

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Peggy Jensen, Interim Parks Director
Subject: **Executive Summary:** Amendment to the County Ordinance Sections Governing Dog Recreation within San Mateo County Parks and Recreation Areas

RECOMMENDATION:

Adopt an ordinance amending Chapter 3.68 of Title 3 of the San Mateo County Ordinance Code, establishing specified legal opportunities for dog recreation within San Mateo County Parks and Recreation Areas, previously introduced on October 23, 2018, and waive the reading of the ordinance in its entirety.

BACKGROUND:

In spring of 2016, the San Mateo County Parks and Recreation Commission ("Commission") formed the Dog Management Committee ("Committee"), to advise the Commission on the development of new dog management policies for the Parks Department ("Department"). The Committee included representatives from the Commission, Department, Midcoast Community Council, Pescadero Municipal Advisory Council, North Fair Oaks Community Council, and dog-owner, environmentalist, equestrian, and cyclist communities.

The Committee developed an overarching policy for managing dog access focused on the health, safety, and protection of natural resources and the ability to offer varied visitor experiences. The Committee also developed secondary policies around owner education, conflict avoidance, pre-existing uses and other dog management criteria. The Commission adopted all of these policies at its December 7, 2017, meeting and the policies are included in Exhibit A, attached to the more detailed report. To begin implementing the Committee recommendations, at the December 7, 2017, meeting, the Commission recommended undertaking one or more pilot projects to test the proposed policies, assess impacts, and then refine the policies if necessary.

DISCUSSION:

To implement the Commission's direction, the Department has developed a multi-step process, starting with testing the policies for allowing pre-existing uses, enforcement, leashes, and number of dogs per person.

At the October 4, 2018, Parks Commission meeting, the Department presented an amendment to the County ordinance code to allow leashed dogs in three County parks, Pillar Point Buff, Quarry Park and Mirada East, and along the Bay and Coastal trails, which have segments in various parks. The amendment also included the rules for dog management and a stepped enforcement policy recommended by the Committee. The stepped enforcement policy would have changed a violation of the dog ordinance from a

mandatory misdemeanor to an infraction for the first three violations, starting at a \$50 fine and increasing to up to \$300 fine, and a misdemeanor punishable by up to a \$1,000 fine and/or up to a 6-month jail term for a fourth violation within a calendar year.

At their October 4, 2018, meeting, the Commission recommended three changes to the draft ordinance. The first recommendation was to allow retractable leashes, which the Department incorporated into the proposed ordinance presented to the Board of Supervisors ("Board") at its October 23, 2018, meeting. In approving the first read of the ordinance, the Board did not change this retractable-leash provision.

The Commission's second recommendation was to make the first violation of the new ordinance a warning rather than an infraction. The Department's existing tracking system for violations makes this difficult to do, and changes to the system would be both costly and a significant delay to implementation of the ordinance. As an alternative, Parks recommends using the first six months of the effective period of the ordinance for visitor education. No fines or infractions would be issued during this period. Beyond the education period, Rangers have the discretion to issue warnings to first time violators. At its October 23 meeting, the Board approved the ordinance with this understanding, but eliminated the provision in the proposed ordinance that would have made a fourth violation (or more) in a year a misdemeanor punishable by up to a \$1,000 fine and/or up to a six-month jail term. In the ordinance proposed for adoption today, violations are infractions punishable by tiered fines ranging from \$100 for the first violation to \$500 for each of three or more violations in the same 12-month period.

The Commission's final recommendation was to include a reference to possible future off-leash dog recreation areas in County Parks in the ordinance amendment. The Department advised against making this change until such time as the Department had undertaken and studied the initial pilot project and the impacts of allowing dogs on leash in certain parks and recreation areas had been assessed and presented to your Board. At its October 23 meeting, the Board approved this ordinance with two conditions: (1) that the Department report back to the Board in six months from the ordinance's adoption on its efficacy and any issues arising under it, and (2) that, within twelve months from the ordinance adoption, the Department present a recommendation to the Board regarding potential off leash recreation areas within County parks and recreation areas. (Following this recommendation, off-leash areas and other policies and best management practices will be considered in the Department's pilot program. Any further changes to the ordinance as a result of the pilot program will be made in a single, second amendment to the ordinance.)

Thus, the Department is recommending that the Board adopt the Amendment with these conditions and aforementioned changes.

FISCAL IMPACT:

There is no Net County Cost associated with adoption of the Amendment.