



Midpeninsula Regional
Open Space District

R-23-37
March 28, 2023

AGENDA ITEM 4

AGENDA ITEM

Implementation Plan for Updating Board Policy 5.02 – *Good Neighbor Policy*

GENERAL MANAGER'S RECOMMENDATION *den*

Review and provide input on the implementation plan to update the Good Neighbor Policy, which includes considerations for internal and external stakeholder review and public input.

SUMMARY

The Midpeninsula Regional Open Space District (District) is committed to building and maintaining good relationships with all its neighbors. Board Policy 5.02 – *Good Neighbor Policy* (Attachment 1) establishes guidelines and principles for ensuring good relationships between the District and its neighbors. This policy was last revised in 2013. The policy update was initiated in 2020, then postponed due to the prioritization of staff resources for pandemic communications and the year-long 50th Anniversary Celebration in 2022. The policy update is ready to restart, and staff is seeking Legislative, Finance and Public Affairs Committee (LFPAC) review and input on the proposed policy update implementation plan.

DISCUSSION

Originally enacted in 1988, the Good Neighbor Policy demonstrates the District's commitment to building and maintaining good relationships with all its neighbors, defined in the policy as residents and property owners located adjacent or close to a District preserve who may be affected by maintenance or visitor activities on the preserves. With Local Agency Formation Commission (LAFCo) approval of the District's Coastside Protection Program in 2004, the District's boundary expanded to include coastal San Mateo County from the southern boundary of the city of Pacifica to the Santa Cruz County line. A specific LAFCo condition of Service Plan required the District to amend its Good Neighbor Policy to include the key Service Plan policies, guidelines and implementation actions that relate to the enjoyment of privacy on adjoining private lands and public involvement in the development of policies and use and management plans for District lands. The District's Good Neighbor policy consists of 13 policy provisions that meet these requirements. In both the day-to-day conduct and in the long-range planning for public open space preserves, the Good Neighbor Policy affirms that the District will make every effort to cooperate with constituents, to consider their perspectives, address their concerns, and engage and involve them in the process of making decisions regarding the public preserves.

The latest full revision of the policy took place in November 2013 with a partial review taking place at the beginning of 2020 before the update process was put on hold due to the pandemic and prioritization of staff resources for the year-long 50th Anniversary Celebration in 2022.

Staff is now prepared to restart the Good Neighbor Policy update to ensure that the policy language remains relevant based on current needs and conditions.

The proposed implementation plan is provided below and incorporates seven key steps, the first of which is in progress and the second of which is intended to be accomplished by through this LFPAC meeting:

1. Early Policy Review (February – May 2023)
 - a. Convene an internal multidepartment team to review the existing policy language
 - b. Identify gaps and new emerging issues that should be included as part of the policy update (Diversity/Equity/Inclusion goals, Ombudsperson program, outreach gaps, post-COVID considerations such as hybrid/remote meetings)
 - c. Research other agency policies
2. LFPAC Review of Draft Implementation Plan to Update the Policy (March 28, 2023)
 - a. Obtain LFPAC feedback on the proposed steps and public outreach
3. Present Recommended Draft Policy Updates for LFPAC Review (June/July 2023)
 - a. Solicit LFPAC feedback on draft policy updates
 - b. Consolidate feedback into a new revised draft Policy to solicit broader public input
4. Broad Public Outreach and Input on the Draft Policy Update (August – October 2023)
 - a. Solicit broad input in a variety of ways:
 - i. Website with comment form
 - ii. Community meetings (in-person and remote)
 - iii. Email and phone contacts
 - iv. Mailings
 - v. District tenants via email and phone contacts
 - vi. Local homeowner associations (South Skyline Association, King's Mountain Association, Cuesta-La Honda Guild, The Sequoias retirement community, others)
 - vii. Contact towns/cities for additional contacts of relevant resident groups
5. Incorporate Public Input into the Final Draft of the Policy (November – December 2023)
6. Board Review and Approval of Final Policy Update (January – March 2024)
 - a. Two public meetings for Board review and approval:
 - i. First meeting: receive presentation and provide feedback
 - ii. Second meeting: review final revisions and adoption
7. Promotion of Board-Approved Good Neighbor Policy Update (beginning in April 2024)
 - a. Promote via numerous channels
 - i. Social media
 - ii. Website
 - iii. Newsletter

- iv. Updated published brochure that is mailed to neighbors

FISCAL IMPACT

None

PRIOR BOARD AND COMMITTEE REVIEW

None

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

No compliance is required as this action is not a project under the California Environmental Quality Act (CEQA).

NEXT STEPS

Pending LFPAC review and input, the General Manager will direct staff to proceed with the proposed update implementation plan to the Good Neighbor Policy.

Attachment

1. Board Policy 5.02 – Good Neighbor Policy

Responsible Department Head:
Kori Skinner, Public Affairs

Prepared by / Contact person:
Natalie Jolly, Public Affairs Specialist II

Board Policy Manual

Good Neighbor Policy	Policy 5.02 Chapter 5 – Historical/Cultural
Effective Date: 10/26/88	Revised Date: 11/13/13
Prior Versions: 10/26/88, 8/14/96, 9/26/07	

Introduction

The Midpeninsula Regional Open Space District (District) is committed to building and maintaining good relationships with all its *neighbors*¹. To demonstrate this commitment, the District’s Board of Directors adopted a Good Neighbor Policy in 1988. Since the last revision to the District’s Good Neighbor Policy in 1996, the Local Agency Formation Commission (LAFCo) approved the District’s Coastside Protection Program, in 2004, and expanded the District’s boundary to include coastal San Mateo County from the southern boundary of the city of Pacifica to the Santa Cruz County line. This geographic area is called the *Coastside Protection Area*². In conjunction with LAFCo’s approval, the Board of Directors adopted a *Service Plan*³ for the Coastside Protection Program, which outlines the preservation and management services that will be provided by the District in the Coastside Protection Area.

A specific condition of the LAFCo-approved Service Plan required the District to amend its Good Neighbor Policy to include the key Service Plan policies, guidelines and implementation actions which relate to the enjoyment of privacy on adjoining private lands and public involvement in policy development, as well as in the use and management decision-making process. This policy consists of 13 policy provisions, which meet the requirements of the Service Plan for the Coastside Protection Program and implement the specific LAFCo condition which the District’s Board adopted by Resolution No. 04-12 on May 26, 2004.

In Section 1 on the following pages each of the 13 Service Plan and LAFCo provisions (shown in *italics*) includes an implementation guideline (shown in **bold**), which describes how the District will carry out each provision and which in some cases supplements the provision. (While the Good Neighbor Policy provisions apply District-wide, some provisions were designated by LAFCo to apply to the coastside only. Where this is the case, the term “Coastside Protection Area only” has been added to the relevant implementation guideline). In addition, Sections 2 and 3 of this policy have a number of provisions that are based on input given to the District by neighbors during a series of public meetings throughout the District.

¹ *Neighbor* – Residents and property owners located adjacent or close to a District preserve who may be affected by maintenance or visitor activities on the preserves.

² *Coastside Protection Area* – Please see a map on the last page. The area extends from the southern border of the City of Pacifica southerly to the San Mateo/Santa Cruz County line and westerly from the existing District preserves along Hwy 35 (Skyline Blvd.).

³ *Service Plan* – The District’s plan for the Coastside Protection Program on the San Mateo County coast, which outlines preservation and management services that will be provided by the District.

Purpose

The purpose of the Good Neighbor Policy is to establish guidelines and principles for ensuring good relationships between the District and its neighbors. In both the day-to-day conduct and in the long-range planning for public open space preserves, the District will make every effort to cooperate with neighbors, to take into account their perspectives, address their concerns, and engage and involve them in the process of making decisions regarding the public preserves.

GOOD NEIGHBOR POLICY

Section 1: Public Participation and Privacy

Many of the provisions in this section discuss public participation and notification and explain how the District will provide opportunities for neighbors to participate in decisions which may affect neighboring private lands and how the District will seek to notify them of these opportunities. To the District, being a good neighbor is a public-private partnership.

Policy Provision 1

The District shall institute appropriate forms of representation so that the District planning and decision-making relating to the Coastside Protection Area includes the input of Coastside residents.

Implementation Guideline 1

The District's Board of Directors voted on November 9, 2004 to approve a final redistricting plan and expand District Wards 6 and 7 to represent about 30,000 constituents in the Coastside Protection Area. In addition, the Board will publicly review District Ward boundaries after each official United States census and redistrict as necessary.

Policy Provision 2

The District shall establish advisory committees, task forces or work groups as needed to develop or review specific policies or plans.

Implementation Guideline 2

When planning for large-scale or complex projects public input is particularly valuable. Advisory committees, task forces or work groups can help assist the District in developing specific policies or plans. The Board will take the lead in creating these groups and welcomes suggestions by the community on when and how to best form them. Workshops with neighbors and the general public are a good way to discuss items of a controversial nature or significant changes in land-use or planning.

Policy Provision 3

(Coastside Protection Area only)

To ensure that local viewpoints are considered in all significant District planning and decision-making relating to the Coastside Protection Area, the District shall consult with local elected officials, government agencies, and government-sponsored organizations within the Coastside Protection Area including, but not limited to the Midcoast Community Council, Pescadero Municipal Advisory Council, Half Moon Bay City Council and their elected bodies.

Implementation Guideline 3

The District will establish a database of elected officials, government agencies, and government-sponsored organizations it will consult with on all significant planning and decision-making. Such consultations may occur through written questionnaires or requests for comments.

Policy Provision 4

To further ensure recommendations representing local involvement are considered in District planning and decision-making relating to the Coastside Protection Area, the District shall directly notify community-interest groups, non-profit land trusts, elected officials, and other interested organizations about District Board meetings or other public meetings that involve subjects relating to the District's activities within the Coastside Protection Area.

Implementation Guideline 4

Participation by local citizens is of critical importance to the District. Therefore, the District will encourage citizen involvement by notifying neighboring property owners, neighborhood organizations and interested individuals of upcoming Board meetings, special meetings, or workshops as established in the District's Public Notification Policy. The District shall also use other methods of notification to provide opportunities for public input such as announcements required by law, press releases, the District's Web site, e-mail, local newspapers, local bulletin boards, articles, print ads, and special mailings to interested individuals. Efforts will be made to notify the public a minimum of one week in advance of a public meeting. For single-subject meetings of the full Board of Directors, or for meetings of standing Board committees for which the agendas are set well in advance, notices will be sent out to the public at least two weeks before the meetings, if possible.

Policy Provision 5

In addition to adopted and legally required noticing, the District shall notify owners of contiguous properties about public meetings where property acquisitions in the Coastside Protection Area or any significant use or improvements proposed on District-owned lands in the Coastside Protection Area are considered.

Implementation Guideline 5

For meetings where land purchases or land management agreements are being considered, the District will notify owners of adjacent properties and other affected neighbors in the vicinity (e.g. within the watershed or road corridor) of a proposed purchase or agreement.

The District will also notify owners of adjacent properties and other affected neighbors in the vicinity (e.g. within the watershed or road corridor) of District preserves when significant changes in use or improvements – those that have a potentially major effect on the area – are proposed on District-owned lands.

Policy Provision 6

Because each land use management plan, policy update, acquisition project and significant capital improvement project is subject to full review by the District Board (Page 23 of service plan), meetings of the District Board and/or subcommittees on such matters concerning Coastside Protection Area territory shall be held in the Coastside Protection Area.

Implementation Guideline 6

The Board of Directors and/or Board committees will hold public meetings in the affected area of the District when they consider master plans and/or significant policies – which are those policies that could have a major or important effect on the area.

Policy Provision 7

The District shall provide private property signs where appropriate and provide trail users information regarding private property boundaries and to prohibit trespass to minimize public/private use conflicts and trespassing. The District shall clearly sign trails adjacent to active agriculture and provide trail users with information regarding property boundaries to minimize trespassing and conflicts with agricultural users.

Implementation Guideline 7

The District will install private property signs, where appropriate, and provide trail users with preserve maps and other information to help identify private property boundaries and help protect the privacy of District neighbors. To further inform trail users, where appropriate, the District will also post signs along trails adjacent to active agricultural land.

Policy Provision 8

The following measures will be included in every future Use and Management Plan for parcels within the Coastside Protection Area:

- a. In areas where trail routes are immediately adjacent to private property, fencing shall be employed as necessary to deter users from leaving the trail. Specific*

fence, gate, and crossing designs will be determined in consultations with adjacent affected property owner(s) at the Use and Management Plan stage.

- b. All new trails/facilities shall be sited away from the edges of new preserves to the greatest extent possible. All new trails/facilities will be designed to preserve existing vegetation within new preserves and at the property lines so that views of land uses in adjacent residential properties would be minimized.*
- c. Trails shall be sited a minimum distance of 300 feet from occupied dwellings unless site-specific circumstances make this infeasible. Where a 300-foot setback is not feasible, trails shall be set back a minimum distance of 50 feet. Potential noise and privacy impacts must be evaluated for any subsequent District action and shall be reduced by berms, fencing, landscaping, and other feasible and compatible means, if necessary.*

Implementation Guideline 8

The District will consider neighbors' concerns including the desire for privacy on properties that adjoin District lands, and assist with the prevention of unintentional trespass by preserve visitors through the following:

- 8.1 Evaluate potential noise and privacy impacts when planning trails and facilities adjacent to private property. Reduce potential noise or privacy impacts with berms, fencing, landscaping, and other feasible and compatible means, if possible.**
- 8.2 Carefully conduct District business (such as performing maintenance or installing fencing) to avoid encroachment on adjacent private property. If a neighbor believes that the District is encroaching on adjacent private property, he or she should notify the District as soon as possible.**
- 8.3 Site new trails and facilities away from private property boundaries, to the extent possible, and design trails to preserve existing vegetation and to minimize views of adjacent residential properties' land uses. An effort will be made to site new trails 300 feet from occupied dwellings on neighboring properties, to the extent feasible. If infeasible, the District will seek to maintain a minimum setback of 50 feet. Fencing or visual screens may be used by the District to prevent trespassing in rare cases when trails are located directly adjacent to private property.**

Policy Provision 9

(Coastside Protection Area only)

Upon completion of the annexation process and with public involvement through local groups, the District shall conduct public hearings to develop its Basic Policies for the Coastside Protection Area. These hearings shall address, at a minimum, the following topics: public participation; resource management; public access; recreational use; public safety; cultural resources; agricultural and timber production; interagency relationships; and public information.

Implementation Guideline 9

Individuals, local groups and organizations will be consulted through a process that will involve public meetings and offer ample other opportunities, such as e-mail, to provide input concerning the development of Basic Policies specific to the Coastside Protection Area.

Policy Provision 10

(Coastside Protection Area only)

As noted in 6 above, all proposed Coastside Protection Area policies shall be considered by the full Board of Directors at public meetings held in the Coastside Protection Area.

Implementation Guideline 10

The Board of Directors will hold public meetings in the Coastside Protection Area, as necessary, when policy changes specifically affect the coast.

Policy Provision 11

(Coastside Protection Area only)

A District staff liaison will be assigned to the Coastside Protection Area to work with local residents, property owners, government, and interest groups in developing recommendations to the District Board of Directors.

Implementation Guideline 11

The District's Planning Manager is the primary staff liaison to work with local residents, property owners, local elected officials, government agencies, and neighborhood and other interest groups in developing recommendations for the District's Board of Directors.

Policy Provision 12

The Legislative, Finance, and Public Affairs Committee, a Standing Committee of the Board, shall at an annual public meeting review the Good Neighbor Policy and its implementation and effectiveness. The Good Neighbor Policy shall be amended as necessary to ensure the best possible relationship between the District and its neighbors.

Implementation Guideline 12

The District will review the Good Neighbor Policy annually at a public meeting of the District's Legislative, Funding and Public Affairs Committee, the location of which will be rotated among different sites in the District, to ensure its continued effectiveness and implementation. Based on input from the public, the Board will amend the Policy, as necessary, to ensure the best possible relationship between the District and its neighbors.

Throughout the year, the District will also gather information and suggestions that neighbors provide to staff in person or send in via the Web site, e-mail or regular mail.

Policy Provision 13

The District shall develop a Good Neighbor Brochure and shall update it regularly and distribute it to property owners with land adjoining District Preserves. The Brochure shall contain the following information:

1. *Emergency contact information for District and other agencies by nature of emergency (fire, flooding, medical, illegal activity, abandoned vehicles, etc.)*
2. *District contact for resource management (weed abatement, feral animal control, restoration and re-vegetation, etc.)*
3. *District contact for fire and hazard prevention (fuel management, information regarding fire-safe practices, fallen or hazardous trees, etc.)*
4. *District contact for conflicts between neighbors and Preserve visitors (trespass, parking, noise, etc.)*
5. *District contact for general questions regarding use and management of Preserves*
6. *How to make a suggestion or file a complaint regarding use and management of District Preserves or the District's operation in general (phone, write, e-mail, in person)*
 - *Contact information for Ombudsperson*
 - *Management and Board of Director contact information*
 - *Website mailbox*
 - *Office hours and location*
 - *Board meeting dates and times*
7. *Copy of the Good Neighbor Policies*

Implementation Guideline 13

The District will develop and periodically update a Board-approved Good Neighbor Brochure, which will include all the items listed under Policy Provision 13 above, among others. At the annual public meeting to review the Good Neighbor policy, input on the brochure will also be solicited and the Board will be fully informed of constituents' recommendations. The Brochure will be made available to neighbors.

Section 2: Land Purchase, Planning and Management

The District will encourage neighbors to provide input in the following ways:

1. For potential new land purchases or land transfers and management agreements, the District will notify adjoining property owners of Board and Board Committee meetings where issues such as access to the new property and changes to existing land uses will be discussed. For significant or coastside purchases, the Real Property Committee will conduct public on-site meetings which may occur on weekends.

2. The District will evaluate access to newly acquired land by neighbors on a case-by-case basis to ensure public safety and determine whether access is compatible with District ordinances and low-impact recreation. To the extent feasible, the District will consider continuing access through a permit system managed by the District.
3. In managing District preserves, to the extent possible, the District will
 - a. Control non-native vegetation and animals and initiate cooperative efforts with neighbors to control non-natives on lands adjacent to District preserves.
 - b. Minimize the impact on native plants when removing invasives.
 - c. Consider neighbors' desire to preserve the natural landscape viewshed.
 - d. Cooperate with local and state fire officials on emergency response and fire prevention.
 - e. Implement its resource management policies.

Section 3: Public Information, Education and Outreach

District staff will provide information to educate neighbors about the District, its mission, events and activities. Interaction with neighbors through outreach is one way to provide services to them. The following provisions will guide the District's public education and outreach to neighbors:

1. Following close of escrow of land purchased, the District will acquaint new neighbors with policies and ordinances by providing each adjacent property owner with a letter of introduction, and a copy of the District's basic policies and ordinances.
2. Generally represent the District in the community by attending local community meetings and contacting neighbors on relevant issues, as appropriate.
3. Provide information through a variety of means such as the District's Web site, e-mail, quarterly newsletter, and signboards, among others.
4. Make reasonable efforts to address and resolve situations that may arise between neighbors and the District. The District may also respond to specific neighborhood concerns by holding office and/or site meetings, as needed.
5. The Board has appointed an Ombudsperson to assist the public with their interactions with the District and facilitate the resolution of conflicts. The Ombudsperson works independently and objectively to assist in maintaining positive relations with District residents and neighbors. Contact information for the Ombudsperson is listed in the Good Neighbor Brochure.

Other Relevant District Policies

Below is a list of specific policies approved by the Board of Directors that provide additional direction on many aspects of District business and complement the Good Neighbor Policy:

1. The existing Basic Policy provides public information about the mission, purpose, strategic direction, and major elements of the District's operations.
2. The Public Notification Policy ensures that reasonable and timely efforts are made to notify surrounding landowners and interested members of the public of District activities.
3. Land Acquisition Policies and Procedures offer information about land purchases. This also includes the restrictive policy under which the District may use eminent domain to purchase private land at fair market value. Eminent domain in the Coastside Protection area has been permanently removed as a District power by California state law under an agreement with the San Mateo County Farm Bureau.
4. Resource Management Policies establish techniques to restore the natural environment and define the practices to protect and manage resources including managing vegetation, encouraging native plants, controlling non-native plants and animals, agricultural practices, and use of fire as a land management tool.
5. Use and Management Planning Process is a public process to develop use and management policies for District lands to protect the natural environment and provide opportunities for ecologically sensitive public enjoyment and education.
6. The District is developing an Encroachment Policy. This policy will educate District neighbors and users of open space areas about activities that are not allowed on District land, or allowed only by permit. The policy's goal is to protect public lands from encroachment. Examples of encroachments are a fence or trail that has been placed on District lands without permission.
7. The policies for Road Maintenance Agreements describe the parameters under which the District will enter into road agreements, including cost-sharing and other arrangements.

In the near future the Midpeninsula Regional Open Space District will develop or amend a number of public policies and policy documents. For example, the District's Public Notification Policy and its Basic Policy will both be revised and a set of Basic Policies will be developed for the San Mateo County coastside.

Legal Note

The purpose of this Policy is to promote good relationships with the District's neighbors by providing guidance to the District and to the public on how to best build and maintain positive relationships. This Policy represents the District's commitment to the principles contained in it. Government agencies like the District are subject to many legal requirements in carrying out its mission. It's not the purpose of this Policy to adopt new legal requirements but rather to supplement what the law already requires with a set of additional standards to which the District is publicly committed. No action taken by the District will be invalid merely for a failure to comply with this Policy.