegetation, and the monitoring of stream flows. In addition, the conservation easement provides for the development of a future public trail below the improved residence area and at least 100 feet above Lobitos Creek. The public trail uses include hiking, equestrian use, and mountain bicycling.

FISCAL IMPACT

If the purchase of the conservation easement is approved, a budget increase of \$150,000 to the FY2017-18 Land Purchases budget is required.

Lobitos Creek Conservation Easement Property Purchase Amount	\$ 140,000
Lobitos Creek Conservation Easement Option Deposit	\$ 10,000
Total Land purchases approved to date for FY 2017-18	\$ 441,000
Total Land Purchases (if approved)	\$ 591,000

The following table outlines the Measure AA Portfolio 03 budget, costs to date, and the fiscal impact related to the Lobitos Creek Conservation Easement Purchase:

MAA03 Portfolio Allocation:	\$7,608,000
<i>Life-to-Date Spent (as of 11/22/2017, less \$10,000 deposit):</i>	<i>\$614,781</i>
<i>Lobitos Creek Conservation Easement Purchase:</i>	<i>\$150,000</i>
Balance Remaining (Proposed):	\$6,843,219

No other capital costs are required as part of the 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.

BOARD COMMITTEE REVIEW

The District's Real Property Committee held a meeting on November 21, 2017 to review information about the property and receive public input on the proposed purchase. The District distributed a notice of the meeting on November 16, 2017 to property owners located adjacent to or surrounding the subject property, and to interested parties. Staff provided a presentation of the conservation easement, reviewed the purchase terms, and described how the property would be managed as an addition to the adjacent Preserve. No members of the public attended. The Real Property Committee approved a recommendation to the District Board of Directors that this conservation easement be purchased in a vote of 2-0 (one member was absent).

PUBLIC NOTICE

Property owners of land located adjacent to or surrounding the subject property, the Coastside Protection Area mailing list, and recipients of the November 21, 2017 Real Property Committee meeting agenda have been mailed a copy of this 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 conservation easement and take the next steps identified in the Preliminary Use and Management Plan as contained in this report. Staff will conduct annual easement monitoring of the property. The fee owner of the property will be invited to accompany staff on annual easement monitoring inspections. 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 and Sale Agreement, Authorizing General Manager or Other Officer to Execute Certificate of Acceptance of Grant of Conservation and Public Trail Easement 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 – Lobitos Creek Conservation and Public Trail Easement Lands of Chamberlain/Lundell Trust)
2. Location Map

Responsible Department Manager:
Michael Williams, Real Property Manager

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

Graphics prepared by:
Nathan Greig, GIS Data Analyst I

RESOLUTION NO. 17-__

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AUTHORIZING APPROVAL OF THE PURCHASE AND SALE AGREEMENT WITH JO CHAMBERLAIN AND JONATHAN K. LUNDELL, TRUSTEES OF THE CHAMBERLAIN LUNDELL TRUST AGREEMENT DATED SEPTEMBER 26, 2008, AUTHORIZE THE GENERAL MANAGER TO EXECUTE AND ACCEPT THE GRANT OF CONSERVATION AND PUBLIC TRAIL EASEMENT, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE ANY AND ALL OTHER DOCUMENTS NECESSARY OR APPROPRIATE TO THE CLOSING OF THE TRANSACTION (LOBITOS CREEK CONSERVATION EASEMENT LANDS OF CHAMBERLAIN LUNDELL TRUST), AND AMEND THE BUDGET FOR FISCAL YEAR 2017-18.

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

SECTION ONE. The Board of Directors of the Midpeninsula Regional Open Space District does hereby accept the offer contained in that certain Purchase and Sale Agreement with the Jo Chamberlain and Jonathan K. Lundell, Trustees of the Chamberlain Lundell Trust Agreement dated September 26, 2008 (“Seller”) and the Midpeninsula Regional Open Space District (“Agreement”) to purchase a Grant of Conservation and Public Trail Easement (“Conservation Easement”), as 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 to acquire the Conservation Easement covering a portion of the Seller’s Property described therein.

SECTION TWO. The Board of Directors of Midpeninsula Regional Open Space District authorizes the expenditure of \$150,000.00 covering the purchase of the Conservation Easement, including a deposit of \$10,000.00.

SECTION THREE. The Board of Directors of Midpeninsula Regional Open Space District authorizes amending the Budget and Action Plan for the Midpeninsula Regional Open Space District for Fiscal Year 2017-18 by increasing the Measure AA Fund Capital budget in the amount of \$150,000.00. Except as herein modified, the FY 2017-18 Budget and Action Plan, Resolution No. 17-14 as amended, shall remain in full force and effect.

SECTION FOUR. The General Manager, President of the Board of Directors or other appropriate officer is authorized to execute Certificates of Acceptance for the Grant of Conservation Easement on behalf of the District.

SECTION FIVE. The General Manager or the General Manager’s designee is authorized to expend up to \$5,000.00 to cover the cost of title insurance, escrow fees, and other miscellaneous costs related to this transaction.

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

SECTION SEVEN. 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.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2017, at a Regular Meeting thereof, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Secretary
Board of Directors

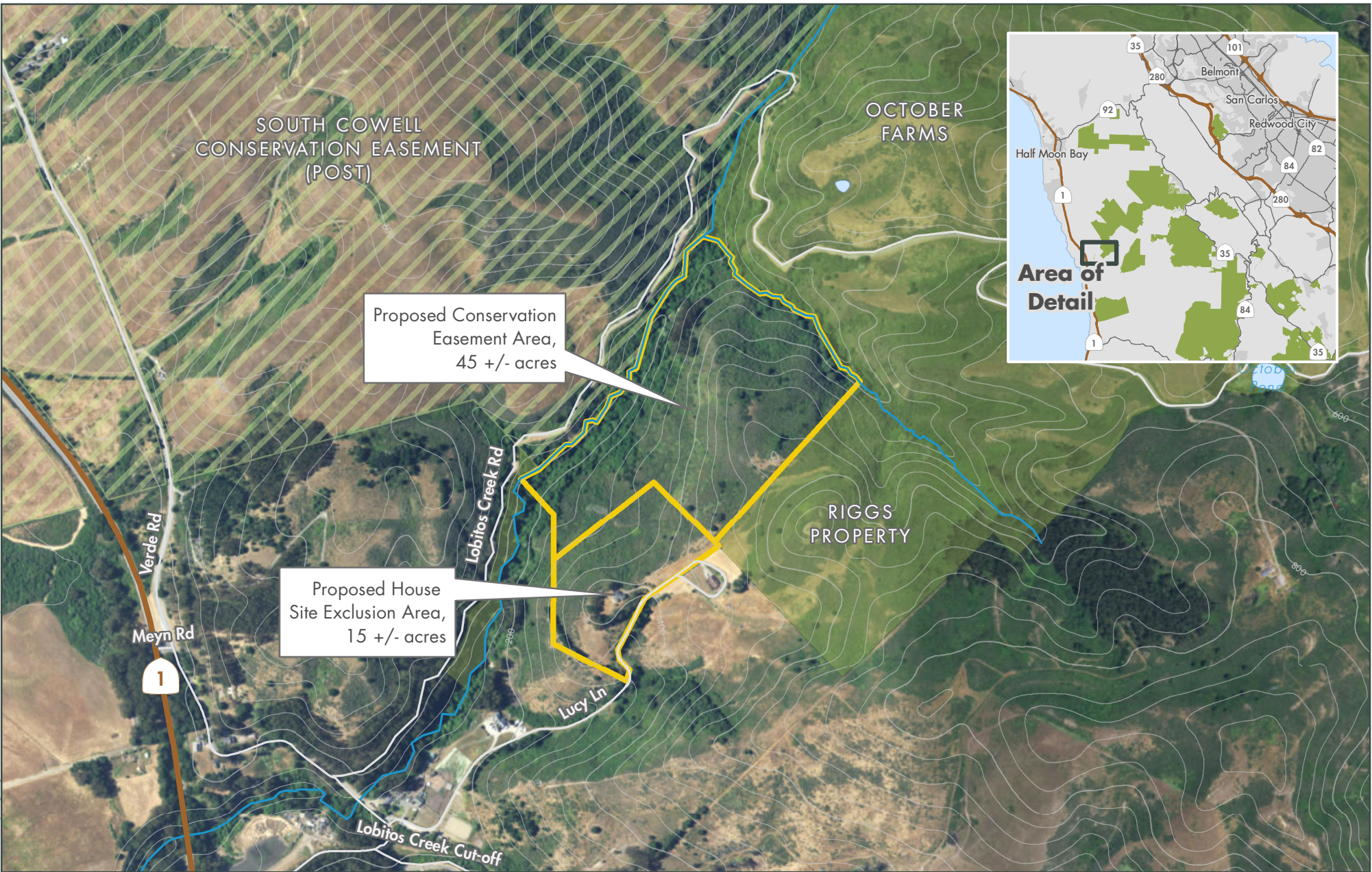
President
Board of Directors

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



Lobitos Creek Conservation Easement Property, Half Moon Bay

-  Purisima Creek Redwoods OSP
-  Non-MROSD Easement over Private Property
-  Private Property
-  Chamberlain/Lundell Property

ATTACHMENT 2

Midpeninsula Regional
Open Space District
(MROSD)
November 2017

