

**County of Santa Clara**  
**Parks and Recreation Department**



24-4363

**DATE:** February 27, 2024 (Item No. 9)

**TO:** Board of Supervisors

**FROM:** Don Rocha, Director, Parks and Recreation Department

**SUBJECT:** Public Hearing - Intent to Purchase Real Property located on San Felipe Road  
(Parks and Recreation Department)

**RECOMMENDED ACTION**

Public Hearing to consider approval of purchase of real property for a public park purpose located on San Felipe Road in unincorporated Santa Clara County, California, known as Assessor's Parcel No. 660-01-013 (APN), from The Conservation Fund. California Environmental Quality Act (CEQA): Exempt from CEQA pursuant to Sections 15315 and 15325 of the CEQA Guidelines. (Parks and Recreation Department) (LA-1)

Possible action:

- a. Open public hearing and receive testimony.
- b. Close public hearing.
- c. Adopt Resolution to consummate the purchase of real property located on San Felipe Road in unincorporated Santa Clara County, APN 660-01-013, making related findings, and delegating authority to the County Executive, or designee, to execute all documents and agreements necessary to consummate the purchase. Delegation of authority shall expire on February 28, 2025.
- d. Approve Request for Appropriation Modification No. 164 - \$7,250,000 transferring funds within the Parks and Recreation Department budget, relating to the acquisition for a public park purpose.

**FISCAL IMPLICATIONS**

Approval of the proposed acquisition will have no impact on the General Fund. The appropriation would be funded through the Park Charter Land Acquisition Holding Account. The funding request of \$7,250,000 includes \$5,000,000 for the purchase of the real property, as well as \$2,250,000 to cover closing costs, due diligence costs and near-term property management costs. These additional costs include the title, environmental assessment and, if necessary, remediation and survey work, and measures necessary to secure the property through fencing, vegetation management, erosion control, property access improvements for patrol, site planning necessary to evaluate future uses, and other matters related to securing

and protecting the County interest in this property acquisition. These expenses are based upon preliminary estimates, and if subsequent due diligence reveals additional funding needs, the Parks and Recreation Department will return to the Board at a future date to request authorization.

### **CONTRACT HISTORY**

At the January 23, 2024, Board of Supervisors meeting (Item No. 83) the Board adopted a Resolution of Intent finding that the purchase of real property located on San Felipe Road in unincorporated San José, County of Santa Clara, California (APN 660-01-013) is exempt from the California Environmental Quality Act and issuing a notice of intent to purchase the property from The Conservation Fund (“Seller”).

Sections 25350 and 6063 of the California Government Code require that a notice of the Board’s intended action be published for at least three successive weeks in a newspaper of general circulation in Santa Clara County before the Board may take final action to purchase real property. Three publications in a newspaper regularly published once a week or more frequently, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The aforementioned Resolution of Intent directed the Clerk of the Board to publish such notice in accordance with the Government Code, and the notice requirements were complete prior to the February 27, 2024, Board meeting.

### **REASONS FOR RECOMMENDATION AND BACKGROUND**

Acquisition of the Property conforms with the Board-approved Countywide Trails Master Plan for Santa Clara County Parks and the Parks and Recreation Element of the County’s General Plan which envision a County-wide network of parks and trails that offer users a seamless recreation experience and encourages acquisitions for such park purposes.

The County’s purchase of the Property is part of a greater acquisition in partnership with the Valley Habitat Agency (“VHA”) of the approximately 3,654-acre Richmond Ranch property (APNs 660-01-014, 678-01-001, 660-01-002, 627-11-005, 660-47-001, 660-51-001, 660-50-001, 660-01-013, 660-58-004, and 660-55-002) and would provide regional trail connectivity, public access, protection and preservation of habitat, critical connectivity for wildlife, expansion and connectivity of protected open space areas, and ultimately enhance climate change resiliency. More specifically, the Property provides a unique opportunity for the Parks and Recreation Department, in collaboration with VHA, to ultimately develop a public, regional trail and enroll the vast majority of the Richmond Ranch into the Habitat Reserve System, subject to future Board approval.

#### *Reason for Request of Delegation of Authority*

Although delegations of authority are discouraged except under certain circumstances, this delegation of authority is necessary to allow the Administration to take actions required to timely consummate and close the transaction and memorialize the joint vision with all parties participating in the Richmond Ranch acquisition, following review and approval by the County Counsel as to form and legality, and approval by the Office of the County Executive. Closing a real estate transaction requires rapid turnaround of real estate documents on short

notice and review of real estate legal matters such as conveyance documents and state of title, as well as notarized signatures.

### *Property Description*

The approximately 1,487-acre rural parcel is a portion of the approximately 3,654-acre Richmond Ranch located in the eastern region of the Santa Clara Valley Habitat Plan study area in the Diablo Range, north of the Coyote Ridge Open Space Reserve and the County's Metcalf Motorcycle Park, west of the San Felipe Ranch, and south of Joseph D. Grant County Park. Currently used for grazing, the Property is zoned AR-d1-sr (Agricultural Ranchlands) with permitted uses including ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. Other uses such as very-low-intensity residential, commercial, industrial and institutional may also be allowed under certain circumstances.

### *History of the Property*

TCF, a national non-profit conservation organization with a proven track record of collaborating with multiple partners, including public agencies, recently completed purchase at a price significantly below appraised value of the Richmond Ranch property from Richmond Ranch ZL1, LLC, who acquired the property in 2017 from the Richmond family. Three (3) of these ten (10) parcels (APNs 678-01-001, 660-01-002, and 627-11-005) were recently purchased by VHA from TCF. VHA will potentially acquire the remaining six (6) Richmond Ranch parcels from TCF within the next year pending VHA Board approval and fund raising. Thus, during the next year, all three entities, the County, VHA, and TCF may be joint owners of Richmond Ranch. TCF shares the County and VHA's vision to treat Richmond Ranch as a cohesive landscape, establish a framework to preserve its natural resources and provide for long-term trail linkages and park purposes pursuant to the Santa Clara Valley Habitat Plan and County Policies.

### *Regional Trails Context for Parkland Acquisition*

The proposed acquisition is supported by the 1995 Santa Clara County General Plan, including the Parks and Recreation Element which commits the County to meet future recreational demand and protection of natural resources through numerous strategies including expanding the regional parks system and expanding the trails network. The Countywide Trails Master Plan Update, an amendment to the General Plan, is the guiding document for future trail planning and provides additional policy support. The Board-adopted Parkland Acquisition Plan (2012) and Parks and Recreation System Strategic Plan and Update (2018) collectively support this acquisition. The Countywide Trails Plan envisions a comprehensive network of over 800 miles of regional, subregional, and connector trails throughout Santa Clara County, which provides regional benefits related to outdoor recreation, public health, active transportation, and climate goals.

## **CHILD IMPACT**

The recommended action will have a positive impact on children and youth once a future trail

is developed.

### **SENIOR IMPACT**

The recommended action will have a positive impact on seniors once a future trail is developed.

### **SUSTAINABILITY IMPLICATIONS**

The recommended action will have positive sustainability implications as it will contribute toward land preservation.

### **CONSEQUENCES OF NEGATIVE ACTION**

The County would not acquire the Property and would forego the opportunity to provide regional trail connectivity to nearby County Parks and other public lands, public access, protection and preservation of habitat, critical connectivity for wildlife and protected open space areas, and ultimately enhance climate change resiliency.

### **STEPS FOLLOWING APPROVAL**

- Send notification to Eric Ross, Parks and Recreation.
- Send an electronic copy of the fully executed Resolution and Purchase and Sale Agreement to Eric Ross. Parks will distribute the executed agreement to the Sellers.
- For the administrative record, retain fully executed Purchase and Sale Agreement.

### **ATTACHMENTS:**

- Attachment A – Resolution to Consummate with Exhibits – Richmond Ranch
- Attachment B – F-85 #164 Richmond Ranch Property Acquisition
- Attachment C – Jan 23 2024 BOS Item No. 83