



Midpeninsula Regional
Open Space District

R-17-10
Meeting 17-04
February 8, 2017

AGENDA ITEM 5

AGENDA ITEM

Revision of Board Policy 4.02, *Improvements on District Lands* and Board Policy 4.09, *Factors to Consider for Structures Disposition*

GENERAL MANAGER'S RECOMMENDATION

Approve revisions to Board Policy 4.02, *Improvements on District Lands* and Board Policy 4.09, *Factors to Consider for Structures Disposition* as recommended by the Legislative, Funding, and Public Affairs Committee (LFPAC).

SUMMARY

As the District revisits its Housing Policy, two other Board policies, *Improvements on District Lands (Improvements)* and *Factors to Consider for Structures Disposition (Factors)*, require revisions to reflect the handling of District improvements and structures, including District residences. The revisions to these policies are required to be consistent with the new recommended *Housing Policy*, if that policy is approved by the Board, and to reflect anticipated operational needs. The *Improvements* policy proposed language clarifies the General Manager and Board authority for the disposition of structures and allows for the retention of structures consistent with open space character for the purpose of revenue generation. The *Factors* policy proposed language further clarifies the Financial Cost factor, adds two new factors for analyzing the disposition of a structure: 1) Agricultural Value factor; and 2) Condition of a Structure factor, and removes the Public Sentiment and Input factor, incorporating language from that factor elsewhere in the policy.

MEASURE AA

This is not a Measure AA project.

DISCUSSION

Improvements policy: This policy provides Board direction on what uses the District makes of improvements on District lands. Structures and improvements are limited to uses that further the District's mission and goals.

The following changes are recommended for this policy:

1. Enlarges the definition of improvements.
2. Provides evaluation milestones throughout the improvement's life cycle.

3. Defines the General Manager authority over disposition of non-residential improvements less than 1,500 square feet.
4. Incorporates the need for agricultural housing.
5. Updates language regarding leases to reflect the \$50,000 Board approval level.
6. Changes language to allow for the maintenance of structures that are compatible with open space character solely for the purpose of revenue generation.
7. Removes unlawful detainer section (proposed for addition to the new *Housing Policy*).

Most of the proposed changes to the *Improvements* policy are minor changes recommended for consistency with other policies and changing conditions. The two significant changes from existing policy are the definition of the General Manager's authority for structures disposition and the change to allow the maintenance of structures for the purpose of revenue generation.

The current *Improvements* policy does not define when a project involving structure disposition requires Board approval. The only reference to the type of structure the Board would consider is in the policy statement:

“In other than emergency situations, public notice will be given to the degree specified in the Open Space Use and Management Planning Process and the Public Notification Policy before any decision is made by the Board to remove a major structure.”

However, this statement is only in reference to public notice and there is not a definition of “major structure.” Defining the size and nature of structures requiring Board approval for a disposition ensures that staff does not demolish or construct a structure the Board may have an interest in, without Board approval first. At the same time, it gives the General Manager the authority to remove or build small non-residential structures. Allowing the General Manager to make decisions on minor structures increases efficiency and speeds up the delivery of District projects.

The current *Improvements* policy states “structures will not be maintained or constructed solely for the purpose of producing revenue.” It goes on to describe that renting a structure temporarily for revenue production is permissible. It directs staff that the end game for all structures, not used for a District purpose, is demolition. In practice, houses that are structurally sound, in good condition, have good driveway access, and sufficient water availability have not been demolished. The amended policy allows for the retention and maintenance of structures whose primary value to the District is revenue generation. The reason for this recommendation is to allow the District to take advantage of the potential revenue from structures with significant value instead of demolishing them. The amended policy would continue to prohibit the construction of new structures purely for revenue generation.

Factors: This policy lays out all the factors to consider when making decisions on the disposition of District infrastructure and structures. This policy aided in the process for evaluating the Mt. Umunhum radar tower and provided the Board a general framework for all disposition decisions.

The changes to this policy include:

1. New language outlining the criteria used to evaluate constructing new structures as well as determining the disposition of existing structures.
2. New language defining how agricultural value affects the disposition of a structure.

3. Removal of the Public Sentiment and Input factor and incorporating language from that factor elsewhere in the policy.
4. Augmenting language in the Regional Importance or Value factor with some of the language removed from Public Sentiment and Input factor.
5. New language regarding the condition of the structure and site conditions as factors to consider.

FISCAL IMPACT

These policy changes may affect future decisions that have a fiscal impact. However, the adoption of the policies in and of themselves has no fiscal impact.

BOARD COMMITTEE REVIEW

The District's Legislative Funding and Public Affairs Committee (LFPAC) held a meeting on November 15, 2016. The Committee voted 3-0 to recommend the approval of amendments to the *Improvements* and *Factors* policies to the full Board of Directors with the following changes as directed by LFPAC in the *Factors* policy:

1. Removing Public Sentiment and Input factor (section 4.09 (G)) and incorporating language from that factor elsewhere in the policy.
2. Including the sentence, "It is common for buildings to elicit strong and varied responses from the public and staff since buildings often touch on people's values, personal experiences, memories, and desires," in section 4.09 (H), the Regional Importance or Value factor.
3. Create an Agricultural Value factor, which includes farm labor housing and associated agricultural infrastructure.

PUBLIC NOTICE

Public notice provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

District Clerk completes revisions to Board Policy 4.02, *Improvements on District Lands* and Board Policy 4.09, *Factors to Consider for Structures Disposition* and incorporates into the Board's Policy Manual.

Attachments

1. Board Policy "Improvements on District Lands"
2. Revised Board Policy "Improvements on District Lands" Redline Strikeout
3. Board Policy "Factors to Consider for Structures Disposition"
4. Revised Board Policy "Factors to Consider for Structures Disposition" Redline Strikeout
5. November 15, 2016 LFPAC Minutes

Responsible Department Head:
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Prepared by:
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Board Policy Manual

Improvements on District Lands	Policy 4.02 Chapter 4 – Acquisition & Maintenance of District Lands
Effective Date: 3/24/16	Revised Date: XX/XX/XX
Prior Versions: 2/22/78, 3/23/83, 10/10/84, 7/25/07, 11/13/13, 3/23/16	

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. An 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 may be maintained solely for the purpose of producing revenue if they do not detract from the open space character of the site. 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 XXXX 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.

Improvements will not be constructed solely for producing revenue but may be constructed if they also serve a District purpose.

(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.

Board Policy Manual

Improvements on District Lands	Policy 4.02 Chapter 4 – Acquisition & Maintenance of District Lands
Effective Date: 3/24/16	Revised Date: 3/23/16 XX/XX/XX
Prior Versions: 2/22/78, 3/23/83, 10/10/84, 7/25/07, 11/13/13, <u>3/23/16</u>	

~~Introduction~~Purpose: ~~Open space lands purchased by the District often haveIn the process of fulfilling its primary function of acquiring open space, the District also becomes the owner of~~ 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. ~~Frequently structures have some degree of historical value.~~ As use of District lands increases, there will be additional pressure on the District to construct new facilities such as ~~visitor use~~recreational buildings and, 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 ~~specific site plans and use and management plans~~ planning documents (site plans). The following policy statements are intended as a guide for ~~the~~ staff in the preparation of recommended actions concerning structures and improvements of such site plans to be approved by to inform the Board's decision.

A. Definitions.

For the purpose of these policies, improvements ~~will include~~ but are not limited to all ~~constructions~~improvements such as buildings, houses, barns, recreation, visitor-serving and sanitary facilities, utility structures, communication towers, dams, water storage facilities, ~~fences and gates~~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 ~~the~~ site planning documents. ~~In other than emergency situations, public notice will be given to the degree specified in the Open Space Use and Management Planning Process and the Public Notification Policy before any decision is made by the Board to remove a major structure.~~ The District will retain, ~~and maintain~~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). ~~Existing structures which have identified potential uses may be retained for a specified period as stated in the use and management plan for the site. Other i~~Improvements that don't meet the criteria for retention will be removed ~~from the site~~ as soon as practicable. ~~The time scale for the~~

~~removal will be determined on the basis of both the cost of removal and the degree of negative impact on the site. The site plan will consider the cost and practicality of salvaging materials being removed.~~

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, ~~Ranger, Employee, and Caretaker~~ Residences, 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 ~~ranger-employee (caretaker)~~ residence in order to properly care for ~~the a site, or other employee residence in order 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 ~~made on the basis of cost effectiveness and site compatibility~~ based on this policy and *Factors to Consider for Structures Disposition* board policy 4.09.- ~~When a structure is used as an employee, ranger or caretaker residence, rental will be at fair market value minus the value of services rendered to the District. Allowances may be made for the fact that available facilities may exceed the actual need of the occupant.~~

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, ~~such as~~ 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)

~~Because One of~~ the District's principal roles ~~is that of~~ providing low intensity recreational uses of its lands. ~~Improvements~~ Improvements such as trails and parking lots will be considered as part of the each-site plan planning process documents. 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 ~~only~~ 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 ~~and Use and Management Planning Process Document.~~

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. An 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 ~~ever~~ 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.

(54) Improvements as Income Sources:

~~Structures Improvements will may not be maintained or constructed solely for the purpose of producing revenue if they do not detract from the open space character of the site. Rentals may be employed to maintain a structure which is being retained for another potential use or on a temporary basis in order to help defray the cost of removal of an undesirable structure. 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. The overall time for interim rental will be determined through the use and management planning process. When a structure or improvement is is temporarily retained for the purpose these purposes of revenue production, it should generally be rented for the fair market value consistent with possible special restrictions due to its location on open space lands, or, land its availability will be advertised in accordance with the Housing Policy board policy XXXX 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.~~

Improvements will not be constructed solely for producing revenue but may be constructed if they also serve a District purpose.

~~(6) Leases In some cases, land will be purchased under the condition that the site or a portion thereof will be leased on a long term basis, sold, or sold with retention of necessary trail or other land rights. Timelines for making final decisions on rights to be retained will be established at the outset and during the regular planning process.~~

~~Generally, the decision to lease an improvement will be made to optimize special factors related to properly managing District lands.~~

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 leases or licenses rental agreements~~. The General Manager or his/her designee may enter into leases, ~~or~~ 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 ~~use and management~~ planning document, and

(d) Do not create commitments which go beyond the scope of the Board adopted ~~use and management plans~~ 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~~ one year's full cash value of the lease, the cash value of the remaining time on the lease, or \$~~2550~~,000, whichever is less, without Board approval, to preclude the expectation of a continuing relationship.

~~(5) — If an Unlawful Detainer action is required for the District to regain possession of rental premises, initial action and any required pre-litigation procedures will be initiated by the Property Management Program in the Land and Facilities Services Department in consultation with the General Manager, and in conjunction with and under the guidance of District General Counsel. The Board of Directors will approve the filing of a required Unlawful Detainer lawsuit. If necessary to regain possession of District property in a timely manner under the procedures set out in State law, or in the event of an imminent threat to health, safety or welfare, the General Manager, with approval of the District's General Counsel, may approve the initial filing of an Unlawful Detainer action and report the filing to the Board at the earliest possible time to obtain the Board's approval and direction as to the action.~~

~~(6) — 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 use and management plan (preliminary included) site planning documents. In the Coastside Protection Area, leases, use and improvements shall be consistent with the District's Service Plan Policies.~~

Midpeninsula Regional Open Space District

Board Policy Manual

Factors to Consider for Structures Disposition	Policy 4.09 Chapter 4 – Acquisition and Maintenance of District Lands
Effective Date: XX/XX/XXXX	Revised Date: XX/XX/XXXX
Prior Versions: 9/19/2012	

Purpose

Disposition of existing structures or the construction of new structures requires, at a minimum, an evaluation of existing conditions, a determination of the structure's value to the District and its constituents, short-term and long-term costs, maintenance, and staffing requirements. These factors provide a framework for discussion to assist the Board with considering the disposition or construction of a structure and to provide the public with an understanding of the factors that normally must be considered as part of the decision-making process.

Policy

Decision Making Factors to Consider for Existing or New Structures	
A.	Board-Adopted District Policies
B.	Compatibility with Open Space Character of the Site
C.	Historic and Educational Value
D.	Partnership Opportunities / Cooperation
E.	Potential Financial Cost, Including Liability and Management
F.	Proposed and Potential Uses
G.	Public Sentiment and Input
H.	Regional Important or Value
I.	Strategic Fit
J.	Tradeoffs and Impacts on District Resources
K.	Visitor Experience
L.	Condition of the Structure

A. Board-Adopted District Policies

The District Board of Directors has adopted various policies to guide day-to-day administration, operation, and management of District Preserves and to lay out the District's objectives and means by which it accomplishes its mission *"to acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education"*. One factor to consider is whether the structure under review is consistent with Board-adopted policies. The underlined headings B. through K. below were extracted or inferred from existing Board policies and include a brief summary to help lead a discussion of how they might apply to the disposition of District structures.

B. Compatibility with Open Space Character of the Site

Consistent with the board policy 4.02, *Improvements on District Lands*, it is important to consider whether a structure is believed to be compatible with and/or add to the character of the site and its

surrounding landscape. This includes whether the structure provides a sense of place as seen from afar, or whether the structure detracts from the natural surroundings.

C. Historic and Educational Value

The policy, *Improvements on District Lands*, calls for the gathering of information pertaining to the historical, cultural, or architectural significance of a structure. Existing historic-era structures inherited through past purchases or under consideration for purchase require surveys conducted by an expert consultant to evaluate the structure's potential eligibility for listing in the National Register of Historic Places (National Register) and the California Register of Historic Resources (CRHR). As part of this survey, the history and significance of *individual* buildings and structures should be placed in context of any remaining or demolished *larger* facility in order to determine eligibility for listing. Taken together, these assessments would determine historic significance and integrity.

This factor also includes "Educational" value given the high value placed by the public on the educational opportunities that exist for visitors, and especially younger generations, to gain a greater understanding of why a structure exists and its relevance to historic events.

D. Partnership Opportunities/Cooperation

The District's *Basic Policy* includes a commitment to cooperatively engage with other agencies, community organizations, and individuals to preserve open space and to facilitate development and management of recreation facilities and public use. Beyond this, private organizations and entities could also provide cost-sharing and partnership opportunities to retain and/or manage structures. Existing structures may be more attractive to an entity if accessory amenities are already provided or are anticipated, or if a portion of the structural improvements are already completed. The Board may also want to consider the minimum match amount needed for the District to retain a structure. Consideration may be given to a cost-sharing situation where only a portion of the necessary funding to retain a structure is actually obtained by outside sources.

E. Potential Financial Cost, Including Liability and Management

Cost is an important decision-making consideration in either retaining or building a new improvement. Costs may include initial construction costs, one-time renovation costs, ongoing and long-term maintenance and management costs, and eventual demolition costs. Costs should be evaluated by the Board on a case-by-case basis and weighed proportionally with all other factors outlined in this policy.

F. Proposed and Potential Uses

The policy, *Improvements on District Lands*, identifies the structure's proposed use as an important consideration in the decision to retain or remove it. An evaluation of the structural conditions can inform what repairs are necessary and the associated cost to 'repurpose' the structure into an occupied structure for public use. Although it is typically desirable to re-use existing structures, building a new facility that meets current code and/or meets a specific District need may be much more cost effective. Also, consideration should be taken on the remoteness of the structure since location may impede its accessibility and usefulness.

G. Public Sentiment and Input

(District Constituents and Residents Living Outside District Boundaries)

This factor considers input from not only constituents whose property taxes support the District, but also from the larger regional constituency outside the District boundary. The District is divided into seven geographic wards, each represented by an elected Board member for a four-year term. Wards are drawn to divide the population evenly among Board members; in 2010 each Director represented approximately 107,000 constituents (2010 census), or 1/7th of the population residing within the

District boundary, which was approximately 749,000. Wards are redrawn at the conclusion of every national census, or when land is annexed for incorporation as part of the District. It is the responsibility of every Board member to provide representation to his or her individual constituents, and to also integrate the opinions of the larger public that reside outside the drawn boundary, particularly when decisions affect the larger region. It is common for buildings to elicit strong and varied responses from the public and staff since buildings often touch on people's values, personal experiences, memories, and desires. As such, it is important to consider and evaluate each single comment that is received as part of the decision-making process.

H. Regional Importance or Value

Even if a structure cannot be seen from miles away, many buildings hold intangible values associated with memories of past personal experiences, important events, or regional occurrences that affect a wide distribution of people. The Board of Directors will consider this criterion in the context of the District's mission to "...protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education." Although some structures may not be deemed eligible for historic listing, the District might consider whether a structure is seen by some members of the public as a historic or cultural symbol, or a visual landmark, for current, former and future residents of the area.

I. Strategic Fit

Strategic Fit ensures that decisions regarding District structures further the District's long-term goals, consistent with the District's Strategic Plan. When viewed in context with the District's other priorities, projects and processes that affect the management of public land, the Board will consider how each particular structure aligns with the District's mission: to acquire land, protect and restore it, and provide public access and education.

In 2011, the Board of Directors approved a Strategic Plan for the District (refer to Report R-11-96) to address the new challenges that the District is facing, including a reduced ability to purchase land while adequately addressing its resource management needs. As a result, consideration of any management decision on a District structure will be evaluated against the guidelines set forth in the Strategic Plan. A determination should be made of how each structure aligns with the Strategic Plan goal of balancing the three-part mission within the context of other current and future projects, as well as its role in fostering partnerships, enhancing public support, and expanding District financial and staffing resources.

J. Tradeoffs and Impacts on District Resources

Every budget cycle brings tough decisions to the District. In an environment of competing resources, some projects move forward while others must be deferred. This requirement to choose one project over another forces the District to compare the values and priorities of each project: for example, the value of completing one highly worthwhile resource management project ahead of another. Any determination about a radar tower, or any other structure(s) will also need to be judged against other competing projects, new land purchases, regulatory mandates, etc., in terms of cost, maintenance requirements, and staffing.

K. Visitor Experience

The Mission Statement of the District includes "opportunities for ecologically-sensitive public enjoyment and education". The goal of the Project is aligned with this mission, and consideration should be given as to whether a structure adds value to, or takes away from the visitor experience.

L. Condition of the Structure

One of the most important factors to consider is not derived from Board policy and is simply the condition of the structure. The condition of the structure clearly impacts the costs associated with stabilization, maintenance and renovation. In addition, many structures are not salvageable due to structural problems, rot and decay. If not addressed either through stabilization repairs, renovation or demolition, many structures can present hazards to District employees and the public including hazardous material exposure, rodent infestations, and structural hazards. Site conditions including the condition of access roads, availability of water, septic and power, and geologic stability play a key role in determining the disposition of existing structures, as well as the appropriateness of new construction.

Midpeninsula Regional Open Space District

Board Policy Manual

Factors to Consider for Structures Disposition	Policy 4.09 Chapter 4 – Acquisition and Maintenance of District Lands
Effective Date: XX/XX/XXXX 9/19/2012	Revised Date: XX/XX/XXXX
Prior Versions: 9/19/2012	

Purpose

Disposition of existing structures ~~or the construction of new structures requires that are acquired as part of District land purchases typically involves~~, at a minimum, an evaluation of existing conditions, a determination of the structure's value to the District and its constituents, short-term and long-term costs, maintenance, and staffing requirements. These factors provide a framework for discussion to assist the Board with ~~determining considering the outcome for disposition or construction of any~~ structure and to provide the public with an understanding of the factors that normally must be considered as part of the decision-making process.

Policy

Decision Making Factors to Consider for Existing or New Structures	
A.	Board-Adopted District Policies
B.	Compatibility with Open Space Character of the Site
C.	Historic and Educational Value
D.	Partnership Opportunities / Cooperation
E.	Potential Financial Cost, Including Liability and Management
F.	Proposed and Potential Uses
G.	Public Sentiment and Input
H.	Regional Important or Value
I.	Strategic Fit
J.	Tradeoffs and Impacts on District Resources
K.	Visitor Experience
L.	Condition of the Structure

A. Board-Adopted District Policies

The District Board of Directors has adopted various policies to guide day-to-day administration, operation, and management of District Preserves and to lay out the District's objectives and means by which it accomplishes its mission *"to acquire and preserve a regional greenbelt of open space land in perpetuity; protect and restore the natural environment; and provide opportunities for ecologically sensitive public enjoyment and education"*. One factor to consider is whether the structure under review is consistent with Board-adopted policies. The underlined headings B. through K. below were extracted or inferred from existing Board policies and include a brief summary to help lead a discussion of how they might apply to the disposition of District structures.

B. Compatibility with Open Space Character of the Site

Consistent with the board policy 4.02, *Policies Regarding Improvements on District Lands*, it is important to consider whether a structure is believed to be compatible with and/or add to the character of the site and its surrounding landscape. This includes whether the structure provides a sense of place as seen from afar, or whether the structure detracts from the natural surroundings.

C. Historic and Educational Value

The policy, *Policies Regarding Improvements on District Lands*, calls for the gathering of information pertaining to the historical, cultural, or architectural significance of a structure. Existing historic-era structures inherited through past purchases or under consideration for purchase require surveys conducted by an expert consultant to evaluate the structure's potential eligibility for listing in the National Register of Historic Places (National Register) and the California Register of Historic Resources (CRHR). As part of this survey, the history and significance of *individual* buildings and structures should be placed in context of any remaining or demolished *larger* facility in order to determine eligibility for listing. Taken together, these assessments would determine historic significance and integrity.

This factor also includes "Educational" value given the high value placed by the public on the educational opportunities that exist for visitors, and especially younger generations, to gain a greater understanding of why a structure exists and its relevance to historic events.

D. Partnership Opportunities/Cooperation

The District's *Basic Policy* includes a commitment to cooperatively engage with other agencies, community organizations, and individuals to preserve open space and to facilitate development and management of recreation facilities and public use. Beyond this, private organizations and entities could also provide cost-sharing and partnership opportunities to retain and/or manage structures. Existing structures may be more attractive to an entity if accessory amenities are already provided or are anticipated, or if a portion of the structural improvements are already completed. The Board may also want to consider the minimum match amount needed for the District to retain a structure. Consideration may be given to a cost-sharing situation where only a portion of the necessary funding to retain a structure is actually obtained by outside sources.

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E. Potential Financial Cost, Including Liability and Management

~~The *Policies Regarding Improvements on District Lands* identifies *Cost as-is* an important decision-making consideration *into either retaining or building a new an* improvement. Costs *may* include *up front* initial construction costs, one-time *costs for improvements (such as safety repairs)* renovation costs, *and* ongoing and long-term maintenance and management costs, *and eventual demolition costs.* Depending on the stage in a structure life cycle, *Costs should be evaluated by the Board on a case-by-case basis and weighed proportionally with all other factors outlined in this policy.*~~

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F. Proposed and Potential Uses

The ~~*Policies pPolicy Regarding Improvements on District Lands*~~ identifies the structure's proposed use as an important consideration in the decision to retain or remove it. An evaluation of the structural conditions can inform what repairs are necessary and the associated cost to 'repurpose' the structure into an occupied structure for public use. Although it is typically desirable to re-use existing structures, building a new facility that meets current code *and/or meets a specific District need* may be much more cost effective. Also, consideration should be taken on the remoteness of the structure since location may impede its accessibility and usefulness.

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G. Agricultural Value

As more acres within the District are dedicated to conservation grazing and agriculture, especially along the San Mateo Coast; houses, structures, and infrastructure located on District grazing and agricultural properties or on District land adjacent to such properties should be evaluated for their value to the agricultural operation of District tenants.

Housing for both agricultural tenants and laborers is limited on the San Mateo Coast. Agricultural housing, where feasible, should be preserved and maintained. Often existing housing on properties acquired by the District need significant repairs just to meet to state habitability standards. Construction of new farm labor housing should be considered where housing for either an agricultural tenant or laborer is required to ensure conservation grazing and agricultural goals are met. In the Coastsides Protection Area; leases, uses, and improvements shall be consistent with the District's Service Plan Policies.

Public Sentiment and Input

(District Constituents and Residents Living Outside District Boundaries)

This factor considers input from not only constituents whose property taxes support the District, but also from the larger regional constituency outside the District boundary. The District is divided into seven geographic wards, each represented by an elected Board member for a four year term. Wards are drawn to divide the population evenly among Board members; currently each Director represents approximately 107,000 constituents (2010 census), or 1/7th of the population residing within the District boundary, which is approximately 749,000. Wards are redrawn at the conclusion of every national census, or when land is annexed for incorporation as part of the District. It is the responsibility of every Board member to provide representation to his or her individual constituents, and to also integrate the opinions of the larger public that reside outside the drawn boundary, particularly when decisions affect the larger region. It is common for buildings to elicit strong and varied responses from the public and staff since buildings often touch on people's values, personal experiences, memories, and desires. As such, it is important to consider and evaluate each single comment that is received as part of the decision-making process.

Commented [BM1]: New section requested by LFPAC

Commented [BM2]: Deleted per LFPAC edit

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Strategic Fit ensures that decisions regarding District structures further the District's long-term goals, consistent with the District's Strategic Plan. When viewed in context with the District's other priorities, projects and processes that affect the management of ~~over 61,000 acres of~~ public land, the Board will consider how each particular structure aligns with the District's mission: to acquire land, protect and restore it, and provide public access and education.

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adequately addressing its resource management needs. As a result, consideration of any management decision on a District structure will be evaluated against the guidelines set forth in the Strategic Plan. A determination should be made of how each structure aligns with the Strategic Plan goal of balancing the three-part mission within the context of other current and future projects, as well as its role in fostering partnerships, enhancing public support, and expanding District financial and staffing resources.

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Midpeninsula Regional
Open Space District

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Tuesday, November 15, 2016

APPROVED MINUTES*

CALL TO ORDER

Director Cyr called the meeting of the Legislative, Funding and Public Affairs Committee to order at 2:01 p.m.

ROLL CALL

Members present Jed Cyr, Nonette Hanco, and Curt Riffle

Members absent: None

Staff present: General Manager Steve Abbors, Assistant General Manager Kevin Woodhouse, Assistant General Manager Ana Ruiz, General Counsel Sheryl Schaffner, Land and Facilities Manager Brian Malone. Senior Property Management Specialist Elaina Cuzick, and District Clerk Jennifer Woodworth

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

Motion: Director Riffle moved and Director Hanco seconded to adopt the agenda.

VOTE: 3-0-0

COMMITTEE BUSINESS

1. Approve the November 8, 2016 Legislative, Funding, & Public Affairs Committee Meeting Minutes.

LFPAC
November 15, 2016

Motion: Director Hanco moved, and Director Cyr seconded the motion to approve the November 8, 2016 Legislative, Funding, and Public Affairs committee meeting minutes.

VOTE: 3-0-0

2. New Board Policy Titled Housing Policy (R-16-152)

Assistant General Manager Kevin Woodhouse provided introductory comments related to the proposed housing policy and the cost of housing in the District.

Senior Property Management Specialist Elaina Cuzick provided the staff presentation summarizing the process of developing the proposed policy, including creation of a multi-departmental team to study policies at similar public agencies, prioritize tenant classifications, and provide guidelines for potential rental discounts for each tenant classification. Ms. Cuzick described the potential fiscal impact of transitioning market rate housing to employee residences.

Director Riffle suggested including a complete inventory of the District's housing stock and inquired regarding current demand for District housing.

Ms. Cuzick explained there is a pent-up demand for District housing, especially among new members of District staff who provide a persistent demand for District housing. For agricultural housing, there is also demand from District tenants for farm labor housing. For general public housing, the District receives one to two inquiries per month with several people currently on the waiting list. Finally, for other public agencies, there are ongoing requests for District housing.

Director Riffle requested additional information related to the prioritized tenant classifications.

Ms. Cuzick explained where there is an identified agricultural need it may be prioritized above staff requests.

Director Riffle requested additional information regarding the definition of "other agencies" and whether staff considered offering a rental discount.

Ms. Cuzick explained employees from other public agencies would take priority, but the District would consider employees from other nonprofits, etc. that provide a benefit from site presence. A discounted rental rate was considered and rejected by the staff committee, but the Board may direct staff to include a discounted rate in the proposed policy.

Public comment opened at 2:39 p.m.

Sarah Rosendahl, representing San Mateo County Supervisor Don Horsley, spoke in favor of the proposed policy and expansion of farm labor housing on the San Mateo Coast and affordable housing throughout San Mateo County. Ms. Rosendahl provided to the Committee a report completed by the Home for All San Mateo County task force related to affordable housing in San Mateo County. Additionally, Ms. Rosendahl commented on the negative effect limited housing availability has on agricultural production on the San Mateo Coast.

Director Riffle inquired if the County will be able to assist with grants, permitting process, etc. to help the District invest in farm labor housing.

LFPAC
November 15, 2016

Ms. Rosendahl reported on grant funds available for farm labor housing rehabilitation and efforts to streamline the farm labor housing permit process.

Public comment closed at 2:51 p.m.

Director Hanko inquired if the District has considered making farm labor housing on District properties not located near the San Mateo Coast.

Land and Facilities Manager Brian Malone explained District residences throughout the District would be available for farm labor housing and are not limited to the San Mateo Coast.

Ms. Cuzick explained however farm labor housing is most useful when it is located close to agricultural lands.

Director Riffle commented on the importance of attracting exceptional employees to work at the District, and providing housing options may help. Additionally, the District may want to explore proactively providing housing options for employees, other public agencies, and non-profits, through building new structures and/or rehabilitating existing structures. Finally, Director Riffle commented on various operational aspects to be determined if the Board adopted the proposed housing policy.

Mr. Malone explained District staff will draft administrative policies and procedures to help administer the program similar to Director Riffle's suggestions.

Motion: Director Riffle moved, and Director Hanko seconded the motion to recommend approval of the new draft Board Housing Policy to the Board of Directors.

VOTE: 3-0-0

3. Revision of Board Policy 4.02, Improvements on District Lands and Board Policy 4.09, Factors to Consider for Structures Disposition (R-16-153)

Senior Property Management Specialist Elaina Cuzick explained several revisions are being proposed to the two policies describing how the District manages District residences and structures based on the proposed housing policy, including direction on what uses the District makes of improvements and what factors should be taken into account when making decisions on the disposition of District improvements. Proposed revisions include:

- Incorporating the need for agricultural housing.
- Language changed to allow for the maintenance of structures that are compatible with the open space character solely for the purpose of revenue generation.
- Allow retention and maintenance of structures for revenue generation that do not serve a District purpose
- Language was added so that the criteria could be used to evaluate constructing new structures as well as determining the disposition of existing structures.

Director Hanko suggested keeping structures if they serve a purpose as a wildlife habitat.

LFPAC
November 15, 2016

Ms. Cuzick explained District staff evaluates District structures before there are considered for demolition, including biological surveys and monitoring and/or providing an alternate habitat.

The Committee recessed at 3:35 p.m. and reconvened at 3:38 p.m. with all Committee members present.

Director Riffle requested clarification regarding several aspects of the revised policies and suggested removing language from Board policy 4.09 (G) and combine the section with 4.09 (H). Additionally, Director Riffle suggested including creating a factor specific to agricultural uses in Board policy 4.09, including farm labor housing and associated agricultural infrastructure.

Public comment opened at 4:04 p.m.

No speakers present.

Public comment closed at 4:04 p.m.

Motion: Director Riffle moved, and Director Hanco seconded the motion to recommend approval of the amendments to the *Improvements on District Lands* and *Factors to Consider for Structures Disposition* Board policies to the Board of Directors, as amended.

VOTE: 3-0-0

ADJOURNMENT

Director Cyr adjourned the meeting of the Legislative, Funding and Public Affairs Committee at 4:05 p.m.

Jennifer Woodworth, MMC
District Clerk