


**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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<b>DATE</b>	September 3, 2024
<b>TITLE</b>	Authorization to Execute a License Agreement with a Term of Ten Years With the City of Walnut Creek to Permit Park District Grazing Tenant Access to Adjacent Portions of Shell Ridge Open Space: Diablo Foothills Regional Park
<b>DIVISION</b>	Acquisition, Stewardship, and Development
<b>FROM</b>	Becky Bremser, Chief of Land Acquisition Ken Wysocki, Assistant General Manager of Acquisition, Stewardship & Development
<b>APPROVED</b>	Sabrina Landreth, General Manager 

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**RECOMMENDATION**

The General Manager of the East Bay Regional Park District (Park District) recommends that the Board of Directors authorize staff to enter into a license agreement with the City of Walnut Creek (City) for an initial term of ten (10) years, to permit the Park District's grazing tenant to graze cattle on two portions of the City's Shell Ridge Open Space that are adjacent to Diablo Foothills Regional Park.

**BACKGROUND**

In 2023, Park District and City staff discovered that fence lines did not accurately delineate between the City and Park District property boundaries in two different locations at Diablo Foothills Regional Park. Because these historic fences veered well away from the property boundaries, two significant areas infringed onto the City's Shell Ridge Open Space:

1. Western Included Area: roughly 14-acre area adjacent to the southwest corner of the Diablo Foothills Regional Park, near the Livorna Staging Area, on City-owned open space identified as Contra Costa County Assessor's Parcel No. 182-190-031-1.
2. Northern Included Area: roughly 16-acre area adjacent to the northwest corner of the Diablo Foothills Regional Park, along Borges Ranch Road, on City-owned open space identified as Contra Costa County Assessor's Parcel Nos. 139-151-001, 139-151-002, 139-160-001, and 139-160-002.

Grazing is a landscape management tool both agencies utilize for their contiguous open space. Since the undertaking would be a costly and time-consuming fence relocation project, the City agreed to formally permit the Park District's grazing tenant to continue to run cattle on these two City-owned areas. This will be formalized through a license agreement between the City and Park District.

The current Park District grazing tenant, Bryan Smith, will continue to graze his cattle and maintain fences, gates, and other grazing infrastructure according to the terms of the grazing license. That grazing license is up for renewal and will also go before the Board of Directors for authorization to renew the license with these two City-owned areas formally incorporated into the license premises.

### **ANALYSIS**

Cattle fences do not always adhere to property boundaries. This often occurs on large ranches the Park District acquired prior to subdivisions. Fences may have been installed along historic property boundaries rather than modern property boundaries. Upon acquisition of ranchlands, Park District staff typically assess cattle fencing and install new fencing along new property boundaries where needed.

### **FISCAL IMPACT**

There are no direct costs associated with the execution of a license agreement other than staff time, already accounted for in the Land Acquisition Department budget. Any revenue that the Park District receives from its grazing tenant that could be attributable to the Western Included Area and Northern Included Area will be part of the overall grazing licensee fee payments and retained by the Park District.

### **ATTACHMENTS**

Attachment A: Map



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 09 -  
SEPTEMBER 3, 2024**

**AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT WITH A TERM OF  
TEN YEARS WITH THE CITY OF WALNUT CREEK TO PERMIT PARK DISTRICT  
GRAZING TENANT ACCESS TO ADJACENT PORTIONS OF SHELL RIDGE OPEN  
SPACE: DIABLO FOOTHILLS REGIONAL PARK**

**WHEREAS**, in 2023, the East Bay Regional Park District (Park District) and City of Walnut Creek (City) staff discovered that fence lines did not accurately delineate between City and Park District property boundaries in two different locations at Diablo Foothills Regional Park; and

**WHEREAS**, because these historic fences veered well away from the property boundaries, two significant areas infringed onto City's Shell Ridge Open Space; and

**WHEREAS**, one such area, roughly 14 acres in size, is adjacent to the southwest corner of the park, near the Livorna Staging Area, on City-owned open space, and the other such area, roughly 16 acres in size, is adjacent to the northwest corner of the park along Borges Ranch Road, on City-owned open space; and

**WHEREAS**, instead of undertaking a costly and time-consuming fence relocation project, and since grazing is a key landscape management tool that both agencies utilize for their contiguous open space, the City agreed to formally permit the Park District's grazing tenant to continue to run cattle on these two City-owned areas;

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorize staff to enter into a license agreement with the City of Walnut Creek, permitting the Park District's grazing tenant to graze cattle on two portions of the City's Shell Ridge Open Space that are adjacent to Diablo Foothills Regional Park, as presented to the Board on September 3, 2024; and

**BE IT FURTHER RESOLVED**, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and  
adopted September 3, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: