



Midpeninsula Regional
Open Space District

R-24-78
Meeting 24-17
June 25, 2024

AGENDA ITEM 2

AGENDA ITEM

Basic Policy for the Coastside Protection Area – Initial Review of Draft Policy Statement Revisions

GENERAL MANAGER'S RECOMMENDATION

(5)

Review and provide initial feedback on the draft policy statement revisions that incorporate the Coastside Protection Area into the Basic Policy in a manner consistent with the Coastal Service Plan.

SUMMARY

On July 12, 2023, the Midpeninsula Regional Open Space District (District) Board of Directors (Board) approved the process for incorporating the Coastside Protection Area into the Basic Policy in a manner consistent with the Coastal Service Plan (Service Plan) and formed a Board Ad Hoc Committee to guide the process. Under the guidance of the Ad Hoc Committee, staff and a consultant have identified policy gaps and developed draft policy statement revisions for the full Board's initial review. Following the Board's initial review, staff will initiate a stakeholder and public outreach process to present the proposed policy statement revisions for community input.

BACKGROUND

Basic Policy

The District was created by voters in northwestern Santa Clara County in November 1972. In March 1974, the Board adopted its Basic Policy, which states the agency's primary purpose and strategic emphasis while also covering at a very high level the following five major policy areas:

- Open Space Land Preservation
- Open Space Management
- Inter-Agency Relationships
- Public Involvement
- Administration

Each policy area is accompanied by specific policy statements. The Basic Policy serves as the District's "constitution", providing the highest level of policy guidance on fulfilling the District's mission. Informed by and consistent with the Basic Policy, specific and more detailed Board policy documents, such as the Resources Management Policies, Agricultural Policy, and Good Neighbor Policy, provide more specific guidance.

In January 1996, the District initiated a multi-year stakeholder and public participation process to update the Basic Policy. No significant changes were identified through the robust public engagement process. The effort to update the Basic Policy was focused on clarifying existing policies and bringing them in line with current practices, conditions and priorities. The Board adopted the updated Basic Policy on March 10, 1999 (Attachment 1).

Service Plan for the San Mateo Coastal Annexation Area

In 2004, the Local Agency Formation Commission (LAFCo) approved the District's Coastsides Protection Program, extending the District's boundaries to include San Mateo Coastsides lands from Montara to the San Mateo-Santa Cruz county line. The Service Plan for the San Mateo County Coastal Annexation Area (Service Plan)(Attachment 2) and associated Environmental Impact Report (EIR), certified as part of the Coastsides Protection Program, establishes the Coastal Mission for the District and specifies the services, goals, permanent policies, guidelines and implementation actions for preserving open space and agricultural lands, protecting natural resources, providing ongoing land stewardship, encouraging agricultural use of land resources, and developing public access in the coastal areas of San Mateo County.

The District's Coastal Mission is as follows (**bold** denotes additions to the basic Mission Statement):

*To acquire and preserve in perpetuity open space land **and agricultural land of regional significance**, protect and restore the natural environment, **preserve rural character**, **encourage viable agricultural use of land resources**, and provide opportunities for ecologically sensitive public enjoyment and education.*

The Service Plan includes policies to meet the coastal mission of preserving agricultural lands, encouraging agricultural use and preserving the rural character, and establishes Guiding Principles for the following eight policy areas:

- Land Acquisition
- Services and Funding
- Agriculture
- Forestry
- Partnerships
- Representation
- Planning and Development
- Land Use

The Guiding Principles are organized into three categories:

- **Permanent Policies** — Policy statements that are critical for the District to operate effectively within the Coastsides Protection Area. There are six (6) Permanent Policies in the Service Plan.
- **Guidelines** — Guidelines to inform decision-making and the formation and operation of District programs within the Coastsides Protection Area. Guidelines indicate to the general public a clear commitment by the District. There are 51 Guidelines in the Service Plan.

- **Implementation Actions** — Explain how the District will operate within the Coastsides Protection Area. These actions, procedures, programs, or techniques are the means by which the District carries out the Permanent Policies and Guidelines. There are 36 Implementation Actions in the Service Plan.

Process to Update Basic Policy for the Coastsides Protection Area

While significant progress has been made to meet Service Plan commitments since its adoption in 2004, one Service Plan Guideline (G.6.1) remains outstanding, which states that the District will develop a Basic Policy for the Coastsides Protection Area. As the Service Plan has provided adequate policy guidance on the District's work on the coastsides over the past 20 years, the Board, at its July 12, 2023 meeting, approved a process to incorporate the Coastsides Protection Area into the Basic Policy in a manner consistent with the Coastal Service Plan. The process includes:

- Existing Policy Review and Development of Draft Basic Policies
- Board Review of the Draft Basic Policy language/edits for the Coastsides Protection Area
- Public Outreach and Input on Draft Basic Policy Language/Edits
- Incorporation of Public and Board Input into the Final Draft
- Board review and approval of Final Basic Policy Language/Edits

At this meeting, the Board also approved the formation of a Board ad hoc committee to guide the Basic Policy update process.

DISCUSSION

Basic Policy Update

The District retained 2M Associates (2M) to support the Basic Policy update. 2M was the prime consultant who assisted the District to develop the Service Plan in 2004. As the goal of this policy update is to incorporate the Coastsides Protection Area into Basic Policy in a manner consistent with the Coastal Service Plan, 2M's intimate knowledge about the Service Plan is beneficial to the overall success of this effort. 2M's scope of work includes conducting policy review, identifying policy gaps, developing draft revisions, and assisting staff with presentations to the Board, stakeholders and community for input on draft Basic Policy amendment for future Board consideration.

Staff and 2M first completed a thorough review of the Basic Policy and the Service Plan and identified areas in the Basic Policy that require consideration and update based on the project goal. The findings of this in-depth analysis are summarized in the Gap Analysis Memorandum (Attachment 3) which includes two key tables:

- **Table 1 - Basic Policy Analysis**
This table indicates applicable sections of the Service Plan for each Basic Policy Statement and a finding of consistency between the two policy documents. The findings were presented as "consistent", "perspective/definition", or "gap/conflict"

"Consistent" represents no conflicts between the two documents such that no change is warranted. "Perspective/definition" represent differing or new/expanded perspective or definition which warrant consideration of changes in the Basic Policy. "Gap/Conflict"

represents direct conflicts between the two policy documents or lacking in some way in the Basic Policy that require update of the Basic Policy.

There are limited instances where staff noticed in its review that, while consistent with the Service Plan, a Basic Policy Statement may be outdated or could be revised for internal consistency. These instances are listed in the table as a “Staff Note”.

- **Table 2 - Topics not Specifically Addressed in the Basic Policy**
The Service Plan lists a number of statements and very specific mitigation measures that are not mentioned in the Basic Policy document. These topics are too specific to be included in a high-level foundational policy document and are addressed in other District policies. Table 2 summarizes these topics and their corresponding District policies.

After the ad hoc committee reviewed the findings from the in-depth evaluation of the Basic Policy and confirmed the areas that require updating, staff and consultant developed proposed policy statement reviews to address areas of concern. These proposed revisions are summarized in Attachment 4. Key proposed revisions include:

- Adding a footnote to acknowledge that the quote in the Basic Policy by Wallace Stegner was written prior to the initiation of the Coastal Protection Program.
- Expanding the definition of Open Space to include working agricultural land that remains protective of natural resources, consistent with California Government Code.
- Adding the District’s Coastside mission
- Adding the prohibition of using eminent domain within the Coastside Protection Area
- Replacing references to the obsolete Master Plan and Regional Open Space Study with the Vision Plan and Conservation Atlas Database
- Updating District policy related to timber harvesting for restoration forestry management
- Updating growth guidelines that are used to control administrative expenses

The ad hoc committee reviewed the proposed revisions and provided feedback. Their comments have been incorporated in the draft document.

Stakeholder and Public Engagement

As approved by the Board, the Basic Policy update process includes a robust stakeholder and community engagement process to solicit public input on the proposed Basic Policy statement revisions. After the Board’s initial review of the proposed changes at the June 25, 2024 meeting, staff and 2M will reach out to the community via a variety of ways, including but not limited to:

- One-on-one meetings with key stakeholders (examples could include city and county elected officials, advocates, local leaders)
- Focused meetings with specific stakeholder groups (examples could include Farm Bureau, coastal community-serving nonprofits, coastside and bayside environmental organizations)

- Presentations to governmental agencies and government-sponsored organizations within the Coastsides Protection Area (examples could include San Mateo County Agricultural Advisory Committee and Pescadero Municipal Advisory Council)
- Additional outreach and engagement will include:
 - Community meetings (both in person with a focus for Coastsides residents and virtual with a focus for bayside audiences)
 - Website with comment form
 - An initial postcard mailing to potential interested parties and stakeholders
 - Email notifications for public meetings and engagement events
 - District Enews/Views articles and social media posts
 - Tabling at local farmers markets
 - Tribal outreach

The stakeholder and community engagement process is anticipated to take place in the remainder of this year and early next year. Once the process is complete, staff and 2M will revise the draft document based on public comments, as applicable, and submit the revised draft to the Board for final approval.

FISCAL IMPACT

There is no fiscal impact associated with the recommendation.

PRIOR BOARD AND COMMITTEE REVIEW

The Basic Policy, other key policies referenced in the Basic Policy, and the Service Plan previously came before the full Board of Directors at the following public meetings:

- **March 10, 1999:** Board Final Review of Basic Policy ([R-99-41](#), [meeting minutes](#))
- **June 5, 2003:** Board certification of San Mateo Coastal Annexation Final Program Environmental Impact Report and related documents ([R-03-54](#), [meeting minutes](#))
- **May 24, 2017:** Board review of the San Mateo Coastal Annexation Area Service Plan and Commitments ([R-17-66](#), [meeting minutes](#))
- **November 1, 2017:** Coastsides Service Plan Community Workshop
- **April 27, 2022:** Board review of Coastal Management Plan ([R-22-53](#), [meeting minutes](#))
- **June 13, 2023:** LFPAC review of Policy Development Process ([R-23-60](#), [meeting minutes](#))
- **July 12, 2023:** Board review of Policy Development Process ([R-23-77](#), [meeting minutes](#))

PUBLIC NOTICE

Public notice of this meeting was provided as required by the Brown Act and included the Coastal interested parties list. The San Mateo County Farm Bureau was notified by District staff directly.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

This item is not subject to CEQA. The proposed policy statement revisions will incorporate existing content from the Service Plan for the San Mateo County Coastal Annexation Area (Attachment 2) and its associated Environmental Impact Report (EIR).

NEXT STEPS

After Board initial review of the proposed policy statement revisions, staff and consultant will engage stakeholders and community members to review and provide feedback on the proposed changes during the remainder of 2024 and early 2025. The Board's final review and approval of the proposed changes with community input is currently targeted for spring of 2025.

Attachments:

1. Basic Policy Adopted on March 10, 1999
2. Service Plan for the San Mateo Coastal Annexation Area
3. Policy Gap Analysis Memo
4. Proposed Policy Statement Revisions

Responsible Department Head:

Ana Ruiz, General Manager

Prepared by:

Susanna Chan, Assistant General Manager

Jane Mark, Planning Manager

Staff Contact:

Susanna Chan, Assistant General Manager