



## Funding for County Parks gathers steam

BY LENNIE ROBERTS

After more than a decade of hard work by citizens working to find a permanent funding source for San Mateo County Parks, new leadership is emerging to steer the effort — and save the parks from cuts in maintenance, ranger staffing and park hours. Supervisors Jerry Hill and Mike Nevin are spearheading the effort to place a measure on the ballot that will provide a dedicated source of funds for our parks.

### New cuts averted

When the County adopted their FY 03-04 budget last June, they deferred several items until September. One of these items was the UC Extension program, which includes such programs as 4H, Nutrition Education, Marine Science and Landscape Horticulture/Urban Forestry. So that they could reconsider the County's ancient funding agreement with the UC Extension Service (which was written in the 1950's), the Supervisors chose to fund this budget item for just the first three months, until it was expected that negotiations on a new agreement would be completed.

But on the eve of the September Budget Revision hearings, Parks supporters were astonished to discover that more than \$90,000 that was recommended as the new allocation for the UC Extension portion of the budget was slated to be taken from the already decimated County Parks budget!

Fortunately, Supervisor Rich Gordon averted a new crisis by proposing that the "add back" for the UC Extension be taken from the County's reserve funds. The rest of the Board concurred with this proposal, so Parks and Recreation has taken a cut of "only" 32% over the last two years.

### Funding cuts forcing difficult decisions

With the State budget crisis threatening to fall heavily on local governments again next year, the same Hobson's choices will be facing the County next June. The Board has found it difficult to choose parks over other essential human services, so the need for finding additional funding is becoming more urgent. And the parks cannot sustain the current level of funding without serious consequences for visitors and park resources.

### Promising developments for future funding

The challenge is for San Mateo County to find a source of funding that can meet the needs for County Parks without competing with the reauthorization of Measure A, the half-cent sales tax measure that funds regional transportation improvement projects.

A promising model is under way in Contra Costa County, where a



**Many of the visitor amenities** at Memorial County Park (above) date back to the park's dedication in 1924. A new ballot measure could provide a dedicated source of funds for much-needed park maintenance and improvements.

broad-based group of citizens has crafted a funding proposal for voters to consider. Contra Costa's Advisory Committee on Open Space Funding, composed of a broad based group representing the County Board of Supervisors, cities within the county, East Bay Regional Parks, Land Trusts, business, labor, ranching and agriculture, is recommending a Benefit Assessment District, which would levy an assessment on each property throughout the County in proportion to



## COMMITTEE FOR GREEN FOOTHILLS

Committee for Green Foothills is a regional grassroots organization working to establish and maintain land-use policies that protect the environment throughout San Mateo and Santa Clara Counties.

**The mission** of the Committee for Green Foothills is to protect and preserve the hills, forests, creeks, wetlands and coastal lands of the San Francisco Peninsula through grassroots education, planning and legislative advocacy. Founded in 1962, the Committee is a Bay Area leader in the continuing effort to protect open space and the natural environment of the Peninsula.

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# From the President...

Wonderful Committee for Green Foothills members!

Today CGF includes more than 1300 families living throughout the greater Bay Area, and even a few as far away as Washington, Connecticut and Hawaii. Regardless of where you live, each and every one of you has a connection to the beauty and irreplaceable resources of open space in Santa Clara and San Mateo Counties, plus a commitment to maintaining high environmental standards in our communities.

Our members' shared dedication to our work has been a mainstay for the Committee during this year of accomplishment, growth and — inevitably — change. In 2003, your support allowed us to bring on additional staff in order to grow our core programs. Now, in both Santa Clara and San Mateo Counties our Legislative Advocates are working hard to defend local lands from poorly planned (and, in some cases, illegal) development, from Morgan Hill to Half Moon Bay.

We are also pressing forward with visionary work to protect open space over the long haul: supporting the expansion of the Midpeninsula Regional Open Space District, working on a proposed ordinance to protect streams in Santa Clara County, and several other projects that take a proactive approach to land use.

The growth in the Committee's programs has brought with it other changes. This summer, Zoe Kersteen-Tucker made the difficult decision to step down from her position as our Executive Director so that she could spend more time with her family. Zoe's service, first as CGF's President and later as our Executive Director, has been a high point in the Committee's growth and effectiveness. It is a tribute to Zoe's exceptional leadership that this position has become far more than the part-time job it was when she started. We thank Zoe for her remarkable vision, professionalism and leadership, and wel-

come her back to our volunteer ranks.

The Committee's Board of Directors has formed an active Search Committee to find a new, full-time Executive Director to lead the Committee — and the Green Foothills Foundation — into the future. We are extremely fortunate to be working closely with the INNW Fund, which over the last several years has contributed invaluable professional guidance, wisdom, imagination and financial support to both our organizations. We are also fortunate to have Board member Peter LaTourrette working closely with our dedicated professional staff to ensure that our programs continue uninterrupted.

The Board is also examining how the Committee can become even more effective. We are researching ways to strengthen our programs, involve our membership even more in our work and become more streamlined. I know that the strong leadership of our entire Board of Directors, together with the enthusiastic and loyal support of our members, will bring us through this change and help the Committee to become even stronger.

Technological change has already dramatically improved our ability to protect open space. Less than a decade ago, all of the Committee's communications with our members were via mail — expensive, resource-intensive and sometimes woefully slow. Today, we are able to send up-to-the-minute email action alerts to nearly 1,000 people each week. We also regularly update our website with news items, action alerts and a number of valuable resources for activists.

These cost-effective electronic tools let us get the word out almost immediately when we need your help on an open space issue — and more and more of you are speaking up. Best of all, we hear from County Supervisors, Planning Commissioners, City Councils and other decisionmakers that your voices are being heard, and they are making a difference.



# The Williamson Act:

## *Closing loopholes in technical language turns tricky*

BY BRIAN SCHMIDT

Nearly 40 years ago, the California Legislature passed the California Land Conservation Act of 1965. Commonly referred to as the Williamson Act, this was designed to preserve agricultural lands and open space — and it has proven to be remarkably effective at doing so.

The Act enables local governments to enter into contracts with private landowners who agree to protect their lands' open space or agricultural values in exchange for reduced property taxes; the tax revenue lost by the counties is made up for by State subsidies.

Having used the Williamson Act since its inception, Santa Clara County now has more than 362,000 acres of land under Williamson Act contracts — a whopping 43% of the County's land area.

### County seeks to stop landowners from skirting requirements

Unfortunately, a recent state audit found that some Santa Clara County landowners who had entered into these agreements have been ignoring Williamson Act requirements and developing their properties. In response, the County is now adjusting how the program operates, and Committee for Green Foothills is jumping in to help ensure that the fix does not cause its own problems.

With these proposed reforms, the County is upsetting some of the same developers that have traditionally used the loophole in the lot line adjustment process — a loophole the Committee helped close last summer. Again, developers are pushing for as weak and loophole-ridden a fix as possible. Committee for Green Foothills needs to be a counterweight to that pressure on the County, fighting the efforts to destroy agricultural and open space uses.

### Closing loophole not straightforward

The Williamson Act is filled with technical language and complexities that make fixing the system's problems rather tricky. While the Committee supports the idea of giving financial incentives to landowners that preserve their property, we don't want that system abused. Reacting to the current abuse problem, the County is proposing to exclude from the Williamson Act's reduced tax rates those "problem" properties that are not being used for agriculture.

But closing this loophole involves a couple of catches. First, we don't want any properties wrongfully excluded from eligibility for



Courtesy of Bob Holden

**Santa Clara County's** many properties under Williamson Act contracts are supposed to stay in agricultural production, but some landowners have not followed the rules, and are developing these properties.

Williamson Act tax reductions because then those owners will have no incentive to hold back from developing their properties.

Second, we may want to distinguish between land that just happens not to have been farmed and land that is inherently unsuitable for agriculture. If current owners are not farming, they should not get Williamson Act benefits — but permanently excluding their lands from future inclusion under the Williamson Act may be throwing the baby out with the bathwater.

Finally, the Committee is working to understand better how changes in this language might affect Coyote Valley and Almaden Valley, two areas that are threatened by sprawl spilling out from San Jose. We don't want to lose any opportunities to protect these important regions.

Both statewide and locally, the Williamson Act has proven to be an effective measure for controlling urbanization and helping to preserve our remaining farmlands and ranchlands. While Santa Clara County ponders the best way to close this loophole, the Committee will continue our research and our work with the County to find the best solution to saving this important legislation. **CGF**

We all know that the most constant force in life is change. The environment teaches us this lesson daily. Fortunately, the constant is the Committee's great strength: its membership and our grassroots commitment to the local environment.

From our beginnings in 1962,

Committee for Green Foothills has depended upon our members to be our community advocates, advisors and support system. You have always risen to the occasion with spirit, enthusiasm and effectiveness.

Thank you for being part of our passion for open space, our citizen activism

and our legacy of environmental protection throughout the Peninsula, Coast and South Bay.

*Mary Daney*

# Grassroots effort key to removal of transmission towers

BY LENNIE ROBERTS AND KATHY SWITKY

For years now, nearly 100 huge electrical transmission towers that bring power to San Francisco and cities on the Peninsula have marred the beautiful views and sensitive habitats of Edgewood Park and Preserve and the Peninsula Watershed, the lands surrounding Crystal Springs Reservoir.

PG&E now proposes to make its eyesore even worse and place additional stress on the environment by building a new 230 kV transmission line with much taller towers that would entail pouring new concrete foundations and clearing a much wider right of way for access and maintenance.

To support a more elegant solution to the problem, Committee for Green Foothills is organizing a grassroots movement of a number of environmental organizations, neighborhood associations, park docents and health advocates. We are asking the California Public Utilities Commission (PUC) to consider an alternative proposal that would take these lines, as well as some existing lines, underground, where they would run along existing roads.

This is a wonderful opportunity to not only prevent environmental damage from new towers, but also to restore the watershed vistas to their pre-tower glory.

## PG&E proposal includes new above-ground lines

PG&E's project, dubbed the Jefferson-Martin 230 kV Transmission Line Project,

would install a 27-mile long 230 kV single-circuit transmission line from the Jefferson Substation (at the southern edge of Edgewood County Park and Natural Preserve) to the Martin Substation, near the Cow Palace in Brisbane.

The northern portion, running 12.4 miles from San Bruno Avenue near Skyline to the Martin Substation, is proposed to be built underground. But the proposal places the 14.7 mile southern portion of the route (from San Bruno Avenue south to the Jefferson Substation) above ground, where it would follow the existing 60 kV transmission line that crosses Edgewood Park and traverses the watershed lands.

## Taller towers for new lines unsightly, impact threatened species

The new above-ground lines would require significantly taller towers with wider foundations. The replacement of the 100 existing towers (which are 80 to 100 feet high) with towers that are 95 to 100 feet high will require access for construction equipment, staging areas and space for excavated materials.

Some of the most important habitat for



Kathy Switky

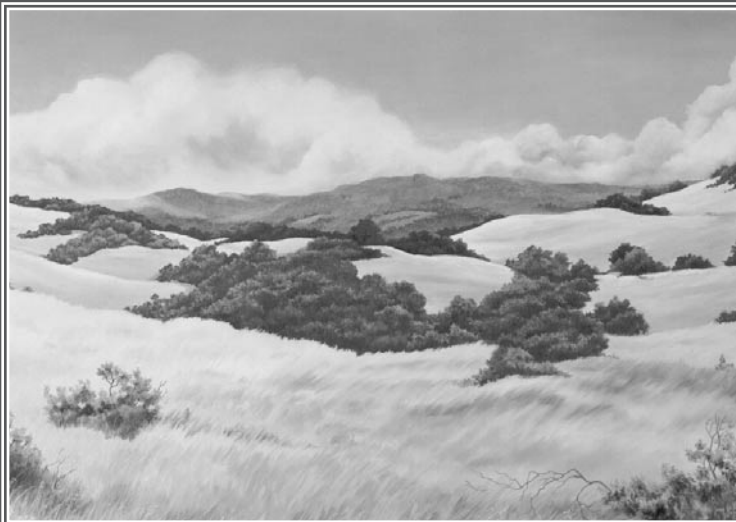
serpentine species — including the threatened Bay checkerspot butterfly — is below the existing towers. PG&E has even proposed new towers for “The Triangle” area bordered by 280, Cañada Road and Edgewood Road, home to several sensitive species. This proposal would impact all of these lands.

## CGF leads grassroots effort

Committee for Green Foothills and a number of other organizations have defended the lands of the watershed and of Edgewood for decades. CGF began watching PG&E's proposal closely when it first submitted its application to the Public Utilities Commission in fall of 2002.

Earlier this year, CGF participated in work to determine the scope of the environmental studies required for the project to ensure that the open space concerns were included. This vigilance resulted in an astounding 1000-page Draft Environmental Impact Report (DEIR). Undaunted, Committee for Green Foothills Legislative Advocate Lennie Roberts spent the next six weeks coordinating comments on that DEIR.

Fortunately, one of the alternatives studied in the DEIR called for undergrounding the new lines beneath Cañada Road and Skyline Boulevard as they go north through Edgewood and the San Francisco Watershed



## JOIN THE 2004 FMF!

This beautiful print, “View from Page Mill Road” by CGF board member and award-winning artist Jane Gallagher, is available to members of the Foothills Millennium Fund (FMF), with our appreciation for gifts of \$1,000 or more. The FMF offers the Committee's most generous supporters a special way to participate in our work to protect open space. FMF members are invited to participate in special gatherings to discuss upcoming projects of the Committee for Green Foothills and receive periodic reports about current issues. For more information, or to view a color version of the print, visit [www.GreenFoothills.org/millennium](http://www.GreenFoothills.org/millennium).



lands. The resulting "Watershed Protection Alternative" would go underground through nearly all of the watershed lands, leaving a short above-ground section between the Carolands Substation and the San Bruno Substation where impacts would be minimized due to terrain and tree cover.

Besides the obvious environmental benefits of this alternative approach — which would avoid impacts to sensitive plant and wildlife habitats — this proposal would increase safety from terrorism and vandalism, reduce impacts to neighboring communities from electromagnetic fields (EMFs) and improve operational reliability.

CGF has been spearheading grassroots support for this approach, and the Loma Prieta Chapter of the Sierra Club, Friends of Edgewood, People for a Golden Gate National Recreation Area and the California Native Plant Society, Santa Clara Valley Chapter have all joined CGF in calling for undergrounding both the new 230 kV lines and the existing 60 kV lines and removing the existing towers.

### Decision lies with Public Utilities Commission

The Public Utilities Commission and PG&E are now reviewing comments on the Draft Environmental Impact Report. Time will tell whether they will listen to reason — and to the community — and make the decision that best balances safety, views, environmental protection, and public benefit with the need for these new transmission lines. We have reason to be hopeful, though. Over the past decade, thanks to public input, the PUC has modified every proposed transmission line route.

### Speak up for habitat and watershed protection

While the comment period on the DEIR has closed, it's not too late to let the PUC Commissioners know that the public supports the alternative proposal that includes the greatest amount of underground transmission line and avoids any disruption or incursion into the watershed. **CGF**

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For more information on this issue, visit  
[www.GreenFoothills.org/PG&E](http://www.GreenFoothills.org/PG&E).

...the progress of federal legislation that would expand the boundary of the Golden Gate National Recreation Area (GGNRA) to allow the eventual acquisition of the 3,000+ acre Rancho Corral de Tierra, which extends from Pacifica to El Granada — including the top of Montara Mountain.

...a proposal to incorporate San Martin as a new city in Santa Clara County, which could limit "dumping" of undesirable land uses in the area but could also promote inappropriate development in order to make the new city financially viable.

...the proposed expansion of the Midpeninsula Regional Open Space District (MROSD), which has been endorsed by the Santa Clara County Board of Supervisors as well as the cities of Half Moon Bay, Pacifica, Palo Alto, Redwood City, East Palo Alto, Portola Valley, Los Altos, Los Altos Hills and many others.

...the continuing use, development and potential expansion of large quarries in the Santa Cruz Mountain Range, which pose a large variety of serious environmental impacts.

...the INNW Fund, which is being honored by the Association of Fundraising Professionals and Northern California Grantmakers as "Outstanding Foundation and Community Grantmaker" at this fall's National Philanthropy Day.

...the San Mateo County Housing Endowment and Trust (HEAT), a new CGF-endorsed joint powers agency that raises funds to ensure permanent affordable housing in San Mateo County; HEAT looks to raise \$100 million over the next ten years.

...a Memorandum of Understanding (MOU) for a San Jose/Santa Clara County Habitat Conservation Plan, which could ultimately provide useful protection for endangered species, or could result in a giveaway that turns Coyote Valley into more sprawl.

...Mirada Surf, a popular 49-acre blufftop parcel in El Granada that was just purchased by San Mateo County and will soon become a public park; this purchase follows decades of CGF's defense of this prime coastal site from various development schemes.

...Skyline historian Ken Fisher and MROSD docent Sam Berry, who shared their insights and knowledge of the Purisima Creek area — past and present — with CGF members at our hike in September.

## The Committee is watching...



Peter LaTourrette

...Half Moon Bay's Measure D, the "Build it Now" Initiative, which would amend the City's Local Coastal Program (LCP) to require the Cabrillo School District to build the new middle school near the downtown and prohibit new classrooms west of Highway One, thus protecting the important wetlands and habitat on the Wavecrest property.

...progress on the Devil's Slide Tunnel,

as various entities review the final portal and bridge design, operations and maintenance center building placement, trailhead parking and mitigation measures; the final step will be

approval of a Coastal Development Permit, which we expect San Mateo County to issue in early 2004.

...outstanding conservationists and community leaders Eleanor Boushey and Jon Silver (both former long-time CGF Board members), who were honored at Portola Valley's recent Town "Blues and Barbecue" picnic for their collective four decades of environmental leadership and legion accomplishments in Portola Valley conservation.

...4-C's Ranch outside of Half Moon Bay, for which the San Mateo County Planning Commission denied the portion of the Coastal Development Permit that would have allowed Asian elephants, camels and zebras as commercial entertainment on prime agricultural soils; CGF successfully convinced the Commission that these uses of non-farm related animals on this 19-acre site along Highway 92 for commercial entertainment is neither accessory nor ancillary to agriculture, as required in the Planned Agricultural District.

...legislators in Sacramento, who attempted to demolish California's environmental protections under the guise of "budget cuts" that would have eliminated the Coastal Commission, closed State Parks and cut other important environmental programs; they ultimately backed down, but indicated that next year's budget process will be even more contentious.

...A referendum in nearby San Benito County, where Supervisors adopted by a 4-1 vote some significant growth control measures including revisions to the General Plan that downzone the rural lands and use the concept of Transferable Development Credits to enable farmer/ranchers to market their development rights, thus getting cash while at the same time protecting agricultural lands.

# *The Coastal Act gets local:* A Local Coastal Program Primer

BY LENNIE ROBERTS

Back in 1972, efforts to protect coastal resources got a huge jump-start with the passage of Proposition 20. Four years later, the Legislature passed the California Coastal Act, which required each city and county in the state that has land within the Coastal Zone to prepare a Local Coastal Program (LCP) that outlines how the 1976 California Coastal Act will be implemented on a local level. The Coastal Zone is a boundary of variable width, bounded by a line three miles out at sea to an inland boundary that varies from a few blocks (in more urban areas) to approximately five miles inland in less-developed settings, such as in San Mateo County.

## Document establishes priorities for land use

Over the last 30 years, Local Coastal Programs statewide have become critical documents governing land use in the Coastal Zone. Each LCP is made of two parts: the Local Coastal Plan Policies and accompanying tables and maps, and the more detailed Implementing Ordinances.

The Coastal Act and the LCP establish priorities for land uses in the Coastal Zone, giving coastal resources and sensitive habitats highest priority for protection, enhancement and restoration. Protection of agricultural land and coastal-dependent industrial uses are second priority, followed by public recreation, visitor-serving uses and public access. New private residential, general industrial and general commercial development have the lowest priority under the Coastal Act.

## Drawing the rural / urban boundary

Locally, LCP policies direct new residential, commercial and industrial development to the urban areas of the coastside (Montara, Moss Beach, El Granada, Princeton and Miramar) that are subdivided and already served by utilities, and to two Rural Service Centers (Pescadero and San Gregorio), designated to provide com-



CGF Advocates Lennie Roberts (L) and April Vargas examine land use designations on the San Mateo County map of the Local Coastal Plan Update.

mercial facilities in support of agriculture and recreation and to meet local housing needs. All of these lands are marked by a permanent Urban/Rural boundary.

Outside of this boundary fall the coastside's Rural Areas, which are designated as Agriculture, General Open Space, Timber Preserve or Public Recreation. In these areas, land use must be consistent with maintaining open space and agriculture; the density of residential, commercial and industrial development is regulated through the use of density credits, which are determined for each parcel by a matrix of characteristics including soil type, landslide susceptibility and slopes.

## An LCP is a many-faceted thing

In addition to defining appropriate uses for urban and rural areas, the Coastal Act and the LCP also require that, where development is proposed, the applicant must demonstrate that there will be no significant impact on coastal resources, including wetlands, streams and riparian

corridors, marine habitats, sand dunes, sea cliffs and habitat of rare and endangered species.

The LCP works to protect scenic and visual qualities of the Coast by requiring new non-agricultural development to be located in a manner that is least visible from State and County Scenic Roads and best preserves the visual and open space qualities of the parcel overall.

The many facets of the Local Coastal Program also include other land use planning policies, among them affordable and farm labor housing, hazards, energy, aquaculture, access to the shoreline, recreational facilities, commercial fishing and recreational boating.

Sanctioned by the people of California to protect our coastal resources, our Local Coastal Program is one of the best instruments we have to govern land use. As resources dwindle while populations increase, these policies can help guide us to make wise decisions to provide for the future livability and sustainability of our communities and the Coastal Zone. **CGF**

Chuck Kozak



# First update of Mid-Coast LCP underway

BY APRIL VARGAS

San Mateo County made history when it became the first in the State for which the Coastal Commission certified a Local Coastal Program (LCP). After an extensive two-year public process involving 40 public hearings and workshops, the Board of Supervisors approved the LCP in December 1980 and the LCP was certified by the State Coastal Commission in April 1981. Because the incorporated cities each are required to have their own LCP, this LCP covers the Mid-Coast area of the County, including the communities of Montara, Moss Beach, El Granada, Princeton and unincorporated Miramar (but not Half Moon Bay, which has its own LCP).

While there have been amendments to the County's LCP over the past 22 years, the policies have not been comprehensively reviewed since their adoption. Prompted by rapidly changing demographics, an escalation of appeals challenging County-issued project permits and the continuing decline of coastal resources, San Mateo County responded to citizens' requests for a review and update of the Mid-Coast LCP.

## Long process involves many public workshops

This review and update process will involve public hearings before the County Planning Commission and Board of Supervisors, and subsequent submittal of any proposed amendments to the Coastal Commission for certification (after more public hearings). The Commission must determine whether the proposed amendments are consistent with the Coastal Act.

The Mid-Coast LCP Update process began in 2000 and may well take even longer than the original creation of the document. The County has already conducted dozens of scoping meetings and public workshops, which resulted in the identification of a number of areas of concern within the LCP.

As a result of those workshops, the Planning Department has identified a

huge list of 23 tasks to be addressed during the update project. Committee for Green Foothills is following a number of these tasks closely, providing feedback that will help ensure that the LCP continues to be a strong tool for coastal protection.

## Several key issues relate to open space

For the past 41 years, CGF has fought to maintain an enforceable boundary that will limit urban density of development to urban areas and protect adjacent rural agricultural, timber and open space lands. We are diligently participating in the Mid-Coast LCP update to ensure that new development meets the letter and spirit of the Coastal Act.

The 23 tasks for the Mid-Coast LCP Update include several that relate directly to Committee for Green Foothills' mission to protect coastal open space. We are working to address the updating of these items, including:

### ■ Residential Buildout

How many additional residential units can be built given the amount of land set aside for development? How quickly should this building occur?

Due to worsening traffic conditions and the lack of adequate water supplies in some communities, CGF favors a reduction in the buildout numbers and a prohibition against the creation of any new subdivisions without adequate mitigation.

### ■ Non-conforming parcels

How shall we best manage the large number of lots that are too small to meet the minimum lot size for development?

CGF is backing a policy that will require the merger of substandard lots and a corresponding reduction in the number of units that can be developed.

### ■ Infrastructure capacity

How are coastal roads, sewers, water systems and schools able to absorb the effects of more residential development?

CGF supports additional developments only in those areas that are

already subdivided and served by utilities — roads, sewer and water. We will work to ensure that the impacts of any additional development are addressed in a way that is consistent with the Coastal Act and protects coastal resources.

## ■ Agricultural lands, open space, hazards and sensitive habitat

Do we need greater development controls in zoning districts containing agricultural and geologically unstable lands? How can we create a more comprehensive definition of wetlands? How shall we update the County's Sensitive Habitat Map?

The Committee is encouraging the County to adopt a buy-back program through which the County would acquire lots that are unbuildable due to the proximity to sensitive habitat or geologic hazard zones. We applaud the updating of the Sensitive Habitats map and are encouraging County staff to make this resource readily available to property owners. CGF is also working to help create a more consistent and comprehensive definition of wetlands that can be applied throughout the unincorporated areas of the County. Because regulatory agencies currently use a variety of different definitions, adopting a consistent definition will eliminate confusion for applicants and the public.

## Next steps offer opportunity for public participation

The County Planning Commission has scheduled a number of meetings through March 2004 to receive public input on all 23 of the tasks submitted for consideration. Astute CGF action alert subscribers may have noted that we have already asked citizens to speak up at some of these meetings; we will be sending out additional alerts prior to meetings on topics that relate directly to open space issues. **CGF**

*For the latest information on the LCP update process and links to online versions of the current LCP, visit [www.GreenFoothills.org/LCP](http://www.GreenFoothills.org/LCP).*

# CGF, Audubon team up on golf course

BY CRAIG BREON

Start with a powerful businessman and a city council lax in enforcing their own rules, throw in the game of golf and a few red-legged frogs, and stir the pot with a couple conservation organizations, and — *Voilà!* — you have the controversy of the Math Institute Golf Course.

## Expansion starts in 1997, sans permits

John Fry (of Fry's Electronics fame) and one of his associates, Steve Sorenson, decided some years back that building their own golf course would be fun. Fry then bought a large property on the outskirts of Morgan Hill, where a small golf course already existed. John and Steve drove around the land deciding where the new holes should go, where to place the trees and where to put the turf. Evidently, these guys really like turf — because John and Steve's golf course has more turf grass than any other course in Santa Clara County.

Unfortunately, John and Steve didn't bother to get the permits needed to expand their golf course. No approval from the Morgan Hill City Council, no Environmental Impact Report, no permits from the U.S. Fish and Wildlife Service or the Regional Water Quality Control Board and no public hearings at which neighbors or local conservationists could discuss the many implications of this greatly expanded course. They did obtain a permit to grade 40 acres to improve the existing nine-hole course, but they then graded 150 acres and doubled the course size.

## Math institute or PGA tour?

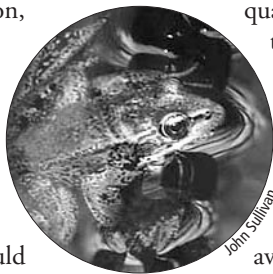
But our story gets weirder. This golf course is supposed to be adjunct to a math institute Fry intends to build on the same site (which, by the way, may be a nearly 60,000-square foot structure modeled after the Alhambra, a Moorish castle in southern Spain — for a rendering, see [www.aimath.org/ARCC](http://www.aimath.org/ARCC)). Evidently John and Steve decided that math geeks and a world-class golf course (over which local golfers have been publicly drooling) go together like peas and carrots. In reality, Fry seems to have designed the course not

so much for mathematicians as for future PGA tournaments — although this is not admitted in documents submitted to the City of Morgan Hill.

## Course poses significant environmental problems

Here's a short list of problems with the Institute Golf Course, according to Morgan Hill's own documents:

- Potentially poisoning local groundwater wells with levels of nitrogen fertilizer three times higher than drinking water quality standards (and people in the area do drink the groundwater);
- Increased local flooding due to runoff from the course and changes to drainage in the area;
- Significant impacts on the availability of local groundwater due to the immense amounts of water needed to maintain the turf grass on the site;
- Bulldozing up to and even into Corralitos Creek, which destroyed habitat for the threatened red-legged frog and other wildlife.



## Morgan Hill looks the other way

What did the City of Morgan Hill do about this? The answer is: next to nothing... until recently. The City did order the work stopped and required the production and approval of an Environmental Impact Report — but John and Steve rejected the draft of that report, which described the project's significant impacts as well as potential violations of the federal Clean Water Act, the California Water Code, the California Department of Fish and Game Code, and the federal Endangered Species Act.

Around the time that the *Morgan Hill Times* editorialized this summer about the outrage of letting the wealthy run roughshod over the town — and only after Committee for Green Foothills and Santa Clara Valley Audubon Society (SCVAS) filed in July a formal code enforcement complaint against the Institute — did the City take a stronger stance towards John and Steve.

After CGF and SCVAS alerted Morgan Hill that John, Steve and their friends were

indeed using the course (and operating without required permits), City officials sent the Institute a letter demanding that they “cease operations.” However, even this was toothless, since the City then turned around in a couple weeks and — again without public comment or environmental documentation — issued the Institute a Temporary Use Permit to continue operations. To their credit, the permit contained conditions that will slightly lessen the environmental impacts of the project.

## CGF and Audubon step in to ensure local protections

Audubon and CGF have appealed that permit. As a result of our actions, the Morgan Hill Planning Commission have just held their first public hearing on the Institute — approximately five years after the project was started. We will continue to focus on this issue: commenting on the Environmental Impact Report that is now being prepared, working with the Institute's neighbors and local activists to minimize the impacts of the course and maximize its habitat values and trying to ensure that such a monumental lapse of local control cannot happen again.

While this story may sound flippant, the issue here is serious. John and Steve have broken a number of laws, and they should have been stopped and punished. Instead, local resource agencies and, notably, the Morgan Hill City Council have been asleep at the wheel. As a result, the neighbors of the Institute and natural resources have suffered. Perhaps worst of all, it appears that Mr. Fry, his family and his associates have been trying to influence the City with political and charitable donations. Unfortunately, we see those tactics used every day at the local, state and federal levels, but that doesn't mean we should be any less outraged. What has happened here is wrong. We can try only to make it better — and keep it from happening again. **CGF**

*Craig Breon is the Executive Director of Santa Clara Valley Audubon Society. In his spare time he chairs the Planning Commission in Portola Valley, and teaches an undergraduate course in Environmental Law and Regulation at Santa Clara University. For more information, visit [www.GreenFoothills.org/golf](http://www.GreenFoothills.org/golf).*



# The benefits of using reclaimed water

By LARRY KOLB, SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD

*Committee for Green Foothills hosted an environmental forum in October that explored the appropriate, safe uses of treated wastewater (see article on page 12). Green Footnotes invited panelist Larry Kolb to describe some of these uses for our readers.*

Using treated wastewater for landscape irrigation and other uses is an old idea that is getting new interest. Wastewater reclamation makes existing water supplies go further. For example, irrigating local golf courses, freeway medians and cemeteries can free up freshwater for domestic needs. In addition, because even well-treated wastewater contains more chemicals than we can measure, direct application to soils allows such pollutants to break down rather than polluting waterways where it would otherwise be discharged.

For these reasons, wastewater reclamation is widely regarded as a good thing. The State of California and its various agencies have executive orders, resolutions, and policies endorsing water reclamation, adopted under both political parties.

## Concerns about using reclaimed water

Water reclamation raises two main concerns: added cost and safety considerations. Added costs include treatment that may be required to meet health standards, as well as the cost of new piping to the points of use. Safety considerations require that rigorous health-based standards for treatment are consistently met and that use restrictions are complied with. (An example of a use restriction is prohibiting irrigation of a golf course during hours of use.)

## The hue and cry over reclaimed water

The cost and safety issues of reclaimed water can be addressed; however, the ultimate challenge is public acceptance. Although an old saying in the water business states that no one in California has ever gotten sick from a reclamation project, loud public outcry surrounds many reclamation proposals — particularly those proposals that would inject very highly treated effluent using reverse osmosis (similar to distillation) into aquifers that are used for drinking water supply. The term “toilet to tap” is a potent epithet.

Of course, we more or less take for granted that the streams from which we take our surface water supplies almost always have their own waste inputs. For example, about 90 percent of the wastewater discharged into the San Joaquin River is taken out a little further downstream and reused.

## The agricultural potential for reclaimed water

The really large market for reused water is in agriculture, especially for crops like cotton or alfalfa where potential direct human exposure is limited.

If we had the political will, it would be feasible to reclaim about half the wastewater generated in the state for agricultural use. Since agriculture accounts for some 80% of our water use, it could readily absorb a good part of our reclaimed water.

However, using reclaimed water for agriculture also poses some barriers. Because farmers get freshwater supplies at huge subsidies, many are afraid they might lose this benefit should they accept reclaimed water. Another problem is salt. In general reclaimed water has somewhat more salinity than river water, and its use would make



Courtesy South Bay Water Recycling

San Jose's Guadalupe River Park & Gardens showcases the use of recycled water in their Courtyard Garden on Taylor Street.

the San Joaquin Valley's already-serious salinity buildup problem slightly worse.

## Water reclamation brings environmental benefits, including reduced need for new dams

A new argument for agricultural use of reclaimed water is that it could alleviate some of the impacts of climate change. There is a very good chance that we will lose most of the free seasonal water storage provided by snowpack as our winters get warmer, especially at higher elevations. Instead of replacing this storage with new reservoirs, we could shift to use of reclaimed water, which is available year-round.

Today there are two trends that we can see for California water supplies. One is more use of reclaimed water. The other is increasing use of desalination to allow use of salty or brackish water for domestic use. Together these technologies have the promise of meeting our needs for additional urban water while minimizing the need for costly and environmentally harmful new dams. **CGF**

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the “benefit” to that property, as determined by an Engineer's Report. This kind of funding has the advantage of only needing a 50% plus one vote. CGF believes a similar committee structure and funding approach would be essential to gaining the support of the various stakeholders in San Mateo County.

### Stay tuned!

The next steps for this effort include an in-depth meeting with the consultants who have put together the rationale for Benefit Assessment Districts for parks and other needed community facilities and services throughout the state. We are encouraged that finally there is some forward movement on this important effort, and look forward to supporting a broad-based effort to secure dedicated funds that will provide our parks the stability they — and we — need and deserve. **CGF**



**Sprawling development** such as that threatening Coyote Valley (above) is not only environmentally damaging but fiscally destructive. The costs of providing services to outlying development far exceed the limited property tax revenues.

# Financial effects of land use planning: Not a laughing matter

BY BRIAN SCHMIDT

A classic episode from the television cartoon show, *The Simpsons*, has the hapless Homer Simpson accidentally traveling back in time. Petrified of changing the future, he attempts to do nothing, but when Homer sneezes on a dinosaur he causes an instantaneous chain reaction of dinosaur extinctions. "This is gonna cost me," Homer laments.

Even Homer Simpson recognized that intentional and unintentional changes to the environment may have tremendous costs. With our state and local budget crises, the public has very timely reasons to consider what effects current land use planning will have on future budgets for Bay Area counties and cities. Looking back, we all can ask whether the right decisions were made in past decades and whether we should make different ones for the future.

Environmentalists argue that "smart growth" gives the best fiscal results to counties and cities. At first blush, however, one might expect the wealthy, hillside sprawl that the Committee for Green Foothills typically opposes would provide plenty of tax revenue and make little demand on services. This fiscal appearance is deceiving, though, because residential development rarely pays its own way in taxes. The tax structure in California de-emphasizes property taxes, placing much more emphasis on sales and other taxes. For good or ill, Proposition 13 has achieved its desired effect of holding

down property taxes.

While Prop 13 limits property tax revenue, the costs of providing services to new residential development have increased. While rich "McMansion" owners may not be going to county health clinics, they may have plenty of hired help who are often not paid well and do need more governmental services (as well as their own places to live). Even the services that McMansion owners do use are not cheap. It costs money to send a fire truck with several firefighters out for an hour-long drive into the hills to check out a false alarm. And while there is often some attempt to recover the costs of extending utilities out to remote developments, maintenance and other costs can add to financial burdens.

The bottom line shows up in a "study of studies" by the American Farmland Trust, called "Cost of Community Services Studies" (available at <http://www.farmland.org>). Working farm land and open land brought in more governmental revenue than it caused to be spent, while residential development did the opposite.

Another deceptive issue involves open space as a loss of revenue. While it may seem that open space does not generate revenue, people thriving from tourism developed by the "open space" in Yosemite National Park and elsewhere will stoutly defend the economic value of preservation. The tourist industry that occurs where open space has been preserved can be a significant revenue booster for local governments. Taxes

on hotel occupancies and expensive restaurant meals often come from relatively wealthy travelers and cause little hardship for local residents, so the tourist industry is especially desirable. The Bay Area, with its strong attraction for tourists, makes open space preservation an attractive financial option.

Preserving open space necessarily channels development closer to cities where governmental services are easier to provide. By making better use of land, utilities and transportation, governments can decrease costs significantly. Santa Clara County, for example, has expressly taken itself out of the "development business," telling developers that they should bring their proposals within city limits instead of targeting unincorporated county lands. The Committee for Green Foothills has long supported this decision and works to help hold the County to its word. There is no doubt that the current Santa Clara County budget crisis would have been still worse without this decision to restrict development outside of cities, where governmental expenses are highest.

Last but hardly the least in importance is the relationship between environmental benefits and economic benefits. A recent White House study found that the benefits of clean air regulation far outweigh its costs. We see this locally: in Santa Clara and San Mateo Counties, preservation of hillside lands has stopped developments whose increased traf-

See *LAND USE*, next page



# Promised Stanford trails long time coming

BY BRIAN SCHMIDT

When Stanford received permission from Santa Clara County in its 2000 General Use Permit for five million square feet of development, it agreed to undertake several actions to mitigate the impact from its development. Among other things, Stanford committed to develop two trails crossing Stanford lands as shown in the Countywide Trails Master Plan.

The proposed "S1" trail will roughly parallel Matadero Creek and Old Page Mill Road. This trail has encountered a series of problems with Stanford's refusal so far to accept any alignment that is both acceptable to neighbors and capable of providing real recreational mitigation for the development Stanford has received.

However bad the situation with the S1 trail may be, the other trail's situation is even worse. The "C1" trail should run on the north side of Stanford's property, more or less along the border with Alpine Road, San Francisquito Creek, and Los Trancos Creek. The university has proposed that its promised C1 trail would be an already-existing trail alongside Alpine Road, which Stanford would "develop" by remodeling the trail.

The Committee for Green Foothills has consistently opposed this flawed concept. On the most fundamental level, this proposal fails to achieve the central purpose of the trail that Stanford promised to deliver in 2000: to provide increased recreational opportunities in order to make up for the strain that Stanford's five million square feet of new development would cause. Labeling an existing trail as new mitigation for new impacts is ridiculous. Expanding the trail as Stanford has proposed does very little to help its recreational value, and may cause environmental impacts to San Francisquito and Los Trancos Creeks. And much of this trail lies within San Mateo County.

The Committee and other environmental groups continue to promote the "community-supported" C1-B trail alignment. The C1-B

alignment runs on Stanford land, unlike much of the Alpine Road trail, and it is appropriate that Stanford's environmental impacts be mitigated by a trail on Stanford land. The C1-B alignment also stays within Santa Clara County, a crucial issue since it is the County that is supervising Stanford's compliance with the General Use Permit. Finally, the C1-B is a much superior and safer trail that winds away from road traffic, giving the public and mem-

bers of the Stanford community a much better place to go.

The Committee will continue to work on the C1 and S1 trail alignments to ensure that the public receives the mitigation they deserve, which is what Stanford agreed to nearly three years ago. **CGF**

*More information about trail alignments is available at <http://www.GreenFoothills.org/trails>*

## Santa Clara County working on new protections for riparian areas

BY BRIAN SCHMIDT

The Santa Clara County Planning Office has begun a process for developing a riparian protection ordinance for the County. Riparian habitat — streams, their banks and streamside habitat — is crucial because so many of our animals and plants live in or utilize the riparian zone. Just as people refer to tropical jungles and coral reefs as "hot spots" of biological diversity on the global scale, riparian habitats are hotspots of biological diversity and environmental value here in Santa Clara County.

Developing a new ordinance for protecting these habitats will take some time. As the County admits, it is just starting this process and welcomes input from citizens and groups. The County Planning Office has some excellent information available online (visit [www.sccplanning.org](http://www.sccplanning.org), and click on "Riparian Corridor Protection.")

At this point the County appears to be



**This home** is one of several built far too close to this stream, which drains from the Calero Reservoir. The County's new riparian ordinance could protect streamside habitat from such development.

concentrating on ensuring that new buildings in riparian zones be regulated to minimize their environmental impact. The Committee for Green Foothills welcomes this effort and believes that more can and should be done.

The Committee also encourages the County to regulate both driveway development and pesticide use in the riparian zone. Increased sediment from dirt driveways and from water flowing off of impervious paved driveways degrades water quality. Pesticides and fertilizers directly harm wildlife and can also pose a threat to our

drinking water. Restoring degraded riparian habitat should also be a priority for the County.

Committee for Green Foothills will continue to monitor County efforts on riparian protection, to encourage steps in the right direction and advocate for all feasible methods to provide even better protection for this important habitat. **CGF**

### LAND USE, from previous page

fic would have caused air pollution and asthma, thus slowing the drain on government-provided health systems.

Similarly, stopping sprawl's effects on water quality through poisoning runoff and inadequate septic systems has direct health

benefits and indirect cost-reduction benefits for governments. Most dramatically, sprawl worsens flooding, and responding to flooding — or paying to prevent it — can be very expensive for governments.

We lack Homer Simpson's ability to return in time to erase past mistakes, but we emphatically possess his ability to dra-

matically shape the future. The current fiscal crisis will inevitably pass, leaving us with the question of how to prevent or reduce fiscal problems in the future. Open space protection is a necessary component of the right fiscal policy, and a policy that the Committee for Green Foothills will support as strongly as it can. **CGF**

## Environmental Forums bring clarity to two important Bay Area issues

BY ANDI FRAY

Committee for Green Foothills recently held two public environmental forums on issues of increasing importance: the appropriate use of recycled water, and the relationship between land use planning and budgeting.

### **"Treated Wastewater: Where, how, why? Do the benefits outweigh the risks?"**

The use of treated wastewater for irrigation and other needs is becoming increasingly attractive as we draw down fresh water supplies. At our October 2 forum moderated by San Mateo County Supervisor Rich Gordon, three panelists gathered at Miramar Lodge and Conference Center in Half Moon Bay to discuss the best use of diminishing water resources. Key points raised included appropriate uses, levels of treatment, testing protocols and ways to address public concerns about the potential risks of reclaimed water.

Panelists included Bob Holden, Water Recycling Projects Coordinator of Monterey Regional Water Pollution Control Agency, Lawrence Kolb, Principal Engineer of San Francisco Bay Regional Water Quality Control Board and Eric Rosenblum, Manager of South Bay Water Recycling, San Jose Environmental Services Department.

The forum was designed to provide the public with information based on facts rather than speculation. Half Moon Bay

City Council member Deborah Ruddock praised the panel for its "outstanding presentation" of the issues involving recycled water. "We must seriously consider using the resources we have more efficiently and reusing what we have whenever possible," she said.

John Muller, Chair of the Regional Water Quality Control Board, was pleased with the diversity of viewpoints represented. He warned that "we are stretching our resources," and feels that water recycling is "something the Coast has to work toward."

The forum was supported by a grant from the Peninsula Community Foundation and cosponsored by the San Mateo County League for Coastside Protection, Save Our Shores and Surfrider Foundation San Mateo County.

### **"Land use planning and the budget"**

The ongoing budget crisis in Santa Clara County has led to cuts in Planning Department staff. Is environmental protection a luxury to be jettisoned during tough economic times, or a way to avoid fiscal crises? At CGF's October 9 forum, moderated by Professor Meg Caldwell, Lecturer in Law and Director of Stanford Law School Environmental and Natural Resources Law and Policy Program, a group of panelists met at the Palo Alto Art Center Auditorium to examine how environmental practices — specifically land use planning — affect budgets in the long run.

Panelists included David Ginsborg, Director of Special Programs and External

Affairs of Santa Clara County Office of the Assessor, Janet Stone, Livable Communities Director of Greenbelt Alliance, Terry Trumbull, Environmental Attorney and Fred Foldvary, Professor of Economics at Santa Clara University.

The group discussed the budget implications of smart growth, Proposition 13, quality of life and taxes. Former Santa Clara County Planning staff member Don Weden said, "The panel did an excellent job of communicating the point that how and where we accommodate our future growth affects not only our environment, but also the public costs incurred by local and state governments to provide and maintain the infrastructure necessary to serve new development."

This forum was supported by a grant from the Hugh Stuart Charitable Trust and cosponsored by Greenbelt Alliance and Santa Clara Valley Audubon.

CGF would like to thank the panelists and moderators for volunteering their time and participation. We'd also like to thank Keet Nerhan for donating the use of the Miramar Lodge and Conference Center, and volunteers Kendy Dickman and Tom Daniell for videotaping the forums. **CGF**

*Tapes of the forums will air on local public access television; we'll notify our action alert subscribers once details are set. Videotapes will also be available in Acterra's Environmental Library in the Peninsula Conservation Center.*



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GREEN FOOTHILLS

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