



# GREEN FOOTNOTES

COMMITTEE FOR GREEN FOOTHILLS [www.GreenFootHills.org](http://www.GreenFootHills.org)

SUMMER 2008

## Leading the Way — Lennie Roberts

BY PETER DREKMEIER

In 1995, when I was offered a job with the Devil's Slide Campaign, I jumped at the opportunity to work with Lennie Roberts, one of the greatest environmental leaders in the history of the Bay Area.

Less than a week passed before things started heating up. During a heavy rain storm, Highway 1 began to slump toward the ocean, turning the town of Montara into a giant cul de sac. Angry commuters began demanding an immediate fix to the road closure. Many embraced the Devil's Slide Bypass, which, despite fierce opposition from the Sierra Club and Committee for Green Foothills, was the "preferred alternative" at the time. The odds were against us.

Fortunately for the coast, we had Lennie Roberts and Ollie Mayer on our side. The two had been following the issue since the early 1970s, and they knew the details inside and out. Whenever we needed documentation, we could count on them to produce it. Mike McCabe, a reporter for the Chronicle, once asked me why he could always get information quickly from us, but rarely from Caltrans.

Despite the pressure we were under, Lennie always kept her cool, providing the leadership we needed to build our campaign. We produced fact sheets and newsletters, and launched an aggressive media campaign. Lennie made the case that viable alternatives to the Devil's Slide Bypass existed that would not harm Montara Mountain and McKnee Ranch State Park. More importantly, a tunnel would protect the coast from rapid growth, which is why the developers opposed it.

Lennie didn't just know the issue, she also knew the system. After all, she had helped write the Local Coastal Plan and had led the effort for the San Mateo County Land Conservation Initiative in



Lennie Roberts

the 1980s. Her clout helped pressure the Board of Supervisors into eventually supporting an independent tunnel study that would prove its feasibility.

To build our support base, we launched a dynamic community outreach program aimed at engaging people at the grassroots level. Midcoast Citizens for the Tunnel and Pacifica's Tunnel Alternative for Highway 1 were formed to emphasize the local faces of the campaign. Hundreds of people wrote letters to the editor, attended public hearings, and collected signatures for our citizens' initiative. It was the greatest show of community involvement I've ever seen, and it turned the tide.


One of the highlights of the campaign was when Highway 1 finally reopened. Bypass proponents were invited to the opening ceremony, but tunnel advocates were excluded. This didn't stop us. As Tunnelistas marched north along Highway 1 from Montara, south from Pacifica, and even over Montara Mountain to descend on the press confer-

ence. We felt our power.

As the speakers droned on about what a great job Caltrans had done, the slight purr of a small plane could be heard in the distance. As it appeared over the ocean, we noticed the banner in tow — "Think Tunnel." As the plane circled the event, I could see a slight smile on Lennie's face. Once again, she had stolen the show.

We went on to pass the Devil's Slide Tunnel Initiative with a whopping 74% of the Countywide vote. Yet another feather in Lennie's cap.

And so it is fitting that the Committee for Green Foothills celebrate Lennie's 30 years of volunteer non-profit work this fall. Lennie has led the way for numerous such efforts, for the Committee, and for environmentalists like me.

Thank you Lennie! 



*Peter Drekmeier is a native Palo Altoan that has co-founded several non-profit organizations, including Bay Area Action (now Acterra), Stanford Open Space Alliance and Environmentalists Against War. He is currently the Bay Area Program Director for the Tuolumne River Trust and Vice Mayor of Palo Alto.*



**COMMITTEE FOR  
GREEN FOOTHILLS**

Committee for Green Foothills is a grassroots 501(c)(3) nonprofit organization working to establish and maintain land use policies that protect the environment throughout San Mateo and Santa Clara County.

Founded in 1962, Committee for Green Foothills is leading the continuing effort to protect open space and the natural environment of the Peninsula and Coast. Through grassroots education, planning and legislative advocacy, CGF works to protect and preserve our local natural resources, views and open space.

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## From the *President ...*

This spring, CGF's community forum featured Phillip Fradkin, who recently published a biography of our co-founder and first president, entitled *Wallace Stegner and the American West*. It's a fascinating read. What I found striking about Stegner's life is that, despite extremely humble origins, he was able to make seminal contributions in several distinct endeavors: local and national land conservation, the writing of fiction and nonfiction, the teaching of creative writing and the mentoring of new talent. His contributions made an indelible mark on those fields that he cared passionately about. However, Fradkin's book also makes clear that Stegner was a complex man who became extremely frustrated when he encountered reversals and who had a hard time letting go of his disappointments.

Preserving the natural landscapes of our area is a vitally important cause, as much as it was when Stegner, Lois Crozier Hogle and Ruth Spangenberg founded CGF in 1962. While the Committee and its area partners have an admirable record of success, as our local green hills bear witness, CGF has had its share of reversals too. CGF is one of the few organizations that maintains a "Victories and Defeats" page on its web site because we believe that we can learn as much or more from our setbacks as our successes. However, we would be ineffective advocates for our cause if we let our reversals slow us down or defeat us. After all, GCF has been working to preserve agriculture in Coyote Valley for 25 years and Lennie Roberts worked some 36 years for the Devil's Slide Tunnel!

My intent here is not to be in any way critical of Wallace Stegner. Far from it! I only want to highlight the importance of celebrating the victories and cheering for those who do the challenging work of preserving our natural heritage. CGF is fortunate to have an extraordinarily committed Board of Directors and the incredibly talented and dedicated team of Wendee Crofoot, Brian Schmidt, Lennie Roberts, and Cynthia D'Agosta on staff. This September, we have a unique opportunity to celebrate as CGF salutes Lennie Robert's incredible 40 years of accomplishments with CGF, as detailed elsewhere in *Green Footnotes*. I hope you can join us there.

Finally, I want to thank you for your support for CGF and your commitment to our mission of protecting and preserving the hills, forests, creeks, wetlands, and coastal lands of the Santa Clara and San Mateo Counties..

— Jeff Segall



## From the *Executive Director ...*

Since joining CGF in May, I've come to appreciate the history and power of this great organization in a much different light than before. I'd always supported and admired the Committee's work, but hadn't truly seen how strong and committed the network and organization really is. The Committee for Green Foothills always has been, and continues to be, an exceptional assembly of individuals who care deeply about this place we call home. Those involved give it their all — volunteering time, talent, and financial support for the good of the environment. I see now that the Committee truly embodies the universal meaning of a "committee", (see definition) and I am honored to have been selected as the new Executive Director.

The spark that ignites the energy of the Committee comes from its members, staff and Board of Directors who have made my introductory quarter both productive and fun. As a grass roots organization, there is no finer nor more dedicated group to work with. I am excited about diving into the ambitious agenda of the Committee's five year Strategic Plan and continuing the tradition of pursuing important advocacy work.

Joining such an energetic team is like jumping on a moving merry-go-round! As you can see from the reports in this edition of Green Footnotes, the team has been very busy these last few months:

- *Conducting the Santa Clara County Farm Tour*
- *Winning Patagonia's "Voice your Choice" grant program*
- *Planning and fundraising for the annual fall event "Nature's Inspiration", a party you won't want to miss*
- *Advocating for important land use issues throughout both counties*
- *and transitioning to a new staff & Directors!*



Gail Kaiser



Sandy Emerson

In addition to all of this, the Committee was joined recently by two new Board members – Gail Kaiser and Sandy Emerson whom we welcome whole heartedly! And of course, we said goodbye to our outgoing Executive Directors Holly Van Houten and Corrina Marshall. From Holly we hear that motherhood and consulting are filling her time nicely, and Corrina has found a new home at the International Museum of Women in San Francisco. They've not gone far, and I'm certain we will be seeing more of them at future CGF events!

So, a successful transition is underway – our work is going strong – the Committee keeps growing – and many more opportunities await us. What an exciting time and place to be, I look forward to meeting and working with the many members of the Committee as we move forward!

— Cynthia D'Agosta

### **Webster's definitions of 'committee':**

— *a self constituted organization for the promotion of a common cause or objective*

— *a body delegated to consider, take action on, or report on some matter*

— *a group designated to investigate a particular issue and make recommendations for legislative or administrative action*

## Scylla and Charybdis:

# The Greeks Had Nothing on Half Moon Bay

BY LENNIE ROBERTS

In Homer's epic voyage, *The Odyssey*, Odysseus faced inescapable threats from two sea monsters, Scylla and Charybdis, situated on opposite sides of the Strait of Messina between Sicily and Italy. Any ship passing too close to the six-headed monster Scylla, would lose precious sailors to the ravenous monster. Charybdis had a single gaping mouth that sucked in huge quantities of water and belched them out three times a day, creating whirlpools, which threatened to destroy the entire ship. Odysseus had to choose which monster to confront when passing through the narrows.

The City of Half Moon Bay threw itself into a modern-day version of Odysseus' perilous journey when it chose not to appeal a questionable federal lower court decision regarding development on wetlands on a 24-acre parcel called Beachwood. Judge Vaughn Walker found that a City drainage project, constructed at the request of a former owner of the property, had created the wetlands, which rendered the property undevelopable. Judge Walker assessed damages and costs against the City of over \$40 million, which is four times greater than its annual budget.

Despite offers from the State Attorney General to help, the City Council decided not to appeal this decision, but instead entered into a settlement agreement with

developer "Chop" Keenan in which the City would seek legislation (AB 1991 – Mullin) to exempt the Beachwood property from all environmental laws, including CEQA, the Coastal Act, Fish and Game Codes, stormwater pollution controls, as well as traffic mitigations, school and park fees, and affordable housing requirements. As a bonus, the settlement agreement included the same sweeping exemptions from State environmental laws for the adjacent 12-acre Glen Cree property that was not part of the Beachwood litigation, but on which Keenan holds an option. If the legislation does not pass, the City will gain title to the Beachwood property at a cost of \$18 million.

The two choices set up by the settlement agreement are reminiscent of the ancient Scylla and Charybdis dilemma.

The Charybdis-like statewide precedential consequences of exempting two properties in the coastal zone from all environmental laws are enormous. Any city that chooses to comply with a lower court ruling rather than appeal, or that faces a financial crisis, could seek similar legislative relief and argue for equal treatment. Alternatively, the Scylla-like \$18 million price tag for the property would mean a major drain on the City's finances, even with a long term bond to finance it.

Recently, the City's financial "plight" has been ameliorated by a \$5 million reim-

bursement of already incurred legal costs through ABAG's pooled liability fund. There may be additional funds coming from secondary or "excess" insurance as well. These funds can be applied to the \$18 million. The City can also sell the property to a developer, which would further offset its liability. The wetlands, whether man-made or natural, do not cover the entire property. In 2003, the Coastal Commission issued a permit that would have allowed 19 homes on the property, so clearly the land is not without any value whatsoever. If the Legislature can find a way to help the City through a legitimate grant for public purposes, the combination of these revenue sources would reduce the City's obligation to a more reasonable level.

In the myth, Odysseus decided against risking his ship and its entire crew in the Charybdis whirlpools. Instead he sailed his ship closer to the monster Scylla who killed only part of his crew.

Although AB 1991 passed through the Assembly by a 46-17 vote through avoiding the key environmental committees, the bill is now stalled in the Senate, where alternatives are being discussed. Senator Leland Yee, who represents Half Moon Bay, has insisted that environmental laws not be sacrificed in order to rescue the City. CGF will continue to work with the various interested parties to see if there is a reasonable way to address this dilemma. **CGF**



# Gavilan College Proposal: *Not a Smart Idea*

By BRIAN SCHMIDT

When developers withdrew their plan to build a new city on 3,000 acres of farmland in Coyote Valley, a new threat appeared on the horizon from an unexpected source, Gavilan College, before we could celebrate our victory.

Unfortunately, perhaps unwittingly, Gavilan College is proposing to build a new campus in northern Coyote Valley far from the main population centers served by the Gavilan College District – Morgan Hill, Gilroy, and Hollister. Since few people live nearby, it will be virtually impossible to reach the campus except by car.

From the college district’s perspective, the benefit of this proposal is the land is free. But the effect of this gift by the developers will be to accelerate the conversion of neighboring land to non-agricultural uses – making it more difficult for farming to survive in the area. In that sense it resembles the past proposal to locate a massive athletic facility in rural Almaden Valley – an attempt to change the nature of that area that Committee for Green Foothills helped to defeat.

Loss of farmland, reduced wildlife habitat, and more car traffic are all potential impacts of this poorly planned project. We at the Committee have submitted comments on the environmental documentation, and we will continue to watch it closely, while working for a much improved outcome. **CGF**



Windy Hill New Year's Gang 2005

Grace Abbott

# Ringling in the New at Windy Hill

By LENNIE ROBERTS

Windy Hill, the prominent “bald hill” that can be seen from almost anywhere on the Peninsula, has been the scene of a wonderful group tradition among a group of friends and neighbors that began about 25 years ago.

Rather than ushering in the New Year with late night partying and noisemaking, this intrepid bunch instituted a New Year’s Day Walk/Run from the “bottom of the hill” off Willowbrook in Portola Valley to the summit of Windy Hill. The walkers are given a head start, the runners pass them on the way, and there is a sag wagon that delivers a sumptuous Brunch to the picnic area at Spring Ridge adjacent to Skyline Boulevard.

We brush away any lingering cobwebs of the Old Year, and savor the New, admiring the

panoramic views from the Pacific Ocean to the Bay and beyond to the Diablo Range.

We’ve celebrated the sparkling New Year in almost all possible weather conditions – rain or shine! We’re reminded of our great good fortune to be able to enjoy this special Open Space Preserve, thanks to the generosity of donors to Peninsula Open Space Trust, and to the Midpeninsula Regional Open Space District, which acquired the initial portion of the Preserve from POST in 1981.

What better way to anticipate a new and hopefully better future than to connect with Mother Earth, which sustains and supports our very existence! And how grateful our group is for all who have worked to preserve our amazing Peninsula landscape! **CGF**

*Do you have a favorite tradition for enjoying our parks and open space preserves? In future Green Footnotes, we plan to feature some of the wonderful trails and other special places that make the Santa Clara and San Mateo counties such an enjoyable place to live.*

# *Redwood City's Cargill Salt Ponds*

## The South Bay's Last Large Unprotected Open Space

BY RALPH NOBLES

A decade ago, San Francisco International Airport (SFO) proposed expanding its runways into the Bay, which would have required filling some 400 acres of open waters. As mitigation, the airport was willing to purchase Cargill Corporation's vast South Bay salt ponds for restoration. The airport expansion was subsequently dropped due to changed economic conditions, but by that time, the Federal EPA determined that the restoration project was sufficiently meritorious to enter into negotiations to purchase Cargill's salt ponds on behalf of Federal and State agencies.

Cargill agreed to sell 15,100 acres of their salt ponds, stretching from Newark to Menlo Park, plus 1,400 acres in Napa County, for \$100 million in direct payments plus tax credits of \$143 million, ostensibly as a donation. However, if the purchase included the remaining 1,420 acres in Redwood City, Cargill's price was \$300 million. Because of the exorbitant cost of \$200 million for just 1,420 acres, the Redwood City ponds were not included in the eventual purchase, although they are included within the authorized boundary of the Don Edwards San Francisco Bay National Wildlife Refuge.

Cargill's asking prices were based on the so-called "appraised fair market" value. Environmentalists questioned the \$200 million valuation of the Redwood City salt ponds, since they were not zoned for development. There were three appraisals of the salt ponds in question, as is required. Two of the three appraisals were so unjustifiably high that the two appraisers who made them were both disciplined and one of the two had his license revoked for three years, although that decision has been appealed.


As a resident of Redwood City, my main concerns have been with Cargill's Redwood City salt ponds that were left out of the purchase. It strikes me as perverse and ironic that the only remaining salt ponds still at risk of sprawling development are those in Redwood City.

But this saga of the salt ponds isn't over! Instead it is entering a climactic phase.

Two years ago, Minnesota-based Cargill took on an Arizona development partner, DMB, which has been aggressively marketing an upscale housing development, called the "50-50 Plan", that would be located on half of the former Redwood City salt ponds. Redwood City officials have tacitly encouraged this plan rather than pointing out that the land use and zoning designations of Open Space and Tidal Plain allow no such use. This fact, plus Redwood City's record of never having seen a big bay wetland development it didn't like, led to the formation this spring of the Open Space Vote (OSV) alliance.

Open Space Vote is comprised of several environmental organizations, including Friends of Redwood City, Save the Bay, Sequoia Audubon, Sierra Club, Citizens Committee to Complete the Refuge and Committee for Green Foothills, as well as many citizens who are all concerned about the future of Redwood City's open space and Baylands.

Open Space Vote recently qualified a ballot initiative that would amend the Redwood City Charter to require a two thirds majority vote in order to develop Redwood City's open space, tidal plain or parks. In just 45 days, citizens gathered over 8,000 signatures from Redwood City residents - more than enough to qualify the measure for the November, 2008 ballot. The City Council's reaction has been to attack the sponsoring organizations, including calling Save the Bay an "outsider". On August 4, the Council voted to place a competing measure on the November ballot, hoping to confuse voters and defeat the Open Space Vote measure.

The voters of Redwood City have turned down two huge Bay-filling developments in the past. What will be the fate of the last Cargill lands? Stay tuned for farther developments in this fascinating drama. 

*Note: Ralph Nobles is the Chair of the Friends of Redwood City. Ralph led the successful citizens referendum to prevent development of Bair Island in 1982, and subsequently served for 9 years on the Redwood City Planning Commission and 14 years on the San Mateo County Planning Commission.*



### Welcome Laurel!

Committee for Green Foothills welcomes Laurel Smith on her internship here at the CGF office. Laurel is a Los Altos native and a recent graduate from San Diego State University. She will be using her Spanish fluency and her interest in environmental advocacy by working with us for the summer and fall of 2008. Readers can look forward to seeing her work in future newsletters and on the CGF website.

# Court Overturns Vote, Harms Environment

BY BRIAN SCHMIDT

In a recent decision smacking of judicial activism, the California Supreme Court ruled in behalf of a minority of landowners, overriding the majority of voters in a Santa Clara County Open Space Authority election.

We at CGF participated in a “Friend of the Court” brief on behalf of the Open Space Authority, and are sorry things didn’t go the right way. This decision will make future funding of open space purchases by any California government agency more difficult, although not impossible.

California law, since Proposition 13, allows a simple majority of voters to decrease tax rates but requires a two-thirds supermajority to increase “special taxes” (taxes meant for specific purposes). “Special assessments,” however, are different from “special taxes” in that they provide special benefit [to specific properties], and don’t require a two-thirds vote.

The entire legal battle is over what constitutes “special assessments.” Proposition 218, passed in 1996, tightened the legal requirements for special assessments in ways that remained poorly defined – probably to encourage voters to approve the measure.

*The entire legal battle is over what constitutes “special assessments.”*

As the Supreme Court notes, Prop. 218 created a paradox whereby a “special district” could constitute all the parcels that receive a special benefit from the assessment, but it also says that if the benefit reaches every parcel in the district then it isn’t a “special benefit” but rather a general benefit that needs a supermajority to pass.

The Supreme Court dealt with this paradox by saying that if parcels receive “direct advantages” from the benefit, like proximity to a park, then it’s a special benefit even if conferred on all parcels in the district. So far, so good. But then the Court spends the remainder of the opinion ignoring what it just said.

The Open Space Authority had justified the assessment by describing the direct advantages all parcels in the district would receive, such as better views and improved access to public recreation. The Court ignored this and said that these benefits aren’t special benefits and fall

under Prop. 218 proscriptions because they reach everyone, ignoring what it had just previously said that direct advantages reaching everyone still qualify as special assessments.

So why would the Supreme Court behave so strangely? The likely reason is that Prop. 218 was a reaction by the voters to a previous Supreme Court ruling that allowed expansive uses of special districts. The Court is aware that initiative propositions are the only mechanisms that voters have to overrule it, so the Court may have felt obligated to rule that the Open Space Authority’s special assessment constituted a standard property assessment.

Short of a new proposition that will overrule Propositions 218 and 13, this decision is the last word on this issue, and an assessment like the Open Space Authority’s will require a two-thirds supermajority. However, somewhat different special assessments may still be possible. Assessments that set up priority acquisition areas and assess more in the immediate vicinity of those areas or assess more when acquisitions are first made might still be legal. This is something that will have to be tested in the future. **CGF**



Matt Burrows, Jeff Segall, Jennifer Drew, Edoardo G. Buenaobra and Mary Davey

## CGF Receives Grant

*Thank You CGF Members and Patagonia!*

In June, CGF was selected by Patagonia to be one of five local environmental organizations eligible to receive a \$4,000 grant. The catch – our members had to go to the Palo Alto Patagonia store and vote for CGF as their favorite non-profit by July 19. It was close, but on July 21 we were informed that CGF had the most votes and would receive the \$4,000 grant! The check was presented to CGF at an in-store celebration on August 2.

To everyone that voted for CGF — Thank you for taking the time to visit Patagonia and vote for CGF. We couldn’t have done it without you.

# THANK YOU TO ALL OUR SUPPORTERS!

GIFTS RECEIVED APRIL 1, 2007-MARCH 31, 2008

## Foothills Millennium Fund

These generous major donors of \$1,000 or more in the past fiscal year have made an extraordinary commitment to local open space protection. We are pleased to recognize them as members of the Foothills Millennium Fund.

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## FARM TOUR

# Farm Tour Survey Responses

## *Did you enjoy the day and do you consider the tour to have been a good value?*

- I loved the variety of venues, topics presented.
- Excellent value.
- Yes, in that I got to meet more people who are knowledgeable about the area, and see more of south Santa Clara County through their eyes.

## *What about the tour stood out as really great for you?*

- The ranch experience, and the opportunity to learn the missions of the various open space trusts. I'm not sure I came away in agreement with their priorities, but at least I understand them.
- It was all terrific; we were fascinated with the Mission Organics farm and their set-up and problems they had to deal with.
- The fruit at Andy's Orchard really stood out as great, as did the level of engagement and interest among the participants, and CGF's engagement of the issues affecting the area, even with only a small staff.

## *How we can encourage local support of farming and preservation of agriculture?*

- Series of news articles in local papers highlighting the challenges, rewards of local farm and ranch families.
- Consider developing a PBS style mini-documentary on local farmers and ranchers. Imagine if segments, sound bites of the Farm Tour had been video taped and distilled into a 30-45 minute video encapsulating the most important aspects of the tour. Now imagine that video being shown at service organization meetings or friendship societies, club meetings, senior centers, college-level environmental and/or social science classes throughout the valley spreading the message.
- I'm interested in opportunities to not only learn about issues but also work on possible solutions
- Reach out to school boards, and other community associations, to encourage them to, for example, organize a visit to Andy's Orchards. It'd be hard not to get hooked on his produce after one visit!
- Teach kids about farming/local food production/get into the schools.
- Try focusing on field trips for school age children to make the connection between farming and their economy and their dinner tables.
- My sense is that this is an idea whose time has come and that well selected actions by CGF can be a catalyst for very good results.



Starting the day with Gordon Clark, Mary Davey and Curt Riffle.



Lark Burkhart



Peter LaTourrette & Thomas Kruse discussing vinification.

## Thank you to the many people and organizations that made the Santa Clara Valley Farm Tour 2008 Possible!

Ben & Jerry's Foundation  
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# “The whole idea is adapting to changing circumstances”

*Interview of Andy Mariani of Andy's Orchard, by Brian Schmidt*

*Committee for Green Foothills' Legislative Advocate, Brian Schmidt, interviewed Andy Mariani, the owner and manager of Andy's Orchard. Andy's Orchard is a small specialty orchard in Morgan Hill that distributes nationally and to local high-end grocers and restaurants. A retail store at the orchard sells*

*directly to customers (interviewer's favorite: fresh (not dried) cherries, dipped in chocolate and still on the stem), and sells via the Internet at <http://www.andysorchard.com/>. Andy's Orchard was one of the stops on Committee for Green Foothills' 2008 Farm Tour.*

**Brian Schmidt:** *Andy, thanks for answering our questions. Can you tell us a little about your business?*

Andy Mariani: Andy's Orchard is a small, urban-edge agricultural operation in (and also just beyond) Morgan Hill east of Highway 101. We have 45 acres of specialty stone fruit, mostly cherries but also some peaches, apricots and plums. We process and pack some of our produce; but most of our cherries are packed and sold world wide by a large packer in Lodi; we also sell to local grocers and restaurants like Cosentino's, Sigona's, C. J. Olson, and Manresa; and we sell direct to customers at our own retail store.

**Brian:** *There are a lot of orchards in California – what's different about yours?*

Andy: We sell tree-ripened fruit, not what you usually find in stores. Most orchards sell fruit that's picked before it's ripe, while still firm enough to withstand mechanical packaging and long-distance transportation. We don't do that – we wait until the fruit is ripe and has the most nutrition and taste. (We lose some yield to overripe fruit falling from

the trees and bruising during hand harvesting and packing. Unuseable fruit is composted, that is, returned to the soil.) We can't grow, pick, pack and ship as cheaply, but we create a better product.

**Brian:** *Another difference is that you're preserving farmland at the edge of a city, Morgan Hill. What is that experience like?*

Andy: We have development on three sides of our orchard, and maybe on the fourth in a few years. To be honest, it's difficult – people think of farmland like it's a park, but an orchard is a business that has to make money, and it's difficult to make money here, especially as so much of the farming economy/infrastructure is gone. Economic forces caused larger packing operations in our valley to close, so we must deliver to big packers in Stockton/Lodi area where California's cherry packing/shipping is concentrated.

**Brian:** *How have you reacted to changes over the years?*

Andy: The whole idea is adapting to changing circumstances so that our orchard can continue. We've had the



Photos by Cat Hanrik

orchard in our family for over fifty years. We started out producing apricots for canning, but then canneries switched to a different type of apricots that aren't as high quality, but do better as canned fruit. We then switched to drying our apricots, until cheap, dried

Turkish apricots overran the market. We also dried prunes. Now we're primarily growing cherries and continue to seek the ways we can to tap into the high-end markets, including overseas markets.

*Continued on next page*

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**Brian:** *And does all this adapting work?*

Andy: The orchard is still around, but it doesn't make a lot of money. My parents were able to send three sons to college with what they made from the orchard, but those days are long past. I'm 62 years old and have to think about retirement and what to do with the orchard.

**Brian:** *You've mentioned before that you might disagree with the environmental community about some aspects of preserving farmland – what do you mean?*

Andy: The way I see it, if the outcome people want is to preserve agriculture, then let me, the farmer, do it as I best know how to do it. Here's an example: I recently got a lease on land near here and put it back into agricultural production for the first time in 50 years. But I'm a dirt farmer, not a Silicon Valley gentleman farmer, and starting a new orchard has a lot of upfront costs and no payback for several years. If I were allowed to sell off a small portion of my land for development, I could put new land into production that I'm not able to now.

**Brian:** *I understand, but everyone's obligated to deal with zoning. Switching land use from agriculture to intense development means a lot of profit – wouldn't it be fair to require some of the profit be put into preserving nearby farmland?*

Andy: I'd have to see the details, but putting limitations on my land isn't something I would necessarily welcome, particularly where the orchard is becoming increasingly surrounded by urban uses making farming almost impossible. In addition to all the other financial demands on farming, the land is my 401k, and I do not think anyone would want restrictions placed on his/her retirement and future financial position.

**Brian:** *We've often heard that the "last crop" some farmers want to retire on is residential development of their farms. But these large parcels on the Valley floor and in the vicinity of San Jose, Morgan Hill, and Gilroy have got to be worth a lot of money even if they aren't broken up for development. Doesn't that mean you still have a retirement fund in the land?*

Andy: Well, I don't own all the land myself – it's shared family ownership. And while I'm not trying to get rich, I would like a comfortable retirement. Most of all I would like to have enough set aside so that I could buy or keep 5 acres or so of land where I could keep farming even after I've "retired."

**Brian:** *Spoken like a true farmer. Any last thoughts for the readers?*

Andy: The way I grow and harvest fruit is how I would like to eat fruit myself. There's no question that people can go to Safeway and find cheaper fruit – hard fruit with much less taste and nutrition. We try to educate people about the alternative – the fruit here is fruit that they can't find anywhere else—many are older, heirloom varieties that have great flavor. We schedule fruit tast-



Ed Tewes & Dennis Kennedy



Enjoying peaches in Andy's Field



Tom Jordan, Curt Riffle and Sue LaTourrette.

ings and tours, and try to encourage people to come by our store and website to see all that we've got to offer. We're so close to San Jose, the ninth-largest metropolitan area in the nation. This is a real chance for a lot of people to sample and buy fruit of superior quality.

**Brian:** *Great – thanks for the time, Andy, and thanks for keeping agriculture going here.* 

# Proposed San Martin Incorporation: A Reasonable Purpose, Wrong Approach, and Terrible Execution

By BRIAN SCHMIDT

Heading south from San Jose, along Monterey Highway and Santa Theresa Boulevard you are able to see much of Santa Clara County that's not visible from Highway 101. The open fields, fruit stands, and greenhouses of Coyote Valley transform abruptly into the residential development of Morgan Hill. Leaving that city of fifty thousand people is a gradual transition back into farmland and then eventually you arrive at the eighty thousand people of Gilroy, and then further south to still more farmland all the way to the county line at the Pajaro River, north of Hollister.

There's one exception though to the farmland between Morgan Hill and Gilroy. Half way in between is San Martin Avenue, the heart of the unincorporated town of San Martin with about five thousand people living there. Committee for Green Foothills has worked to protect this area, most recently fighting the expansion of San Martin Airport that is not meant to serve the local area but just to provide more corporate jet capacity for northern Santa Clara County.

The central part of San Martin can properly be called a town, with relatively dense development, stores, and even a Caltrain station. With a community identity and history of opposition to bad county planning in past years, some San Martin residents have proposed incorporating their town so they can take over land use planning. This purpose is reasonable although one could equally reasonably oppose it, since they propose none of the city services that usually accompany incorporation.

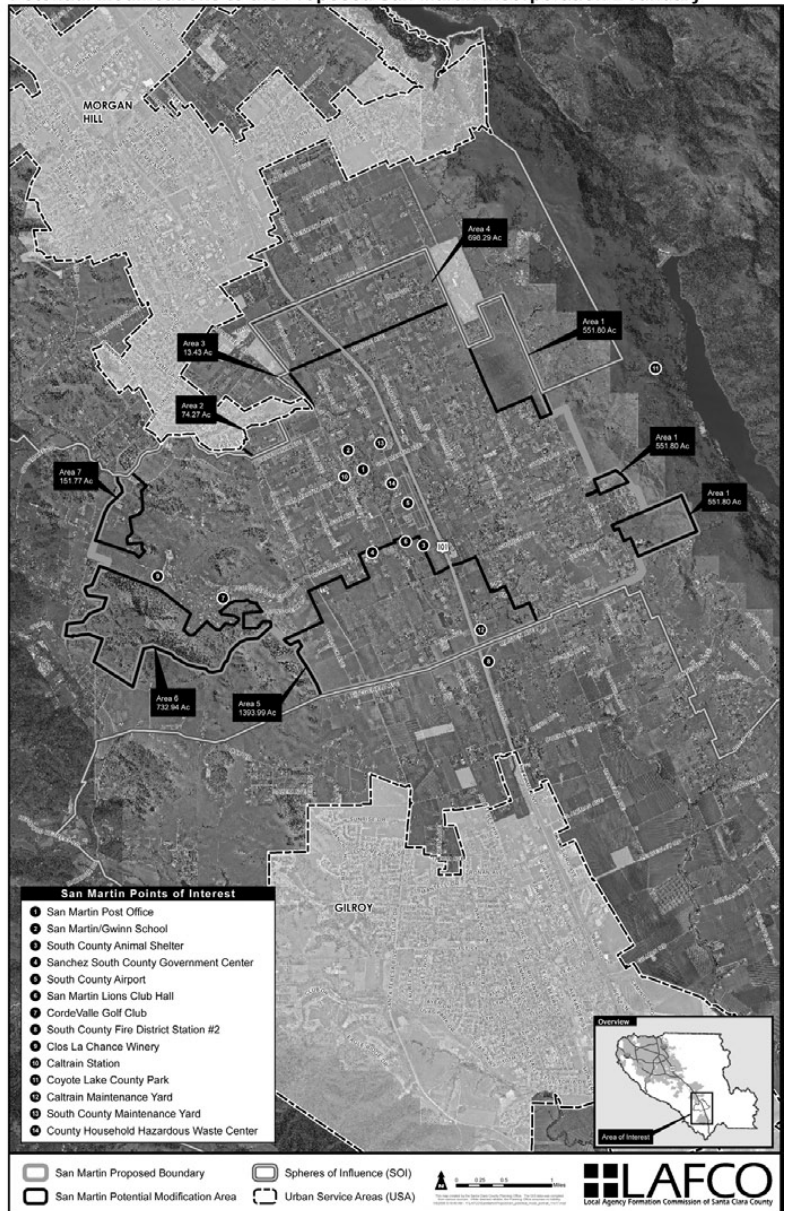
The real problem lies with the approach then taken by incorporation proponents, that every acre lying between the Morgan Hill, Gilroy, and their respective planning areas (called Spheres of Influence) should become part of San Martin. This turns normal city planning on its head – normally, cities are supposed to encompass the areas that are mostly developed, and only expand outward to bring in rural lands when the city's future growth requires the land. While at least some San Martin incorporation proponents expect to do a better job of protecting open space than the County has, they cannot control the future city, and a real risk of wholesale loss of thousands of acres of farmland could happen with any vote of the future city council.

Where things have gone terribly wrong is with the execution of the process for determining whether San Martin will incorporate. This problem has nothing to do with San Martin residents but everything to do with the agency that is supposed to oversee the process, Santa Clara County Local Agency Formation Commission (LAFCO). This agency is required by County policy and state law to protect the environment but has refused advice of its staff, its lawyer, a second team of lawyers, and an environmental consultant. The advice revolved around

shrinking the size of the proposed city, but on a series of consistent 3-2 votes, the LAFCO Commission has refused to do its job.

The situation became so serious that for the first time in Committee for Green Foothills' 46-year history, our Board of Directors passed a No Confidence Motion in Santa Clara County LAFCO. We can only hope the agencies responsible for appointments to LAFCO take notice of this situation, and take appropriate action to fix it. **CGF**

Potential Modifications to the Proposed San Martin Incorporation Boundary



## The Committee is watching...



Peter Latourrette

**San Mateo County's Long Range Planning Division**, which has initiated a comprehensive update of the San Mateo County General Plan, the North Fair Oaks Area Plan Update, and the 2009 Housing Element Update.

**San Mateo County Board of Supervisors Environmental Quality Committee**, composed of Supervisors Jerry Hill and Rich Gordon, which decided to gather additional data on the health of the County's 34 watersheds and engage in more public outreach before pursuing additional regulatory solutions or new programs.

**Clos de la Tech Winery** near La Honda where owner T.J. Rodgers proposes changes to the County Zoning Regulations to allow "Scenic Wineries" defined as located above 1,500 feet elevation to expand bottling capacity to 13,000 cases from the currently allowed 2,500 cases annually.

**Santa Clara County's reaction** to the spate of wildfires in the last two years, and whether it will reduce development in the hillsides that causes more fires and makes fire-fighting more dangerous and difficult.

**Morgan Hill**, which will have to decide whether to require city taxpayers to subsidize the planning for a proposed sprawl to the southeast, or make developers pay the full costs of planning.

**San Jose**, whose General Plan revisions can ultimately make significant advances in environmental protection or just lock in place current inadequate policies.

**Santa Clara Valley Water District**, whose plans for flood control along Stevens and Permanente Creek could provide environmental benefits if done correctly and without a proposed dam structure on upper Permanente Creek.

## The Committee Applauds

**San Mateo County Planning Commission**, which approved new regulations on telecommunications facilities.

**Santa Clara County**, The (preliminary) Draft Habitat Plan for Santa Clara County, which will affect the protection for endangered species in most of the county, for better or for worse, during the next 50 years.

**The many other environmental groups in Santa Clara County** that at CGF's urging, joined us in condemning Santa Clara County LAFCO and pushed for changes.

**The California Rangeland Conservation Coalition**, which CGF recently joined as a coalition that recognizes the importance of private rangeland for the environment and helps bring ranchers and environmentalists together.

# Working with Local Partners – the Example of Save Open Space Gilroy

By BRIAN SCHMIDT

Increasingly, in recent years Committee for Green Foothills has worked with local partners to protect open space where it is most at risk. The Committee and Save Open Space Gilroy (SOS Gilroy) are working together very effectively to preserve working farmland and natural open space in southern Santa Clara County.

SOS Gilroy has a number of important achievements under its belt. It assisted Gilroy in developing the first agricultural mitigation policy that required farmland to be preserved when other farmland is lost. Group members were instrumental in stopping the Westfield proposal for yet another shopping mall in Gilroy, this one designed to consume valuable farmland outside city limits.

Currently, the Committee is working with SOS Gilroy members to develop the Santa Clara County Habitat Conservation Plan and develop broader strategy for protecting open space in southern Santa Clara County. We expect to continue this relationship with strong groups like SOS Gilroy, and we hope to expand our relationships to encompass new groups elsewhere in southern Santa Clara County. **CGF**

## HELP WANTED!

### Volunteer with the Committee!

You're a member of the Committee, you read the newsletter, come to events, perhaps even subscribe to our action alerts, and now you want to get more involved. Well then, here are a few ways you can volunteer.

### Take great pictures?

Send us your pictures of local open spaces, flora or fauna. The Committee is building an archive of great pictures that we can use in this newsletter.

### Like stuffing mail, filing, office work?

We need someone to come in and help keep us organized.

### Want to be published author?

Write about a favorite local place. (See Lennie Roberts Windy Hill adventures in this issue.)

If you have other ideas of how you can help give us a call! We'd love to talk about your ideas for pitching in! Coordinate with Wendee at [info@greenfoothills.org](mailto:info@greenfoothills.org) or (650) 968-7243 x314.

# From the Bay to Skyline Ridge

BY BECKY TROUT

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Missing only one major link, the long-envisioned Bay-to-Ridge Trail is nearly complete.

On the latest version of the city's Palo Alto Open Space map, the 16-mile trail appears as a long orange line, curving southwest from the Palo Alto Baylands' sailing station through Monte Bello Open Space Preserve in the foothills. Just off the map, the trail extends to the Skyline Ridge Open Space Preserve.

On the ground, it is largely unmarked, passing invisibly through places Palo Alto pedestrians already tread — North California Avenue, Stanford Avenue, Old Page Mill Road, the Pearson-Arastradero Preserve and Foothills Park.

In the minds of its supporters, the Bay-to-Ridge Trail represents something even larger. It links the Palo Alto of daily life with the Bay's waters and the west's wooded hills, unimpeded by city boundaries, property ownership or free-ways — or by residents-only rules.

It connects the San Francisco Bay Trail and the Ridge Trail, two major efforts to construct Bay-ringing hiking paths.

And someday, that path will continue all the way to the Pacific Ocean.

"It's just very cool to ... walk out of your door and up to the top of Skyline and down to the ocean," Councilwoman Yoriko Kishimoto said. "It's really a beautiful vision."

As mayor last year, Kishimoto presided over a significant milestone for the trail, the completion of links between Los Trancos Open Space Preserve and Foothills Park and between Foothills Park and the Arastradero Preserve. She and Palo Alto Mayor Nonette Hanko, a founder and longtime board member of the Midpeninsula Regional Open Space District (MROSD), jointly hammered in a 3-foot-long wooden "spike" painted gold at the place the trail through the city's Foothills Park connects with MROSD lands.

Previously, Foothills Park trails didn't connect with anything, on purpose, to protect its status as accessible only to Palo Alto residents.

But in 2005, the City Council had to agree to open Foothills to through hikers to secure \$2 million from the California Coastal Conservancy and Santa Clara County to purchase 13-acre Bressler property, which was subsumed into the Arastradero Preserve.

By co-opting a utility road and constructing a new trail, those links were completed in

September 2007.

"That's really the lynchpin that created the Bay-to-Ridge," Greg Betts, the city's acting community-services director, said of the connection.

Betts entered the nearly complete trail into a statewide contest this spring. It won, capturing a trail-project merit award at the California State Parks' California Trails and Greenways Conference in May.

"The trail not only links parks and open-space areas with urban neighborhoods as the trail passes from tidal marshlands to redwood forests, there are four nature interpretive centers along the trail route to allow travelers to learn about the ecology of the different plant communities along the way," Betts wrote in the award application.

The history of the trail dates back more than a third of a century. It was conceived by Hanko when she was envisioning creation of the MROSD in 1972, as a spinoff of an earlier trail vision: a trail all around the Bay, envisioned by Mary Gordon, then a member of the Palo Alto Planning Commission.

Frances Brenner, also a commission member, favored the city acquiring the former Arastra Ltd. property. In the mid-1960s, a development firm proposed building 1,776 houses on the land, but the city denied it, rezoned the property and in the mid-1970s was forced to acquire the land in a court decision, for a negotiated price of \$7.5 million. The land is now a key link in the Bay-to-Ridge Trail.

Hanko, who still serves on the MROSD board, said the Bay-to-Ridge Trail has been a campaign position every time she faces re-election — although she hasn't had to campaign in recent elections because no one has run against her.

Former MROSD Planner Del Woods actually developed a trail alignment along the periphery of Foothills Park, but it was steep and close to private properties.

Betts, as director of open space and parks, suggested looking at existing trails, and Craig Beckman of the MROSD suggested that the best alignment would be to link to the district's Los Trancos Preserve, near the top of Page Mill Road.

Former Palo Alto City Council members and mayors Judy Kleinberg and Dena Mossar also supported the trail concept.

A county planner, Lisa Killough, was put in charge of trails countywide and was one more catalyst in moving the trail forward, Hanko

recalled.

Along the way, the Bay-to-Ridge trail was included in the 1995 Santa Clara County Trails Master Plan.

Trail planning kicked off in earnest following the adoption of Palo Alto's 1998 Comprehensive Plan, which called for the city to "evaluate the design of a Bay-to-Foothills path."

Practicality largely drove the selection of the route, Betts said.

Planners utilized an existing path over U.S. Highway 101 and the California Avenue underpass below the railroad tracks. They tried to connect parks and green space — the trail touches Jordan Middle School, Alexander Peers Park, Jerry Bowden Park and comes close to Donaldina M Cameron Park.

And planners used the four nature centers — Lucy Evans Baylands Nature Interpretive Center, the Junior Museum and Zoo, the straw-bale gateway facility at Pearson-Arastradero and the Daniels Nature Center in the Skyline Ridge Open Space Preserve — as anchors, Betts said.

They also used existing trails.

In the built-out areas of Palo Alto, planners aimed for less-busy roadways and wide sidewalks, Betts added.

One gap remains in the trail. Between Old Page Mill Road and the Arastradero Preserve, across Interstate 280, the path needs to cross Stanford University land.

Stanford agreed to build the critical link as part of its 2000 General Use permit, in which it agreed to construct two trails.

Known as S-1, or southern trail, the Bay-to-Ridge connector was approved — but is now tied up in the lawsuit challenging the northern Stanford trail proposal along Alpine Road.

Betts said he only knows of one person who has hiked the length of the trail, although others including Kishimoto have hiked large chunks of it.

"We acknowledge that it's not going to be an ant trail of people," he said.

Anyone eager to hike the trail should prepare carefully. It is long and, as its name suggests, climbs more than 1,400 feet. Most of the trail is unmarked so a map is essential for first-time trail hikers.

Signs through the Pearson-Arastradero Preserve, for example, still state trails end at Foothills Park and once at the boundary, a hiker arrives perpendicular to a road, with no clear indication which way to go. **CGF**

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