

# Midpeninsula Regional Open Space District

## Board Policy Manual

<b>Improvements on District Lands</b>	<b>Policy 4.02 Chapter 4 – Acquisition &amp; Maintenance of District Lands</b>
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Purpose: Open space lands purchased by the District often have structures and other improvements of varying condition, usefulness and value. Some of these improvements are appropriate to the open space around them, and others are not. As use of District lands increases, there will be additional pressure on the District to construct new facilities such as visitor use buildings, parking lots, housing, and field offices. Since there are many costs involved with the maintenance, patrol, and liability of structures, it is important that the District establish a policy for the use, construction and/or removal of structures on District lands. Information on specific structures and their use, potential uses and final disposition will be found in the site planning documents. The following policy statements are intended as a guide for staff in the preparation of recommended actions concerning structures and improvements to inform the Board’s decision.

### A. Definitions.

For the purpose of these policies, improvements include but are not limited to all improvements such as buildings, houses, barns, . visitor-serving and sanitary facilities, utility structures, communication towers, dams, water storage facilities, fences, gates, corrals, roads, trails and parking lots.

### B. Policy Statement.

All structures and other improvements existing on District lands at the time of acquisition are potential resources and as such will be considered for retention and will be addressed in site planning documents. The District will retain, renovate or build a structure or other improvement only if it is complementary to the objectives of the District outlined in the Basic Policy. Important considerations in the decision to retain or build an improvement will be its compatibility with the open space character of the site, its potential financial burden to the District in terms of liability and management, historic value, and its proposed use. Further considerations are outlined in the Factors to Consider for Structures Disposition board policy 4.09. Improvements that don’t meet the criteria for retention will be removed as soon as practicable.

The Construction and Demolition Waste Diversion board policy (4.08) provides guidelines for the disposition of materials resulting from an improvement- construction or demolition project.

Structures or improvements should be evaluated at the time of acquisition, during the site planning process and when renovations in excess of \$200,000 or that exceed the value of the structure are required.

The Board will review and approve the demolition of residential structures of any size, any structure in excess of 1,500 square feet, and any structure determined to be historically significant. The Board must also approve the construction of a residential structure of any size or any structure in excess of 1,500 square feet.

The General Manager or his/her designee may authorize the demolition of any structure that does not meet the guidelines above as well as any structure that has had a major structural failure such as a collapsed wall or roof. The General Manager or his /her designee may approve the construction of any non-residential structure under 1,500 square feet on a case by case basis. In cases of particular public interest or that are controversial, the General Manager may bring the decision to the Board for final disposition.

In other than emergency situations, public notice will be given to the degree specified in the Open Space Use and Management Planning Process board policy 4.02 and the Public Notification board policy 1.09 before any decision is made by the Board on the disposition of a structure or improvement.

C. Discussion.

(1) Improvements Used for Site Protection, Management, and Stewardship:

(e.g., Field Office, Employee Residence, Agricultural Labor Residences, Equipment and Water Storage Facilities, Outbuildings, Corrals, Fences and Gates)

If it is deemed necessary or desirable to have a field office or employee residence in order to properly care for a site and to accomplish the District's land management, resource management and stewardship goals, the decision to use an existing structure or to build a new structure should be based on this policy and Factors to Consider for Structures Disposition board policy 4.09.

As the District acquires agricultural properties, housing is needed for agricultural lease holders and their agricultural workers. Residences on District agricultural properties should be evaluated as potential housing for agricultural labor.

Some improvements, including but not limited to outbuildings, corrals, fences, gates, equipment and water storage facilities may be required for the proper maintenance and protection of a site. Such improvements will be constructed and/or maintained as required.

(2) Improvements for Public Utilization of the Site:

(e.g., Education and Recreation Facilities, Restrooms, Drinking Water, Trails, Roads, Bridges and parking Lots)

One of the District's principal roles is providing low intensity recreational use of its lands. Improvements such as trails and parking lots will be considered as part of the site planning process. Improvements which have potential for more intensive recreational, environmental, historic, or educational use will also be considered for retention or construction; however, the willingness of other agencies or partners to bear any major costs of construction and/or management will be an important consideration.

Facilities required for the health and safety of the public will be constructed and maintained as required. In emergency cases, the staff will have discretion for immediate mitigation of hazards.

(3) Improvements which Contribute to the Character of the Site:

(e.g., Buildings with Unique Historical or Architectural merit, Barns, Sheds and Fences)

In order for the Board to determine the historical, cultural or architectural significance of a structure, the District will notify and consult such agencies as specified in the Open Space Use and Management Planning Process board policy 4.01.

As an aid to this determination, the District will conduct and maintain a survey of significant structures within the planning area. When the District considers acquisition of a site which includes a structure or structures which are listed on the National Register for Historic Places or are clearly eligible for inclusion on that register, the District has a special responsibility to seek some means to protect these structures. An important consideration in the decision to retain such structures will be the availability of special funding programs or resources from other public agencies, private organizations or individuals for the costs of their restoration, maintenance and operation. In extraordinary situations involving structures of exceptional historical or architectural merit, when other resources are not available, the District will either exclude the structures from its acquisition or accept the responsibility to protect and preserve them for an indefinite period while seeking other means for continued preservation and/or restoration as identified in the historical resources inventory. A Historic Structures policy is currently under development which will provide a detailed process for evaluating and determining the disposition of potentially historic structures.

Some structures associated with agriculture or other former uses of the site can contribute significantly to the site without detracting from its open space character. When economically feasible within the constraints of the land management budget, examples of these structures will be retained, maintained, and when possible put to use.

(4) Improvements for Agriculture and Other Special Uses:

Agricultural use which is consistent with the open space use of a site is encouraged by the District. Improvements for agriculture or other special uses will be retained or constructed as approved by the Board and stated in the site planning documents. In the Coastside Protection Area; leases, use, and improvements shall be consistent with the District's Service Plan Policies.

(5) Improvements as Income Sources:

Improvements intended to be constructed or maintained solely for the purpose of producing revenue will be evaluated on a case-by-case basis by the Board. Structures that do not serve a District purpose as listed in sections C 1-4 may be rented or leased to provide a revenue source for the District. When a structure or improvement is retained for these purposes, it should generally be rented for the fair market value consistent with possible special restrictions due to its location on open space lands, or in accordance with the Housing Policy board policy 4.11 and guidelines approved by the General Manager. Structures that are slated for demolition or are

retained for a future District purpose may be rented temporarily as a means of revenue production.

(6) Leases

The Board of Directors will review and approve leases or licenses which are long term (over one year) and/or involve an anticipated annual income in excess of \$50,000, excluding month-to-month agreements. The General Manager or his/her designee may enter into leases, license agreements, or rental agreements on behalf of the District without specific Board approval if they are:

- (a) In amounts not exceeding \$50,000 anticipated annual income to the District (including in-kind services), and
- (b) No more than one year in duration, or month-to month, and
- (c) Pursuant to a Board adopted planning document, and
- (d) Do not create commitments which go beyond the scope of the Board adopted site planning documents (e.g., extensive tenant improvements which could imply a longer term commitment by the District).

The General Manager will have the discretion to enter into leases specifying either cash or in-kind services or a combination of the two as payment. If in-kind services are being accepted, they will in no circumstance exceed three year's full cash value of the lease, the cash value of the remaining time on the lease, or \$50,000, whichever is less, without Board approval, to preclude the expectation of a continuing relationship.