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These policies are intended solely for the guidance of the Board in the exercise of its discretion and are not intended to give rise to private rights or causes of action in individuals or other persons. The Board shall be the final arbiter as to any question of interpretation of these policies. It is not the purpose of these policies to adopt any legal requirements. Failure to comply with these policies shall not affect the validity of any action taken by the District.

BASIC POLICY OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

**Adopted by the Board of
Directors on March 10, 1999**



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**Midpeninsula Regional
Open Space District**

INTRODUCTION

"...to try to save for everyone, for the hostile and indifferent as well as the committed, some of the health that flows down across the green ridges from the Skyline, and some of the beauty and refreshment of spirit that are still available to any resident of the valley who has a moment, and the wit, to lift up his eyes unto the hills."

-Wallace Stegner

OPEN SPACE:

- Is land area that is allowed to remain in or return to its natural state. Open space lands may include compatible agricultural uses.
- Protects areas of scenic beauty and preserves natural habitats necessary to sustain plant and animal life, especially native and endangered species.
- Offers opportunities to the public for education, recreation, and renewal of spirit.
- Enhances public safety by preventing development of areas prone to landslides, earthquake damage, flooding, and wildland fires.
- Establishes boundaries for urban growth, provides a respite from urban living, and enhances regional quality of life.

In short, open space is "room to breathe."¹

MISSION STATEMENT

The District's mission is:

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.

OBJECTIVES

1. Open Space Land Preservation: The District seeks to purchase or otherwise acquire interest in the maximum feasible area of strategic² open space land within the District, including baylands and foothills. The District seeks to link its open space lands with federal, state, county, and city parklands and watershed lands.

Policies

District Purpose

- a. As an open space agency, the District's primary purpose is to preserve open space. Development of traditional park and recreation facilities is the responsibility of the cities and counties.³

Strategic Emphasis

- b. The District uses its available resources primarily to acquire or otherwise preserve land outside the Urban Service Area boundaries of cities that has regionally significant open space value and that might be lost to development if the District fails to act.⁴

The District's goal is to acquire lands within its own boundaries and Sphere of Influence. Acquisitions outside the District's boundaries will be considered only if exceptional purchase opportunities arise that clearly support the District's mission.⁵

Open Space Acquisition

- c. The District acquires land most often through fee simple interest (outright ownership). Options and installment purchases may be employed to this end. To conserve funding for preservation, the District may seek to preserve open space without outright ownership of the land. The District may act as a land bank through acquisition of less than fee interest to accomplish the same results with less immediate expenditure of the District's funds. Examples include acquisition of a remainder interest following a life tenancy; open space, conservation, or scenic easements; and purchase and leaseback arrangements. The District actively strives to acquire open space through gifts and matching grants. Gifts of land with life tenancy are encouraged. Other creative open space preservation techniques are explored and utilized when possible.⁶

The District desires to acquire open space from willing sellers. Eminent domain will be used only in strict compliance with the District's eminent domain policies:

*"The District does not want to use eminent domain as a means of purchasing land unless the property concerned is an open space parcel of critical importance or is under some dire emergency, such as immediate destruction of natural resources, or clearing for development purposes. Even under such urgent circumstances, however, eminent domain would still be used only as a last resort. The District would continue to use negotiations as its objective in purchasing the land."*⁷

Master Plan, Regional Open Space Study

- d. To guide the District's open space preservation efforts, the District produces a master plan and a regional open space study. The master plan sets forth guidelines for District acquisitions and shows the relative desirability of potential open space land acquisitions. The regional open space study shows the general extent of lands and public access

improvements existing and under consideration to complete the District's greenbelt mission.

Both documents are subject to periodic review and modification by the Board of Directors after public hearings. The regional open space study is subject to periodic technical updates. Both documents are submitted to the counties, cities, and other conservation-oriented local, state, and federal agencies and organizations for review and comment in order to encourage coordination with their planning and policies.

2. Open Space Management: The District follows management policies that ensure proper care of the land, that provide public access appropriate to the nature of the land, and that are consistent with ecological values and public safety.⁸

Policies

Resource Management

- a. The District protects and restores the natural diversity and integrity of its resources for their value to the environment, and the public, and provides for the use of the preserves consistent with resource protection.⁹

Public Access and Constraints

- b. The District provides public access to the open space lands for low-intensity recreational uses. The District's highest priority is acquiring land to complete the greenbelt and to protect natural resources on open space land. Public access will be provided gradually to ensure that the higher priorities of acquisition and resource protection are maintained.

Developing facilities and managing public use activities while protecting natural resources and providing for public safety may require limits on access to some open space lands. Areas found to be vital wildlife or plant habitats are designated as refuge areas, and in these areas access will be severely restricted. In addition to protection of sensitive natural resources, factors that may delay or limit access include the carrying capacity of the land, geologic features, restoration efforts, the ability to plan and implement trails, parking, restrooms, mapboards and signs, and identification and mitigation of potential safety hazards.¹⁰

Because of the District's commitment to maximum open space preservation efforts, expenditure guidelines will be established for the amount of funding available for recreational improvement projects and restoration activities.¹¹

Agricultural, residential, and other limited revenue producing uses of the land may limit public access in certain areas. Where appropriate, access may be provided on a permit basis.

The District strives to provide public access to its lands to everyone, regardless of place of residence, physical abilities, or economic status. (See Access Plan for Persons with Disabilities).

Recreational Use and Improvements

c. Improvements on District lands are generally limited to facilities (i.e. parking areas, trails and patrol roads, restrooms, mapboards, and signs) for low-intensity recreational uses. Low-intensity recreation avoids concentration of use, significant alteration of the land, and significant impact on the natural resources or on the appreciation of nature.^{12, 13}

The timing and level of access for low intensity public recreational use of District open space land will be evaluated for each type of use in terms of four basic criteria:

1. Protection of natural resources;
2. Preservation of the opportunity for tranquil nature study and observation;
3. Avoidance of significant user conflicts;
4. Availability of Board and staff time, funding, and/or other means, to plan and manage the use.

The District will plan for low intensity public access to ensure that these criteria will be met before use is provided, and will control use that does not meet the criteria, as interpreted by the Board. To protect open space qualities, the District will use a high standard in applying the criteria.

Access for hiking is typically unrestricted on District trails and lands. Wheelchair accessible trails and other reasonable accommodations for people with disabilities are provided to ensure access to a range of open space settings with wide geographic distribution. Safe and enjoyable access for hiking and for persons with disabilities may be given priority over other types of uses where significant conflicts are evident.¹⁴

The District is committed to working with different trail user groups to find practical solutions to recreational use issues with the understanding that some trails or preserves may not be open to all uses.

Special Use facilities, (i.e. nature centers, historic structures, picnic tables, or backpack camps), and Special Use activities (i.e. large recreation events, hang gliding, or off-leash dog areas), are considered on a case by case basis. In some cases Special Use activities may require a permit. These types of uses may be allowed when they do not monopolize significant areas of natural land, do not significantly impact natural or aesthetic resources, and provide benefits such as environmental education, heritage resource protection, or public enjoyment and appreciation of

nature. The cost of management and exposure to liability of these types of facilities and activities may be a factor in deciding whether to permit them on District lands.

Public Safety

d. The District monitors and manages its preserves to provide a safe environment for visitors and neighbors.¹⁵

Cultural Resources

e. Historic structures and sites will be considered for protection by the District where they are associated with lands acquired for overall open space values. Due to the high cost of evaluating, managing, and restoring such facilities, the District depends on grant assistance, public-private partnerships, and outside assistance to support these activities. Sites are evaluated for archaeological resources prior to any new use or improvement which might impact the site. Archaeological resources are evaluated, protected, and made known to the public as appropriate to ensure their preservation.¹⁶

Agriculture and Revenue-Producing Use

f. The District supports the continued agricultural use of land acquired for open space as an economic and cultural resource, including, but not limited to, grazing, orchards, row crops, and vineyards. The District does not consider commercial logging as agriculture. The District requires sound agricultural management practices on land it manages or monitors, in accordance with its Resource Management Policies.¹⁷

g. Revenue-producing use of District land, such as rental residences, communications antennas, or special commercial use such as filming, may be allowed when it does not utilize significant areas of natural land, does not unduly impact natural or aesthetic resources, does not unreasonably restrict public access, and provides benefits or income to the District.

3. Inter-Agency Relationships: The District works with and encourages private and other public agencies to preserve, maintain, and enhance open space.

Policies

Cooperation

a. The District cooperates with and encourages cooperation between governmental agencies, community organizations, and individuals to preserve open space.¹⁸

The District works cooperatively with other governmental agencies and community organizations to facilitate development and management of recreation facilities and of public use. The District ensures that such development is consistent with protection of important natural values of the open space.

Participation

b. The District participates in the public review processes of land use plans of other agencies and development proposals that affect the District's mission.

Joint Projects

c. The District explores and engages in joint projects to maximize the opportunities for preservation of open space. Examples include inter-agency land management agreements, joint planning or research studies, and joint acquisition, improvement, or resource management projects.

Research

d. The District supports the development of scientific knowledge about natural and cultural resources and management techniques through cooperative arrangements with educational and scientific institutions, and by supporting research on which to base its management and improvement decisions. Such studies shall not unreasonably restrict public access or significantly impact the environment.

Advocacy

e. In order to better plan, acquire, and operate a regional greenbelt of open space preserves and trails, and to further cooperate in this effort with other jurisdictions, the District may encourage and advocate preservation of open space by other governmental agencies. The District may support and encourage community groups, non-profits, and other conservation-oriented groups in their efforts to urge other agencies to take actions which will help accomplish the purposes and goals of the District.

4. Public Involvement: The District educates and makes clearly visible to the public the purposes and actions of the District, and actively encourages public input and involvement in the District's decision-making process and other activities.

Policies

Public Information

a. The District works through a variety of means and media to inform the public of the District's goals and objectives, its short and long-term plans, the critical need for open space preservation, and the appropriate use of District lands. This information is disseminated as widely as possible throughout the District. Land-owners and potential donors are adequately informed of the District's purpose and goals, and of the possible methods of preserving land as open space.

Meeting Procedures

b. The District diligently follows the provisions of the Ralph M. Brown Act regarding open meeting procedures, and will be guided by its enabling legislation under the state Public Resources Code, Article 3, Division 5, Chapter 3, Section 5500. The District encourages and welcomes public participation at its meetings and make its actions, intents, and decisions clearly visible to the public.

Public Input

c. The District encourages and welcomes communication from the public by being as accessible to the public as possible and by regularly soliciting public comments about what the District should be accomplishing and how it should proceed.²⁰

Neighbor Relations

d. In both the day-to-day conduct of its business and in the long-range planning for public open space preserves, the District makes every effort to cooperate with preserve neighbors, to take into account their perspectives, to fully address their concerns, and to engage and involve them in the process of making decisions regarding the preserves of which they are neighbors. Active management, patrol, maintenance, and public education are provided to minimize threats to public safety, fire hazards, litter, noise, erosion, unsound use of the land, disturbance of wildlife and vegetation, and trespassing.²¹

Participation

e. The District seeks to involve the public in the operation and decision-making of the District and in general planning for acquisition and future use of open space lands through special workshops, committees and task forces, and public outreach activities. Through staff and volunteer programs, the District provides ecological and environmental education and fosters public appreciation of open space values.

Volunteerism

f. Through its volunteer programs, the District encourages active public participation in the maintenance, restoration, and protection of its natural resources. In addition, volunteers assist the District in scientific research, and providing cultural, historical, and environmental education opportunities to the public.

5. Administration: The staff administers the affairs of the District on behalf of the public so as to maximize accomplishment of the goals and objectives of the District within existing financial constraints.

Policies

Cost Constraints

a. Because the District is committed to maximum preservation efforts, administrative expense growth is limited by following an average annual operating expenses growth guideline, and by utilizing the help of other governmental agencies, private entities, contractual services, and volunteers.²²

Professional Organization

b. The District employs a highly capable and professional staff and provides them with the facilities and resources needed to run an efficient and responsible organization.

Board of Directors

c. The Board of Directors is the governing body of the District and determines all questions of policy. The District is divided into seven geographic wards of approximately equal populations, each represented by an elected Board member.²³

FOOTNOTES:

1. Open Space Acquisition Policies, Pg. 3
2. Open Space Acquisition Policies, Pgs. 2-6
3. Master Plan/Open Space Acquisition Policies, Pg. 3; Land Acquisition Policies, Pg. 3, Par. F
4. Master Plan/Open Space Acquisition Policies, Pg. 6
5. Land Acquisition Policies, Pg. 3
6. Land Acquisition Policies, Pgs. 5 - 10
7. Polices Regarding Use of Eminent Domain, Ordinance No. 86-1
8. Resource Management Policies
9. Resource Management Mission Statement
10. Resource Management Policies
11. Average Seven Percent Growth Guideline for District Operating Expenses and Annual Budget
12. Resource Management Policies
13. Land Acquisition Policies, Pg. 3, Par. F
14. Trail Use Policies
15. Good Neighbor Policy, District Land Use Regulations
16. Resource Management Policies
17. Resource Management Policies, Goals 10 and 11
18. Open Space Acquisition Policies, Pgs. 9, 10
19. Rules of Procedure, Notification Policies, Land Acquisition Policies, Pgs. 15, 16
20. Public Notification and Good Neighbor Policies
21. Good Neighbor Policy, Public Notification Policies, District Land Use Regulations
22. Average Seven Percent Growth Guideline for District Operating Expenses and Annual Budget
23. Public Resources Code, Section 5537