



SPECIAL MEETING

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

Thursday, December 8, 2022

The Board of Directors conducted this meeting in accordance with California Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33.

DRAFT MINUTES

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

President Kersteen-Tucker called the special meeting of the Midpeninsula Regional Open Space District to order at 2:02 p.m.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Yoriko Kishimoto, Curt Riffle, Pete Siemens, and Zoe Kersteen-Tucker

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Assistant General Manager Brian Malone, Acting District Clerk Maria Soria, Natural Resources Manager Kirk Lenington, Real Property Manager Mike Williams

President Zoe Kersteen-Tucker announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, allowing Board members to participate remotely. The District has done its best to conduct a meeting where everyone has an opportunity to listen to the meeting and to provide comment. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website. President Kersteen-Tucker described the process and protocols for the meeting.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

BOARD BUSINESS**1. Review of the Draft Agricultural Policy**

General Manager Ana Ruiz stated the outreach to solicit input continues for the Draft Agricultural Policy (AG Policy), staff is collecting feedback from the public and the Board. Once this feedback is incorporate into the draft policy, staff will reconvene with the District's stakeholders, community, and partners to review the revised policy language before bringing it back to the Board for final consideration.

Natural Resources Manager Kirk Lenington gave an overview of the project's history and stated the purpose of the meeting is for the Board to review the draft policy language, including the main concepts and themes. Once staff attains Board input, staff will re-engage with agricultural partners and stakeholders to solicit their feedback, and their input will be forwarded to the full Board to inform future Board deliberation in 2023. Depending on the level of Board feedback and number of requests for revisions to the draft policy, the Board may want to consider forming an Ag Policy Ad Hoc Committee to work further with staff in helping finalize the policy language for subsequent presentation to the Board. Mr. Lenington continued to review the draft Ag Policy development processes, framework, goals, and scope and highlighted the aspects of the Coastal Service Plan mission statement.

Director Holman inquired on the intent of the word co-benefit within the scope of the draft policy and suggested changing the language based on possible interpretation of co-benefits meaning equal benefits.

Mr. Lenington commented he views co-benefits to mean benefits to both elements, not necessarily equal benefits, but more to the point of deriving benefits for both the natural resources as well as agriculture and recreation. The word co-benefit is used throughout the policy and suggested that alternative language could be proposed later in the presentation.

Assistant General Manager Brian Malone stated that feedback received to date from the Board, and public has been added to the draft policy with the most significant change being a Board request to split the Research, Sustainability, and Environmentally Sensitive Agriculture policy area into separate sections to better emphasize the District's focus on these important policy areas. The draft AG Policy is organized into 13 policy areas organized under three goals. The three goals are 1) Preserve and foster existing and potential agricultural operations within the Coastside Protection Area, 2) Support and implement practices enhancing diversity, equity, and inclusion on District agricultural lands and within the larger agricultural community, and 3) Sustain and promote environmental health and encourage environmentally sensitive and sustainable agriculture. The draft Ag Policy consists of a Background section, followed by Goals, Policies, and Implementation Measures. Mr. Malone continued to review the polices.

(Directors comments of policy AG-1: Continue Agricultural Operations)

Director Riffle inquired on the first bullet of the Implementation Measures and asked if there is an intent to add an agricultural conservation easement to this section where it reads "Lands that do not have open space, sensitive habitat, or public access value and which clearly support productive agricultural operations will generally be offered for sale...".

Mr. Malone confirmed it is the intent, if the language is not clear staff will revise the language. Mr. Malone also suggested removing this bullet from the Implementation Measure and addressing acquisition and conservation easements on intensive agricultural lands separately from that of leasing conservation grazing lands.

Director Kishimoto inquired about preserving water for natural resources through partnerships and if funding for regional water storage facilities would be considered part of this policy.

Mr. Malone responded this topic will be discussed in the infrastructure section of the presentation.

President Kersteen-Tucker expressed her concerns regarding climate resilience and preparation for drought and suggested a separate or a side bar goal should be added to the draft policy or the Implementation Measures to include climate resilience and preparation for droughts to protect the natural resources and support the District's agricultural partners and tenants.

(Directors comments of policy AG-2: Recreation)

President Kersteen-Tucker proposed adding a section to the policy that specifically addresses dog access and how it is handled on a tenant-by-tenant or site-by-site basis.

Director Riffle suggested consideration be given to agricultural education especially in La Honda to inform the public of the importance of agriculture.

Mr. Malone suggested delaying the discussion of agricultural education for the marketing section of the presentation.

(Directors comments of policy AG-3: Agricultural Housing)

Director Riffle inquired if the draft policy guides the District on providing additional agricultural housing and if it distinguishes between refurbished housing or providing additional housing.

Mr. Malone stated that water resources and permitting requirements are very challenging. Given these challenges, it is best to repurpose existing residences and to partner with other organizations who are focused on providing agricultural workforce housing. Also, the comments received from the farm working community show interest in regional agricultural housing so that their living situation is not tied to their worksite.

President Kersteen-Tucker suggested as an addition to partnering with other organizations to provide regional workforce housing, consider adding mobile homes into the implementation measure. The mobile homes could create housing opportunities that can be relocated as needed, compared to permanent structures.

Mr. Malone commented there is still the issue of the expensive requirements for water flow and water availability, but perhaps a mobile home could be added as an addition to an existing residence. Mr. Malone stated staff will review whether to add this information to the Implementation Measure.

President Kersteen-Tucker suggested leaving the Implementation Measure open-ended to make it easier to create workforce housing in the future.

Director Holman suggests adding language to the policy for ancillary housing focusing opportunities on sites that are already disturbed with suitable access.

Mr. Malone commented that opportunities to add housing on District land are very limited, and that the majority of the flatland in the coastal area is prime agricultural land, and per the Coastal Service Plan the District is not allowed to develop in these zones.

Director Holman suggested for clarity and to better define market rate leaseholders adding the word “charging” to the last bullet of the Implementation Measures of this section of the policy “... and *charging* market rates for lease holders”.

(Directors comments on policy AG-4: Agricultural Infrastructure)

President Kersteen-Tucker suggested under the second bullet of the Implementation Measures that water infrastructure should not be listed as co-benefits, but rather read “Develop water infrastructure to support agricultural operations *and develop water infrastructure to support* where natural resources...”.

Mr. Malone clarified the applied meaning of co-benefits refers to a grazing property that provides opportunities for sustaining agricultural uses while supporting District grassland management goals. If the suggestion is to remove the focus on co-benefits to provide water storage infrastructure solely for the purpose of agriculture use, the language could be revised as follows: “*we are building water infrastructure for more intensive agricultural uses*”.

President Kersteen-Tucker supported the addition of the language.

Director Kishimoto believed it should be a co-benefit and not the sole responsibility of the District to subsidize agriculture, which has an impact on the environment.

Mr. Malone advised if the Board supports funding for intensive agriculture infrastructure then the language would be amended on bullet five of the Implementation Measures.

Director Siemens agreed with Director Kishimoto, stating that the current policy works well with co-benefits as a policy focus. He stated that adding the additional language would be a significant policy change and lie outside of the District’s mission.

(Directors comments on policy AG-5: Leases)

Director Riffle commented that welcoming the public should be a criteria on all lease agreements and suggested adding the language to the last bullet point of the Implementation Measure.

Mr. Malone confirmed this addition will be added to the policy.

(Directors comments on policy AG-6: Marketing and Promotion)

General Manager Ruiz mentioned that earlier in the discussion, there was an interest expressed in expanding the District’s role in providing ecologically-sensitive education to include agricultural education and asked if the language in this section of the policy addresses those concerns.

Director Riffle responded his prior concern was more aligned with public education/awareness and not public access education; further, it is important to educate communities on why incorporating cattle or agriculture is good for the land and that agriculture is a co-benefit for the environment.

General Manager Ruiz stated the language in this section speaks to a regional perspective around local food sources and reduced greenhouse gas emissions, and more specifically around the environmental benefits of local agriculture uses.

Director Riffle explained part of the District's mission is to preserve the rural character, and not only is it a co-benefit for the environment, it is also a co-benefit for the agricultural community within the San Mateo County coast and that story needs to be told.

President Kersteen-Tucker agreed with Director Riffle and explained that the Coastside mission states the District is committed to the preservation of viable agriculture in rural communities and the District needs to maintain the mission. In addition, she suggests having signage on the type of cattle that graze the lands, the public is looking for rudimentary education for youth to educate them on the different type of cattle that are on District lands.

Director Holman agreed with General Manager Ruiz stating that the language is captured in bullet number three of the Implementation Measures, and it accommodates all types of education and marketing initiatives.

(Directors comments on policy AG-7: Farmworker Advocacy and Engagement)

No edits were made to this section of the policy.

(Directors comments on policy AG-8: Diversity, Equity and Inclusion)

Discussion ensued; no edits were made to this section of the policy.

(Directors comments on policy AG-9: Partnerships, Representation and Agreements)

Discussion ensued; no edits were made to this section of the policy.

(Directors comments on policy AG-10: Water Quality)

Mr. Lenington reported that within this section of the policy, staff will add language that will address climate change and sustainability.

Director Kishimoto suggested adding water quantity and quality to the policy so that the wording is compatible with the Implementation Measures.

(Directors comments on policy AG-11: Natural Resource Protection and Co-benefits)

Mr. Lenington asked Director Holman if she had any additional input on the word co-benefits.

Director Holman mentioned she did not have any additional comments other than the information she had previously provided.

Director Cyr suggested considering using the word interrelated benefits rather than co-benefits in order to balance the efforts.

Mr. Lenington recommended adding the word co-benefit to the policy glossary for definition reference or possibly add a parenthetical explanation after the use of co-benefit.

Director Holman preferred Director Cyr's proposed suggestion.

President Kersteen-Tucker raised the point and concerns that the policy does not address poultry or other animals and inquired if any language will be added to the policy.

Mr. Malone responded that these types of animals would be grouped together under intensive agricultural uses, which typically do not have a natural resource benefit, but solely supports agriculture.

President Kersteen-Tucker indicated that the policy should address other animals besides cattle as possible elements in future lease terms.

Mr. Malone responded that the type of uses, including livestock, are made part of the lease terms. If the Board would like to specifically address other types of operations rather than rely on a broader category of intensive agriculture uses, then new language will need to be added to the policy.

Mr. Lenington commented that generally, agricultural uses are left somewhat vague and undefined in the policy to be inclusive of all kinds of agricultural uses. This will allow the District to explore on a case-by-case, site-by-site basis whether or not a specific proposed activity will benefit the natural resource management functions or conversely impact the natural resources, and the economic viability of the agricultural operation.

Director Kishimoto mentioned there is no prohibition for the use of greenhouses and inquired if that is presumed.

Mr. Lenington responded that smaller greenhouses are allowed if they are part of the operation of a farm, however, having a parcel dedicated to greenhouses is likely not something that would meet the objectives of the Board or this policy.

(Directors comments on policy AG-12: Sustainable Agriculture)

Mr. Lenington stated the following language will be added to the policy "Promote climate resiliency of agricultural operations..." and noted that the implementation measures have yet to be drafted for this addition.

(Directors comments on policy AG-13: Research)

Discussion ensued; no edits were made to this section of the policy.

Public comment opened at 4:19 p.m.

Margaret McNiven introduced herself as an incoming Board Director and provided comments on the draft AG Policy and mentioned all her questions were answered during the presentation. She suggested adding pictures to break up the text.

April Vargas stated she is a member of the Farm Workers Affairs, but is speaking mainly as an individual. Ms. Vargas thanked staff for a thorough job. She supports the formation of the ad hoc committee and suggested having a liaison with the farming community.

Hans Johsens stated he is the manager of the Christmas Tree Farm and the Chestnut Orchard Farm on District property. Mr. Johsens commented there is a lack of clarity regarding which lands are located in the Coastside Protection Area, and he is not able to determine if the Chestnut Orchard Farm is part of the Coastside Protection Area and if the AG policies would apply to his lease area. He suggested having a map available to determine which lands are part of the Coastside Protection Area. Lastly, he asked the Board to consider offering discounted rates for residential rentals leaseholders.

Public comment closed at 4:26 a.m.

Motion: Director Riffle moved, and Director Kishimoto seconded the motion to appoint an ad-hoc agricultural committee.

ROLL CALL VOTE: 7-0-0

President Kersteen-Tucker proposed that the ad hoc committee be compromised of the two San Mateo County Directors for Wards 6 and 7, and that any other Director interested in serving let her know and she will confirm the ad hoc committee members by the next Board meeting.

Mr. Malone inquired if the Board had any interest in deliberating further on the topics of interest raised from the Board or if these should be discussed with the ad hoc committee. The issues identified include: funding agricultural infrastructure with no natural resource benefits, currently it is not included in the policy but there was discussion whether it should be added; confirmation of the lease provisions; and if it is necessary to have a greenhouse prohibition.

Mr. Malone explained that the Chestnut Orchard that was referenced in public comment is not included in the Coastside Protection Area.

President Kersteen-Tucker inquired if the current policy has enough flexibility in terms of funding agricultural infrastructure that does not have any natural resource benefit, so that the District, within reason, can adequately support agricultural operations with sufficient water.

Mr. Malone responded that on District conservation grazing properties, the District would provide sufficient water. If it is for intensive agricultural uses, such as poultry production, pork, and row crops, and there is no natural resource benefit identified, then the District would not fund the water improvements per this draft policy. The draft policy is written to distinguish between funding those agricultural infrastructure improvements, including water, that have natural resource benefits, and relying on others (including tenants) to fund infrastructure that purely supports the agricultural operation.

President Kersteen-Tucker agreed with the draft policy language as it is stated.

Mr. Malone inquired if the Board would like to deliberate on the confirmation of the lease terms or if this item should be discussed at the ad hoc committee.

President Kersteen-Tucker mentioned she is interested in the feedback attained from the public and stakeholders once staff conducts additional outreach on the draft policy.

Director Holman requested information about the responsibilities of the ad hoc committee.

Mr. Malone explained the direction to the ad hoc committee would be to review the minutes and make suggested edits based on Board discussion and to coordinate with staff as they conduct additional outreach to the community, and possibly make suggested wordsmithing/language changes. The ad hoc would stay within the framework of the Board's direction, but if there are any new Implementation Measures suggestions from the ad hoc, those would need to be brought before the Board for approval.

ADJOURNMENT

President Zoe Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 4:38 p.m.

Maria Soria, CMC
Acting District Clerk