



**SONOMA COUNTY**  
AGRICULTURAL PRESERVATION  
AND OPEN SPACE DISTRICT

Thursday, December 8, 2016

**REGULAR MEETING**

**SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE  
DISTRICT ADVISORY COMMITTEE**

*Meeting begins at 5:00 p.m.*

**MEMBERS PLEASE CALL IF UNABLE TO ATTEND**

**AGENDA**

1. **Public Comment** - Comments on items not listed on the agenda  
(*Time is limited to 3 minutes per person/item*)
2. **Approval of Minutes** [Attachment "A"] **ACTION**  
October 27, 2016
3. **General Manager's Report** **INFORMATIONAL**
4. **Subcommittee Report Out** **INFORMATIONAL**
5. **Acquisition Program Update & Overview: 2016 Closings** **INFORMATIONAL**  
Misti Arias, Acquisition Program Manager
6. **Mitigation Administrative Policy Update** [Attachment "B"] **INFORMATIONAL**  
Sheri Emerson, Stewardship Program Manager
7. **Comprehensive Plan Update** **INFORMATIONAL**  
Alex Roa, Assistant Planner
8. **Projects in Negotiation** [Attachment "C"] **INFORMATIONAL**
9. **Announcements from Advisory Committee Members** **INFORMATIONAL**
10. **Adjournment** Next Meeting: January 26, 2017

**PUBLIC COMMENT:**

Any member of the audience desiring to address the Committee on a matter on the agenda will have an opportunity to speak. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the subject under discussion. Each person is usually granted 3 minutes to speak; time limitations are at the discretion of the Chair.

**Future Meeting Topics**  
**(subject to change)**

**1/26/17**

**Stewardship Program Update (Reserve Fund)**

**2/23/17**

**Comprehensive Plan Workshop**

**3/23/17**

**Ag and Open Space Center Options/Overview**

**4/27/17**

**Fee Study for Open Space Easements**

**5/25/17**

**Conservation Planning Update and Overview**

DISABLED ACCOMMODATION: If you have a disability which requires the agenda materials to be in an alternative format or requires an interpreter or other person to assist you while attending this meeting, please contact Mariah Robson at (707) 565-7363, at least 72 hours prior to the meeting to ensure arrangements for accommodation.



Attachment "A"

*SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE  
DISTRICT ADVISORY COMMITTEE*

*October 27, 2016 MINUTES*

5:06 pm Meeting convened at the District office, 747 Mendocino Avenue,  
Suite 100, Santa Rosa, California

**Members Present**

Don McEnhill	Curt Nichols	Bill Smith	Laurie Gallian
Jan McFarland	John Nagle	Kristin Thigpen	Sue Conley
John Dell'Osso	Gary Wysocky		

**Members Absent**

Cary Fargo	Doug Lipton	Annaleigh Nguyen
Steve Rabinowitsh	Jeffrey Holtzman	Regan Connell

**Staff Present**

Bill Keene, General Manager; Karen Gaffney, Conservation Planning Program Manager; Amy Ricard, Community Relations Specialist; Kathleen Marsh, Stewardship Coordinator; Kelsey Setliff, Stewardship Technician; Melina Hammar, Stewardship Technician; Seamus Rafferty, Stewardship Technician; Catherine Iantosca, Stewardship Technician; Bob Pittman, County Counsel; Mariah Robson, Advisory Committee Clerk

Chair Gallian called the meeting to order at 5:06 pm.

**Public Comment**

There were no public comments.

**Approval of Minutes**

Chair Gallian asked if there were any corrections to the minutes. No corrections were requested. Bill Smith motioned for the minutes to be approved, and John Dell'Osso seconded the motion. The minutes of September 22, 2016 were approved.

**General Manager's Report**

- Bill Keene, General Manager, introduced four new staff members, all Stewardship Technicians who monitor the District properties: Kelsey Setliff was hired 6 months ago, and Catherine Iantosca, Melina Hammar and Seamus Rafferty were all hired this week. They introduced themselves to the Advisory Committee members and described what they will be working on.

- Mr. Keene attended a California Forward Symposium put on by the California Economic Summit today. The topic was groundwater and managed lands, which is relevant to the District's land conservation priorities.
- Mr. Keene and Karen Gaffney, Conservation Planning Program Manager, will not be attending the next Advisory Committee meeting on December 8, 2016. They will be at a Poff Ranch Management Plan public meeting that the District is hosting. Stewardship Manager Sheri Emerson will be bringing a revision of the mitigation policy back to the Advisory Committee for consideration at the Dec 8<sup>th</sup> meeting.
- District staff participated in the Russian River Confluence Descent from Forestville to Jenner.
- The Board of Directors approved the staff Matching Grant recommendations on Tuesday. \$3.4 million was recommended by staff and was approved by the Board.
- The Wendle property will be taken to the Board on December 6, 2016 as a joint item with Regional Parks.
- The District Land Management Services Agreement is going to the Board on January 10, 2017.
- The Calabazas Creek and Poff Ranch Management Plan approvals and CEQA adoptions will be going to the Board on January 24, 2017.

### **Subcommittee Report Out**

Sue Conley, Chair of the Advisory Committee Ag Subcommittee, reported out that the committee has met two times since the last Advisory Committee meeting, on October 5<sup>th</sup> to review the Ag & Open Space center business plan and the approach to the comprehensive plan.

The staff and Advisory Committee members discussed keeping the Matching Grant Program subcommittee active as there will be more work to be done. This decision will be made at the January 2017 meeting.

### **District Ag & Open Space Center Business Plan**

Ms. Dodge gave a PowerPoint presentation of the Ag and Open Space Center Business Plan. Ms. Dodge will bring this item back to the Advisory Committee after it has been reviewed by the Fiscal Oversight Commission and the Board, who will guide the District on how best to proceed.

For more information on the District Ag & Open Space Center Business Plan, the PowerPoint presentation and handouts are available at the District upon request.

### **Form Comprehensive Plan Sub-committee**

Ms. Gaffney requested that the Advisory Committee form a Comprehensive Plan Subcommittee that will review and provide input on the District's Comprehensive Plan. Chair Gallian asked for subcommittee volunteers: Kristin Thigpen, Don McEnhill, Jan McFarland, and Laurie Gallian all volunteered. Steve Rabinowitsh had shown interest prior to the meeting but was absent tonight, so he was included as well. Chair Gallian asked for a vote. John Dell'Osso motioned to go forward, Jan McFarland seconded the motion. All were in favor. Since a few members were absent from tonight's meeting, and there is room for one more participant, Mariah Robson, Advisory Committee Clerk, will email the absent members to see if anyone would like to volunteer.

### **Comprehensive Plan Update**

Amy Ricard, Community Relations Specialist, provided a PowerPoint presentation on the District Comprehensive Plan.

Following the presentation, Chair Gallian turned the meeting over to the Advisory Committee members for discussion. Comments by the members were in support of the plan, the process and the timeline.

For more information on the Comprehensive Plan Update, the PowerPoint presentation is available at the District upon request.

### **Projects in Negotiations**

Mr. Keene noted that the Wendle property will be going to the Board soon and will be added to the spreadsheet, as well as the new Matching Grant projects.

### **Announcements from Advisory Committee Members**

#### **Laurie Gallian**

The Water Agency is hosting tours on November 4<sup>th</sup> and November 12<sup>th</sup> that are open to the public. These are free half day tours of the Russian River water supply system.

#### **Gary Wysocky**

Mr. Wysocky announced that there are changes at the Council and that this may be his last meeting. The Mayors' and Councilmembers' will be appointing a new representative.

**Adjournment:** 6:45 pm

Next scheduled meeting date: December 8, 2016

Respectfully submitted,

Mariah Robson,  
Advisory Committee Secretary



**MEMORANDUM**

**Date:** November 23, 2016

**To:** District Advisory Committee

**From:** Sheri J. Emerson, Stewardship Program Manager

**Subject:** Draft District Mitigation Guidelines document for your review

As you know, District staff is working on a Mitigation Policy that would apply to District-protected lands. Please review and provide comments on the attached draft document in preparation for discussion at the District Advisory Committee meeting on December 8, 2016.

Feel free to contact me directly at 565.7358 or [sheri.emerson@sonoma-county.org](mailto:sheri.emerson@sonoma-county.org) with any questions or comments.



## **GUIDELINES FOR EVALUATION OF ENVIRONMENTAL MITIGATION-RELATED PROPOSALS**

**11/22/16 DRAFT**

The following guidelines are intended to inform the evaluation of environmental mitigation-related proposals by District staff and mitigation related decisions by the District General Manager. Included is a summary of the District and its land conservation work, a discussion of the nexus of District-protected lands with mitigation, the criteria for District evaluation of mitigation-related proposals, and the process for proposal evaluation and decision making.

### **I. THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT**

The Sonoma County Agricultural Preservation and Open Space District (District) was created in 1990 by the voters of Sonoma County to permanently protect the diverse agricultural, natural resource, and scenic open space lands of Sonoma County for future generations. Since 1990, the District has protected over 100,000 acres of open space and working landscapes via the purchase of conservation easements and fee title.

The District protects land in four main categories: Farms and ranches; Greenbelts and scenic hillsides; Water, wildlife, and natural areas; and Recreation and Education. Permanent protection involves conservation planning, acquisition, and perpetual stewardship of the land. The District typically will acquire an interest in land through purchase of a restrictive conservation easement. Where this is not feasible, the District may protect land through fee purchase, where the fee title is transferred to another entity at the time of project closing, or at a later date. Conservation easements are retained over all fee properties when ownership is transferred to another entity.

### **II. DISTRICT ROLE IN MITIGATION**

The District is a land conservation organization. The District is not a land use approval entity or regulatory agency, and thus does not set mitigation ratios or issue permits for projects that

impact habitat. There are three main areas where the District's land conservation work intersects with environmental mitigation: Grant Funding, Open Space Easements, and Habitat Mitigation.

#### **A. Grant Funding**

The District is eligible to receive funding towards acquisition and stewardship of easement or District-owned properties, or other District projects, through public agency grant programs, such as the Sustainable Agricultural Land Conservation (SALC) Program, California Regional Water Quality Control Board remediation funds, and the California Department of Transportation's Environmental Enhancement and Mitigation Program. For example, the SALC Program funds originate from the Greenhouse Gas Reductions Fund (established to receive Cap and Trade auction proceeds pursuant to AB32 and SB375) and may be used to purchase agricultural conservation easements, development of agricultural land strategy plans, and other mechanisms that result in greenhouse gas reductions and a more resilient agricultural sector. The District will evaluate grant funding opportunities as they become available for consistency with these guidelines.

#### **B. Open Space Easements**

The District currently receives open space easements through the County's land-use approval process, pursuant to Board of Supervisors Resolution 91-0522. Developers are often required to set aside or dedicate an open space easement over portions of land to mitigate the impacts of a proposed development. These lands or easements are typically conveyed to the District as part of the county's development approval process. The District will continue to work with the County to ensure lands or easements conveyed through the development process further the voter-approved Expenditure Plan and the goals outlined in the District's current Board of Director-adopted guidance documents. The District will recover all costs related to accepting an open space easement.

#### **C. Habitat Mitigation**

Habitat mitigation is a tool that may be utilized to preserve land, or to enhance and restore habitats on already protected land. Compensatory habitat mitigation is required of a project which results in adverse impacts to wetland, special-status species, or another type of valued habitat, and is intended to replace the loss of habitat functions in the landscape. Habitat mitigation may be required by local, state, or federal regulations where consideration has already been given to avoidance and minimization of impacts. Review and approval of a mitigation project plan, and assuring its successful implementation, is the role of the appropriate regulatory agencies. Habitat mitigation typically takes the form of restoration, establishment, enhancement, or in certain circumstances preservation, of wetlands, streams, forested areas, or other types of habitats to compensate for the impacts. In some cases, District objectives may be met through acceptance of mitigation-related funding towards a District project, or through approval of a mitigation project on land protected by a District-held

easement. Habitat mitigation may be specifically permitted in new conservation easements if it is identified during initial acquisition or land transfer negotiations as a necessary or appropriate use of the property in order to assure protection and/or enhancement of a conservation value of critical importance to the District.

### **III. CRITERIA FOR DISTRICT EVALUATION OF MITIGATION-RELATED PROPOSALS**

The District may consider participating in a mitigation-related proposal only if the following criteria are met. The following general criteria apply to grant funding, new open space and conservation easements, and any mitigation-related proposal on District-held easements or District-owned fee land properties.

#### **A. *The proposal must be aligned with the District's objectives and goals***

The District was created in 1990 through approval of Measures A and C by the voters of Sonoma County. Measure F was passed in 2006, which reauthorized a ¼ cent sales tax to support the District through 2031. The open space designations eligible for protection under Measure F's 2006 Expenditure Plan include community separators, greenbelts, scenic landscape units, scenic corridors, agriculturally-productive lands, biotic habitat areas, riparian corridors and other areas of biotic significance, and other open space projects. Protection is accomplished primarily through the purchase of development rights from willing sellers in areas designated in the County's and Cities' General Plan open space elements, but may also include the purchase of fee interests consistent with the Expenditure Plan open space designations.

The goals from the District's Board-adopted Acquisition Plan, *Connecting Communities and the Land*, currently guide the actions of the District. They are:

1. Maintain the county's rich rural character and the unique qualities of each city and areas throughout the county that help provide our sense of community.
2. Support the economic vitality of working farms to preserve the agricultural heritage and diversity of the county.
3. Protect the ridgetops, coastal bluffs, hillsides, and waterways that create the county's striking natural beauty.
4. Provide connections between urban areas, parks and natural areas throughout the county for both people and wildlife.
5. Preserve diverse natural areas that provide habitat for wildlife.
6. Protect the waterways and associated natural lands that maintain water quality and supply.
7. Partner with local agencies and organizations to leverage funding for land protection, foster stewardship, and provide opportunities for recreational and educational experiences.

As the Board adopts future guidance documents (including the District's Comprehensive Plan which is currently in preparation), the approved goals and objectives therein will be used to guide a determination with this criterion.

***B. The proposal must not result in a gift of public funds***

As the District is a sales tax-funded organization with a voter-approved expenditure plan, the District must be certain that all expenditures are appropriate. Towards that end, the District receives an independent audit each year of the District's expenditures, which is reviewed by the Fiscal Oversight Commission in an independent audit each year, pursuant to Board Resolution 10-0832.

If the District's costs related to review and implementation of mitigation-related proposals is beyond the scope of the District's permitted use request process or other standard District practice, the District must recover those costs. The District will require execution of a simple funding agreement to cover initial project review costs.

For mitigation funding proposals, a cooperative agreement with all involved parties that describes legal, financial, and implementation responsibilities, must be approved by the Board of Directors before a project can move forward. On District-owned properties and on new easements, the District must recover the cost to acquire the land proposed for use as mitigation. The District may then use these funds to protect additional land.

***C. The proposal must enhance the conservation values already protected by the District***

Only where the enhancement of protected conservation values can be clearly demonstrated will the District give further consideration to a mitigation proposal. This may include enhancement or restoration of existing or historic habitat types.

***D. Participation in the habitat mitigation project must not present a risk to the District's long term financial stability***

The District's sales tax funding is authorized through 2031. At that point, the District must fulfill its perpetual easement stewardship obligations through the annual interest earnings from the Stewardship Reserve Fund. The financial planning that guides the investment strategy for this fund relies on certain assumptions of the nature and extent of required monitoring tasks, and currently does not include costs for perpetual maintenance or property management. This is because, as stated in the District's 2012 Fee Lands Strategy, the District intends to own very little, if any, fee acreage by the time Measure F sunsets in 2031. Therefore, the District will not participate in a mitigation project that requires a long-term habitat monitoring commitment (as a consequence of the mitigation) that includes activities beyond the scope of the District's

typical easement monitoring program. The liability and responsibility for project success needs to stay with the original project proponent.

**E. Funding Requirements**

Participation in or approval of a mitigation project, or acceptance of mitigation-related funds, must not compromise the ability of the District to secure grants or other outside funding sources for District projects and programs, and the mitigation project or funding must be consistent with any grants that funded the acquisition or development of a property.

**F. Additional criteria that apply to existing District-held easements**

District may approve habitat mitigation projects or use of mitigation-related funds habitat enhancement or restoration projects on existing District-held easements only where deemed consistent with the conservation purpose and terms of the easement. In addition, the following criteria will be applied:

1. Easement language prohibiting commercial uses will be interpreted to prohibit mitigation projects that involve sale of mitigation credits
2. All mitigation-related funds must go back into the land; that is, they must be used for the mitigation project itself
3. Any additional protections required by regulatory agencies in association with a mitigation project must be consistent with and subordinate to the District-held easement

**G. Additional criteria that apply to properties the District owns in fee**

The District will not accept mitigation funds towards District projects on fee properties if the use of those funds will require encumbrances in addition to those typically included (such as a Forever Wild designation) in District-held conservation easements or in any other document (such as a transfer agreement, agricultural or recreational covenant) required upon transfer of fee title to a receiving entity. The proposal must be consistent with the planned disposition or conveyance option for the property.

**IV. PROCESS FOR EVALUATION OF MITIGATION-RELATED PROPOSALS**

District staff will conduct an initial review of each mitigation-related funding proposal according to the criteria in Section III, and report findings to the General Manager. The General Manager will make a determination on if to move forward with the proposal, based on the staff findings regarding the criteria in Section III, and if there are sufficient staff and/or consultant resources available to work on the project. If the General Manager determines that a proposal does not

meet the above criteria in Section III, or otherwise fails to recommend approval of the proposal, that determination may be appealed by the mitigation project proponent by submitting a written request to the District Board of Directors.

As appropriate, the following specific processes will apply:

**A. *Proposal for use of habitat-mitigation related funds towards District acquisition of new conservation easements or fee lands***

District may accept habitat mitigation-related funds to be used towards District acquisition of new conservation easements or fee lands, only where acceptance and use of those funds is determined to be consistent with existing acquisition priorities, and appropriate for expenditure of Measure F funds.

Acceptance of mitigation-related funding for District acquisitions must be approved by the Board of Directors, certifying by resolution that all of the applicable criteria in Section III, above, are met. If approved by the Board, the District will enter into a cooperative agreement with all relevant parties that details all legal, financial, and implementation responsibilities of each party. This will include recovery of all District costs associated with the project. Where the District receives funding towards District projects, the District would retain control of the project, including all aspects of project design and selection of contractors.

**B. *Proposal for work on land protected with a District-held easement***

The District will consider a proposal for work on lands protected with a District-held easement according to the permitted use request review process as described in the Board-adopted District Stewardship Manual. A permitted-use request is submitted to the District and is reviewed by easement stewardship staff, in light of the plain language of the easement and consistent with these guidelines. A determination on the request is made by the General Manager. The District shall recover all costs including the replacement value of the land used for mitigation, as appropriate and if consistent with the terms of the easement.

**C. *Proposal for use of mitigation funds towards District habitat enhancement projects on District-held fee lands***

District may accept habitat mitigation-related funds towards District enhancement or restoration projects on its fee lands, where acceptance of the funds both (a) supports identified District acquisition purposes and stewardship priorities, and (b) does not create an immediate or long term fiscal impact for the District. The District will not allow third parties to undertake mitigation projects on District fee lands. District may complete mitigation projects on fee properties to mitigate for unavoidable impacts resulting from a District maintenance or

construction project, if all land use and regulatory approvals are secured, and the mitigation is consistent with identified District priorities.

Acceptance of mitigation-related funding for District habitat enhancement projects on District-held fee lands must be approved by the Board of Directors, certifying by resolution that all of the criteria in Section III, above, are met. If approved by the Board, the District will enter into a cooperative agreement with all relevant parties that details all legal, financial, and implementation responsibilities of each party. This will include recovery of all District costs associated with the project. The habitat mitigation project must provide payment to the District of the replacement value of the real property interest in the land used for mitigation. Replacement value will be determined by use of a property interest valuation formula incorporated into the language of the easement. Where the District receives funding towards District projects, the District would retain control of the project, including all aspects of project design and selection of contractors.

DRAFT

PROJECT	Acreage (approximate)		Supervisory District	Acquisition Plan Category	Project Design				Comments
					Appraisal Process	Approvals/Baseline	Escrow		
Arrowhead-Maas Ranch	245	2	Farms & Ranches	x				CE under negotiation	
Cresta III	46	1	Recreation & Education	x	x			Appraisal under review	
Donnell	909	1	Greenbelts & Scenic Hillside	x				CE under negotiation	
Foppiano Vineyards	160	4	Greenbelts & Scenic Hillside	x	x			Fiscal Oversight Commission reviewed 3/5/15	
Gloeckner-Turner Ranch	3,364	5	Water, Wildlife & Natural Areas	x				Project design	
Hansen Ranch	330	2	Farms & Ranches	x	x			Appraisal being updated	
Howlett Forest	1,395	5	Water, Wildlife & Natural Areas	x	x			Appraisal underway	
Lafranconi	211	5	Greenbelts & Scenic Hillside	x				CE under negotiation	
Mattos Dairy	866	2	Farms & Ranches	x				Project design	
Rips Redwoods	1,850	5	Water, Wildlife & Natural Areas	x	x			Appraisal underway	
Sonoma Developmental Ctr V (Transforma	945	1	Greenbelts & Scenic Hillside					Resource assessment underway	
Stewarts Point Ranch	871	5	Water, Wildlife & Natural Areas	x	x	x	x	Board approved on August 16, 2016	
Terrilinda Dairy	175	2	Greenbelts & Scenic Hillside	x				Project design	
Weeks Ranch - Rasmason	1,372	1	Water, Wildlife & Natural Areas	x				CE under negotiation	
Wendle	47	1	Recreation & Education	x	x	x		Board presentation Dec. 6th	

Project Status Chart  
12/1/2016

Sonoma County Agricultural Preservation and Open Space District

Total Acres: 12,786

Matching Grant Projects	Acres (approximate)	Supervisorial District	Location	Begin Grant Process	Appraisal Process	Approvals/Baseline	Escrow	Comments
Andy's Unity Park (2014 & 2016)	4	5	Southwest Santa Rosa	x				Drafting documents
Bayer Farm Site Development	6**	5	Southwest Santa Rosa	x	x	x	x	Reimbursement ongoing, Grant term extended
Colgan Creek Restoration (Ph 3)	7	5	Southwest Santa Rosa	x	n/a	x	x	Board approved 4/21/15
Crane Creek Regional Trail	6	1	East of Rohnert Park	x	n/a			Advisory Committee accepted project 6/28/07
Crescent Park, Phase 1A	4**	5	Monte Rio	x	n/a	x	x	Reimbursement ongoing
Denman Reach Phase 3	2	2	North Petaluma	x	n/a			Drafting documents
East Washington Park	25	2	Northeast Petaluma	x	n/a	x	x	Board approved 5/24/16
Falletti Ranch	4	2	Cotati	x	x	x	x	Tracking match
Forever Forestville	4	5	Downtown Forestville	x	x	x	x	Tracking match
Graton Green Community Park	1	5	Downtown Graton	x				Initiating project
Guerneville River Park, Phase 2	5	5	Central Guerneville	x	x	x		Negotiations with new owner
Irwin Creek Riparian Restoration	47**	5	West of Santa Rosa	x	n/a	x	n/a	Reimbursement ongoing
Maxwell Farms	79	1	Northwest of Sonoma	x				Initiating project
Nathanson Creek Preserve Restoration	1**	1	Sonoma	x	n/a			Board approved 9/13/16
Paula Lane OSP	11	2	West Petaluma	x	x	x	x	Tracking match
River Lane Acquisition	1	5	West of Guerneville	x				Initiating project
Roseland Creek Community Park - Phase 1	3	5	Southwest Santa Rosa	x				Initiating project
Roseland Village Public Space	1	5	Southwest Santa Rosa	x				Negotiations
SE Santa Rosa Greenway	61	1	Southeast Santa Rosa	x				Initiating project
Sebastopol Skatergarten Expansion	1	1	Sebastopol	x	n/a	x	x	tracking match
SMART Pathway – Hearn to Bellevue	6	1	Southwest Santa Rosa	x	n/a	x		FOC approved 7/21/16
SMART Pathway - Payran to S. Point	14	1	Petaluma	x				Initiating project
Sonoma Garden Park, Phase 2	5**	1	East of Sonoma	x	n/a	x	n/a	Reimbursement ongoing
Steamer Landing Park Development	27**	1	Downtown Petaluma	x				Initiating project

Total Acres: 213

\*\* Restoration/Development Project on previous acquisition.