

APPENDIX A

SANTA CLARA COUNTY GENERAL PLAN, 1995–2010 EMINENT DOMAIN POLICIES

COUNTY EMINENT DOMAIN POLICIES

The following policies related to the acquisition of trails and easements are from the *Santa Clara County Trails Master Plan Update*, an element of the County General Plan, adopted in November, 1995.

PREAMBLE: THE SPIRIT OF THE COUNTYWIDE TRAILS MASTER PLAN UPDATE **IMPLEMENTING THE COUNTYWIDE TRAILS MASTER PLAN AND LIMITATIONS ON THE USE OF EMINENT DOMAIN**

For trails to be acquired by the County of Santa Clara, the power of eminent domain shall only be used in accordance with the policies of the Board of Supervisors as contained in the Eminent Domain Element of the Acquisition Policy, Parks and Open Space adopted on April 24, 1990. For trails, the use of eminent domain would only apply:

- whenever the action would serve the convenience and mutual interests of both a consenting seller and the County.
- to acquire trails and trail easements only in non-rural areas located within city boundaries, including unincorporated areas within those boundaries, and any areas bordering the San Francisco Bay.

PR-TS 2.3 (C-PR 25; R-PR 27) Trail Routes or Regional Staging Areas shown on the Countywide Trails Master Plan Map in areas currently designated on the County General Plan Land Use Map as Agriculture shall not be required (including easements) or developed outside of County road rights-of-way until or unless: (1) the land use designation is amended to a non-Agriculture designation, or (2) there is specific interest or consent expressed by a willing property owner / seller. Where there is a specific interest or consent expressed by a willing property owner / seller, trails in areas with prime agricultural lands shall be developed in a manner that avoids any significant impact to the agricultural productivity of those lands

PR-TS 2.4 (C-PR 26; R-PR 28) Trail Routes or Regional Staging Areas shown on the Countywide Trails Master Plan Map in areas currently designated as Ranchland on the County General Plan Land Use Map and actively used for ranching or other agricultural purposes shall not be required (including easements) or developed outside of County road rights-of-way until or unless: (1) the County is notified of a non-renewal of Williamson Act contract affecting the land on which the trail route or regional staging area would be located; (2) such time as the active ranching and/or agricultural use has been permanently abandoned; (3) the land use designation is amended to a non-ranchland designation, or (4) there is specific interest or consent expressed by a willing property owner / seller.

PR-TS 2.5 (C-PR 26.1; R-PR 28) Trail Routes or Regional Staging Areas shown on the Countywide Trails Master Plan Map in areas currently designated as Hillside on the County General Plan Land Use Map and actively used for ranching or other agricultural purposes shall not be required (including easements) or developed outside of County road rights-of-way until or unless: (1) the County is notified of a non-renewal of Williamson Act contract affecting the land on which the trail route or regional staging area would be located; (2) such time as active ranching and/or agricultural use has been permanently abandoned; or (3) there is specific interest or consent expressed by a willing property owner / seller.

PR-TS 3.3 (C-PR 28; R-PR 30) Trail routes shown on the Countywide Trails Master Plan Map that cross privately-owned lands shown as Agriculture, Ranchland or Hillside on the General Plan Land Use Map will only be acquired from a willing property owner / seller.