



23-1709

DATE: January 23, 2024 (Item No.)

TO: Board of Supervisors

FROM: Don Rocha, Director, Parks and Recreation Department

SUBJECT: Resolution of Intent to Purchase Real Property (Madrone Hill)

RECOMMENDED ACTION

Consider recommendations relating to intent to purchase Real Property necessary for a public park purpose.

Possible action:

- a. Adopt Resolution finding that the purchase of Real Property located off Congress Springs Road in unincorporated Saratoga, County of Santa Clara, California (Assessor's Parcel No. 517-04-030) is exempt from CEQA and issuing a Notice of Intent to purchase the Property from Paul Yuan-Shen Lin, Trustee of the Lin Living Trust.
- b. Authorize the Clerk of the Board to set Tuesday, February 27, 2024, at no earlier than 10:00 a.m., as the date and time to consider acquisition of Real Property.

FISCAL IMPLICATIONS

No fiscal impact for this action. The anticipated funding request of \$730,502 for the purchase price and any additional funds for due diligence and closing costs for this Property will be brought forward during the requested public hearing date of February 27, 2024, and funded through the Park Charter Fund.

REASONS FOR RECOMMENDATION AND BACKGROUND

Reasons for Adopting Resolution and Setting Hearing Date

Adopting and subsequently publishing this Notice of Intent fulfill the first step required by California Government Code for the Board to consider this acquisition during a public hearing.

Reasons for Acquisition

The Parks and Recreation Department ("Department") is recommending purchase of the 103-acre "Madrone Hill" property, APN 517-04-030, located off Congress Springs Road, unincorporated Saratoga, California ("Property") from Paul Yuan-Shen Lin, Trustee of the Lin Living Trust. The subject Property is located adjacent to Sanborn County Park.

Adopted: 01/23/2024

Acquisition of the Property would augment the County Parks system by contributing to trail connectivity, public access, and expansion of adjacent park and open space areas for the preservation of habitat and contribution to climate resiliency. More specifically, the Property has the potential to enable public access to a currently closed area of Sanborn County Park. This acquisition would also allow staff to more easily patrol and manage all areas within Sanborn County Park.

The Department seeks to implement Board direction and continue to acquire lands that augment the County Parks system by contributing toward public access, expansion of adjacent parks and open space areas, open space protection and preservation and park trail connectivity. The Property is situated between Sanborn County Park to the east and south, Savannah-Chanelle Winery to the north, and bordered on the western edge by Bonjetti Creek. Onsite vegetation is heavily treed and includes a variety of species, likely including redwood, pine and oak which are typical for the area. The Property is part of the hillside zoning district which is ideal for preserving mountainous lands and promoting those uses which support and protect natural resources.

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 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.

California Environmental Quality Act

For purposes of CEQA, Administration has determined that the acquisition of the Property is exempt from CEQA pursuant to CEQA Guidelines 15316 and 15325, as acquisition of land in its natural condition for Parkland for which no master plan has yet been prepared.

Public Notice Requirement

Sections 25350 and 6063 of the California Government Code require that a notice of the Board's intended action be published at least three successive weeks in a newspaper of general circulation in Santa Clara County before the Board may take final action. 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 period of notice commences upon the first day of publication and terminates at the end of the twenty-first day, including therein the first day.

CHILD IMPACT

The recommended action will have a positive impact on children and youth once all necessary land entitlements are acquired and this newly acquired property expands the

boundary of Sanborn County Park.

SENIOR IMPACT

The recommended action will have a positive impact on seniors once all necessary land entitlements are acquired and this newly acquired property expands the boundary of Sanborn County Park.

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 adopt the Resolution of Intent and would not consider purchase of the Property on the date indicated therein. The County would not be guaranteed future opportunity to develop a public access trail to a currently closed historic site. Given other larger rural residential properties in the area, the Property could be sold to a private buyer for development, potentially eliminating the opportunity for trail connections and park expansion.

STEPS FOLLOWING APPROVAL

- Send notification to Linda Zimmer, Parks and Recreation Department.
- The Clerk of the Board will set the hearing date to consider the purchase of the Property for February 27, 2024, at time certain for no earlier than 10:00 AM.
- In accordance with the California Government Code Sections 25365 and 6063, the Clerk of the Board will publish the Notice of Intent to Purchase Real Property at least three successive weeks prior to February 27, 2024 in a newspaper of general circulation.
- Send proof of publication to Linda Zimmer, Parks and Recreation Department.

ATTACHMENTS:

- Attachment A – Resolution and Notice of Intent – Madrone Hill

RESOLUTION NO. BOS-2024-10

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA CLARA FINDING THAT THE PURCHASE OF REAL
PROPERTY LOCATED OFF CONGRESS SPRINGS ROAD IN
UNINCORPORATED SARATOGA, COUNTY OF SANTA CLARA,
CALIFORNIA (APN 517-04-030) IS EXEMPT FROM CEQA AND
ISSUING A NOTICE OF INTENT TO PURCHASE THE PROPERTY
FROM PAUL YUAN-SHEN LIN, TRUSTEE OF THE LIN LIVING TRUST**

WHEREAS, the County of Santa Clara ("County") wishes to purchase the real property located off Congress Springs Road, near Sanborn County Park, in unincorporated Saratoga, in the County of Santa Clara, State of California, known as Assessor's Parcel Number 517-04-030 ("Property" or "Madrone Hill Property") from Paul Yuan-Shen Lin, Trustee of the Lin Living Trust ("Seller");

WHEREAS, Seller wishes to sell the Property to the County for an agreed upon purchase price not to exceed \$730,502;

WHEREAS, acquisition of the Property would: 1) expand Sanborn County Park towards a logical boundary; 2) create a potential opportunity for public access trails and service roads for field staff; and 3) is supported by the Board-adopted Parkland Acquisition Plan (2012), the Countywide Trails Master Plan Update (1995), the Parks and Recreation System Strategic Plan and Update (2018), the Countywide Trails Prioritization and Gaps Analysis (2015), and the 1995 General Plan, including the Parks and Recreation Chapter (1994);

WHEREAS, the proposed purchase is exempt from the California Environmental Quality Act (CEQA) pursuant to, among other things, CEQA Guidelines sections 15316 and 15325; and

WHEREAS, because the purchase price of the Property exceeds \$50,000, Section 25350 and Section 6063 of the California Government Code require that a notice of the Board's intention to purchase property be published once a week for three successive weeks (with five days intervening between publication dates) in a newspaper of general circulation in the County of Santa Clara.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, that:

1. The purchase of the property is exempt from CEQA pursuant to, among other things, CEQA Guidelines sections 15316 and 15325;
2. A notice of intent to purchase the Property containing all of the following information shall be published in compliance with Government Code section 6063 before the Board of Supervisors meets to consummate the purchase:

- a. The 103-acre property to be purchased is located off Congress Springs Rd., near Sanborn County Park, in unincorporated Saratoga, in the County of Santa Clara, State of California, known as Assessor's Parcel Number 517-04-030;
- b. The purchase price for the Property will not exceed \$730,502;
- c. The seller of the Property is Paul Yuan-Shen Lin, Trustee of the Lin Living Trust; and
- d. The County of Santa Clara Board of Supervisors will meet to conduct a public hearing and consider the consummation of this proposed purchase on February 27, 2024, 10:00 A.M., or as soon thereafter as the matter can be heard.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on **JAN 23 2024** by the following vote:

AYES: **ARENAS, CHAVEZ, ELLENBERG**
LEE, SIMITIAN

NOES: **NONE**

ABSENT: **NONE**

ABSTAIN: **NONE**



SUSAN ELLENBERG, President
Board of Supervisors


Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:



CURTIS BOONE
Acting Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



ELIZABETH VIßERS
Deputy County Counsel

