

# Midpeninsula Regional Open Space District

## Board Policy Manual

<b>Open Space Use and Management Planning Process</b>	<b>Policy 4.01 Chapter 4 – Acquisition &amp; Maintenance of District Lands</b>
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### **A. Purpose and Scope of Planning Process**

MROSD lands are managed to promote the continued preservation of their natural, historical and cultural resources, and at the same time provide compatible public recreation, environmental education, and agricultural use where possible.

The Open Space Use and Management Planning Process has been established to address these management goals. The process encompasses an ongoing comprehensive approach to management, designed to respond to the dynamic changes of the District’s environmental resources and public needs.

### **B. Description of Planning Process**

The Planning Process is comprised of five planning categories, which allow for a systematic approach to the development of management plans. The categories relate to various stages of site planning a preserve may be subject to during its course of development and use.

#### **1. Preliminary Use and Management Plans**

Preliminary Use and Management Plans consist of use and management recommendations developed and approved at the time of acquisition or approval of a license or management agreement. These plans normally represent a status quo approach to use and management. Emphasis of the plan is typically on securing the site, specifying immediate site management needs, and establishing a timeline for providing general public access. Limited public use, such as docent hikes or neighbor use/permit use, may occur while the site undergoes post-acquisition planning, depending on site constraints.

The Preliminary Use and Management Plan remains effective until 1) it is incorporated into an existing Comprehensive Use and Management Plan or Master Plan if the site is an addition to an existing preserve; 2) it is incorporated into an Interim, Comprehensive or Master Use and Management Plan when the site is an addition to a preserve not yet having a comprehensive plan; or 3) it is reviewed and expanded into an Interim Use and Management Plan when the site is not part of another preserve and is relatively small and isolated.

#### **2. Interim Use and Management Plans**

The Interim Use and Management Plan is usually a refinement of a Preliminary Use and Management Plan, but in some instances is also an accumulation of preliminary plans for a

number of acquisitions comprising a preserve. The Interim Plan is most commonly prepared for preserves that consist of non-contiguous parcels, have use limitations, or are anticipated to require boundary adjustments. The Interim Plan responds more to immediate versus long-range planning concerns and generally represent a continuation of existing levels of use and management.

### 3. Comprehensive Use and Management Plan

The Comprehensive Use and Management Plan is a detailed plan addressing all aspects of use and management. It is prepared for preserves that have the potential for a substantial amount of public use, and/or have other critical land use issues which need attention. The comprehensive plan is based on a resource analysis and public input, and evaluates potential uses as well as cultural and existing uses. It represents both long term (5-15 years) goals and short term (1-5 years) goals with the focus of specific recommendations being the tasks to be completed within five years. The need and approximate timing for preparation of a Comprehensive Use and Management Plan may be determined when considering the Preliminary Use and Management Plan or when the Interim Use and Management Plan is adopted or reviewed.

### 4. Preserve Master Plan for Improvement, Use and Management

The Preserve Master Plan is very broad in scope and is developed with the intent of providing a guideline for development of a preserve over a term of 1 to 30 years. Compared to the Comprehensive Use and Management Plan, the Preserve Master Plan involves more extensive site analysis, a higher level of public involvement, and in most cases, explores a wider range of improvements, resources, and land uses. The Master Plan is usually designed to be implemented in phases over a long time period. Master Plans are typically prepared for District lands that lend themselves to higher levels of recreational uses, resource issues, agriculture, improvements, and land uses, or have particularly complex planning issues to be resolved.. Upon completion, the Preserve Master Plan serves as a basis for the formulation of change to a preserve's Comprehensive Use and Management Plan, which reflects the more immediate phases of the Master Plan. The Master Plan is intended to be the guiding document when considering amendments to previous Use and Management Plans.

### 5. Use and Management Plan Reviews

All Use and Management Plans are subject to the Board's review at its discretion or upon the General Manager's recommendation. The purpose of the review is to examine changes in site use, resolve use and management issues as they arise, and address the progress of implementing existing plans. The time period and schedule during which a plan is reviewed depends on level of use, and use and management issues requiring attention.

A Policy for Relative Emphasis of Use, Development and Publicity of District sites was adopted in 1982 to guide the District in prioritizing planning of preserves and in developing a five-year Capital Improvement Plan. Since adoption of this Policy, the process for prioritizing and planning the development of Use and Management Plans has become a component of the Board's annual review and adoption of the District's Action Plan. As part of the District's Strategic Plan, a goal will be to formulate a more current and effective process for prioritizing

and planning the use and management of District Preserves. This revision of the District's Open Space Use and Management Planning Process is an interim policy to be in place until the development of a revised process which reflects the District's current approach to preserve use and management issues.

**C. Preliminary Use and Management Plan Elements**

The Preliminary Use and Management Plan contains a number of elements that focus on existing conditions and potential uses of the site. The elements typically include, but are not limited to:

1. Description of Site

Discussion to describe size, location, boundaries, topography, geology and natural landscapes, and other significant site conditions.

2. Planning Considerations

Discussion directed toward identifying jurisdictional and zoning factors influencing site planning.

3. Current Use and Development

A description of current uses of the site including structures, roads, power lines, agriculture, water systems, and other significant uses.

4. Potential Use and Development

A conceptual look at the potential uses, including potential uses of structures and improvements.

5. Site Protection and Immediate Site Needs

These elements pertain to any immediate plans for the lands including limited public access, protection of the site's resources, and insuring public safety.

a. Limited Public Access

Discussion and plans concerning limited public access, if any, such as parking, trail, and road systems. Conceptual discussion of future access opportunities may be included.

b. Signing

Discussion and plans concerning signing for boundaries, regulations, safety and other immediate needs.

c. Structures and Improvements

Discussion of all structural-type improvements including residences, water systems, restrooms, barns, fences and gates. Policies regarding disposition of major structures (i.e., use, sale or demolition) is further addressed in Section E.

d. Natural Resources Management

Discussion related to immediate resource management needs such as restoration, inventories, and erosion control.

e. Agricultural Resources

Discussion of the current agricultural uses and agricultural preservation needs in the near term, such as grazing and continuation of agricultural activities.

f. Patrol

Discussion of proposed patrol plans and patrol and maintenance access.

g. Wildfire Fuel Management

Discussion of any immediate fuel management needs or fuel planning needs.

h. Roads and Trails

Discussion and preliminary assessment of existing road and trail systems.

i. Service Plan for the Coastside Protection Program

For lands in the Coastside Protection Area, discussion of the maintaining the site in compliance with the Service Plan.

j. Site Safety Inspection

Discussion of any immediate site safety needs to insure public and employee safety such as existing potential hazards, needed site clean-up or remediation, or other protective measures.

6. Compliance with CEQA

Determination of project's potential impact in accordance with the California Environmental Quality Act.

7. Site Naming

Discussion and plan for the naming of the site either as an addition to an existing preserve or formulation of a new preserve name.

8. Dedication

Discussion of intention to dedicate the site as public open space.

9. Fiscal Impact

Information on immediate costs of use and management of the site may be included.

The Interim, Comprehensive, and Preserve Master Use and Management Plans typically address the same elements as those contained in the Preliminary Use and Management Plan, but include more elements and a broader, more intensive analysis and plan for the preserve. Both the Interim and Comprehensive pPlans contain, in addition, a description of current public use including changing patterns of use and problematic uses. The degree of attention given to elements pertaining to public access and site protection is relative to the type of Use and Management Plan they are contained in, with the most detailed information available in the Preserve Master Use and Management Plan.

#### **D. Major Structures and Improvements**

The disposition of major structures and other improvements is a primary concern throughout the planning process because of their potential resource value or deleterious impact. The process by which structures are disposed of is in accordance with Policies Regarding Improvements on District Lands.

Preliminary use and management recommendations relating to existing structures and improvements will generally maintain the status quo, unless specific factors must be addressed because of negative site impacts or safety hazards requiring mitigation. For structures and improvements being retained during the further planning process, potential use categories will be identified, and a timeline for returning to the Board will be established. When feasible, the next decision point should coincide with the next consideration of the site's Use and Management Plan to ensure that the ultimate disposition is consistent with overall plans for the site.

The Use and Management Plan will establish the parameters for improvements and use of structures that are compatible with all other elements of the plan. The plan will outline the procedure and timeline for the preparation of a specific proposal, whether it is confined to a staff proposal or possibly the solicitation of public proposals. In the case of public solicitation, it is imperative that the parameters are well defined and consistent with open space goals and site plans.

#### **E. Conservation Management Units**

Conservation Management Units (CMUs) are areas within preserves, or possibly entire preserves, which because of certain criteria limiting their use, are planned and subsequently managed primarily for preservation of natural resources and viewshed. The criteria used to determine if a particular area or preserve falls within this category are:

1. Severe public access limitations

This occurs when the area is surrounded by private property and is not currently accessible by public roads or trails.

2. Remoteness causes management constraints

The area's remoteness makes it difficult to provide a responsible level of visitor and site protection, similar to that which is offered on more accessible sites, in the foreseeable future.

3. Undesirable for public use in the foreseeable future

This can be the result of site constraints which make the site currently not conducive to public use, such as site safety issues, size of the site, or other factors currently incompatible with general public use.

4. Significant environmental constraints

The lands may contain highly sensitive areas with current environmental constraints on public use, such as presence of critical habitat for endangered or threatened species, the presence of those species, or other significant risk of natural resource damage.

#### 5. Agriculture

The presence of active agricultural uses makes the site currently inappropriate for general public use.

Areas designated as Conservation Management Units (CMUs) will not be managed for general public recreation until use limitations can be sufficiently overcome. Public use will not be encouraged, patrol and maintenance will be the minimum necessary for resource protection and public safety, and site maps and signs (outside of the standard boundary signs) will not be available. Staff will monitor the resource as time permits and as conditions require. Maps contained in the acquisition report and available to the public only upon request will clearly outline access, limitations, and adjacent private properties.

The CMU determination is commonly made at the time of acquisition, but may occur or be modified during the review process. In most cases, a CMU status is only temporary until limiting conditions improve, but it is conceivable that this status could remain indefinitely. Areas or preserves designated CMUs will not be reviewed on a regular basis, but at Board or General Manager discretion.

Areas over which the District holds open space easements are usually CMUs unless the conditions of the easement permit public access. Although the level of planning for easements is similar to any other CMU, the management and method of monitoring may be different. In most cases, the District does not participate in the management of an open space easement area and is required to make special arrangements with the property owner for inspection of the easement conditions.

#### F. Site Naming

When a site is acquired, it may be recommended that it become an addition to an existing preserve, a specific area within an existing preserve, or a new preserve. If the property under consideration is to become an addition to a preserve, that action should occur at the time of acquisition. If the site is to become a specific area within a preserve or a new preserve, suggested names should be considered at the time of acquisition, with a final decision to follow at the next Use and Management Plan review or amendment. Guidelines for site naming are contained in the Board's Site Naming and Gift Recognition Policies. As preserves grow in size and possibly merge with other District land, it may become necessary to modify existing preserve perimeter boundaries and names. Suggested changes in boundaries and names may occur at the time of acquisition, with a final decision to follow at the next review or amendment of the Use and Management Plan.

#### G. Development Project Funded by a Grant

A preserve's Use and Management Plan may include projects that are ideal for development under various grant programs. These projects usually significantly increase public access, have elements beyond the more traditional types of development on district land, and have potential budget impacts that could divert funds away from ongoing management of the District's Preserves. In these cases, grant funds are sought as a means to implement the development phase without seriously impacting the overall program.

When applying for a development grant, it is advantageous to submit plans which have already been through the CEQA process, publicly reviewed, and adopted by the Board. This ensures the granting body that the project can be implemented expeditiously and with little modification. For this reason, every attempt is made to incorporate prospective grant projects into Use and Management Plans before the funding sources become available. When this is done, the elements are identified in the plan and in budget preparation as potential grant projects and, as such, are not anticipated to be developed solely with District funds.

In some instances, grant opportunities arise unexpectedly, and a grant project may be formulated without prior inclusion in a Use and Management Plan, in order to take advantage of the funding opportunity. It is then imperative to incorporate the project into the Use and Management Plan as soon as possible to provide the necessary public review, Board adoption and CEQA compliance.

#### **H. Open Space Planning Areas within District Preserves**

Some District preserves contain differing ecological and geographical open space planning areas. This arrangement facilitates comprehensive site use planning and management. Use and Management Plans and reviews for individual sites within a given planning area are prepared within a short span of time so that the plans are consistent with each other.

#### **I. Public Review**

Public participation is an integral part of the planning process. Anyone inquiring about planning issues related to a preserve is encouraged to become involved by attending public workshops and hearings when the issues are discussed. Interested parties may subscribe to the District's agendas to keep informed of upcoming meetings. In addition, a notice of an upcoming meeting will be posted on the website to increase public awareness. All public notification is in accordance with the Public Notification Policy, the District's Good Neighbor Policy, and the Coastside Service Plan.

Except for Preliminary Use and Management Plans and Plan Amendments, Use and Management Plans are considered by the Board at a minimum of two public hearings at which the public may comment. The initial hearing is for the purpose of tentatively adopting the Use and Management Plan recommendations. In most cases, these tentatively adopted recommendations will be returned to the Board for final approval at the next regularly scheduled meeting. This will typically allow at least a two-week period to receive public comment. There may be cases where additional time is required to resolve specific planning issues.

When the General Manager is authorized to accept a gift of or acquire low value real property, the General Manager is also authorized to approve the Preliminary Use and Management Plan for the property. The Board of Directors shall be notified in writing of any Preliminary Use and Management Plan so approved at the next regular Board meeting following the acquisition.

When specific land use issues under consideration may lead to significant changes in an existing use and management of a site and generate a substantial amount of public interest or raise complex issues, the proposed plan may be first considered by the District's Use and Management Committee or a Board-authorized ad hoc committee. Public workshops are typically held. Public workshops may be informal meetings held before staff presents a plan to the Board for final approval or, at the Board's discretion, may be District board meetings. This will encourage public involvement in the development or modification of the Use and Management Plan. When special use and management issues arise, public workshops or neighborhood meetings may be held to resolve the issues and possibly modify the existing Use and Management Plan. These workshops will be held on or near the preserve when possible, and announcements will be sent to subscribers of the District's agenda and local newspapers, as well as posted on the website.

District-wide planning issues (e.g., dog usage, trail use conflicts) will be subject to the same planning procedures as site-specific issues. A mailing list of interested parties will be maintained and used for public notification when public workshops or hearings related to the matter are scheduled.

**LEGAL NOTICE.** The purpose of this policy is to assist the District in planning the use and management of its preserves to further the District's mission and best accomplish its planning goals. It is not the purpose of this Process to adopt legal notice, legal procedures, public meeting, or land management policies beyond those required by state law. No action taken by the District shall be invalid for failure to comply with this policy.