

SONOMA COUNTY OPEN SPACE FISCAL OVERSIGHT COMMISSION

COMMISSIONERS

Mike Sangiacomo (Sonoma)
Todd Mendoza (Petaluma)
Dee Swanhuysen (Sebastopol)

Bob Anderson (Healdsburg)
Eric Koenigshofer (Occidental)
Jeff Owen (Alternate)

Regular Meeting
747 Mendocino Avenue – Suite 100, Santa Rosa, CA 95401
June 4, 2015 5:00 pm

AGENDA

1. **Call to Order.**
2. **Agenda Items to be Held or Taken Out of Order; Off-Agenda Items.**
3. **General Announcements Not Requiring Deliberation or Decision.**

4. **Public Comment.**

The Brown Act requires that time be set aside for public comment on items not agendized.

5. **Correspondence/Communication.**

6. **Approval of Commission Minutes.**

May 7, 2015

[Attachment 1]

May 14, 2015

[Attachment 2]

7. **Ad Hoc Committee Reports.**

- Annual Report/Audit Report Review (Anderson, Swanhuysen) - no scheduled meetings
- Investment (Swanhuysen, Owen) – no scheduled meetings
- Review of County Services (Mendoza, Koenigshofer) – May 14, 2015
- Stewardship (Mendoza, Sangiacomo) – no scheduled meetings
- Operation and Maintenance Transaction Review (Anderson, Koenigshofer) – no scheduled meetings
- Matching Grant Program (Koenigshofer, Owen) – no scheduled meetings

8. **Stewardship Program Update.**

[Attachment 3]

9. **Suggested Next Meeting.** July 9, 2015

10. **Adjournment.**

In compliance with Government Code §54954.2(a), the Sonoma County Open Space Fiscal Oversight Commission will, on request, make this agenda available in appropriate alternative formats to persons with a disability, as required by Section 202 of the ADA of 1990 (42 U.S.C. §12132), and the Federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in another format or need a disability-related modification or accommodation should contact Sue Jackson at 707.565.7346 at least 72 hours prior to the meeting to ensure arrangements for accommodation. Pursuant to Government Code § 54957.5, a copy of all documents related to an item on this agenda submitted to the Fiscal Oversight Commission may be obtained from the Fiscal Oversight Commission office, 747 Mendocino Avenue, Santa Rosa, CA 95401.

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UNAPPROVED

Minutes for Meeting of May 7, 2015

Commissioners Present: Koenigshofer (Chair) (arrived at 5:17pm), Anderson (Vice Chair), Sangiacomo, Swanhuysen, Owen

Staff Present: Bill Keene, General Manager; Mary Dodge, Administrative and Fiscal Services Manager; Sue Gallagher, Counsel; Christine Minkel, Administrative Aide to the Commission, Sue Jackson, Deputy Clerk/Recorder-Fiscal Oversight Commission.

Others Present: Bobby Chung, Vice-President, KNN Public Finance; Lauren Borelle, Deputy County Counsel, Sonoma County; Paul Cocking, Investment and Debt Manager, Sonoma County Auditor-Controller-Treasurer-Tax Collectors Office.

1. **Call to Order.**

Commissioner Anderson called the meeting to order at 5:05 pm.

2. **Agenda Items to be Held or Taken Out of Order; Off Agenda Items.**

There were none.

3. **General Announcements Not Requiring Deliberation or Decision.**

Mr. Keene made the following announcements:

- The Colgan Creek Matching Grant Phase 2 and Phase 3 was approved by the District's Board of Directors.
- The Jones Dairy acquisition will be presented to the Board on June 9, 2015.
- The Bianchi Dairy and the District will be featured in a June 7, 2015 broadcast of KNTV's "Open Road with Doug McConnell."
- Alman Marsh, North Slope Sonoma Mountain Regional Park and Open Space Preserve, and Matanzas Creek Winery will be featured on "NBC Bay Area."
- Bay Area Open Space Council's 2015 Open Space Conference will be held in Richmond on May 14, 2015 and Mr. Keene will be a guest speaker.

4. **Public Comment.**

There was none.

5. **Correspondence/Communication.**

There was none.

6. **Approval of Commission Minutes.**

On a motion by Alternate Commissioner Owen and second by Commissioner Swanhuysen, the minutes of April 9, 2015 were approved as submitted. Commissioner Sangiacomo abstained.

7. **Ad Hoc Committee Reports.**

- Investment (Swanhuysen, Owen) – nothing to report.
- Review of County Services (Mendoza, Koenigshofer) – nothing to report.
- Stewardship (Mendoza, Sangiacomo)

Commissioner Sangiacomo reported on a committee meeting held on January 6, 2015 that focused on the progress of a dynamic calculation model for the District's stewardship reserve needs at 2031 and beyond. The model is being developed by District staff with the assistance of a consultant, Center for Natural Lands Management (CNLM).

Present: Commissioner Sangiacomo (Commissioner Mendoza was absent); Bill Keene; Sheri Emerson; Mary Dodge; Sue Gallagher; Christine Minkel; and Deborah Rogers, Director of Conservation Science and Stewardship, Center for Natural Lands Management.

During the committee meeting, Ms. Rogers presented methods and the model delivery timeline. The discussion included:

- a) Method(s) for costing the obligation of the current portfolio of easements and fee properties, as well as new acquisitions – (CNLM-developed program that is consistent with industry standards as outlined by the Land Trust Alliance);
- b) Delivery timeline for the initial draft = June 2015.
- c) The ability of staff to adjust the model as property is acquired and whether an estimate for future legal matters will be included.

Mr. Keene stated that the model includes the industry best practice of an annual visit of all District properties and an estimate for legal defense and that the model will be adjusted by District staff as required and will inform the amount to be annually transferred to the District's long-term Stewardship Reserve Fund. Commissioner Sangiacomo conveyed that he and the Commission look forward to the staff progress report on the model at the regularly scheduled June 4, 2015 meeting.

- Operation & Maintenance Transaction Review (Anderson, Koenigshofer) – nothing to report.
- Annual Report/Audit Report Review (Anderson, Swanhuysen) – nothing to report.
- Matching Grant Program (Koenigshofer, Owen) – nothing to report.

(Note: Commission Chair Koenigshofer facilitated the meeting at this time.)

8. Measure F Sales Tax Revenue Bond Refunding.

Ms. Dodge and Mr. Chung, Vice-President of KNN Public Finance (the County's Financial Advisor for bond issuance) presented potential refunding scenarios for the Measure F Sales Tax Revenue Bond that were issued in November of 2007. County Treasury staff contacted Ms. Dodge to initiate this discussion as the current bond market may offer the District savings in its debt service payments if the bonds are refinanced. The bonds were issued by the County and are paid by Measure F sales tax revenue with the County Treasurer acting as administrator for the bonds. At the direction of Mr. Keene, Mr. Chung provided four scenarios: one with no additional cash infusion from the District and three scenarios with an infusion of cash (\$5M, \$10M and \$15M). The Commission discussed the scenarios and requested that Mr. Chung, District staff, and County Treasury staff return with new scenarios showing an update to the interest rates that reflect current market conditions, a scenario with an advance refunding of the bond issuance (same annual debt service, but shortening the term from a 2031 payoff to an earlier date), and scenarios with additional District cash infusion (\$10M, \$15M, \$20M, \$25M, and \$30M). Additionally, Commissioner Koenigshofer recommended to Mr. Keene that he consider using the cash that resides in the Stewardship Reserve Fund for the cash infusion as the Reserve Fund's interest earning within the County Treasury may be less than the savings gained in this refunding structure. The Commission will convene on May 14, 2015 for this additional review.

9. District Budget Review/Update.

Ms. Dodge and Mr. Keene presented the District's FY 15/16 and FY 16/17 Budget and its corresponding descriptive narrative. This is the first presentation of the District's move to a two-year budget cycle. This budget cycle change is a requirement of the County Administrator's Office and the County Auditor Controller Tax Collector's Office who structure the County's budget and accounting systems. The District's budget is prepared by District management staff and submitted by the District's General Manager to the District's Board of Directors for their review and approval as part of the overall County budget document.

The Commission discussed the estimated Measure F sales tax revenue included within the FY 15/16 and FY 16/17 budgets and its protection as the District's revenue within the County's accounting mechanics. Ms. Dodge conveyed the process of receiving the sales tax revenue and how it flows from the State Board of Equalization to the Measure F Sales Tax Revenue Bonds trustee for debt service (Bank of New York), and then to the Open Space Special Tax Account with the County Treasurer. Commissioner Anderson inquired about the FY 15/16 increase in the Other Financing Uses line in the Expenditure section on Attachment III of the budget handouts. Ms. Dodge explained the increase is the annual transfer to the Stewardship Reserve Fund and to the Initial Public Access and Operations and Maintenance Fund; the increase on that line is due to a change in the accounting

mechanics and further, the Other Financing Uses line in the Revenue section of the report shows the contra entry for the annual transfer to those two funds. Commissioner Swanhuysen mentioned that the budget presentation by District staff is informational to the Commission and that the Commission is responsible for a review of the actual financial activity

10. **Suggested Next Meeting.** May 14, 2015 @ 6:00 pm
11. **Adjournment.**
Commissioner Koenigshofer adjourned the meeting at 7:35 pm.

Respectfully submitted,

Sue Jackson - Deputy Clerk/Recorder

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UNAPPROVED

Minutes for Meeting of May 14, 2015

Commissioners Present: Koenigshofer (Chair) (arrived at 6:05 pm), Anderson (Vice Chair), Mendoza, Swanhuyser, Owen (Alternate)

Staff Present: Bill Keene, General Manager; Mary Dodge, Administrative and Fiscal Services Manager; Misti Arias, Program Manager – Acquisition; Robert Pittman, Counsel; Christine Minkel, Administrative Aide to the Commission, Sue Jackson, Deputy Clerk/Recorder-Fiscal Oversight Commission.

Others Present: Bobby Chung, Vice-President, KNN Public Finance (the County's Financial Advisor for bond issuance); Lauren Borelle, Deputy County Counsel, Sonoma County; Paul Cocking, Investment and Debt Manager, Sonoma County Auditor-Controller-Treasurer-Tax Collectors Office.

1. **Call to Order.**
Commissioner Anderson called the meeting to order at 6:02 pm.
2. **Public Comment.**
There was none.
3. **Measure F Bond Refunding Review.**
Mr. Chung presented KNN Public Finance's additional refunding scenarios of the outstanding 2007 Measure F Sales Tax Revenue Bonds per the Commission's request at the May 7, 2015 meeting. On a motion by Commissioner Swanhuyser and second by Alternate Commissioner Owen, the Commission adopted Minute Order No. 13, which recommends that the District's Board of Directors proceed with the refunding as outlined in Scenario 7: Proposed Refunding and \$30.0 Million Cash Contribution and described in Minute Order No. 13 dated May 14, 2015.
4. **Suggested Next Meeting.** June 4, 2015
5. **Adjournment.**
Commissioner Koenigshofer adjourned the meeting at 7:10 pm.

Respectfully submitted,
Sue Jackson - Deputy Clerk/Recorder
Fiscal Oversight Commission Unapproved Minutes 05.14.15

Attachment 2

MINUTE ORDER
OF THE
SONOMA COUNTY OPEN SPACE FISCAL OVERSIGHT COMMISSION

MINUTE ORDER of the Sonoma County Open Space Fiscal Oversight Commission recommending Scenario 7 of KNN Public Finance's refunding scenarios whereby the District utilizes all of the funds in the Stewardship Reserve Fund and a remaining amount in the Open Space Special Tax Account (OSSTA) fund to contribute \$30 million toward paying down principal on the outstanding 2007 Measure F Sales Tax Revenue Bonds as part of the refunding transaction.

Also recommended is maintaining an annual payment amount similar to the \$7.5 million current payment in order to reduce the term of the issue. Replenishment of the Stewardship Reserve Fund is recommended to begin in FY 2024-25 when the debt service payments end, utilizing the full \$7.5 million for the next seven years to fund the estimated \$50 million reserve.

This action should in no way curtail additional contributions to the Stewardship Reserve Fund to fully fund the amount determined to be necessary.

Motion by: Swanhuysen

Second by: Owen (Alternate)

Sangiacomo: absent Mendoza: aye Swanhuysen: aye Anderson: aye

Owen (Alternate): aye Koenigshofer: aye

SO ORDERED.



Memorandum

Date: May 29, 2015
To: Fiscal Oversight Commission
From: Sheri Emerson, Stewardship Program Manager
Re: Stewardship Program Update

At your June 4, 2015 meeting, I will provide an update on activities in the Stewardship Program. I plan to discuss our current responsibilities in Easement Stewardship, Fee Land Stewardship, and our Volunteer and Education Programs.

I've attached the District's Stewardship Manual and the Land Trust Alliance's Standards and Practices for your reference.

Attachments:

- Stewardship Manual-March 2006
- Land Trust Alliance Standards and Practices-2004

Attachment 3

Land Trust Standards and Practices



Acknowledgements

The Land Trust Alliance extends its sincere appreciation to the members of the 2004 Land Trust Standards and Practices Revisions Advisory Team and to the hundreds of land conservationists across the country who participated in the development of the 2004 revisions. The Land Trust Alliance also gratefully acknowledges the individuals involved in establishing *Land Trust Standards and Practices* in 1989 and revising them in 1993 and 2001.

The 2004 Land Trust Standards and Practices Revisions Advisory Team

Lise Aangeenbrug, Colorado Conservation Trust
Judy Anderson, Columbia Land Conservancy (NY)
Kevin Brice, Triangle Land Conservancy (formerly with Land Trust Alliance)
Allen Decker, The Coalition for Buzzards Bay (MA) (formerly with Lowcountry Open Land Trust, SC)
Mike Dennis, The Nature Conservancy (VA) and LTA Board of Directors
Darla Guenzler, Bay Area Open Space Council (CA)
Larry Kueter, Esq., Isaacson, Rosenbaum, Woods & Levy, PC (CO)
Kris Larson, Colorado Coalition of Land Trusts
Wendy Ninteman, Five Valleys Land Trust (MT)
Susan Dorsey Otis, Yampa Valley Land Trust (CO)
Leslie Ratley-Beach, Vermont Land Trust
Bettina Ring, The Wilderness Land Trust (CA) (formerly with Colorado Coalition of Land Trusts)
Will Shafroth, Colorado Conservation Trust and Chairman of LTA's Board of Directors

Additional Project Advisors

Sylvia Bates, S. K. Bates Conservation Consulting, LLC.
Rand Wentworth, Land Trust Alliance

Project Managers

Tammara Van Ryn, Land Trust Alliance
Rob Aldrich, Land Trust Alliance
Jennifer Brady-Connor, Land Trust Alliance

The Land Trust Alliance wishes to thank the following financial supporters for making the 2004 revisions possible:

Colorado Conservation Trust
Doris Duke Charitable Foundation
The Lennox Foundation
Gordon and Betty Moore Foundation
National Fish and Wildlife Foundation
Resources Legacy Fund Foundation
Surdna Foundation

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[Land Trust Standards and Practices](#)

Land Trust Standards and Practices are the ethical and technical guidelines for the responsible operation of a land trust. The Land Trust Alliance developed *Land Trust Standards and Practices* in 1989 at the urging of land trusts who believe a strong land trust community depends on the credibility and effectiveness of all its members and who understand that employing best practices is the surest way to secure lasting conservation. This is a living document and was revised in 1993, 2001 and 2004 to reflect changes in land trust practices and regulations governing nonprofit organizations. The 2004 revisions were prepared by a team of land trust leaders and reviewed by hundreds of conservationists to capture and share the experience of land trusts from throughout the country.

The nation's more than 1,500 nonprofit land trusts have conserved millions of acres of wildlife habitat, farms, ranches, forests, watersheds, recreation areas and other important lands. The continued success of land trusts depends both on public confidence in, and support of, the conservation efforts of these organizations, and on building conservation programs that stand the test of time. It is every land trust's responsibility to uphold this public trust and to ensure the permanence of its conservation efforts.

Implementing *Land Trust Standards and Practices* helps land trusts uphold the public trust and build strong and effective land conservation programs. The Land Trust Alliance requires that member land trusts adopt *Land Trust Standards and Practices* as the guiding principles for their operations, indicating their commitment to upholding the public trust and the credibility of the land trust community as a whole. (See the sample adoption resolution on the next page.) The Land Trust Alliance encourages all land trusts to implement *Land Trust Standards and Practices* at a pace appropriate for the size of the organization and scope of its conservation activities.

Land Trust Standards and Practices are organized into 12 standards and supporting practices to advance the standards. The practices are guidelines; there are many ways for a land trust to implement the practices, depending on the size and scope of the organization. The Land Trust Alliance provides resources to assist land trusts in the implementation of *Land Trust Standards and Practices*. General information on *Land Trust Standards and Practices* and on LTA publications and training programs related to the standards and practices can be found at www.lta.org. LTA member land trusts and partners can find additional technical information and sample documents at www.LTAnet.org.

While *Land Trust Standards and Practices* are designed primarily for nonprofit, tax-exempt land trusts, they also provide important guidance for any organization or government agency that holds land or easements for the benefit of the public.

Land trusts are a respected and integral part of the nation's land conservation work. With this recognition comes responsibility to ensure that all land trusts operate effectively and that their conservation efforts are lasting. *Land Trust Standards and Practices* are a critical tool in meeting these challenges.

Sample Board Adoption Resolution

The Land Trust Alliance (LTA) requires that all Sponsor members of LTA adopt *Land Trust Standards and Practices* as their guiding principles. Some public or private funders also ask for such a statement. Below is a sample resolution.

WHEREAS, the [organization] has reviewed *Land Trust Standards and Practices* published by the Land Trust Alliance in 2004; and,

WHEREAS, the [organization] agrees that *Land Trust Standards and Practices* are the ethical and technical guidelines for the responsible operation of a land trust;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors of the [organization], hereby adopts *Land Trust Standards and Practices* as guidelines for the organization's operations and commits to making continual progress toward implementation of these standards and practices.

_____ date adopted

Standard I: Mission

The land trust has a clear mission that serves a public interest, and all programs support that mission.

Practices

- A. Mission. The board adopts, and periodically reviews, a mission statement that specifies the public interest(s) served by the organization.
- B. Planning and Evaluation. The land trust regularly establishes strategic goals for implementing its mission and routinely evaluates programs, goals and activities to be sure they are consistent with the mission.
- C. Outreach. The land trust communicates its mission, goals and/or programs to members, donors, landowners, the general public, community leaders, conservation organizations and others in its service area as appropriate to carry out its mission.
- D. Ethics. The land trust upholds high standards of ethics in implementing its mission and in its governance and operations.

Part I: Organizational Strength

Standard 2: Compliance with Laws

The land trust fulfills its legal requirements as a nonprofit tax-exempt organization and complies with all laws.

Practices

- A. Compliance with Laws. The land trust complies with all applicable federal, state and local laws.
- B. Nonprofit Incorporation and Bylaws. The land trust has incorporated according to the requirements of state law and maintains its corporate status. It operates under bylaws based on its corporate charter or articles of incorporation. The board periodically reviews the bylaws.
- C. Tax Exemption. The land trust has qualified for federal tax-exempt status and complies with requirements for retaining this status, including prohibitions on private inurement and political campaign activity, and limitations and reporting on lobbying and unrelated business income. If the land trust holds, or intends to hold, conservation easements, it also meets the Internal Revenue Code's (IRC) public support test for public charities. Where applicable, state tax-exemption requirements are met.
- D. Records Policy. The land trust has adopted a written records policy that governs how organization and transaction records are created, collected, retained, stored and disposed. (See 9G.)
- E. Public Policy. The land trust may engage in public policy at the federal, state and/or local level (such as supporting or opposing legislation, advocating for sound land use policy, and/or endorsing public funding of conservation) provided that it complies with federal and state lobbying limitations and reporting requirements. Land trusts may not engage in political campaigns or endorse candidates for public office.

Standard 3: Board Accountability

The land trust board acts ethically in conducting the affairs of the organization and carries out the board's legal and financial responsibilities as required by law.

Practices

- A. Board Responsibility. The board is responsible for establishing the organization's mission, determining strategic direction and setting policies to carry out the mission, and, as required by law, the oversight of the organization's finances and operations.
- B. Board Composition. The board is of sufficient size to conduct its work effectively. The board is composed of members with diverse skills, backgrounds and experiences who are committed to board service. There is a systematic process for recruiting, training and evaluating board members.
- C. Board Governance. The land trust provides board members with clear expectations for their service and informs them about the board's legal and fiduciary responsibilities. The board meets regularly enough to conduct its business and fulfill its duties, with a minimum of three meetings per year. Board members are provided with adequate information to make good decisions. Board members attend a majority of meetings and stay informed about the land trust's mission, goals, programs and achievements.
- D. Preventing Minority Rule. The land trust's governing documents contain policies and procedures (such as provisions for a quorum and adequate meeting notices) that prevent a minority of board members from acting for the organization without proper delegation of authority.
- E. Delegation of Decision-Making Authority. The board may delegate decision-making and management functions to committees, provided that committees have clearly defined roles and report to the board or staff. If the land trust has staff, the board defines the job of, oversees and periodically evaluates the executive director (or chief staff person). (See 3F and 7E.)
- F. Board Approval of Land Transactions. The board reviews and approves every land and easement transaction, and the land trust provides the board with timely and adequate information prior to final approval. However, the board may delegate decision-making authority on transactions if it establishes policies defining the limits to that authority, the criteria for transactions, the procedures for managing conflicts of interest, and the timely notification of the full board of any completed transactions, and if the board periodically evaluates the effectiveness of these policies.

Standard 4: Conflicts of Interest

The land trust has policies and procedures to avoid or manage real or perceived conflicts of interest.

Practices

- A. Dealing with Conflicts of Interest. The land trust has a written conflict of interest policy to ensure that any conflicts of interest or the appearance thereof are avoided or appropriately managed through disclosure, recusal or other means. The conflict of interest policy applies to insiders (see definitions), including board and staff members, substantial contributors, parties related to the above, those who have an ability to influence decisions of the organization and those with access to information not available to the general public. Federal and state conflict disclosure laws are followed.
- B. Board Compensation. Board members do not serve for personal financial interest and are not compensated except for reimbursement of expenses and, in limited circumstances, for professional services that would otherwise be contracted out. Any compensation must be in compliance with charitable trust laws. The board's presiding officer and treasurer are never compensated for professional services.
- C. Transactions with Insiders. When engaging in land and easement transactions with insiders (see definitions), the land trust: follows its conflict of interest policy; documents that the project meets the land trust's mission; follows all transaction policies and procedures; and ensures that there is no private inurement or impermissible private benefit. For purchases and sales of property to insiders, the land trust obtains a qualified independent appraisal prepared in compliance with the Uniform Standards of Professional Appraisal Practice by a state-licensed or state-certified appraiser who has verifiable conservation easement or conservation real estate experience. When selling property to insiders, the land trust widely markets the property in a manner sufficient to ensure that the property is sold at or above fair market value and to avoid the reality or perception that the sale inappropriately benefited an insider.

Standard 5: Fundraising

The land trust conducts fundraising activities in an ethical and responsible manner.

Practices

- A. Legal and Ethical Practices. The land trust complies with all charitable solicitation laws, does not engage in commission-based fundraising, and limits fundraising costs to a reasonable percentage of overall expenses.
- B. Accountability to Donors. The land trust is accountable to its donors and provides written acknowledgement of gifts as required by law, ensures that donor funds are used as specified, keeps accurate records, honors donor privacy concerns and advises donors to seek independent legal and financial advice for substantial gifts.
- C. Accurate Representations. All representations made in promotional, fundraising, and other public information materials are accurate and not misleading with respect to the organization's accomplishments, activities and intended use of funds. All funds are spent for the purpose(s) identified in the solicitation or as directed in writing by the donor.
- D. Marketing Agreements. Prior to entering into an agreement to allow commercial entities to use the land trust's logo, name or properties, the land trust determines that these agreements will not impair the credibility of the land trust. The land trust and commercial entity publicly disclose how the land trust benefits from the sale of the commercial entity's products or services.

Standard 6: Financial and Asset Management

The land trust manages its finances and assets in a responsible and accountable way.

Practices

- A. Annual Budget. The land trust prepares an annual budget that is reviewed and approved by the board, or is consistent with board policy. The budget is based on programs planned for the year. Annual revenue is greater than or equal to expenses, unless reserves are deliberately drawn upon.
- B. Financial Records. The land trust keeps accurate financial records, in a form appropriate to its scale of operations and in accordance with Generally Accepted Accounting Principles (GAAP) or alternative reporting method acceptable to a qualified financial advisor.
- C. Financial Reports and Statements. The board receives and reviews financial reports and statements in a form and with a frequency appropriate for the scale of the land trust's financial activity.
- D. Financial Review or Audit. The land trust has an annual financial review or audit, by a qualified financial advisor, in a manner appropriate for the scale of the organization and consistent with state law.
- E. Internal System for Handling Money. The land trust has established a sound system of internal controls and procedures for handling money, in a form appropriate for the scale of the organization.
- F. Investment and Management of Financial Assets and Dedicated Funds. The land trust has a system for the responsible and prudent investment and management of its financial assets, and has established policies on allowable uses of dedicated funds and investment of funds.
- G. Funds for Stewardship and Enforcement. The land trust has a secure and lasting source of dedicated or operating funds sufficient to cover the costs of stewarding its land and easements over the long term and enforcing its easements, tracks stewardship and enforcement costs, and periodically evaluates the adequacy of its funds. In the event that full funding for these costs is not secure, the board has adopted a policy committing the organization to raising the necessary funds. (See 6F, 11A and 12A.)
- H. Sale or Transfer of Assets (Including Land and Easements). The land trust has established policies or procedures on the transfer or sale of assets, including real property. (See 4C, 9K and 9L.)
- I. Risk Management and Insurance. The land trust assesses and manages its risks and carries liability, property, and other insurance appropriate to its risk exposure and state law. The land trust exercises caution before using its land to secure debt and in these circumstances takes into account any legal or implied donor restrictions on the land, the land trust's mission and protection criteria, and public relations impact.

Standard 7: Volunteers, Staff and Consultants

The land trust has volunteers, staff and/or consultants with appropriate skills and in sufficient numbers to carry out its programs.

Practices

- A. Capacity. The land trust regularly evaluates its programs, activities and long-term responsibilities and has sufficient volunteers, staff and/or consultants to carry out its work, particularly when managing an active program of easements.
- B. Volunteers. If the land trust uses volunteers, it has a program to attract, screen, train, supervise and recognize its volunteers.
- C. Staff. If the land trust uses staff, each staff member has written goals or job descriptions and periodic performance reviews. Job duties or work procedures for key positions are documented to help provide continuity in the event of staff turnover.
- D. Availability of Training and Expertise. Volunteers and staff have appropriate training and experience for their responsibilities and/or opportunities to gain the necessary knowledge and skills.
- E. Board/Staff Lines of Authority. If the land trust has staff, the lines of authority, communication and responsibility between board and staff are clearly understood and documented. If the board hires an executive director (or chief staff person), the board delegates supervisory authority over all other staff to the executive director. (See 3E.)
- F. Personnel Policies. If the land trust has staff, it has written personnel policies that conform to federal and state law and has appropriate accompanying procedures or guidelines.
- G. Compensation and Benefits. If the land trust has staff, it provides fair and equitable compensation and benefits, appropriate to the scale of the organization.
- H. Working with Consultants. Consultant and contractor relationships are clearly defined, are consistent with federal and state law, and, if appropriate, are documented in a written contract. Consultants and contractors are familiar with sections of *Land Trust Standards and Practices* that are relevant to their work.

Standard 8: Evaluating and Selecting Conservation Projects

The land trust carefully evaluates and selects its conservation projects.

Practices

- A. Identifying Focus Areas. The land trust has identified specific natural resources or geographic areas where it will focus its work.
- B. Project Selection and Criteria. The land trust has a defined process for selecting land and easement projects, including written selection criteria that are consistent with its mission. For each project, the land trust evaluates its capacity to perform any perpetual stewardship responsibilities.
- C. Federal and State Requirements. For land and easement projects that may involve federal or state tax incentives, the land trust determines that the project meets the applicable federal or state requirements, especially the conservation purposes test of IRC §170(h).
- D. Public Benefit of Transactions. The land trust evaluates and clearly documents the public benefit of every land and easement transaction and how the benefits are consistent with the mission of the organization. All projects conform to applicable federal and state charitable trust laws. If the transaction involves public purchase or tax incentive programs, the land trust satisfies any federal, state or local requirements for public benefit.
- E. Site Inspection. The land trust inspects properties before buying or accepting donations of land or easements to be sure they meet the organization's criteria, to identify the important conservation values on the property and to reveal any potential threats to those values.
- F. Documenting Conservation Values. The land trust documents the condition of the important conservation values and public benefit of each property, in a manner appropriate to the individual property and the method of protection.
- G. Project Planning. All land and easement projects are individually planned so that the property's important conservation values are identified and protected, the project furthers the land trust's mission and goals, and the project reflects the capacity of the organization to meet future stewardship obligations.
- H. Evaluating the Best Conservation Tool. The land trust works with the landowner to evaluate and select the best conservation tool for the property and takes care that the chosen method can reasonably protect the property's important conservation values over time. This evaluation may include informing the landowner of appropriate conservation tools and partnership opportunities, even those that may not involve the land trust.
- I. Evaluating Partnerships. The land trust evaluates whether it has the skills and resources to protect the important conservation values on the property effectively, or whether it should refer the project to, or engage in a partnership with, another qualified conservation organization.

- J. Partnership Documentation. If engaging in a partnership on a joint acquisition or long-term stewardship project, agreements are documented in writing to clarify, as appropriate, the goals of the project, roles and responsibilities of each party, legal and financial arrangements, communications to the public and between parties, and public acknowledgement of each partner's role in the project.
- K. Evaluating Risks. The land trust examines the project for risks to the protection of important conservation values (such as surrounding land uses, extraction leases or other encumbrances, water rights, potential credibility issues or other threats) and evaluates whether it can reduce the risks. The land trust modifies the project or turns it down if the risks outweigh the benefits.
- L. Nonconservation Lands. A land trust may receive land that does not meet its project selection criteria (see 8B) with the intent of using the proceeds from the sale of the property to advance its mission. If the land trust intends to sell the land, it provides clear documentation to the donor of its intent before accepting the property. Practices 4C, 9K and 9L are followed.
- M. Public Issues. A land trust engaging in projects beyond direct land protection (such as public policy, regulatory matters or education programs) has criteria or other standard evaluation methods to guide its selection of and engagement in these projects. The criteria or evaluation methods consider mission, capacity and credibility.

Standard 9: Ensuring Sound Transactions

The land trust works diligently to see that every land and easement transaction is legally, ethically and technically sound.

Practices

- A. Legal Review and Technical Expertise. The land trust obtains a legal review of every land and easement transaction, appropriate to its complexity, by an attorney experienced with real estate law. As dictated by the project, the land trust secures appropriate expertise in financial, real estate, tax, scientific, and land and water management matters.
- B. Independent Legal Advice. The land trust refrains from giving specific legal, financial and tax advice and recommends in writing that each party to a land or easement transaction obtain independent legal advice.
- C. Environmental Due Diligence for Hazardous Materials. The land trust takes steps, as appropriate to the project, to identify and document whether there are hazardous or toxic materials on or near the property that could create future liabilities for the land trust.
- D. Determining Property Boundaries. The land trust determines the boundaries of every protected property through legal property descriptions, accurately marked boundary corners or, if appropriate, a survey. If an easement contains restrictions that are specific to certain zones or areas within the property, the locations of these areas are clearly described in the easement and supporting materials and can be identified in the field.
- E. Easement Drafting. Every easement is tailored for the property according to project planning (see 8G) and: identifies the important conservation values protected and public benefit served; allows only permitted uses and/or reserved rights that will not significantly impair the important conservation values; contains only restrictions that the land trust is capable of monitoring; and is enforceable.
- F. Documentation of Purposes and Responsibilities. The land trust documents the intended purposes of each land and easement transaction, the intended uses of the property and the roles, rights and responsibilities of all parties involved in the acquisition and future management of the land or easement.
- G. Recordkeeping. Pursuant to its records policy (see 2D), the land trust keeps originals of all irreplaceable documents essential to the defense of each transaction (such as legal agreements, critical correspondence and appraisals) in one location, and copies in a separate location. Original documents are protected from daily use and are secure from fire, floods and other damage.
- H. Title Investigation and Subordination. The land trust investigates title to each property for which it intends to acquire title or an easement to be sure that it is negotiating with the legal owner(s) and to uncover liens, mortgages, mineral or other leases, water rights and/or other encumbrances or matters of record that may affect the transaction. Mortgages, liens and other encumbrances that could result in extinguishment of the easement or significantly undermine the important conservation values on the property are discharged or properly subordinated to the easement.

- I. Recording. All land and easement transactions are legally recorded at the appropriate records office according to local and state law.
- J. Purchasing Land. If the land trust buys land, easements or other real property, it obtains a qualified independent appraisal to justify the purchase price. However, the land trust may choose to obtain a letter of opinion (see definitions) from a qualified real estate professional in the limited circumstances when a property has a very low economic value or a full appraisal is not feasible before a public auction. In limited circumstances where acquiring above the appraised value is warranted, the land trust documents the justification for the purchase price and that there is no private inurement or impermissible private benefit. If negotiating for a purchase below the appraised value, the land trust ensures that its communications with the landowner are honest and forthright.
- K. Selling Land or Easements. If the land trust sells land or easements, it first documents the important conservation values, plans the project according to practice 8G, and drafts protection agreements as appropriate to the property. The land trust obtains a qualified independent appraisal that reflects the plans for the project and protection agreements and justifies the selling price. (The land trust may choose to obtain a letter of opinion from a qualified real estate professional in the limited circumstance when a property has a very low economic value.) The land trust markets the property and selects buyers in a manner that avoids any appearance of impropriety and preserves the public's confidence in the land trust, and in the case of selling to an insider (see definitions) follows practice 4C. (See 6H for sales of other assets.)
- L. Transfers and Exchanges of Land. If the land trust transfers or exchanges conservation land or easements, the land trust considers whether the new holder can fulfill the long-term stewardship and enforcement responsibilities, ensures that the transaction does not result in a net loss of important conservation values and, for donated properties, ensures that the transfer is in keeping with the donor's intent. If transferring to a party other than another nonprofit organization or public agency, the consideration is based on a qualified independent appraisal (or letter of opinion when the property has a very low economic value) in order to prevent private inurement or impermissible private benefit.

Standard IO: Tax Benefits

The land trust works diligently to see that every charitable gift of land or easements meets federal and state tax law requirements.

Practices

- A. Tax Code Requirements. The land trust notifies (preferably in writing) potential land or easement donors who may claim a federal or state income tax deduction, or state tax credit, that the project must meet the requirements of IRC §170 and the accompanying Treasury Department regulations and/or any other federal or state requirements. The land trust on its own behalf reviews each transaction for consistency with these requirements.
- B. Appraisals. The land trust informs potential land or easement donors (preferably in writing) of the following: IRC appraisal requirements for a qualified appraisal prepared by a qualified appraiser for gifts of property valued at more than \$5,000, including information on the timing of the appraisal; that the donor is responsible for any determination of the value of the donation; that the donor should use a qualified appraiser who follows Uniform Standards of Professional Appraisal Practice; that the land trust will request a copy of the completed appraisal; and that the land trust will not knowingly participate in projects where it has significant concerns about the tax deduction.
- C. No Assurances on Deductibility or Tax Benefits. The land trust does not make assurances as to whether a particular land or easement donation will be deductible, what monetary value of the gift the Internal Revenue Service (IRS) and/or state will accept, what the resulting tax benefits of the deduction will be, or whether the donor's appraisal is accurate.
- D. Donee Responsibilities — IRS Forms 8282 and 8283. The land trust understands and complies with its responsibilities to sign the donor's Appraisal Summary Form 8283 and to file Form 8282 regarding resale of donated property when applicable. The land trust signs Form 8283 only if the information in Section B, Part 1, "Information on Donated Property," and Part 3, "Declaration of Appraiser," is complete. If the land trust believes no gift has been made or the property has not been accurately described, it refuses to sign the form. If the land trust has significant reservations about the value of the gift, particularly as it may impact the credibility of the land trust, it may seek additional substantiation of value or may disclose its reservations to the donor. (See 5B for other gift substantiation requirements.)

Standard II: Conservation Easement Stewardship

The land trust has a program of responsible stewardship for its easements.

Practices

- A. Funding Easement Stewardship. The land trust determines the long-term stewardship and enforcement expenses of each easement transaction and secures the dedicated or operating funds to cover current and future expenses. If funds are not secured at or before the completion of the transaction, the land trust has a plan to secure these funds and has a policy committing the funds to this purpose. (See 6G.)
- B. Baseline Documentation Report. For every easement, the land trust has a baseline documentation report (that includes a baseline map) prepared prior to closing and signed by the landowner at closing. The report documents the important conservation values protected by the easement and the relevant conditions of the property as necessary to monitor and enforce the easement. In the event that seasonal conditions prevent the completion of a full baseline documentation report by closing, a schedule for finalizing the full report and an acknowledgement of interim data [that for donations and bargain sales meets Treasury Regulations §1.170A-14(g)(5)(i)] are signed by the landowner at closing.
- C. Easement Monitoring. The land trust monitors its easement properties regularly, at least annually, in a manner appropriate to the size and restrictions of each property, and keeps documentation (such as reports, updated photographs and maps) of each monitoring activity.
- D. Landowner Relationships. The land trust maintains regular contact with owners of easement properties. When possible, it provides landowners with information on property management and/or referrals to resource managers. The land trust strives to promptly build a positive working relationship with new owners of easement property and informs them about the easement's existence and restrictions and the land trust's stewardship policies and procedures. The land trust establishes and implements systems to track changes in land ownership.
- E. Enforcement of Easements. The land trust has a written policy and/or procedure detailing how it will respond to a potential violation of an easement, including the role of all parties involved (such as board members, volunteers, staff and partners) in any enforcement action. The land trust takes necessary and consistent steps to see that violations are resolved and has available, or has a strategy to secure, the financial and legal resources for enforcement and defense. (See 6G and 11A.)
- F. Reserved and Permitted Rights and Approvals. The land trust has an established procedure for responding to landowner required notices or requests for approvals in a timely and consistent manner, and has a system to track notices, approvals and the exercise of any significant reserved or permitted rights.

- G. Contingency Plans/Backups. The land trust has a contingency plan for all of its easements in the event the land trust ceases to exist or can no longer steward and administer them. If a backup grantee is listed in the easement, the land trust secures prior consent of the backup grantee to accept the easement. To ensure that a backup or contingency holder will accept an easement, the land trust has complete and accurate files and stewardship and enforcement funds available for transfer. (See 11H.)
- H. Contingency Plans for Backup Holder. If a land trust regularly consents to being named as a backup or contingency holder, it has a policy or procedure for accepting easements from other land trusts and has a plan for how it will obtain the financial resources and organizational capacity for easements it may receive at a future date. (See 11G.)
- I. Amendments. The land trust recognizes that amendments are not routine, but can serve to strengthen an easement or improve its enforceability. The land trust has a written policy or procedure guiding amendment requests that: includes a prohibition against private inurement and impermissible private benefit; requires compliance with the land trust's conflict of interest policy; requires compliance with any funding requirements; addresses the role of the board; and contains a requirement that all amendments result in either a positive or not less than neutral conservation outcome and are consistent with the organization's mission.
- J. Condemnation. The land trust is aware of the potential for condemnation, understands its rights and obligations under condemnation and the IRC, and has appropriate documentation of the important conservation values and of the percentage of the full value of the property represented by the easement. The land trust works diligently to prevent a net loss of conservation values.
- K. Extinguishment. In rare cases, it may be necessary to extinguish, or a court may order the extinguishment of, an easement in whole or in part. In these cases, the land trust notifies any project partners and works diligently to see that the extinguishment will not result in private inurement or impermissible private benefit and to prevent a net loss of important conservation values or impairment of public confidence in the land trust or in easements.

Standard I2: Fee Land Stewardship

The land trust has a program of responsible stewardship for the land it holds in fee for conservation purposes.

Practices

- A. Funding Land Stewardship. The land trust determines the immediate and long-term financial and management implications of each land transaction and secures the dedicated and/or operating funds needed to manage the property, including funds for liability insurance, maintenance, improvements, monitoring, enforcement and other costs. If funds are not secured at or before the completion of the transaction, the land trust has a plan to secure these funds and has a policy committing the funds to this purpose. (See 6G.)
- B. Stewardship Principles. The land trust establishes general principles to guide the stewardship of its fee-owned properties, including determining what uses are and are not appropriate on its properties, the types of improvements it might make and any land management practices it will follow.
- C. Land Management. The land trust inventories the natural and cultural features of each property prior to developing a management plan that identifies its conservation goals for the property and how it plans to achieve them. Permitted activities are compatible with the conservation goals, stewardship principles and public benefit mission of the organization. Permitted activities occur only when the activity poses no significant threat to the important conservation values, reduces threats or restores ecological processes, and/or advances learning and demonstration opportunities.
- D. Monitoring Land Trust Properties. The land trust marks its boundaries and regularly monitors its properties for potential management problems (such as trespass, misuse or overuse, vandalism or safety hazards) and takes action to rectify such problems.
- E. Land Stewardship Administration. The land trust performs administrative duties in a timely and responsible manner. This includes establishing policies and procedures, keeping essential records, filing forms, paying insurance, paying any taxes and/or securing appropriate tax exemptions, budgeting, and maintaining files.
- F. Community Outreach. The land trust keeps neighbors and community leaders informed about its ownership and management of conservation properties.
- G. Contingency Backup. The land trust has a contingency plan for all of its conservation land in the event the land trust ceases to exist or can no longer manage the property. To ensure that a contingency holder will accept the land, the land trust has complete and accurate files and stewardship funds available for transfer.
- H. Nonpermanent Holdings. When a land trust holds fee land with the intention to sell or transfer the land, the land trust is open about its plans with the public and manages and maintains the property in a manner that retains the land trust's public credibility. (See 8L.)
- I. Condemnation. The land trust is aware of the potential for condemnation, understands its rights and obligations under condemnation, and works diligently to prevent a net loss in conservation values.

Definitions of Key Terms

Capacity: the ability to perform all the actions required to acquire and manage conservation land and easements and manage other programs by having adequate human and financial resources and organizational systems in place.

Conflict of Interest: a conflict of interest arises when “insiders” are in a position, or perceived to be in a position, to benefit financially (or create a benefit to a family member or other organization with which they are associated) by virtue of their position within the nonprofit organization.

GAAP: the Federal Accounting Standards Board (FASB) issues Generally Accepted Accounting Principles (GAAP). FASB’s Statement of Account Standards 116 and 117 provide standards for Financial Statements for Not-for-Profit Organizations.

Important Conservation Values: these are the key values on a site that are the focus of protection efforts. Important conservation values are determined during property evaluation and project planning.

Insiders: board and staff members, substantial contributors, parties related to the above, those who have an ability to influence decisions of the organization and those with access to information not available to the general public.

The IRS generally considers “insiders” or disqualified persons under IRC §4598 to be persons who, at anytime during the five-year period ending on the date of the transaction in question, were *in a position to exercise substantial influence over the affairs of the organization*. “Insiders” generally include: *board members, key staff, substantial contributors* [see IRC §507(d)(2)], *parties related to the above and 35-percent controlled entities*. While these are strict definitions within the tax code, land trusts are advised to take an even more proactive approach to the potential damage that conflicts of interest may cause an organization and also include in the definition of “insiders” *all staff members and those with access to information not available to the general public* (such as certain volunteers).

Related parties is defined by the IRS to include spouse, brothers and sisters, spouses of brothers and sisters, ancestors, children, grandchildren, great-grandchildren and spouses of children, grandchildren and great-grandchildren.

IRC: Internal Revenue Code

Land Trust: a nonprofit organization that, as all or part of its mission, actively works to conserve land by undertaking or assisting in land or easement acquisitions, or by engaging in the stewardship of such land or easements.

Letter of Opinion: a written estimation of a property's value, most often prepared by a qualified appraiser and occasionally prepared by a highly experienced real estate professional.

A letter of opinion may be used instead of a qualified independent appraisal when the economic value of the property is so low as to negate concerns about private inurement or private benefit or when a full appraisal is not feasible before a public auction. (A letter of opinion is not sufficient in the case of transactions with insiders.) An appraiser may call this document a Restricted Use Appraisal Report.

Private Inurement: when the net earnings of a tax-exempt organization come to the benefit of any private shareholder or individual.

Federal tax-exempt law requires that “no part of ... [a tax-exempt organization's] net earnings [may] inure to the benefit of any private shareholder or individual.” Generally this means that the financial assets of the organization may not be transferred to a private individual (without the organization receiving adequate compensation) solely by virtue of the individual's relationship with the organization. The IRS prohibition on inurement is absolute. The IRS also imposes penalties on directors, officers, key employees and other disqualified persons who engage in excess benefit transactions.

Qualified Independent Appraisal: an independent appraisal prepared in compliance with the Uniform Standards of Professional Appraisal Practice by a state-licensed or state-certified appraiser who has verifiable conservation easement or conservation real estate experience.

Widely Marketed: announcing the availability of a property for sale to lists of prospective buyers, through Web pages, mailings, and listings in newsletters and other publications or media. “Widely marketed” does not require public listing with a real estate agent.



The Land Trust Alliance, founded in 1982, promotes voluntary land conservation and strengthens the land conservation movement by providing the leadership, information, skills and resources land trusts need to conserve land for the benefit of communities and natural systems.

The Land Trust Alliance provides resources to assist land trusts in the implementation of *Land Trust Standards and Practices*. General information on *Land Trust Standards and Practices* and on LTA publications and training programs related to the standards and practices can be found at www.lta.org. LTA member land trusts and partners can find additional technical information and sample documents at www.LTAnet.org.

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STEWARDSHIP MANUAL

MARCH 2006



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

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STEWARDSHIP MANUAL

SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

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INTRODUCTION

The Sonoma County Agricultural Preservation and Open Space District (District) has developed this Stewardship Manual to establish guidelines for staff in carrying out the District's stewardship responsibilities.

The District's stewardship responsibilities encompass current and long-term obligations with respect to the lands subject to its conservation easements and to the lands it owns in fee. This includes the legal rights and obligations assumed by the District when it accepts a conservation easement on privately owned land and its responsibilities for management of properties owned in fee. To fulfill its mission, the District must act as a diligent caretaker of its easements and guardian of its fee lands.

The primary components of the District's Stewardship Program are:

- Landowner Relations: Establishing and maintaining open communication with conservation easement landowners to ensure understanding of the terms and conditions of the easement;
- Site Assessment: Participating in the initial site assessment to develop a clear understanding of the nature and condition of acquired properties and to identify potential stewardship issues prior to property acquisition.
- Baseline Documentation: Documenting, through photographs, written description, maps and aerial photographs, the condition and features of conservation easement properties and fee lands at the time of their acquisition;
- Monitoring: Conducting periodic field visits to ensure that the requirements and conditions of easements are met and that properties held in fee are properly maintained;
- Permitted Use Notices/Permitted Use Requests: Evaluating landowner requests to use their land in manners that require prior District notice or approval under the conservation easement;
- Easement Amendments: Evaluating requests for amendments to conservation easements;
- Enforcement: Enforcing conservation easements if and when violations arise; and
- Management of Fee Lands: Managing the properties that it owns in fee in accordance with its mission.

Specific objectives, policies and procedures for each of these components are set forth in the chapters that follow. Additional chapters discuss records management, the District's volunteer program and special matters related to regulatory conservation easements.

It is important to note that the procedures identified below are in addition to all rights conveyed to the District in the Deed and Agreement Conveying a Conservation Easement. Nothing in this Manual nor in the specific objectives, policies or procedures set forth herein shall be interpreted to alter, amend or supercede any provision of any conservation easement. If there is any inconsistency between the content of this manual and the provisions of any conservation easement, the provisions of the conservation easement shall govern.

The objectives, policies and procedures set forth in this Manual are directory only and do not create any rights or obligations on the part of the District not otherwise provided by law.

I. LANDOWNER RELATIONS

Developing a good working relationship with each landowner is fundamental to a successful Stewardship Program. The relationship begins with the first discussions about a conservation easement and continues through negotiations, recordation and monitoring of the easement. It begins with certain staff members and the original landowner, and continues through staff changes and subsequent landowners. The importance of developing and maintaining a solid foundation of positive and collaborative relationships should be integrated into each component of the District operations and each of the District's divisions.

OBJECTIVES

- a. To develop and maintain cooperative, positive relationships with original and successor landowners of conserved land.
- b. To have landowners view the District as accessible, friendly, efficient, helpful and trustworthy.

POLICIES

1. Use stewardship activities to build a spirit of cooperation with the landowner and to keep the landowner informed about the District's activities and responsibilities regarding the easement.
2. Provide timely, responsive service, particularly as it relates to review and approval of landowner Permitted Use Requests.
3. Act in partnership with landowners in problem-solving and seek to resolve issues through collaboration.
4. Track ownership of properties and undertake specific programs to educate new landowners regarding the terms of the conservation easement and the District's stewardship program.

PROCEDURES

1. During negotiations for a conservation easement, District staff shall review with the landowner the District's stewardship responsibilities including the District's monitoring and enforcement responsibilities. At the same time, District staff shall, with the landowner, review the landowner's obligations and the nature of the restrictions to be contained in the conservation easement.
2. When arranging the annual monitoring visit, District staff shall inquire as to whether the landowner has any questions about the District or its activities.
3. Whenever feasible, District staff shall meet with the landowner on the land as a part of the annual monitoring visit, and address any questions or concerns about the District or its activities.

4. District staff shall respond promptly and courteously to all landowner inquiries and Permitted Use Requests in accordance with the procedures set forth in Chapter II. E.
5. District staff shall, whenever possible, assist landowners in resolving stewardship issues through collaboration, for example, by providing models or standards for remedial work, identifying potential resources for financial assistance, or advising in ways a use might be structured to ensure its compatibility with the conservation easement.
6. District staff shall maintain a list of organizations and resource agencies and make it available to landowners to assist with stewardship of their lands.
7. District staff shall initiate one or more systems to track ownership of easement properties and to learn when easement properties are on the market for sale or sold. A staff person shall be assigned to monitor the property tracking system. Potential systems include the following:
 - a) Arrange with a local title company to track all easement properties and inform the District when one is sold.
 - b) Arrange with a local title company to track and inform the District about other recorded transactions of or relating to conservation easement lands, including transfers, loans, new easements and deaths.
8. When the District learns that land with a conservation easement is for sale, District staff shall contact the landowner and/or the landowner's broker to remind them to provide prospective purchasers with a copy of the conservation easement.
9. When the District learns that land with a conservation easement has a new owner, District staff shall contact the new owner to ensure that the new owner is aware of the conservation easement and to confirm the names of all owners and managers, their address(es) and telephone number(s), their preferred times and places of contact.
10. To the extent practical, District staff shall meet with each new landowner. If possible, the meeting should take place soon after the sale on the land subject to the conservation easement.
 - a) During the visit, staff shall review the easement document including, in particular, the easement's permitted and prohibited uses, explain the need to contact District staff before taking actions requiring advance permission, review the District's monitoring procedures, and offer to help with questions, problems, or concerns.
 - b) District staff shall provide the new landowner with a copy of the conservation easement, the baseline document, recent monitoring reports and any recent approved Permitted Use Requests, together with background information regarding the District, and other appropriate information.
 - c) Staff shall note in the file the fact of the visit, delivery of the new landowner package of documents described above, and any other significant matters discussed.

11. If it is not practical to meet with a new landowner(s), staff shall send a copy of the conservation easement, the baseline report, recent monitoring reports and any recent approved Permitted Use Requests, together with background information regarding the District, and other appropriate information, with a cover letter welcoming the landowners to the District's program, explaining the need to contact District staff before taking actions requiring advance permission, reviewing the District's monitoring procedures, and offering to help with questions, problems, or concerns.

II. CONSERVATION EASEMENT STEWARDSHIP

A. SITE ASSESSMENTS

Effective stewardship depends upon a clear understanding of the nature and condition of acquired properties. That understanding begins with site assessments. The District undertakes an assessment of each potential conservation easement property early in its acquisition process and prior to drafting the conservation easement. This “Site Assessment” helps to determine the appropriateness of the proposed acquisition and to design the terms of the transaction.

OBJECTIVE

Ensure that Site Assessments provide sufficient accurate information:

- (1) to determine whether a property is appropriate for a conservation easement;
- (2) to assist in drafting the conservation easement by identifying the agricultural, open space and natural features of the land meriting protection and by identifying existing improvements;
- (3) to alert the District to undesirable activities or conditions on the land;
- (4) to identify potential monitoring and other stewardship issues; and
- (5) to prepare a stewardship cost estimate.

POLICIES

1. The District shall perform Site Assessments for all proposed conservation easement projects that pass the District’s initial screening process.
2. Site Assessments shall be used to assist the District in determining whether and under what condition to acquire or accept a conservation easement.
3. If the District determines that a conservation easement should be acquired or accepted, the Site Assessment shall be used to determine the protected conservation values and to provide guidance in developing the conservation easement terms and conditions.
4. The District shall undertake detailed surveys where necessary to adequately describe sensitive scenic or natural resources, or to address other conditions that require special study.
5. Site Assessments shall be prepared by District staff or consulting professionals with the appropriate qualifications and experience.

PROCEDURES

1. Begin the Site Assessment on each proposed project as early in the acquisition process as practical. Complete the Site Assessment before the conservation easement is drafted.
2. Complete field inspection(s), as necessary, of the property and review any available GIS and GPS data, aerial photos, topographical maps and biological or resource studies related to the property.
3. Identify existing natural features, improvements and activities, and sensitive resources, as well as any constraints or potential liabilities on the property.
4. Evaluate the agricultural, open space and natural resource values of the property and determine appropriate protections for those values.
5. Identify any special stewardship, monitoring and/or management requirements for the property.
6. When protection of a sensitive natural resource will be part of the conservation easement, undertake a detailed survey as necessary to identify threats to, and opportunities for protection and/or restoration and enhancement of the sensitive natural resource.
7. Prepare the Site Assessment (See Appendix A for sample format). Include the following:
 - a) Description of existing land uses and improvements and a simple map showing general locations of those land uses and improvements. Aerial photos taken at the relevant season and/or topographic maps should be used when available.
 - b) Description of significant scenic, natural features and landforms.
 - c) Description of sensitive habitat and other natural resources.
 - d) Description of agricultural resources and activities.
 - e) Description of other open space values.
 - f) Description of potential threats to the property's sensitive scenic and natural resources, if any. Prepare recommendations to manage potential threats and to protect the property's sensitive scenic and natural resources, if any. If additional information is necessary, a detailed survey may be undertaken in accordance with Procedures 8 and 9 below.
 - g) Description of impact of current or potential land uses on proposed conservation values (i.e., whether any existing land use threatens any natural resource, scenic or agricultural value that the easement seeks to protect).
 - h) Description of any observed hazards or nuisance conditions.
 - i) Description of any special monitoring or management requirements to the extent known.

8. With respect to sensitive natural resources, consider the following factors to determine whether to conduct a detailed survey:
 - a) the significance of protecting the natural resource;
 - b) the degree of certainty that the natural resource exists on the land; and
 - c) the feasibility of including protection of the natural resource in the conservation easement.
9. If warranted, conduct a detailed survey based upon review of existing data, and one or more visits to the land. The detailed survey (See Appendix A for sample format) shall provide:
 - a) A description of the resources pertinent to the detailed surveys (e.g. vegetation, wildlife, hydrology, natural features, etc.)
 - b) A description of the detailed surveys conducted, methodology, and dates and personnel involved.
 - c) Findings of the survey (e.g. occurrence of special-status species, sensitive natural communities, wetlands, water sampling results, etc.)
 - d) Recommendations for protection of sensitive resources.
 - e) Recommendations for restoration or enhancement of sensitive resources, if appropriate.
10. Significant findings of the Site Assessment and any detailed surveys shall be promptly communicated to project staff to ensure that those findings may be considered in evaluating the acquisition and in drafting the provisions of the easement.
11. When preparing the conservation easement, staff shall tailor the provisions of the easement to reflect the findings of the Site Assessment and detailed surveys, if any.

B. BASELINE DOCUMENTATION

Baseline documentation (the “Baseline Report”) describes and illustrates the physical condition, features, and improvements of the land protected by a conservation easement at the time that the conservation easement is conveyed to the District. The Baseline Report serves as a "snapshot in time" for measuring future changes to the land and provides a foundation for all future monitoring activities. Additionally, it is an Internal Revenue Service requirement for landowners seeking a tax benefit for a donation of all or a portion of the conservation easement value.

OBJECTIVE

Ensure that Baseline Reports provide objective and accurate documentation of the condition and use of the land and its natural features and improvements at the time the conservation easement is executed and conveyed to the District.

POLICIES

1. All Baseline Reports shall be completed and executed in a timely manner.
2. Baseline reports shall contain objective and accurate observations and data regarding the condition of the property at the time of the conservation easement execution, including:
 - a) The physical condition and features of the land as they relate to the stated purpose of the conservation easement;
 - b) The existence of improvements, land uses and activities.

PROCEDURES

1. Prepare the Baseline Report prior to the execution of the conservation easement to document the condition of the land and uses at the time of the easement conveyance. If a Baseline Report is prepared after execution and conveyance of the conservation easement (e.g. for a pre-existing regulatory easement), it should document the conditions and uses of the land at the time that the Baseline Report was prepared.
2. The project applicant (e.g. developer/landowner) shall defray the cost of preparing necessary Baseline Reports for regulatory conservation easements.
3. Baseline Reports shall be prepared by District staff or consulting professionals with the appropriate level of expertise.
4. Preparer shall at a minimum:
 - a) Conduct one or more site visits. Wherever possible, observe the entirety of the property.

- b) Review Site Assessments, and any available GIS and GPS data, aerial photos, topographical maps, biological or resource studies, land surveys, appraisals, environmental reports, title reports, and similar documents.
 - c) Interview landowner(s) if feasible.
 - d) Review the conservation easement, including the permitted and prohibited uses, to ensure that the Baseline Report completely documents the status of all activities and resources identified in the conservation easement.
 - e) Objectively document the current status/condition of all existing land uses including all observed activities, buildings and other improvements.
5. The Baseline Report should be a single, self-contained document with a table of contents, photos, maps, etc. (See Appendix B for sample format). If supplemental items (e.g. video) are part of the Baseline Report, indicate this in the table of contents and describe where these items are stored. Contents of the Baseline Report shall include:
- a) Written text.
 - (1) A project summary page identifying the project, including landowner name, address, assessor parcel numbers, acreage, and other identifying features.
 - (2) A detailed description of the status and condition of all current land uses (either permitted or prohibited), activities and improvements.
 - (3) A detailed description of the location and the condition of any significant scenic, natural feature or natural resource protected by the conservation easement (e.g. location and condition of riparian corridor, protected oaks or scenic viewshed).
 - (4) A detailed description of the location and the condition of agricultural resources protected by the conservation easement.
 - (5) When referencing the conservation easement, the precise text, not paraphrases, of the relevant portions of the conservation easement should be used.
 - (6) A statement of public benefit of the conservation easement as may be required by the Internal Revenue Service in cases involving charitable contributions.
 - b) Aerial photography. Aerial and oblique photographs shall be included that are of a scale and quality in which important features can be clearly identified without special equipment or training (e.g. stereoscopes) printed on photo-quality paper.
 - c) Ground photography.
 - (1) Photographs shall be used to document the physical condition of the land and all significant scenic and natural features. Pay particular attention to conditions and features relevant to the conservation values and purpose stated in the conservation easement.

- (2) Photographs shall be used to document all uses, activities, and improvements existing at the time of conservation easement execution and conveyance.
- (3) The back of each photograph shall be labeled in archival ink with the following: subject, perspective (compass direction from the photo-point), photo-point number, date, photographer's name and signature.
- (4) A photo index with map listing each photo-point number, photo number, location (e.g. GPS position) and directions to each photo-point shall be included.
- d) Maps. Topographic, soils, vegetation, watershed, surveys and other appropriate maps shall be used to illustrate the uses and conditions of the land. When feasible, GIS, GPS and digital data shall be used in the Baseline Report.
- e) Easement. A full copy of the conservation easement including all exhibits and appendices shall be included in the Baseline Report.
- f) Verification.
 - (1) Prior to finalizing the Baseline Report staff shall verify maps and photos in a field visit and confirm that all photographs and maps are accurate and correctly labeled.
 - (2) Staff shall request that the landowner review the draft Baseline Report. Where appropriate, staff or preparer shall incorporate changes and corrections into the Baseline Report to reflect landowner comments.
 - (3) Any legal issues addressed in the Baseline Report shall be reviewed by legal counsel prior to recording the conservation easement.
- g) Certification.

After the landowner has reviewed the Baseline Report, the landowner shall be asked to sign each photo page, as well as the Acknowledgement of Condition page. The signatures of the author(s), the District General Manager, and the landowner shall certify that the Baseline Report is a complete and accurate representation of the property.

C. MONITORING

Conservation easement monitoring is the act of inspecting lands protected by a conservation easement on a regular basis to determine compliance with the conservation easement. Monitoring is the District's primary tool for ensuring that lands under District easements are maintained in a manner consistent with the terms and conditions of those easements. Regular monitoring also can help to establish and strengthen the rapport between the District and the landowner, thereby helping to ensure that the land continues to meet the District's goals. Documentation of monitoring activities through the use of standardized reports and record keeping procedures establishes a record of responsible stewardship and builds a written history of the conservation easement land. Documentation is important should a violation of a conservation easement occur and result in legal action.

OBJECTIVES

- a. Ensure that easements and fee properties are adequately monitored to ensure continuing compliance with easement provisions and appropriate maintenance of fee properties.
- b. Create and monitor a written record of uses and activities on District conservation easement lands in order to detect and prevent potential conservation easement violations; and
- c. Develop a coherent written record of the stewardship of the land.

POLICIES

1. All the District's conservation easements (including regulatory conservation easements) shall be monitored regularly.
2. Monitoring shall be tailored to the conservation easement and shall be performed in a manner appropriate to the size, land uses and conservation values set forth in the conservation easement.
3. The District shall monitor both for compliance with the conservation purpose of the conservation easement and with its specific terms and conditions.
4. Monitoring procedures shall incorporate appropriate and cost-effective technologies.
5. The privacy of residents and landowners shall be respected.

PROCEDURES

A. Scheduling and Preparation

1. The District shall monitor conservation easements (including regulatory conservation easements) periodically, at least every 12 to 18 months, unless more frequent monitoring is required to monitor new or ongoing construction or development on site, or to respond to reports of potential violations.

2. Contact the landowner to schedule the monitoring visit. Ask if he or she has any questions concerning the easement, and if he or she is currently or in the near future planning on changing land use or selling the land. Also ask the landowner if he or she has any questions or concerns about the District he or she would like to discuss during the monitoring visit.
3. Prepare and use a standard landowner interview questionnaire or guide to ensure that the pre-monitoring conversation provides useful land use information that can help the monitor identify priorities for the field visit.
4. Schedule monitoring visit with the landowner.
5. Telephone approximately one week in advance of the field visit to confirm the date and time of the visit. If there are tenants on the land, ask the landowner to notify them of monitoring date.
6. Record all landowner contacts in the appropriate District records and databases. Include the date, person contacted and substance of the discussion. Include any messages left for the landowner or received from the landowner.
7. Thoroughly review the conservation easement, the baseline document, prior monitoring records, any Permitted Use Requests or other past communications with the property owner, and any other relevant documents in the property file.
8. Create/update easement-specific monitoring instructions, including a list of specific areas to inspect and the route to travel. Monitoring instructions shall be tailored to the size and nature of the property.
9. Obtain most current aerial photography for the land from existing available sources. When a new aerial photograph is obtained, compare it to the baseline aerial photograph(s) to determine if there have been changes to the land that need investigation during the field visit.

B. Field Visit

1. Inspect the land, following the route of travel described in the monitoring instructions prepared under Procedure A. 8 above. If conditions warrant, vary the route, but note changes on the map and in the field notes or monitoring form.
2. At each photo-point, compare current conditions with those in the baseline report and note conditions in the field notebook or monitoring form. Note any changes that have occurred. If conditions have not changed, note "no apparent change observed". Re-shoot photo-points when changes have occurred or every five years whichever is sooner. Clearly describe the perspective (compass direction and photo subject) of each photograph so it may be reproduced in subsequent inspections (e.g. "View of new home looking SSW (220°) from photo-point #4"). If needed, include an item (e.g. person, animal or structure) for scale.

3. Establish new or additional photo-points if conditions have changed significantly (i.e., the original photos no longer adequately document the land). Mark the new photo-point on the map (if applicable, record GPS location) and use an arrow to indicate the photo's perspective (compass direction/bearing).
4. On lands with a sensitive natural area expressly protected by the conservation easement, monitoring of that area should be performed by staff, volunteer, or consulting professional with appropriate expertise, experience, and training.
5. Record field observations as follows:
 - a) Record all observations in field notebook or on the monitoring form while in the field.
 - b) Be objective and as descriptive as possible.
 - c) Address the conservation values identified in the conservation easement and all relevant permitted and prohibited uses.
6. If a possible violation is observed in the field, apply the following procedures:
 - a) Photograph the condition, activity or improvement.
 - b) Write observations in field notebook or on the monitoring form. Describe the condition, activity or improvement and the time it was observed. If the potential violation includes an ongoing activity, include descriptions of person or persons conducting the activity and type and make of any tools or equipment being used.
 - c) Do not describe the activity as a violation – conclusions will be drawn later following a review of the easement file.
 - d) Upon return to the District's office, report the activity immediately to the District's Stewardship Coordinator or other designated staff person.
7. When practical, use the monitoring visit to meet with the landowner and address any landowner questions or concerns about the conservation easement or the District.

C. **Completion of Report and Follow-up**

Field Monitor

1. Upon return to the office, promptly complete and turn in the monitoring form. Transcribe the field notes using the active voice and descriptive language. Note: "Active voice" is first person, such as "I observed" or "I saw" rather than "it was". "Descriptive language" is language that describes the quality of an object or subject. An example would be a description of new road construction that includes the material used to construct the road, its width and length.
2. Include the map showing the route of travel and photo-points.

3. If using digital photography, print photos on archival paper and archival inks. Include on the page photo-point number, photo number, project name, photographer's name and signature, date, perspective, focal length, and subject. If using print film photography, label the backs of the photographs with photo-point number, photo number, project name, photographer's name and signature, date, perspective, focal length, and subject.
4. Place original photographs and negatives (if used) in archival plastic sleeves and file with the original paper documents.
5. Sign and date the report. Deliver to supervising staff.

Supervising Staff

Upon receipt of the monitoring report from the field monitor, the District's Stewardship Coordinator or other designated staff person shall:

1. Review the report to determine if the monitoring form is complete, and to determine if further action is needed.
2. Compare the current photographs to those in the baseline document and the most recent past monitoring reports.
3. Review the easement purpose and the permitted and prohibited uses to determine status of the easement based on the monitoring form. In particular, review the report both for compliance with the conservation purpose of the conservation easement and with its specific terms and conditions.
4. Acknowledge the monitoring form by co-signing and dating the form.
5. If follow-up is needed, prepare a memo and attach it to the monitoring form. Forward a copy of the memo and monitoring form to appropriate staff.
6. Update easement-specific monitoring instructions if needed.
7. Send a copy of the completed and signed monitoring form to the landowner. Include a cover letter that describes any significant findings and that offers assistance in resolving any issues identified in the report.
8. Make a copy of the completed and signed monitoring form and place it in the appropriate files; archive the originals.

D. RECORDS AND MATERIALS

District records must be carefully maintained to simultaneously satisfy practical, legal and historic purposes.

OBJECTIVE

To collect, maintain and store all District records in compliance with all legal requirements and in a convenient, accessible manner.

POLICIES

1. All key records shall be maintained for archival and retrieval purposes in perpetuity.

Records shall be kept accurately. Staff attention to accuracy and quality of records shall be an administrative priority.

Records shall be arranged in a convenient and useful manner.

4. Records shall meet court admissibility standards.
5. Records shall comply with applicable federal, state and local requirements including retention policies adopted by the District.

PROCEDURES

1. All records shall be kept in accordance with the District's record retention policy as approved by the District Board of Directors.
2. Key records to be maintained shall include the following:
 - Conservation Easement – Final recorded instrument and amendments
 - Baseline Report – Final report with exhibits and updates/amendments to Baseline Report
 - Monitoring records (e.g. completed monitoring forms, photos, notes, analysis, correspondence)
 - Permitted Use Requests and District determinations
 - Reports of violations (suspected and actual) and written ruling
 - Amendment requests and District determinations
 - Correspondence, memoranda and other documents related to the administration or interpretation of the conservation easement.

3. Scan and convert key records to a corresponding film version to provide both digital and permanent microfilm records.
4. Maintain original key records in safe, long-term storage away from the District office.
5. Maintain a digital document database for computer retrieval purposes at the District office.
6. When converting to a new technology, document the data conversion procedure to assure that the original data is intact.
7. Use standard forms and checklists regularly and appropriately for key records.
8. Compile easement data in a computer database for the purpose of statistical analysis.
9. Designate a records ombudsperson to have primary responsibility for maintaining and protecting the District's records.
10. Periodically inspect records and materials to assure that they are stored properly.
11. Label records and materials clearly to assure accurate identification.
12. Unless it is an exceptional circumstance, such as litigation, archival materials should not be removed from safe storage. No archival materials shall be removed from safe storage without authorization of the District records ombudsperson. If materials are removed temporarily, they should be tracked.
13. Track conservation easements recorded after January 1, 2002 in accordance with Section 27255 of the Government Code. Fill out and record a Notice of Conservation Easement in accordance with Subdivision C of Section 27255 for each conservation easement acquired by the District prior to January 1, 2002.

E. PERMITTED USE NOTICES AND PERMITTED USE REQUESTS

The District's conservation easements allow certain uses and prohibit other uses on the property.¹ The uses that are allowed are called "Permitted Uses". Some Permitted Uses require advance written approval by the District and other Permitted Uses require only advance notice to the District. When a Landowner provides notice to the District of a particular use on the property, that notice is referred to as a "Permitted Use Notice". When a Landowner requests approval for a particular uses on the property, that request is referred to as a "Permitted Use Request". The following policies and procedures pertain to Permitted Use Notices and Permitted Use Requests.

OBJECTIVES

- a. Ensure that the lands subject to the District's easements are used only in a manner permitted by the conservation easement.
- b. Ensure that the records of the District accurately reflect existing permitted uses.

POLICIES

1. The District shall take measures to ensure that Landowners are familiar with the terms and conditions of their conservation easements so that they notify or seek approval from the District as necessary for uses on their lands.
2. The District shall take measures to ensure that Permitted Use Notices and Permitted Use Requests provide reasonably necessary information for the District to make informed decisions.
3. The District shall review and act upon all Permitted Use Notices and Permitted Use Requests in a timely and efficient manner.
4. Decisions of the District regarding Permitted Use Notices and Permitted Use Requests shall be consistent with the terms and purpose of the conservation easement.
5. The Permitted Use Notice/Permitted Use Request process shall be implemented in a manner that fosters good relations with Landowners.

¹

In this section, "use" and "uses" includes the phrases "uses and practices", "activity, use or enterprise", and other similar phrases appearing in the forms of conservation easement used by the District.

PROCEDURES

A. Landowner Inquiries

1. Note all oral inquiries received by the District regarding proposed uses in the District files. Notes to the file shall identify the date, the caller, the nature and details of the oral request, the section(s) of the conservation easement involved, the information given by the caller to District staff, any response given by District staff and all other material information.
2. Respond in writing to all written inquiries received by the District regarding proposed uses. Place copies of both the written inquiry and the written response in the District files.
3. If the inquiry, whether oral or written, concerns a proposed use that requires a Permitted Use Notice or Permitted Use Request, inform the Landowner in writing of the appropriate procedure and include the appropriate District form.

B. Permitted Use Notices Use the following procedures when a conservation easement requires notice to the District but does not require prior written approval from the District.

1. Provide a Permitted Use Notice form substantially in the form of Appendix C. District staff may consider a Permitted Use Notice not on the District form, provided that it otherwise contains all necessary information, including:
 - a) The nature, scope, design, location, timetable, and any other material aspects of the proposed use in sufficient detail to permit the District to make an informed decision as to its consistency with the terms and purpose of the conservation easement. The paragraph(s) in the conservation easement permitting the use shall be identified.
 - b) Accurate plans and/or other drawings that show the location and size of both existing and proposed building(s) or other improvements, any proposed changes in the land (e.g. changes in topography, drainage, or vegetation), and the location of existing and proposed uses. Depending on the circumstances, a site plan drawn to scale (e.g. to make sure the proposed buildings will be within the building envelope defined in the conservation easement) may be sufficient. In other situations, construction drawings may be necessary in order to determine whether the proposed use is permitted.
2. Promptly review Permitted Use Notices to determine if, under the conservation easement (1) the Permitted Use Notice is the proper procedure for the proposed use; and (2) whether the proposed use is permitted. Send a written response to the Landowner, confirming receipt of the Permitted Use Notice and appropriately responding as follows:
 - a) The proposed use described in the Permitted Use Notice is permitted; or
 - b) The proposed use requires prior written District approval and the Landowner may follow identified procedures to request that approval. In such instance, include in

the response a description of the approval process and a copy of the District's form (see Appendix C); or

- c) The proposed use described in the Permitted Use Notice is not permitted; or
- d) The District cannot determine from the information provided in the Permitted Use Notice whether the proposed use is permitted. In such instance, identify the additional information needed by the District to make its determination.

C. **Permitted Use Requests** Use the following procedures when prior written approval by the District is required.

1. Provide a Permitted Use Request form substantially in the form of Appendix C. All requests for written approval shall be submitted on the District's form. Each request shall also comply with other requirements that may be set forth in the conservation easement.
2. The request shall completely and accurately describe the proposed use, including:
 - a) The nature, scope, design, location, timetable, and any other material aspects of the proposed use in sufficient detail to permit the District to make an informed determination as to its consistency with the terms and purpose of the conservation easement. The paragraph(s) in the conservation easement permitting the use shall be identified.
 - b) Accurate plans and/or other drawings that show the location and size of both existing and proposed building(s) or other improvements, any proposed changes in the land (e.g. changes in topography, drainage, or vegetation), and the location of existing and proposed uses. Depending on the circumstances, a site plan drawn to scale (e.g. to make sure proposed buildings will be within the building envelope defined in the conservation easement) may be sufficient. In other situations, construction drawings may be necessary in order to determine whether the proposed use is permitted. If appropriate, the District may approve the proposed use subject to submittal and approval of more detailed plans.
 - c) Site studies, as needed, to identify and evaluate sensitive natural resources that may be affected by the proposed use.
3. Unless otherwise provided in the conservation easement, review the Permitted Use Request within 30 days after receipt and inform Landowner whether the Permitted Use Request is complete or incomplete. If the Request is incomplete, identify the additional information required.
4. Upon determination that a Permitted Use Request is complete, promptly review the Request with respect to the conservation easement. If necessary to determine whether the Request is consistent with the conservation easement, conduct a site visit, review the Baseline Report, recent monitoring reports and other relevant information, and/or seek other factual information about the current land uses and the condition of the land.

5. Unless otherwise provided in the conservation easement, review the Permitted Use Request and provide the Landowner a written decision within forty-five (45) days from the date the Permitted Use Request is deemed complete. The decision shall set forth the reasons for approval or denial.
6. Offer the Landowner suggestions for possible modification(s) or conditions if the proposed use is not permitted, but may be modified so as to be consistent with the conservation easement.
7. The District may approve, approve with conditions or deny the Permitted Use Request. A Permitted Use Request shall be approved if the District finds both that:
 - a) The use as proposed or as approved with conditions is a permitted use under the conservation easement; and
 - b) The use as proposed or as approved with conditions is consistent with the conservation purpose of the conservation easement and will not diminish the conservation values of the conservation easement.
8. As a condition of its approval of a Permitted Use Request, the District may require the Landowner to provide evidence that necessary building, planning, or other permits have been obtained from the County or other applicable regulatory entity.
9. Where appropriate, the District shall coordinate its process for Permitted Use Requests with the processes of PRMD or other County departments.
10. Where provided for in the conservation easement, the District may charge a fee to cover the cost of processing Permitted Use Requests. The District shall establish a fee schedule and update it as necessary.

F. EASEMENT AMENDMENTS

State law significantly limits the District's ability to allow easement amendments. Moreover, the success of the District's program depends on the public's confidence that the District will meet its obligation to enforce its agreements as written. This confidence could be seriously eroded if the District were to allow easement amendments other than those that clearly enhance the conserved open space values.

OBJECTIVE

Strictly limit the circumstances under which amendments to conservation easements may be considered so as to protect the District's goals, maintain public confidence and ensure compliance with state law.

POLICIES

1. Approve amendments to conservation easements only where there is a clear benefit to the District and its conservation goals.
2. Approve amendments to conservation easements only where the amendment is consistent with law, with adopted District policies and with the conservation purpose of the easement.
3. Amendments to provide for additional natural resource protection shall be permitted provided that such additional protection does not diminish or otherwise impair the conservation values of the land.
4. Notwithstanding the policies set forth herein, conservation easements, like other interests in real property, can be condemned for public purposes. Where it appears that the condemnation power has been properly exercised or there is a substantial threat that it will be so exercised, the District may enter into settlement negotiations with the condemning authority and the landowner, as appropriate under the circumstances, to seek settlement in lieu of condemnation.

PROCEDURES

1. *Application by Landowner.*
 - a) All requests by a landowner for an amendment to a conservation easement shall be in writing and shall include the following:
 - (1) A description of the proposed amendment.
 - (2) The specific reason(s) why landowner is requesting the amendment.

- (3) An explanation of how the amendment is consistent with the conservation easement and with the amendment policies and procedures of the District.
 - (4) A map with notations identifying locations affected by the proposed amendment together with any other documentation necessary to understand the significance of proposed amendment.
 - (5) Payment of the initial filing fee set by the District along with a written agreement to pay all costs, including District's staff costs, relating to processing the amendment request.
 - b) Within thirty (30) days after receipt of the amendment application, the District shall inform landowner whether the application is complete or incomplete. If the application is incomplete, the District shall identify the additional information required. Where sensitive natural resources may be affected by a proposed conservation easement amendment, the District may require that further site study be conducted prior to considering the proposed amendment.
2. ***Amendments Requested by District.*** There may be circumstances when the District determines that amending the conservation easement will advance the purpose of the conservation easement. For example, the District may want to update the conservation easement to the District's current form or correct a mistake, or provide additional resource protection. In such circumstances, District staff may initiate an amendment to a conservation easement provided staff first obtains landowner consent. Upon receipt of landowner written consent, District staff shall prepare a written proposal, setting forth all information required under Procedures 1(a)(1) through (4) above, for submission to the District Board of Directors.
3. ***Fees.***
- a) The District shall establish a fee schedule for amendments.
 - b) When the District initiates an amendment pursuant to Procedure 2 above, all costs of such application shall be borne by the District provided, however that if the landowner simultaneously requests an amendment, the landowner shall pay fees based on the costs reasonably allocated to the amendment sought by the landowner.
4. ***Review of the Application.***
- a) Upon receipt of a complete application, the District shall evaluate the amendment application with respect to Policies 1 through 4 above and the findings required by Procedure 7 below. Staff evaluation may include consultation with appropriate experts, a site visit, and preparation of environmental documentation as may be required by the California Environmental Quality Act. The evaluation may also include consultation with the property owner, and any individual, entity or public agency that donated lands or contributed funds to the acquisition, apart from District funds.

- b) District staff shall, upon completion of its evaluation of the application, make a written recommendation to the General Manager and the District's Counsel. The written recommendation may recommend approval, approval with conditions or denial of the application. The staff recommendation shall be made within six months after receipt of a completed application.
5. ***General Manager's Decision/Recommendation.*** The District staff shall present its evaluation, together with its recommendation, to the General Manager. A copy of the evaluation and recommendation shall also be provided to the District's Counsel. The General Manager shall consult with the District's Counsel, and shall, within sixty (60) days of presentation by District staff, do one of the following:
- a) Refer the proposed amendment back to staff for further evaluation, clarification or other action. The referral shall be in writing, explaining the reasons for the referral.
 - b) If the General Manager concludes that the amendment is legally permissible, is consistent with Policies 1 through 4 above, and is advisable, and that the findings required by Procedure 7 below can be made, the General Manager shall present the matter to the District's Board of Directors at a regularly scheduled Board meeting, together with his/her written recommendation for approval. In addition, if the General Manager determines that the Open Space Authority has jurisdiction over the proposed amendment, the matter shall also be placed on the agenda of the Open Space Authority. A copy of the recommendation shall be sent to the landowner.
 - c) If the General Manager concludes that the proposed amendment is not legally permissible, is contrary to Policies 1 through 4 above, is not advisable or that the findings required by Procedure 7 below cannot be made, the General Manager may deny the application for amendment and so notify the applicant. The denial shall be in writing and shall state the reasons therefore.
 - d) If, for any reason, the General Manager does not recommend approval of the amendment to the Board of Directors, he/she may, as an alternative to denial of the application under Procedure 5c, submit the amendment to the Board of Directors with no recommendation. Any such action shall be by written memo explaining the reasons for the action. A copy of the written memo shall be sent to the landowner.
6. ***Appeal of Decision by General Manager.*** In the event that the General Manager denies an application pursuant to Procedure 5c, the landowner may appeal the denial by the General Manager to the Board of Directors. The appeal shall be in writing, shall include the required fee and shall be filed with the District within twenty (20) days after the District mails notice of the General Manager's decision.
7. ***Board of Directors Action.*** The Board of Directors shall consider de novo any application that comes before it, whether by presentation of the General Manager or by appeal. The Board shall approve an amendment (whether initiated by a landowner or the District) only if it makes all of the following findings:

- a) The amendment is clearly consistent with the conservation purpose of the conservation easement.
- b) The amendment enhances and otherwise does not impair the conservation values of the land subject to the conservation easement.
- c) The amendment does not undermine the perpetual nature of the conservation easement.
- d) The amendment is not precluded by the conservation easement or by state or federal law.
- e) The amendment does not reconvey any interest in land that has been expressly extinguished by the conservation easement.
- f) The amendment is the minimum change necessary to satisfy the purpose of the amendment.
- g) The amendment is consistent with the District's Acquisition Plan and other applicable District policies in effect at the time of the proposed amendment.
- h) The amendment is consistent with all applicable land use and zoning regulations.
- i) The amendment incorporates, to the maximum extent practical and legally permissible, the language used by the District in its then-current conservation easements.
- j) The amendment increases or has no effect on the appraised value of the conservation easement.

In its consideration of an amendment, the Board of Directors further shall make a finding as to whether the proposed amendment will require approval of the County voters or the California legislature pursuant to Public Resources Code Section 5540 et seq.

- 8. Notwithstanding Procedure 7, in the event of condemnation or a bona fide threat of condemnation of a conservation easement or a portion thereof, the Board may enter into settlement negotiations with the condemning authority and the landowner, as appropriate under the circumstances, to seek settlement in lieu of condemnation.

G. ENFORCEMENT

To preserve the integrity of the District's program, the District must carefully enforce its conservation easements to ensure long-term compliance with their terms and conditions. The District must promptly and fairly address all potential easement violations.

OBJECTIVES

- a. Establish enforcement guidelines that are clear but that permit the District the necessary discretion to decide how to enforce against the wide variety of potential easement violations it may face.
- b. Ensure that the District's enforcement program is carried out in a fair and evenhanded manner and in a manner that will enhance the confidence of the public and other conservation easement landowners that the District will meet its obligation to protect its conservation easements.

POLICIES

1. Develop effective procedures to quickly and effectively abate easement violations when they occur.
2. Work cooperatively with property owners to the greatest extent possible to cure easement violations.
3. Use legal action to enforce a conservation easement only when cooperative efforts have failed or immediate legal action is necessary to prevent substantial or irreparable harm to conserved values.
4. Seek to avoid easement violations by exercising active stewardship of the land and maintaining close and effective communications and working relationships with landowners, especially landowners subsequent to the landowner who conveyed the original conservation easement.
5. Coordinate the District's enforcement efforts with those of other public agencies, when appropriate.

PROCEDURES

Note: Potential conservation easement violations have a wide range: from minor, inadvertent actions or uses of the land with little or no adverse impact on conservation values to intentional actions or uses which cause obvious and significant harm to conservation values. The procedure followed with each potential violation may vary, depending on all the circumstances.

1. ***Assessment of Potential Violation.*** When District staff learns of a potential violation it shall promptly take all actions reasonably required to investigate the matter, including:
 - a) reviewing the conservation easement, the baseline and any other relevant documents to ensure understanding of the terms and conditions of the easement; and
 - b) conducting a site visit to view the potential violation.
2. ***Determination of Appropriate Abatement Action.***
 - a) If the investigation confirms the existence of a violation, promptly consider and weigh a variety of factors, including but not limited to those listed below to determine how best to abate the violation.
 - (1) Does the use or action threaten or cause substantial or irreparable harm to the conservation values identified in the conservation easement?
 - (2) Does the use or action threaten or cause significant harm to the conservation values identified in the conservation easement?
 - (3) Is the use or activity temporary, intermittent or permanent?
 - (4) Does the property have a history of violations?
 - (5) What is the desired remedy? For example, can the use be permitted with District review and approval, or must it cease entirely? Is cessation of the use sufficient or will remedial action be required to restore the property to its original condition?
 - (6) What is a reasonable cure period?
 - (7) Are there procedures other than a legal action that will effectively protect and/or restore the impaired conservation values?
 - (8) Does the violation set an adverse precedent for the District's conservation easement program?
 - b) Based upon the foregoing considerations:
 - (1) Determine whether it is necessary or appropriate to pursue immediate legal action or rather to proceed with landowner notifications pursuant to Procedure 3 below;
 - (2) Identify remedial actions necessary or appropriate to cure the violation; and
 - (3) Determine a reasonable cure period in which the violation shall be abated.
3. ***Communications with Landowner.*** Except in emergency circumstances requiring immediate injunctive or other legal action to prevent substantial or irreparable harm to conserved values, use the following procedures prior to initiating legal action:

- a) Send a letter to the landowner identifying the violation, describing necessary remedial action and requiring that the violation be corrected within a specified cure period. If the specified cure period is longer than thirty days, the letter should also require that the landowner contact the District within that first thirty days to confirm that a plan for remedial action is in place and is being diligently pursued.
 - b) If the landowner fails to cure the violation or otherwise timely respond to the letter sent pursuant to subparagraph (a), send the landowner a formal notice of violation pursuant to the terms and conditions of the conservation easement, as a precursor to legal action. Where appropriate and after consultation with District Counsel, the notice of violation may include a claim for damages under Civil Code §815.7(c). Except in emergency circumstances or as otherwise provided by the conservation easement, no legal action shall be taken until the cure period set forth in the notice of violation is passed.
 - c) To the greatest extent possible, provide assistance or guidance to the landowner to facilitate quick and effective correction of the violation.
 - d) Place all written communications with the landowner in appropriate District records. Note all verbal communications in appropriate District records, including the date, person contacted and substance of the discussion.
4. ***Authority of Staff.*** District staff have no authority to permit a landowner to continue a use or action which constitutes or may constitute a conservation easement violation. Due care shall be taken at all times to minimize the risk of misunderstandings that can arise during oral discussions between staff and landowners regarding uses or actions that are or may be a violation.
 5. ***Consultations with Counsel.*** When there is a potential need for enforcement action, consult with the District's Counsel. Enforcement discussions and decisions shall be conducted in such a manner that they are protected by the attorney-client privilege, attorney's work-product privilege and any other applicable privilege.
 6. ***Coordination with other County Offices.*** When District staff determines that a conservation easement has been violated, and that the violation is not being diligently corrected, District staff may consult and coordinate with other public agencies that may have jurisdiction over the violation.
 7. ***Enforcement Action.*** When the General Manager determines that a conservation easement has been violated and that the violation has not been abated within the cure period provided by the notice given under Procedure 3. a), or when the General Manager otherwise determines that legal action to enforce a conservation easement is necessary or appropriate, she or he shall request appropriate authorization from the Board of Directors. The request for authorization for legal action may be made in closed session or public session, as appropriate. If the General Manager determines that immediate legal action is necessary before the Board of Directors can meet, in order to prevent substantial or irreparable harm to conserved values, then the General Manager may authorize such action, after consultation with District Counsel. At its next regularly scheduled meeting, the Board of Directors shall consider whether to ratify the actions of the General Manager.

III. FEE PROPERTY STEWARDSHIP

Although the principal focus of the District's program is to acquire conservation easements, the District also acquires fee rights in property where appropriate. The District's stewardship responsibility for fee lands differs from its responsibility for easements. Once the District has acquired fee title to property, it may:

- Retain ownership of the land or lease the land for agricultural (e.g. small farms program), natural resource protection, recreation or other open space purpose.
- Transfer the land to other governmental entities, such as cities, the Sonoma County Regional Parks Department, and the California Department of Parks and Recreation for recreation or other open space purpose, with the District reserving a conservation easement.
- Surplus and resell the land consistent with State law to a private party or other public entity for agricultural use, natural resource protection, recreation or other open space purpose, with the District reserving a conservation easement.
- Retain ownership of the land and lease or contract with another public agency or non-profit for the specific purpose of providing public recreation and/or natural resource management.

To meet the challenge of balancing resource management and public access goals, the District is in the process of developing policies and procedures for managing fee lands. Until such policies and procedures are finalized, interim land management policies and procedures will help to guide District staff.

OBJECTIVE

Establish interim policies and procedures to:

- a. Ensure that fee properties are managed consistent with the conservation purpose for which they were acquired.
- b. Provide for appropriate use of fee properties.

POLICIES

1. Tailor the District's stewardship of land owned in fee to the goals of the acquisition and the District's anticipated length of ownership of the land.
2. To the extent appropriate, ensure that the District's policies and procedures for its fee properties conform to the policies and procedures for its conservation easement properties.

3. When the District retains ownership of the land, maintain it in a manner consistent with the goals of the acquisition in a manner that provides protections to public health and safety. Provide opportunities whenever feasible for the use of the land for agriculture, open space, or recreation.
4. The District shall retain a conservation easement over land sold or otherwise conveyed to another public agency, non-profit or private party to ensure that the conservation values of the property are preserved.

PROCEDURES

Site Assessments. Site Assessment procedures set forth in Chapter A shall be followed prior to acquisition of fee lands with the following adjustments:

1. Coordinate the Site Assessment with the department or entity that will retain ownership of the land. For example, include staff of the other department or entity in the site visit, analysis, etc.
2. Identify land management issues as part of the Site Assessment such as sensitive natural resources, soils or geological conditions, encroachments, environmental and safety hazards.
3. Incorporate the information and findings of the Site Assessment into the Baseline Report and Land Management Plan.
4. Based on the findings of the Site Assessment, identify the conservation values to be protected both during the District's ownership and by the successor agency.

Baseline Report

1. Prepare a Baseline Report prior to the transfer, sale, or surplus of fee properties, unless otherwise specified in the conservation easement.
2. Prepare the Baseline Report in conformance with the policies and procedures set forth in Chapter B.

Land Management Plans

1. Based on the findings of the Site Assessment, determine whether preparation of a Land Management Plan is warranted (see Appendix D for a sample format).
2. The Land Management Plan shall identify existing uses of the land, appropriate future uses of the land (e.g. agriculture, restoration and enhancement, natural resource preservation or recreation), and procedures and recommendations for management, monitoring, and protecting the conservation values.

3. The content and detail of the Land Management Plan should consider the anticipated length of the District's ownership.

For example, for lands that the District will own for a very short time, i.e. less than one year, the land management plan may be brief and concentrate on short-term considerations.

4. When the land will be transferred to another entity or resold, the Land Management Plan shall identify the related management issues involved. Include the anticipated schedule for transfer of ownership.
5. Qualified staff or resource professionals shall prepare the Land Management Plan.
6. The Land Management Plan shall describe implementation measures and potential funding sources for all recommended activities.
7. The Land Management Plan for the District's fee properties shall comply with state and federal regulations pertaining to special-status species and wetlands where sensitive natural resources occur.

Conveyances

1. Prior to the transfer, sale or surplus of fee lands, the District shall prepare a conservation easement describing the conservation values to be preserved and appropriate permitted and prohibited uses.
2. When the property is to be leased (e.g. for agricultural use) the lease agreement shall consider the findings of the Site Assessment, detailed surveys, if prepared, and the conservation values to be preserved.

Monitoring

1. Monitoring requirements for fee properties should consider the management goals for each property. Minimal monitoring may be appropriate when ownership will be short-term.

For example, inspections by volunteers to make sure that there is no trespassing and that fences are up may be all that is necessary.
2. On lands with ongoing restoration or enhancement activities, monitoring should be performed by qualified staff, volunteers or consultants with the proper training to make the necessary observations.
3. For District-owned property that is leased (e.g. for agriculture use) monitoring shall consider the conservation values as well as specific lease provisions for the property.

IV. REGULATORY CONSERVATION EASEMENT STEWARDSHIP

The District currently holds numerous conservation easements with open space and scenic purposes that have been conveyed to the District through the County of Sonoma's development process. Historically, these "regulatory conservation easements" have not been processed in the same manner as the District's conservation easements.² Until recently, there were no Site Assessments undertaken by the District or Baseline Reports completed at the time of the conveyance of these easements. In addition, there often may be multiple owners of the land subject to a regulatory easement. These factors tend to make the District's stewardship responsibilities more difficult.

OBJECTIVE

To ensure that stewardship of the District's regulatory conservation easements is consistent with that of its conservation easements.

POLICIES

1. In cooperation with the Permit and Resource Management Department (PRMD), create criteria and procedures for evaluating and administering regulatory conservation easements to be conveyed to the District. These should provide at a minimum that:
 - a) Regulatory conservation easements conveyed to the District should further the goals of the District's Acquisition Plan and Expenditure Plan for the preservation of agriculture and open space.
 - b) Conditions of project approval should clearly identify the requirement for conveyance of a regulatory conservation easement and the conservation values to be preserved.
 - c) The District and PRMD shall coordinate on preparing regulatory conservation easements so that essential terms and conditions of the easement are complete prior to consideration of the development application by the appropriate governing body.

²

These "regulatory conservation easements" are technically "open space easements" imposed on landowners under zoning law pursuant to Govt. Code Sec. 65870 et seq. However, the Govt. Code requires that they are to be treated as any other easement under state law. In particular, Govt. Code Sec. 65871(b) states that these open space easements shall "act as an easement" under Civil Code Sec. 801 et seq. which includes the conservation easement Section 815.

- d) A fee schedule shall be established for project applicants where regulatory conservation easements are required. The fees may include the cost of preparing the easement document, preparing the Baseline Report, and for anticipated stewardship costs.
2. Ensure that Baseline Reports are prepared for all regulatory conservation easements held by the District.
3. Unless otherwise specified, the District shall follow the policies and procedures set forth in this Stewardship Manual for Permitted Use Requests, easement amendments, monitoring, and enforcement issues relating to stewardship of regulatory conservation easements.

PROCEDURES

1. Consult with PRMD staff early in the development process to identify the conservation values to be preserved where a regulatory conservation easement likely will be required as part of the proposed development application.
2. Coordinate with PRMD to determine whether a Site Assessment is necessary for property over which a regulatory conservation easement will be required to assist in identifying existing natural features, improvements and activities, and sensitive resources as well as any constraints or potential liabilities on the property.
3. Work with PRMD staff to develop draft permitted and prohibited uses for the regulatory conservation easement during the development application process and prior to consideration of the development application by the appropriate governing body.
4. Seek to complete the Baseline Report prior to acceptance by the District Board of Directors of a regulatory conservation easement.
5. Seek to have Baseline Reports completed by Spring 2006 for existing regulatory conservation easements where such reports have not yet been prepared.
6. Annually inform the Open Space Authority of regulatory conservation easements accepted by the District Board of Directors.

V. VOLUNTEER PROGRAM

The District currently uses volunteers to assist in stewardship activities for both easement and fee properties. The District volunteers play a vital role as the “eyes and ears” of the District's stewardship program. It is important that volunteers are provided with the appropriate training and tools to carry out the tasks assigned by the District.

Volunteers assist District staff in many stewardship activities including:

- Assisting District staff in monitoring conservation easement and fee properties.
- Performing certain maintenance or land management activities on District fee properties.

OBJECTIVES

- a. Operate a volunteer program that assists District staff in carrying out certain aspects of the Stewardship Program.
- b. Train volunteers to be ambassadors for the District to increase public awareness of the District's conservation easement program.

POLICIES

1. Provide volunteers with regular and continuing training and education.
2. Operate the volunteer program so that volunteers are willing to continue to work with the District and feel a responsibility and commitment to perform their assigned tasks.
3. Establish a program to recruit, screen, train, and certify volunteers.
4. Supervise and motivate volunteers and recognize them for their contributions.

PROCEDURES

A. Recruitment

1. Develop job descriptions that include a job title, specific job responsibilities, job logistics and any qualifications required.
2. Use a variety of methods to recruit volunteers such as the District's newsletter, local newspapers, school postings and publications of local organizations.
3. Screen volunteers by written application and/or oral interview to match them with tasks that fit their skills, abilities, and interests.

B. Training, Orientation and Certification

1. Develop a volunteer handbook.
2. Provide an orientation for volunteers that includes an overview of the District's goals, a description of the District's acquisition program, an introduction to staff and other volunteers, and an understanding of how volunteer efforts contribute to the success of the District.
3. Provide volunteers with training appropriate for the activities they will be asked to perform. Encourage ongoing participation in training sessions and workshops offered by the District or other agencies that are applicable to activities they will be asked to perform, such as stewardship and monitoring activities.
4. Keep volunteers informed about District activities and news.
5. Establish a Certification Program for volunteers.
6. Maintain a record of training activities.

C. Managing and Recognizing

1. District staff shall supervise volunteer work. District staff shall accompany volunteers on their initial activities and provide volunteers with detailed instructions. The supervisor shall meet regularly with volunteers to assess the progress made and to identify areas requiring attention.
2. On a monthly basis, volunteers should record their hours and activities, plus their mileage (for which the District compensates them).
3. Recognize the contributions of volunteers frequently and in a variety of visible ways.

D. Evaluation and Feedback

Periodically evaluate and provide feedback on the work being completed by volunteers. Encourage comments from volunteers and District staff in order to assess the effectiveness of the volunteer program.

APPENDICES



Appendix A
Site Assessment/Detailed Survey Report Sample Format
SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT

SITE ASSESSMENT

- ❑ Document Distribution page
- ❑ Acknowledgment page
- ❑ Table of Contents
- ❑ Property Information shall include:
 - Property name, file name, landowner(s), contact person if available with phone number and address, assessor's parcel number(s), total acreage, zoning, location, USGS topographic map showing property boundaries
- ❑ Assessment Methodology shall include: date of site visit, methods (record search of CNDDDB files and mapping by National Wetland Inventory, review of soils maps by Soils Conservation Service, etc.), persons involved in assessment preparation
- ❑ Description of Property shall include:
 - Natural features, improvements and activities, known sensitive resources, constraints, existing uses and any special monitoring and/or management requirements necessary for long-term conservation
 - Aerial photos and/or topographic maps depicting land uses, improvements, and property resources.
- ❑ Conclusions and Recommendations, including need for additional detailed surveys

DETAILED SURVEY REPORT

- ❑ Introduction
- ❑ Methodology shall include: a description of survey dates, methods, limitations, qualifications of survey personnel
- ❑ Description of Resources pertinent to Detailed Surveys (i. e. vegetation, wildlife, hydrology, water quality, etc.)
- ❑ Results of Survey Effort (i. e. occurrences of special-status species, sensitive natural communities, wetlands, water sampling results, etc.)
- ❑ Conclusions and Recommendations

Appendix B
Baseline Documentation Sample Format
Sonoma County Agricultural Preservation and Open Space District

Baseline Report Contents *(In order of appearance)*

- ❑ Document Distribution page
- ❑ Acknowledgment page
- ❑ Table of Contents
- ❑ Acknowledgment of Condition (landowner(s) and District General Manager signatures)
- ❑ Baseline Summary shall include:

Property name, file name, land owner(s), contact person if available with phone number and address, easement acquisition date and recorded doc. number, assessor's parcel number(s), total acreage, zoning, location (general description), Open Space Authority and Board of Directors approval dates.
- ❑ Introduction
- ❑ Open Space Purpose
- ❑ Physical Setting
- ❑ Improvements
- ❑ Land Use(s)
- ❑ Easement-specific items (the following are examples that shall be included only when relevant to the conservation purpose and values described in the easement):
 - Hydrology
 - Soil descriptions (reference information source: Sonoma County Soils Survey and Maps)
 - Vegetation types (descriptions of the pre-dominant native and non-native species)
 - Habitat or community descriptions
 - Other (e.g., scenic viewshed description)
- ❑ Other major easements
- ❑ References
- ❑ Exhibit Maps and Tables
 - Location Map (refer to the Assessor and/or Record of Survey Maps)
 - Baseline Site Map (aerial photo and U.S.G.S. topography combined if feasible)
 - Property Improvements Summary Table (if necessary, keyed to the Baseline Site Map)
 - Oblique Aerial Photograph(s) (if necessary, keyed to Baseline Site Map)
 - Photograph Record
 - Property Photographs
 - Sonoma County General Plan Open Space Map
- ❑ Attachments
 - Easement Agreement
 - Record of Survey (if available)
 - Recorded Parcel or Subdivision Map (if applicable)

Appendix C
Permitted Use Notice and Request Sample Form
Sonoma County Agricultural Preservation and Open Space District

This form is to be used when a conservation easement requires either prior notice or prior written approval by the District

Easement Name:	
Property Address:	
APN:	
Landowner:	
Address and Telephone:	
Landowner representative (as necessary):	
Landowner representative Address and Telephone:	

Check One:

- ☐ Permitted Use Notice (requires notice to the District only)
☐ Permitted Use Request (requires approval by the District)

Description of the specific permitted use:

(1) On a separate sheet(s), describe the nature, scope, design, location map, timetable, and any other material aspects of the proposed use in sufficient detail to permit the District to make a decision as to its consistency with the terms of the conservation easement.

(2) Identify the paragraph(s) in the conservation easement permitting the requested use.

Site Plan. Provide appropriate scaled site plan(s) that shows the location within the property and the size of both existing and proposed buildings, proposed changes in use, proposed changes in land (topography, vegetation, drainage, etc.) and scope of the proposed use. If request includes work within a building envelope identified in the easement, show the building envelope on site plan(s).

Site Studies. As necessary, identify and evaluate sensitive natural resources that may be affected by the proposed use.

Appendix D
Management Plan Sample Format
Sonoma County Agricultural Preservation and Open Space District

Plan Contents

- ❑ Document Distribution page
- ❑ Acknowledgment page

Table of Contents

- ❑ Introduction
- ❑ Background
 - Conservation Purpose
 - History of Land Use/Property Activities
 - Surrounding Property Characteristics
 - Site Characteristics
 - Physical Characteristics (i.e. geology, soils, hydrology, drainage, etc.)
 - Biological Characteristics
 - Vegetation and Wildlife Habitat
 - Sensitive Natural Communities
 - Special-Status Plant and Animal Species
 - Wetlands
 - Physical Improvements, Previous Enhancement and Management History
- ❑ Management Goals and Objectives
- ❑ Issues and Management Constraints
- ❑ Management Strategies and Implementation
(i. e. restoration and enhancement, invasive species control, public access, vegetation management, sensitive habitat considerations, etc.)
- ❑ Funding Mechanisms
- ❑ List of Preparers
- ❑ References
- ❑ Appendices

GLOSSARY OF TERMS

Baseline Report – Documentation that describes and illustrates the physical condition, features, and improvements of land protected by a conservation easement at the time the conservation easement is conveyed to the District.

Conservation easement – A legal agreement between a property owner and a qualified conservation organization that restricts the type and amount of development that may take place on the landowner's property. The easement spells out the rights the landowner retains and the restrictions on use of the property. Each of these rights and restrictions is negotiated between the landowner and the conservation organization holding the easement.

CNDDDB – (California Natural Diversity Database) A statewide inventory of the locations and condition of the state's rare plant species and natural communities.

Fee ownership – Establishes title of real property with the owner without limitation or end.

G.I.S. (Geographic Information System) – A configuration of computer hardware and software that captures, stores, analyzes, and displays geographic information.

G.P.S. (Global Positioning System) – A system that pinpoints locations on the earth's surface by using a receiving device to measure and triangulate distances from satellites.

Permitted use notice – Where required by the conservation easement, prior written notification given to the District by the landowner of a proposed use or activity on the property.

Permitted use request – Where required by the conservation easement, prior written request given to the District by the landowner for approval of a proposed use or activity on the property.

Photo-point – Usually, an easy to relocate spot within a conservation easement property where its condition is documented with a single or multiple photographs.

RCD (Resource Conservation District) – A legal subdivision of the State, formed under Division 9 of the Public Resources Code, to provide local leadership in the conservation of soil, water and related natural resources. In Sonoma County, the RCDs are Sotoyome, Gold Ridge and Southern Sonoma County.

Site Assessment – The process of evaluating a potential acquisition through site visits, property research, and review of existing data.

USGS Maps – U.S. Geological Survey maps depict topography, land uses and vegetation.