



TOWN OF PORTOLA VALLEY

7:30 PM – Regular Town Council Meeting

Wednesday, November 11, 2009

Historic Schoolhouse

765 Portola Road, Portola Valley, CA 94028

REGULAR MEETING AGENDA

7:30 PM – CALL TO ORDER AND ROLL CALL

Councilmember Derwin, Councilmember Driscoll, Councilmember Merk, Vice Mayor Toben, Mayor Wengert

ORAL COMMUNICATIONS

(Time Estimate – 5 Minutes)

Persons wishing to address the Town Council on any subject may do so now. Please note however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda.

- (1) **PROCLAMATION** – Mayoral Proclamation honoring Laurence William “Bill” Lane, Jr. on the Occasion of his 90th Birthday

CONSENT AGENDA

(Time Estimate – 5 Minutes)

The following items listed on the Consent Agenda are considered routine and approved by one roll call motion. The Mayor or any member of the Town Council or of the public may request that any item listed under the Consent Agenda be removed and action taken separately.

- (2) **Approval of Minutes** – Regular Town Council Meeting of October 28, 2009
(3) **Approval of Warrant List** – November 11, 2009

REGULAR AGENDA

(Time Estimate – 45 Minutes)

- (4) **Recommendation by Town Planner – Approval of Proposed Policy on Open Space**
(5) **Discussion and Council Action – Review of Amended Field User Fee Policy**

COUNCIL, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(Time Estimate – 40 Minutes)

- (6) **Appointment by Mayor** – Request for Appointment of Members to the Ad Hoc Springdown Master Plan Committee
(7) **Request for Use of the Schoolhouse** – Local Artist’s “Holiday Arts & Craft Fair” December 5, 2009 (crafts to be sold)
(8) **Reports from Commission and Committee Liaisons**
There are no written materials for this item.

WRITTEN COMMUNICATIONS

(Time Estimate – 10 Minutes)

- (9) **Town Council Weekly Digest** – October 30, 2009
(10) **Town Council Weekly Digest** – November 6, 2009

ADJOURNMENT

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of all agenda reports and supporting data are available for viewing and inspection at Town Hall and at the Portola Valley Library located adjacent to Town Hall. In accordance with SB343, Town Council agenda materials, released less than 72 hours prior to the meeting, are available to the public at Town Hall, 765 Portola Road, Portola Valley, CA 94028.

SUBMITTAL OF AGENDA ITEMS

The deadline for submittal of agenda items is 12:00 Noon WEDNESDAY of the week prior to the meeting. By law no action can be taken on matters not listed on the printed agenda unless the Town Council determines that emergency action is required. Non-emergency matters brought up by the public under Communications may be referred to the administrative staff for appropriate action.

PUBLIC HEARINGS

Public Hearings provide the general public and interested parties an opportunity to provide testimony on these items. If you challenge any proposed action(s) in court, you may be limited to raising only issues you or someone else raised at the Public Hearing(s) described in this agenda, or in written correspondence delivered to the Town Council at, or prior to, the Public Hearing(s).



MEMORANDUM

TOWN OF PORTOLA VALLEY

TO: Mayor and Councilmembers
FROM: George Mader, Town Planner
DATE: November 4, 2009
RE: Open Space Definition

RECOMMENDATION: Adopt a policy further defining “open space preserve” and consider having this policy apply to land acquired with money from the Town’s Open Space Fund.

BACKGROUND:

Assignment

At the town council meeting on October 14, 2009, the council directed “Staff to draft a policy for Council review that takes into account the Conservation Committee and Open Space Committee summary comments on open space and more clearly defines permitted and non-permitted uses within the definition of open space within the General Plan.”

Summary of Recommendation

Because “open space” has multiple uses as specified in state law and the town’s general plan, it is recommended that the term “open space preserve” be used when identifying lands to be kept in an essentially natural condition. This memo provides the bases for the recommendation and suggests a definition.

Background

State planning law at Government Code Section 65560 has defined open space as serving four purposes: preservation of natural resources, managed production of resources, outdoor recreation, and public health and safety. The term “open space” is, therefore, defined by state law. In addition, the town’s general plan identifies the same purposes of open space (Section 2203). It should be recognized that open spaces serve four purposes and not try to assign the term “open space” to any one of the four purposes.

The town’s general plan has a term that appears to adhere to what most residents consider “open space” to be: preserving land in its natural condition. That term is “open space preserve” and it has a special meaning. In Section 2212, 6., of the general plan,

"open space preserves" are described as "Large undeveloped areas where the character and intended use of the land warrant retaining the land in a natural condition." These open space preserves are preceded by descriptors such as "Windy Hill" Open Space Preserve. The same section also states "This plan recognizes that additional open space preserves may be established in order to help achieve the purposes of Section 2203 of this plan as long as they are consistent with the balance of the plan." Smaller preserves help achieve those purposes and are consistent with the plan. Examples of smaller preserves include, for example, "Orchard Preserve," "Meadow Preserve," and "Stables Preserve," each of which is described in the general plan, in Sections 2312 – 2314a.

In addition, smaller preserves (community preserves and neighborhood preserves) are specifically mentioned in Section 2204, 2, of the Open Space Element and further described in the Recreation Element, in Section 2302. These preserves, as well as community parks and neighborhood parks, are distributed throughout the town so as to serve residents generally living within ¼ to ½ mile. Six neighborhood preserves are shown on the general plan diagram, examples include the Frog Pond and the small preserve on Coal Mine Ridge named Ridge Rest.

Discussion

It would be consistent with provision Section 2212, 6. of the general plan to establish additional open space preserves, identify them by name and label them "open space preserve" or "(name) Open Space Preserve."

If this procedure were followed, the definition of "open space preserve" as set forth in Section 2212, 6. would deserve consideration. The definition is "Large undeveloped areas where the character and intended use of the land warrant retaining the land in a natural condition." A policy interpretation of this might read "Undeveloped areas of various sizes where the character and intended use of the land warrant retaining the land in a natural condition," or "Undeveloped areas where the character and intended use of the land warrant retaining the land in a natural condition." These two policy interpretations remove "large" from the definition. The first includes areas of various sizes and the second is silent as to size.

Were one of these policy suggestions followed, then the next question would be: what does "natural condition" mean? A lead can be taken from the definition of "Community preserves" in Section 2302: "Community preserves are areas kept essentially in a natural state for the benefit of the residents of the town. Such preserves provide visual pleasure and accommodate very limited access and use, such as trails and paths."

A definition of "open space preserve" that could be adopted by policy that would include trails and paths might read: "Undeveloped areas where the character and intended use of the land warrant retaining the land in a natural condition. Such preserves provide visual pleasure and accommodate very limited access and use, such as trails and paths."

The foregoing definition is quite limited, but probably is consistent with what most people in the town generally think of as "open space."

Precedents

The terms "preserve" and "open space preserve" are in widespread use across the state with respect to keeping land in a natural condition.

A brief search of the terms "open space" and "open space preserve" on Google revealed many examples of the use of these terms. How the terms are used varies to some extent, but definitions are generally consistent. Following are a few examples.

Midpeninsula Regional Open Space District (MROSD) defines "open space" as "...land or water area that remains in its natural state or is used for agriculture or otherwise essentially undeveloped." MROSD includes agriculture in the definition, but MROSD is not subject to state planning law that assigns agriculture to "managed production of resources" rather than "open space for the preservation of natural resources." MROSD currently identifies 26 named open space preserves on its web site. See enclosure 1. Because MROSD owns a wide variety of lands with different maintenance needs, the inclusion of agriculture as a permitted use serves the MROSD's purposes. Within the context of the small area of Portola Valley, including agriculture in the definition of "open space preserve" does not seem appropriate. Open space used for agriculture is inconsistent with the town's definition of "open space preserve," but is consistent with its definition of "open space for managed production of resources."

Marin County identifies "open space preserves". Enclosure 2, shows the Lucas Valley Open Space Preserve.

The Friends of Hellhole Canyon Open Space Preserve in the County of San Diego has a web site explaining its role in helping preserve this open space. See Enclosure 3.

The Healdsburg Ridge Open Space Preserve in Sonoma County is described in Enclosure 4.

Many more examples could be cited. There are some distinct advantages of using the term "open space preserve" since that term is generally accepted. The major point is that the term "open space preserve" generally means leaving land in its natural condition and perhaps allowing some minor recreational uses such as trails, which is different from "open space" which has the four purposes outlined in state law.

Appropriateness of Uses in Open Space Preserves

There is a question with respect to what uses should be permitted in open space preserves. The definition cited above might be a starting point. That suggested definition reads: "Undeveloped areas where the character and intended use of the land warrant retaining the land in a natural condition. Such preserves provide visual pleasure and accommodate very limited access and use, such as trails and paths."

Here are some questions:

1. If trails and paths are permitted, should the definitions in the Trails and Paths Element be used? The categories are hiking trail, equestrian/hiking trail, pedestrian path, bicycle path and multiuse corridor. These can be unsurfaced or have an all-weather surface. For consistency, it might be best to allow all of these types since they are defined in the general plan and are shown on the trails and paths element diagram. (Note: paths are discussed later in this memo.)
2. What other types of uses should be permitted in an "open space preserve?" In general, it would appear that uses that do not require changes to the site would be

appropriate. Therefore, athletic fields, play equipment, grading and similar developments would not be appropriate. On the other hand, some minor structures that would assist in passive use of the site, such as benches, might be appropriate. Casual activities that do not require structures such as kite flying, tossing a Frisbee, and studying nature might all be acceptable.

3. The general policy for open space preserves might also provide that for each individual preserve, some special uses or activities might be allowed at the time the preserve is established. In this way, the unique characteristics of a site might be taken into account. As an example, the general plan shows the orchard preserve where the intention is to preserve the site as an orchard with necessary accessory buildings and activities. This land, however, is in private ownership and the town does not have the degree of control it would over publicly owned land. Nonetheless, there may be merit to considering each open space preserve individually when it is established and allowing a degree of flexibility in use that appears appropriate. Were this to be done, the public needs to be involved in the process for each preserve so that there is agreement on the uses to be permitted.
4. Special events might also be possible. MROSD, for instance, does allow some more intense recreation pursuant to special permission.

Public Acceptance of the term "Open Space Preserve."

This term has several advantages:

1. "Preserve" is defined in Webster's as "an area restricted for the protection and preservation of natural resources." Most people probably think of the term according to this definition. Using the term "open space preserve" should help bring clarity, as would the proposed procedure of naming as " (name) open space preserve." There should be no doubt in the minds of residents that this means keeping or preserving land in its natural state.
2. Gifts of land for open space preserves might be permitted to be named after the donor.
3. The term "open space preserve" can be given a very specific definition and it will not be confused with other types of "open space" such as parks.
4. When raising funds for protection of "open space preserves" the intended use of the funds will be clear to all.
5. The terminology is consistent with the state planning law and the town's general plan.
6. Introducing this definition to residents will involve them in understanding the unique attributes of "open space preserves."

Recommendations

1. Open space preserves should be allowed to include trails and paths.
2. All open space preserves should be assigned a name when they are established. In this way the specific land area will carry a unique name and help reinforce the concept of the land as an open space preserve.
3. Consideration should be given to allowing some slight flexibility in permitted uses when establishing a specific open space preserve. This would be appropriate only if all parties fully understood the flexibility and the flexibility is included in documentation of the open space preserve.
4. Use of the term "open space preserve" as described in this memo would be consistent with Section 2212, 6. of the general plan and should be established by the town council as a policy. Subsequently, the term and definition should be added as an amendment to the general plan the next time amendments to the general plan are considered and adopted.
5. All open space preserves should in time be identified in the general plan along with the permitted uses on the preserve. Open space preserves are significant land uses and can affect nearby properties. As such, it is appropriate to publicly discuss proposed open space preserves so that nearby residents as well as the entire town can be heard. (Note: The zoning ordinance allows "open space areas" as a conditional use in all residential zoning districts (R-E, R-1 and M-R)).
6. Some existing town owned lands might be reclassified as open space preserves, for instance, the shady lane trail might be renamed the "Shady Lane Open Space Preserve" since it preserves more than just the trail.

Suggested Definition of Open Space Preserve to be Adopted as a Council Policy

1. Open Space Preserves are areas where the character and intended use of the land warrant retaining the land in a natural condition. Such preserves provide visual pleasure and accommodate very limited access and use, such as trails and paths.
2. Limited outdoor uses that do not require structures or modification of the site are permitted. Typical uses include activities such as nature study, congregation of residents in time of emergencies, and unorganized activities such as tossing Frisbees and kite flying.
3. Structures permitted include benches, and trail and path signs.
4. Open Space Preserves are to be named, located and described in the general plan. The descriptions may include minor variations to the definitions cited above provided such minor variations are included in the addition to the general plan describing the open space preserve.

Uses Not Permitted in an Open Space Preserve

Generally, it is preferable to list uses permitted and thereby not permit any other uses. If uses not permitted are listed, then it is not uncommon for the reader to assume that all other uses are permitted. If on the other hand permitted uses are listed as well as uses that are not permitted, then the reader has no guidance with respect to uses not included

in either list. It is recommended that only permitted uses be listed in a definition of open space preserve.

Evaluation of Proposed Terminology with Respect to Committee Memoranda

1. Emergency Preparedness Committee. The committee wants to have large open spaces available for people to congregate in case of an emergency. The proposed policy would provide open land with no structures that would inhibit use in time of emergency.
2. Open Space Advisory Committee. The committee emphasized low impact uses. While the committee listed a number of low impact uses, the proposed policy is probably general enough to encompass the uses identified by the committee. While the proposed policy does not include the concept of preserving geologically unstable land in a natural condition, open space preserves could be assigned to such areas with the intention of retaining the areas in a natural condition.
3. Parks and Recreation Committee. Leslie Lambert's memo stated that the committee wanted to include recreation in the definition. The proposed policy provides for limited recreation. It also provides that when establishing open space preserves minor variations in permitted uses could be permitted provided they were established pursuant to a public hearing process.
4. Trails and Paths Committee. The committee recommends: no increase in impervious surface; use of unpaved trails; no motor vehicles; "different categories of use within certain open space areas depending on location and size; and that changes in functions of open space be pursuant to a vote of the council." The proposed terminology basically meets these criteria with one possible exception. The one exception relates to paths. Pedestrian and bicycle paths are defined in the trails and paths element as allowing all-weather surfaces. This would allow rocky surfaces as well as paved surfaces. If the intent is to not allow paved surfaces, then the proposed terminology should limit paths to all-weather surfaces but not the use of paving such as asphalt.
5. Conservation Committee. The committee's conclusion in its 3/24/09 memorandum to the council is: "Our committee's conclusion was that the General Plan defines open space as land left in its natural condition." The proposed policy complies with this conclusion.

Next Steps

The town council should review the recommendations in this memo. We believe the proposed policy meets most of the criteria outlined by the several committees and that the council could adopt as policy the Suggested Definition of Open Space Preserve to be Adopted as a Council Policy. Alternatively, the council could refer the recommended definition to the several committees for review and comment.

Ultimately, the recommended policy should be added to the general plan so that the criteria are available to everyone in the town's plan for the future. Much of the work necessary to make such an addition to the general plan is provided in this memo.

cc. Angela Howard
Sandy Sloan

Leslie Lambert

This memo has benefited from review by the office of the Town Attorney.

Enclosures:

1. MSROD definition of open space.
2. Marin County definition of open space preserve.
3. Friends of Hellhole Canyon Open Space Preserve, County of San Diego.
4. Healdsburg Ridge Open Space Preserve, Sonoma County.



Midpeninsula Regional Open Space District

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Policies

Definition and Philosophy

Open space is defined as land or water area that either remains in its natural state or is used for agriculture or otherwise essentially undeveloped. Open space provides protection for areas of particular scenic beauty and enhances the survival prospects for endangered plant and animal species. It enhances public safety through the minimization of flood erosion, landslide, earthquake, and fire hazards. It provides room for production of food. It can help shape urban growth and thus provide a more liveable and efficient urban environment. In short, open space means "room to breathe."

Governing Policies

In 1999, the Board of Directors developed a **Basic Policy** to guide the agency and provide information to the public about the mission, purpose, strategic direction, and major elements of District's operations.

Good Neighbor Policy

The District's Board of Directors and staff are strongly committed to establishing and maintaining good relationships with all of our residents and neighbors. The Board adopted the District's revised **Good Neighbor Policy** on September 26, 2007. On June 10, 2009, the Board approved the **Good Neighbor Brochure** , "A Guide for Our Open Space Neighbors." For further information, please call 650-691-1200.

ADDITIONAL INFORMATION

[Basic Policy](#)

[Good Neighbor Brochure](#) (approved 6/10/2009)

[Good Neighbor Policy](#) (adopted 9/26/07)

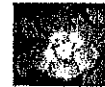
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NEWSLETTER
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- click to launch the -
PRESERVE FINDER

Of the District's 26 preserves, ranging from 55 to nearly 17,000 acres, 24 are open to the public free of charge, 365 days a year from dawn until one-half hour after sunset. Use the **Preserve Finder** to find which is closest to you.

GPS Data: District preserve data, including preserve boundaries, trail data, and ward boundaries, are now also **available for download**.

Alternatively, view multiple preserves on the **regional maps** at the bottom of this page.

For ward maps and information, please see the **Board of Directors** page.

KEY TO SYMBOLS

- Hiking
- Equestrian
- Bicyclists
- Dogs on a leash
- Wheelchair Access
- Restrooms
- Parking

ADDITIONAL INFORMATION

- [Trail Conditions](#)
- [Trail Regulations](#)
- [Permit Information](#)
- [Open Space Views Newsletter](#)
- [Become a Volunteer](#)

Preserve Page	Map	Drive							
Bear Creek Redwoods	*	*	●	●					
Coal Creek	PDF		●	●	●	●			●
El Corte de Madera Creek	PDF		●	●	●				●
El Sereno	PDF	**	●	●	●	●			●
Foothills	PDF	**	●	●	●				
Fremont Older	PDF		●	●	●	●			●
La Honda Creek	*	*	●	●					
Long Ridge	PDF		●	●	●	●			●
Los Trancos	PDF		●	●					●
Mills Creek	*	*	●						
Monte Bello	PDF		●	●	●				●

OPEN SPACE NEWSLETTER
SIGN-UP NOW

Picchetti Ranch								
Pulgas Ridge								
Purisima Creek Redwoods		**						
Rancho San Antonio								
Ravenswood								
Russian Ridge								
St. Joseph's Hill		**						
Saratoga Gap								
Sierra Azul								
Skyline Ridge								
Stevens Creek Shoreline Nature		**						
Teague Hill		**						
Thornewood								
Tunitas Creek	***	***						
Windy Hill		**						

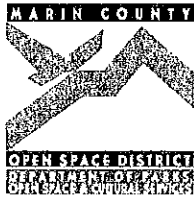


* Limited public access. Please refer to the Preserve page for more information.
 ** Please refer to the Preserve page for directions.
 *** No public access at this time. Please call for more information.

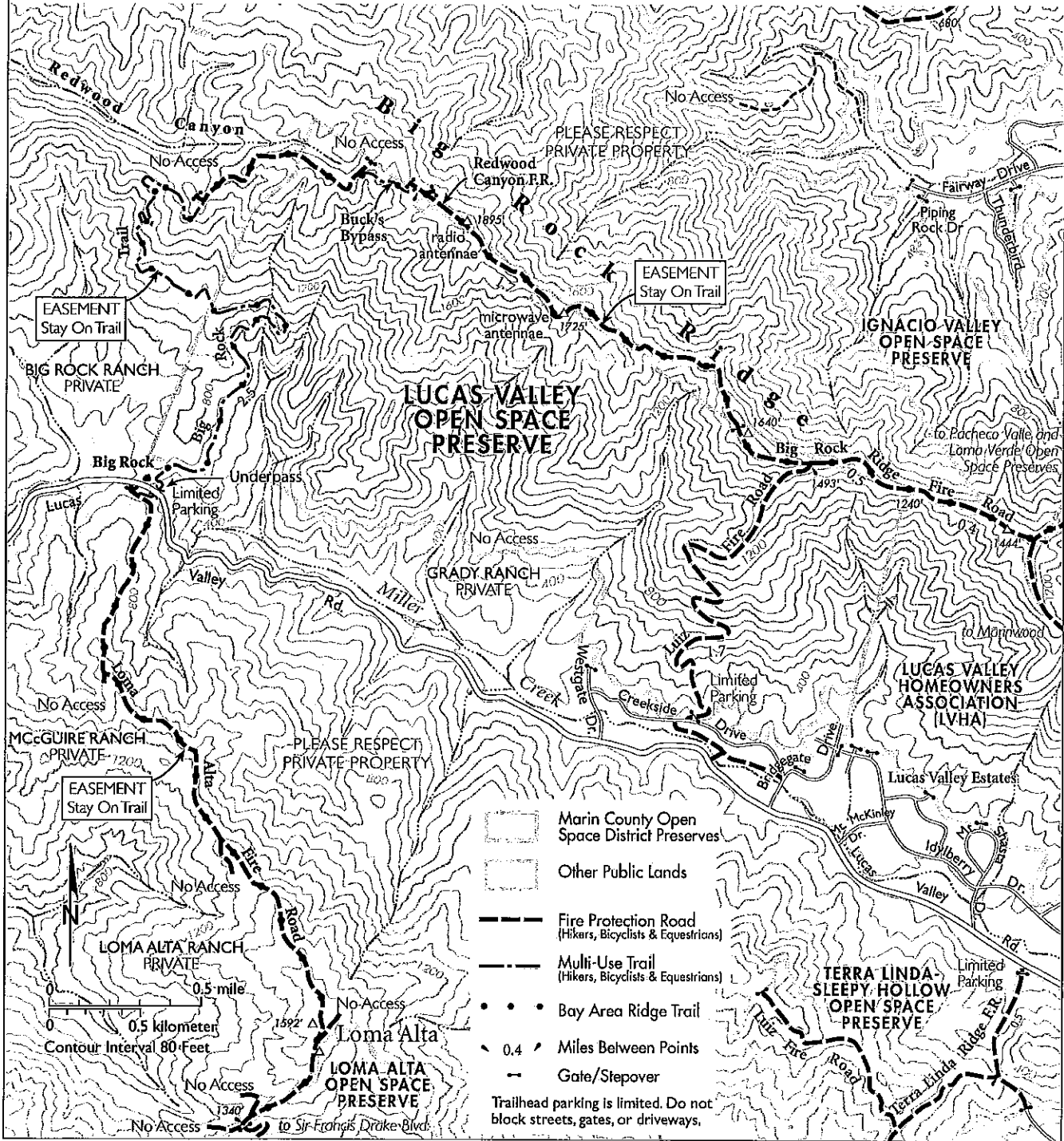
Region	Map
District (All preserves)	
South Skyline Region	

Please consult **Trail Safety and Etiquette** for additional information, or for details about a specific preserve, feel free to contact the District at (650) 691-1200.

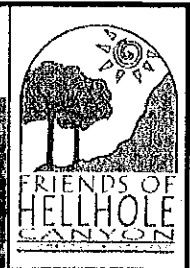
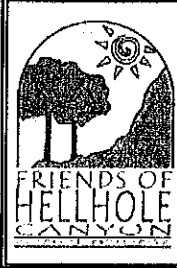
Open space preserves are generally kept in a natural condition in order to best protect the environment and wildlife habitat, and are developed with only the amenities needed to provide low-intensity recreation. The diverse ecosystems at the preserves include redwood, oak and fir forests, chaparral-covered hillsides, riparian corridors, grasslands, and the shore frontage along San Francisco Bay. Improvements may include gravel parking areas, restrooms, signed trails for hiking, bicycling, and equestrian and dog use, and an occasional picnic table.



LUCAS VALLEY OPEN SPACE PRESERVE



- Marin County Open Space District Preserves
 - Other Public Lands
 - Fire Protection Road (Hikers, Bicyclists & Equestrians)
 - Multi-Use Trail (Hikers, Bicyclists & Equestrians)
 - Bay Area Ridge Trail
 - 0.4 Miles Between Points
 - Gate/Stepover
- Trailhead parking is limited. Do not block streets, gates, or driveways.



Friends of Hellhole Canyon Open Space Preserve

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Halloween Event coming up on Saturday October 24th at 5:00 at the Hellhole Canyon Staging Area. [Click for details!](#)

We have a group on [Facebook](#) now.

The Friends

The Friends of Hellhole Canyon Open Space Preserve is an all-volunteer, not-for-profit land trust and educational organization located in Valley Center, California. As an environmental education organization, The Friends works to raise awareness of the Preserve's important natural resources and to support recreation and enjoyment of the Preserve by the public. We also work to acquire and conserve ecologically important natural open space, enhancing and expanding the Preserve's conservation footprint.

Collaborating with state and county government, local foundations, and private donors the Friends has successfully added 190 acres of critically important open space to the Preserve's 1900-acre preserve. There is more to be done to protect the sensitive ecological resources of the Preserve and its wildlife connectivity nearby open space lands.

The Preserve

Hellhole Canyon Open Space Preserve is owned and operated by the County of San Diego Department of Parks & Recreation ([Local Map](#)). Over 11 miles of trails traverse the diverse habitats of the Preserve. These habitats are key to the survival of sensitive and threatened plant and wildlife species such as coast live oak woodland, southern live oak riparian forest, Diegan coastal sage scrub, native grassland, southern mixed chaparral, and

Protect Open Space

Donate Now



County-wide our open space is disappearing. Plants, animals and humans need space to roam and recreate. Will you donate to our [Open Space Campaign](#) which is used to purchase land to expand the preserve? Every little bit helps. Thank you!

[Donate your car, truck or motorhome!](#)



Become a Member

Mailing Address: Chamise chaparral habitats. The Preserve is adjacent to undeveloped federal lands, Rancho Guejito, and undeveloped lands of the Rincon Indian Reservation; Its creeks are tributaries of the San Luis Rey River. Hellhole Canyon is home to over 24 wildlife species considered sensitive by County, State or Federal Governments. The canyon has over three miles of creek bed and provides a critical, but threatened habitat and wildlife corridor connecting the Rancho Guejito, Cleveland National Forest, Bureau of Land Management and southern inland areas of the County with the Preserve and areas to the north via the San Luis River watershed and areas north and east of Pauma Valley and further on to the Santa Margarita Plateau ([Corridor Map](#)). The area represents the last inland connection between the north and south parts of the County west of the inland mountains of the county.

We have a new [Blog](#). Sign up to receive postings in your e-mail.

Now when you renew or join Friends of Hellhole Canyon, you can join [Valley Center Trails Association](#) for just \$15 more.

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us.groups.yahoo.com

Thank you for visiting our web site. Send email to debimcswain@mac.com with questions or comments about the site. Contact the Friends President, Rick Landavazo by e-mail: landavaz@owl.csusm.edu, or cell phone 760 828-0726, for questions, concerns, support! Thank you.

Last Modified: 8/21/2008

Causes





HEALDSBURG RIDGE OPEN SPACE PRESERVE



LandPaths, the Sonoma County Agricultural Preservation & Open Space District and the City of Healdsburg celebrated the Grand Opening of the Healdsburg Ridge Open Space Preserve in November 2008. The Preserve consists of a wide variety of natural communities including wetlands and oak woodlands, rocky serpentine chaparral and open grasslands. These communities support animals such as deer, jackrabbit, bobcat, and mountain lion and more than 40 species of birds.

Visitors are invited to explore the current trail network at the 155-acre Preserve and check out the spectacular vistas throughout the property. It is mostly easy to moderate hiking (2-3 miles, about 150 ft. elevation gain) taking in views of Fitch

Mountain, the Russian River, and the Mayacama Mountains.

Where: Fox Pond Trailhead, east end of Arabian Way, Healdsburg.

LandPaths is currently partnering with the City of Healdsburg and the District to manage the Healdsburg Ridge Volunteer Patrol, to oversee volunteer stewardship, and to lead educational outings on this beautiful property.

If you have any questions or to find out about opportunities to get involved, please contact Rebecca Thomsen, LandPaths Volunteer Coordinator at 524-9318 or volunteer@LandPaths.org.

[Permalink](#) | [Send This Property To A Friend](#)

P 707.544.7284 | F 707.544.7242 | 618 4th Street #217, Santa Rosa, CA 95404 | info@landpaths.org
 Outings Signups: outings@landpaths.org | Event Line: 707.524.9318

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