



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: March 22, 2016
Board Meeting Date: April 26, 2016
Special Notice / Hearing: 10 days, within 300 feet
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: Public hearing to consider a request to rescind a Land Conservation Contract (Williamson Act) and replace it with an Open Space Easement, pursuant to Government Code Section 51255, the California Land Conservation Act of 1965, Open Space Easement Act of 1974, and Board of Supervisors Resolution No. 040736, on a 352.96-acre parcel located at 8700 Alpine Road in the unincorporated La Honda area of San Mateo County.

County File Number: PLN 2016-00059

RECOMMENDATION:

Adopt a resolution authorizing the rescission of a California Land Conservation Contract (Williamson Act) and simultaneous execution of a grant of Open Space Easement, consistent with the California Land Conservation Act of 1965, the California Open Space Easement Act of 1974, and Board of Supervisors Resolution No. 040736 (original Williamson Act Contract Resolution; recorded 1980), for the subject property for a self-renewing term of ten years.

BACKGROUND:

Proposal: The applicant has proposed to rescind a previously approved Land Conservation Contract (Williamson Act) (the "Contract") and simultaneously enter into a California Open Space Easement, pursuant to the California Land Conservation Act and the Open Space Easement Act of 1974.

Report Prepared By: Rob Bartoli, Planner II, Telephone 650/363-1857

Applicant/Owner: Peninsula Open Space Trust

Location: 8700 Alpine Road, La Honda

APN: 083-340-140

Size: 352.96 acres

Existing Zoning: Resource Management

General Plan Designation: Open Space Rural

Existing Land Use: The property is developed with an existing house, barn, and cabin. There is no agricultural activities on the property.

Water Supply: Existing well

Sewage Disposal: Existing septic system

Flood Zone: Zone X (areas of minimal flooding). FEMA Community Panel 06081C0415E; effective October 12, 2012.

Environmental Evaluation: Categorically exempt under provisions of Class 17, Section 15317 of the California Environmental Quality Act Guidelines; acceptance of easements in order to maintain the open space character of the area.

Setting: The subject 352.96-acre property is located 160 feet west of Alpine Road, 2 miles southeast of the town of La Honda, and 3 miles east of the town of Loma Mar. The property is developed with one main residence, one cabin, and one barn. The parcel is located adjacent to Sam McDonald County Park and Pescadero Creek County Park. The northeast portion of the subject parcel is located in the Alpine Road County Scenic Corridor. The surrounding parcels have land use designations of Open Space Rural, Public Recreation Rural, and Timber Production Rural.

Chronology:

<u>Date</u>	<u>Action</u>
February 27, 1980	- A Land Conservation Contract (Planning File No. AP 79-01) for the 352.96-acre parcel was approved by the San Mateo County Board of Supervisors.
August 9, 2011	- A County-Initiated Notice of Non-Renewal for the Land Conservation Contract was approved by the San Mateo County Board of Supervisors because the property currently has no active commercial agriculture.
February 16, 2016	- Property owner submitted an application to rescind the Land Conservation Contract and replace the contract with an open space easement.

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DISCUSSION:

A. KEY ISSUES

1. Proposed/Future Development

The parcel is currently developed with one single-family residence, a cabin, and a barn. At a later date, the applicant, Peninsula Open Space Trust (POST), wishes to improve the existing cabin on the property. The cabin would be remodeled and converted to a public, overnight recreational facility. The long-term use of the property proposed by POST would be to manage the site for public recreation and create a contiguous open space connection to Sam McDonald County Park and Pescadero Creek County Park.

Under the current Williamson Act contract, only agricultural activities are allowed to occur on the property. It is the plan to remodel the cabin, given the constraints applicable for the nine-year contract non-renewal period, that has prompted the owner to request the replacement of the Williamson Act contract with the Open Space Easement. Upon recordation of the Open Space Easement, the constraint regarding the restoration of the cabin and the use of the property for recreational purposes will no longer apply.

2. California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act, also known as the Williamson Act, allows the County to enter into agreements with landowners whereby the owners restrict use of their property to agricultural and compatible uses in accordance with the terms of the agreement. In return, the owners pay reduced property taxes for the life of the contract.

The contract is a ten-year, annually self-renewing contract. Unless the owner files for non-renewal of the contract, it automatically renews each year for an additional ten-year period. Upon filing for non-renewal, the contract runs for a final ten-year period.

3. Recordation of Non-Renewal of Williamson Act Contract

On August 9, 2011, the County recorded a Notice of Non-Renewal of the Land Conservation Contract in question, at the request of the property owner, for the purpose of allowing the proposed and future development to occur on a parcel that currently has no agricultural production. If no other action is taken, the contract will expire on December 31, 2020. At that point, only the normal zoning controls would apply.

4. Authority to Replace a Land Conservation Contract with an Open Space Easement

Williamson Act Government Code Section 51255 authorizes the County and the property owner, upon their mutual agreement, to replace a Land Conservation Contract with an Open Space Easement. Upon recordation, rescission of the contract and simultaneously entering into an open space easement will release the property from the contract's constraints and subject the property to the new constraints of the open space easement.

The owner has requested that the County agree to replace the existing Land Conservation Contract with an Open Space Easement. According to Government Code Section 51255, the basic findings, as discussed in Section 7 below, which the Board must make, are that the easement is consistent with the Williamson Act.

5. Provisions of Proposed Open Space Easement

The proposed open space easement designates the entire 352.96-acre parcel, the same area that is currently covered by the Williamson Act contract, to be used and maintained for the land uses currently authorized under applicable County land use ordinances and that are compatible uses as defined in the Open Space Easement Act of 1974.

6. Conformance with General Plan

The proposed California Open Space Easement is consistent with the General Plan designation of "General Open Space" on this parcel.

7. Findings

The Board of Supervisors must find, by resolution, the following:

- a. *That the preservation of the land as open space is consistent with the County General Plan.*

The proposed open space easement is consistent with the designation of General Open Space because open space can be suitably provided on the parcel. The property will be managed as a public recreational area.

- b. *That the preservation of the land as open space is in the best interest of the County.*

The proposed open space easement on this parcel will preserve and contribute to the rural character of the subject parcel and the

surrounding public recreation and open space areas given its proximity to the Sam McDonald County Park and Pescadero Creek County Park.

By restricting development uses, the proposed open space easement will aid in preserving existing conditions of the subject parcel for the foreseeable future.

B. ALTERNATIVES

If the proposal is not adopted, the applicant will be required to wait until the non-renewal process is completed in 2020 before any project that is not allowed under the Williamson Act contract can occur.

C. ENVIRONMENTAL REVIEW

This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15317, Class 17; acceptance of easements in order to maintain the open space character of the area.

County Counsel has reviewed the report, Resolution, the Notices of Rescission of the Land Conservation Contract, and the Open Space Easement Agreement as to form.

Approval of this project contributes to the Shared Vision 2025 of a Livable Community by preserving the open space character of the subject parcel for the foreseeable future.

FISCAL IMPACT:

The property owner, Peninsula Open Space Trust, is exempt from taxes currently, and as such, the tax revenue to the County would not be impacted.

ATTACHMENTS:

- A. Location Map
- B. Vicinity Map
- C. Notice of Rescission of Land Conservation Contract
- D. California Open Space Easement Agreement