



SPECIAL MEETING

**BOARD OF DIRECTORS
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

Tuesday, June 25, 2024

*The Board of Directors conducted this meeting in accordance with
California Government Code section 54953.*

DRAFT MINUTES

**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA
REGIONAL OPEN SPACE DISTRICT**

President MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 5:30 p.m.

ROLL CALL

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: None

Staff Present: Acting General Manager/Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Acting General Counsel Egan Hill, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Executive Assistant/Deputy District Clerk Shaylynn Nelson, Executive Assistant/Deputy District Clerk Loana Lumina-Hsu, Public Affairs Specialist II Natalie Jolly

ORAL COMMUNICATIONS

Public comment opened at 5:31 p.m.

Deputy District Clerk Shaylynn Nelson reported there were no public speakers for this item.

Public comment closed at 5:31 p.m.

ADOPTION OF AGENDA

Motion: Director Holman moved, and Director Riffle seconded the motion to adopt the agenda.

ROLL CALL VOTE: 7-0-0 (Motion Passed Unanimously)

CONSENT CALENDAR**1. Updates to Board Policy 5.02 – Good Neighbor Policy (R-24-77)**

General Manager’s Recommendation: Adopt the proposed updates to Board Policy 5.02 – Good Neighbor Policy to clarify language and reflect current best practices.

Director Holman pulled item 1 of the Consent Calendar. She expressed concern for the interchangeable usage of “shall” and “will” throughout the policy and stated she can submit proposed edits to staff to address her other comments. She clarified that her proposed edits are not regarding the intention of the policy but rather the implementation.

Acting General Manager Jaskulak stated that the Board of Directors (Board) could either continue the item or approve the item tonight with the caveat that minor edits, such as the usage of “shall” and “will,” can be made to the policy provided the edits do not change the meaning.

Director Holman clarified she has other questions about the policy, such as inconsistencies with notification, and she would like there to be clear guidance for staff and policy readers.

Director Riffle inquired if the meeting would need to be held on the coast if the item is continued.

Acting General Manager Stefan Jaskulak explained it could occur at the Administrative Office on the agenda as Board Business and members of the public may attend the meeting virtually. In response to Director Holman, he clarified that notifications vary based on a number of factors, such as the type of item or number of neighbors.

Director Kersteen-Tucker suggested that Director Holman provide detailed edits to staff and the agenda item could return as a future Consent Calendar item with Director Holman’s edits redlined. If the Board has further questions, the item can be pulled from the Consent Calendar.

Public comment opened at 5:38 p.m.

Ms. Nelson reported there were no public speakers for this item.

Public comment closed at 5:39 p.m.

Motion: Director Holman moved, and Director Kishimoto seconded the motion to continue the Updates to Board Policy 5.02 – *Good Neighbor Policy* to a future Consent Calendar.

ROLL CALL VOTE: 7-0-0 (Motion Passed Unanimously)

BOARD BUSINESS**2. Basic Policy for the Coastside Protection Area – Initial Review of Draft Policy Statement Revisions (R-24-78)**

Assistant General Manager Susanna Chan provided the staff presentation on the draft policy statement revisions of the District's Basic Policy. She introduced the 2M Associates consultants, Patrick Miller and Jane Miller, and provided an overview of both the Basic Policy and the Coastal Service Plan (Service Plan), as well as explained the District policy framework. She confirmed that the District's other policies, procedures and plans, such as the Vision Plan or Measure AA document, align with the Basic Policy. Ms. Chan reviewed the Service Plan's eight (8) areas of guiding principles, which is a lens for the District to view the mission on the coastside to help protect agricultural land, encourage agricultural use, and to preserve the rural character of the coastside. The 8 guiding principles consist of 1) Land Acquisition, 2) Services and Funding, 3) Agriculture, 4) Forestry, 5) Representation, 6) Planning and Development, 7) Partnerships, and 8) Land Use.

Director Riffle clarified that the Basic Policy ad hoc committee (committee) had the narrow task of integrating the Coastal Service Plan and it was not an overhaul of the Basic Policy.

Ms. Chan continued the presentation with explaining the project goals and committee's charge. The project goal was to incorporate the Coastside Protection Area into the Basic Policy in a manner consistent with the Service Plan while the committee's charge was to guide the process, work with staff to develop draft language and participate in the public engagement process. Ms. Chan also reviewed the six (6) guiding principles for the policy update process. The guiding principles were established before evaluation work began and the Basic Policy now has proposed language to address the gaps identified during the evaluation process. She explained how the Basic Policy update fits into the District's policy framework, with the District having two missions, a coastal mission and a mission outside the coastal area. The Basic Policy needs to be updated to incorporate the policies which are currently in the Service Plan. The Basic Policy will support both District missions and also provide overarching policy guidance to all other District policies, procedures, and plans.

Director Kishimoto commented in the long term in order to change the Service Plan, the District would need to redo the Environmental Impact Report, which is a large undertaking, but the Basic Policy should arrow back to any future Service Plan and not be one way.

Ms. Chan said there is currently inconsistencies between the Basic Policy and the Service Plan. The Service Plan is a hybrid document with high level policy statements as well as specific implementation actions. Staff is trying to elevate the high-level policy statements and incorporate them into the Basic Policy to enable the Basic Policy to be consistent with the Service Plan. The Service Plan then would become a secondary policy document which continues to provide day-to-day guidance on how to implement work on the coastside. In the future, the Coastal Service Plan could be updated but it would be a major undertaking.

Ms. Chan continued the presentation with the Basic Policy and Service Plan elements. The District hired consultants from 2M Associates to help with the Basic Policy updates. The consultants and staff began the process by reviewing the Basic Policy and Service Plan to identify areas which need to be updated. A summary of the findings can be found in the Gap Analysis Memo. She explained the memo contains two key tables. The first table indicates applicable sections of the Service Plan for each Basic Policy statement to determine consistency between the two policy documents. The second table is for topics not specifically addressed in the Basic Policy which are too specific to be included in a high-level foundational policy document and are addressed in other policies. Ms. Chan stated she reviewed the Gap Analysis

Memo with the committee, and they confirmed the gaps and conflicts which should be addressed in the Basic Policy. 2M Associates and staff took the committee's feedback and drafted language to address the gaps. Ms. Chan reviewed key proposed policy statement revisions, including expanding the definition of open space to include working agricultural land that remains protective of natural resources, adding the District's coastside mission, and updating District policy related to timber harvesting for restoration forestry management. Ms. Chan reminded the Board they will have another chance to review the Basic Policy once staff receives public input.

Director Gleason commented it appears there are two options to incorporate coastside topics into the Basic Policy. The first option separately states the coastside policy and the original policy. The second option integrates the coastside and original policies into one statement. For example, eminent domain must be addressed separately as a coastside item. In some other cases, the policies are integrated. He inquired if there is a guiding approach for which option is chosen.

Ms. Chan explained it depends on the content of the original Basic Policy statement and staff looked for ways to incorporate key messaging. By expanding open space definition to include agricultural land in the definition, staff minimized the need to separate the policy statements for the coastside and the rest of the District. In some instances, staff deemed it appropriate to designate statements as coastside only.

President MacNiven appreciated the consultants providing a clear comparison for the Basic Policy and the Service Plan.

Director Gleason stated he found the Gap Analysis Memo extremely helpful.

Ms. Chan continued the presentation with next steps. Staff will solicit stakeholder and community input which is expected to conclude either late 2024 or early 2025. Staff then anticipates presenting the final policy to the Board in the spring of 2025. She concluded the presentation with the different approaches staff will take to engage the community and stakeholders.

Public comment opened at 6:27 p.m.

Ms. Nelson reported there were no public speakers for this item.

Public comment closed at 6:27 p.m.

Director Kishimoto advised to make it explicitly clear when engaging the public that the purpose of the District's efforts is not to overhaul the Basic Policy but rather to integrate the Service Plan.

Ms. Chan stated she will make the task clear at the beginning of future presentations.

Director Kishimoto stressed the importance of ensuring that the District's most important mission of environmental protection is not lost throughout the Basic Policy update process. She referred to the proposed language change in attachment 4, page 8 which states, "Developing facilities and managing public use activities while protecting *open space values*" which originally read as, "...while protecting *natural resources*." She believes the term natural resources is more straightforward. She suggested to include environmental groups as part of special outreach.

Ms. Chan confirmed environmental groups would be contacted as part of specific stakeholder groups on both the bayside and the coastside.

Director Kishimoto advised incorporating Diversity, Equity, and Inclusion elements into the process and being mindful of language barriers.

Director Cyr stated updating the Basic Policy to incorporate the Service Plan is a complex process and staff is off to a good start with the Gap Analysis Memo providing an easy way to compare the two documents.

Director Riffle commented that the Basic Policy subject matter can be really boring and advised to have a concise outreach presentation that focuses on key information to keep the audience engaged. He also noted that the terms “bayside” and “coastside” are too simple. There are three areas, the bayside areas which are not near preserves, the communities next to preserves which are affected by preserve visitors, and the third is the coastside who are living next to the preserves and making livings from the land. He advised as staff reaches out to the community to expand to more than two groups when there are three or more groups.

Ms. Chan explained when she referred to the bayside she meant the area outside of the coastal protection area but agreed that it is an important distinction because there is focused outreach on the coastside as well as outreach to the community outside the coastside area to educate the public about the value of agriculture lands.

Director Kersteen-Tucker stated the guiding principles and the Gap Analysis Memo were both immensely helpful. She expressed her belief that the Basic Policy is strong but she appreciated Director Kishimoto’s comment that the District needs to emphasize that natural resource protection is at the forefront of the District’s objectives and the Basic Policy should be viewed through that lens.

Ms. Chan explained there will be another opportunity for the Board to review the Basic Policy and the Board has the ability to revert the proposed language back to natural resources instead of open space values.

Director Holman expressed confusion with the term “commercial logging” since the District does not engage in commercial logging but the Basic Policy’s revised language states, “The District may pursue timber harvest plan...” From her perspective, timber harvesting by definition is commercial logging so it appears inconsistent to state the District does not engage in commercial logging but may pursue timber harvesting.

Assistant General Manager Brian Malone explained that in the prior La Honda Creek Preserve Forest Health Project presentation, the permitting tools were referred to as the “timber harvesting plans.” It is technically a commercial harvest because it can be sold but there is a prohibition on selling for profit for the District’s coffers. Money gained from harvesting must be used for restoration and forest management work.

Director Holman advised adding a footnote which explains the nuance of timber harvesting as related to the District.

Ms. Chan reviewed the guiding principles at the request of a member of the public. President MacNiven referred to the section regarding special use facilities in attachment 4, page 9 and expressed concern that the list of example structures is out of date. She suggested adding other structures as examples, such as farm stands and stables.

Ms. Chan inquired if President MacNiven would like to see more examples listed in the Basic Policy.

President MacNiven stated she is unsure of the correct approach but she would like it to be clear that the list of special use facilities and activities is not comprehensive.

Director Kishimoto suggested including farm stands as an example.

Ms. Chan confirmed that farm stands could be added to the list if directed by the Board.

Director Cyr advised the Board not to get distracted by small details.

Directors Kishimoto and MacNiven deferred to the Basic Policy ad hoc committee to make the determination of which examples to include.

Ms. Chan stated the examples included in the Basic Policy can be taken into consideration. Separately, since there is a Board consensus to revert back to the “natural resource” language, staff will update the Basic Policy before returning to the committee.

Director Gleason advised rephrasing the proposed language for open space on attachment 4, page 1, specifically the first bullet. He suggested, “Open space is undeveloped, restored, and/or working land that is maintained to promote biodiversity and protect natural resources.” The agricultural and conservation grazing could be listed in other bullet points. He noted when he initially wrote down his revised language, he was not considering the guiding principles but suggested rephrasing the first bullet to be clearer.

Ms. Chan said the meaning of the statement can remain and staff can consider rephrasing as part of the community outreach effort or once the Basic Policy is returned to the committee.

Mr. Miller explained one challenge throughout the process was ensuring agriculture was not a separate idea from open space. The proposed language is based on state code that agriculture is open space. Working agricultural lands are different because they are being worked but preserves which are modified for fire resiliency are also being worked in a sense. The committee’s charge was not to rewrite the entire Basic Policy perspective but rather to include agriculture as part of the open space definition. Mr. Miller noted the change in open space carries through to all the other basic policies and agricultural would not need to be separately addressed elsewhere.

Director Gleason explained the wording of the sentence makes it difficult to understand.

Ms. Chan stated if Director Gleason sends proposed language, she can present it to the committee and to the public during outreach. She asked and received clarification that Director Gleason supports the meaning and is only requesting changes for readability.

Public comment opened at 7:02 p.m.

A member of the public asked staff to bring the consultants, 2M Associates, when visiting the Farm Bureau.

Vince Fontana expressed disappointment in the empty seats at the meeting. He believes the lack of attendance is due to frustration, discouragement or lack of interest. Within two years of POST's arrival, they raised the price to \$10,000 an acre and those types of decisions are likely why the chairs are empty. When the District came to the coast, there were concerns grazing would not work but Mr. Fontana was optimistic it could succeed if there were give and take from the District and the operators. Since then he believes the District has turned one-way operational and he cannot get a return phone call from staff. He would like to meet with the Directors one day to share the issues that he has faced.

Barb Hooper stated she participates in many meetings and she came because she is concerned about the area. She expressed concern that there was no Zoom participation available for the meeting and that the agenda had been changed to no longer address the Good Neighbor Policy.

Public comment closed at 7:05 p.m.

President MacNiven explained that the Good Neighbor Policy was pulled from the Consent Calendar and in the interest of time, it was continued to a future meeting.

No Board action is required.

ADJOURNMENT

President MacNiven adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 7:05 p.m.

Shaylynn Nelson
Executive Assistant/Deputy District Clerk