

ACCESS AND RECREATION IN OPEN SPACE DISTRICT PROPERTIES

Summary

In November 2006, the voters of Sonoma County approved Measure F that extends the one-quarter percent sales tax that provides funds for the Sonoma County Agricultural Preservation and Open Space District, also known as the Open Space District, for an additional twenty years until 2031. The Sonoma County Grand Jury has concluded that this development and other factors indicate that a thorough, comprehensive review and development of appropriate long-range plans is necessary and timely.

The Board of Supervisors should direct that public access be maximized to lands acquired through both fee purchase and easements. The Board should mandate a major increase in the acquisition of properties for active recreation such as neighborhood parks, playgrounds, athletic fields, picnic areas, etc. within or adjacent to the nine cities in Sonoma County.

Reason for Investigation

Complaints from taxpayers have been received by the Grand Jury within the past year.

There is a high level of interest among the public with regard to recreational facilities such as neighborhood parks, playgrounds, and athletic fields.

There have been many requests by the public for increased access to properties and easements acquired with public funds.

In November 2006 voters approved extension of the sales tax that provides funds for the Sonoma County Agricultural Preservation and Open Space District for an additional twenty years, until 2031

During the period 2007-2031 the Sonoma County Agricultural Preservation and Open Space District will receive and spend more than \$680 million dollars of public funds. The citizens of Sonoma County need to know that the monies will be well spent for their benefit.

Background

The Sonoma County Grand Jury conducted an investigation of certain functions of the Sonoma County Agricultural Preservation and Open Space District. The investigation was limited in scope and was not a complete and comprehensive review of all the functions and accomplishments of the Open Space District.

In 1989, the Sonoma County Board of Supervisors adopted a new General Plan that proposed the creation of an Open Space District to acquire lands through purchase and donation.

Measure A, which was approved by the voters in November of 1990, provides for the formation of the Sonoma County Agricultural Preservation and Open Space District.

Measure C, which was approved by the voters in November of 1990, provides funds for the District by imposing a one-quarter percent sales tax. Appendix A of Measure C contains an

“Expenditure Plan” that identifies categories of open space land that may be purchased by the Open Space District.

The current tax will expire in 2011. In November 2006 the voters of Sonoma County approved Measure F that extends the tax for an additional 20 years. Measure F also revises the Expenditure Plan, which governs how the money raised by the tax can be spent. Measure F was passed by a large margin; 75.7% voted in favor.

The following remarks are excerpted from the County Counsel’s Impartial Analysis of Measure F:

“The measure would also revise the existing Expenditure Plan, which governs how the funds raised by the sales tax can be spent. Since this is a special purpose tax, monies collected will be placed in a special fund and can be spent only for the purposes set out in the measure and the Expenditure Plan. These purposes include preservation of community separators and greenbelts (lands that function as open space to separate cities and other communities); Preservation of scenic landscapes and corridors (areas of high scenic quality including natural landscapes and backdrops); preservation of agriculturally productive lands (including working farms and ranches); protection of biotic habitat areas, riparian corridors and other areas of biotic significance (including areas of freshwater and tidal marshes, wetlands, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality); other open space projects (such as urban open space and recreation projects within or near incorporated areas); and support of operation and maintenance of recreational lands that were purchased in accordance with the Expenditure plan (limited to 10 percent of total revenues for this purpose).

Note: Underlining added.

The measure requires that the County Auditor prepare annual reports for the Board of Supervisors stating the amount of money collected the amount spent that year, and the status of any projects funded by the tax. These reports would be public records. In addition, the Sonoma County Open Space Authority would provide independent fiscal oversight over how the money raised by the tax is spent.”

Measure F adds to and clarifies language in the Expenditure Plan as indicated below. Words that are underlined are changes or additions to the language in Measure C.

“The purpose of this Expenditure Plan is to implement the Sonoma County General Plan and the General Plans of the County’s incorporated Cities by preserving agricultural land use and open space. This purpose will be accomplished primarily through the purchase of development rights from willing sellers in areas of the county which are designated in the county and cities general plan open space elements and may include the purchase of fee interests¹ for outdoor

¹ Fee interest -- The absolute, legal possession and ownership of land, property, or rights, including mineral rights. A fee interest can be sold (in its entirety or in part) or passed on to heirs or successors.

public recreation where they would not be inconsistent with the open space designations listed below.”

(Quoted from the first paragraph of Exhibit A to Measure F).

The changes underlined above make it clear that the sales tax revenues may be spent for acquisition of open space projects in the incorporated cities of Sonoma County. Measure F also provides that 10% of the tax revenue be utilized for the operations and maintenance of recreational lands.

Approximately two thirds of the population of Sonoma County lives in the nine incorporated cities. Therefore it is reasonable to conclude that residents of the cities pay approximately two thirds of the sales taxes.

These facts suggest that the open space needs of the cities should be given full consideration and support by the Open Space District staff, the Open Space Authority, and the Sonoma County Board of Supervisors.

It has been estimated that the one-quarter percent sales tax will provide revenue of more than 680 million dollars to the Sonoma County Agricultural Preservation and Open Space District during the period 2006 to 2031. The 680 million dollar estimate is based on a rate of revenue increase of 3.0 percent per year. The 3.0 percent rate of increase is rather conservative. During the recent past this annual rate of revenue increase has been more than 5.0 percent per year.

The firm of Fairbanks, Maslin, Maudlin and Associates conducted a public opinion survey. The results of this survey are contained in a report titled “Sonoma County Open Space Ballot Survey” dated July 16, 2005. The survey results show a very high level of support for environmental concerns and by implication support for the goals and accomplishments of the Sonoma County Agricultural Preservation and Open Space District. Questions relating to recreation also had a very good approval rating as indicated below. (% do not include non-responses)

Creating New Parks

Extremely Important	14%
Very Important	31%
Somewhat Important	43%
Not Important	12%

Creating Hiking Biking and Horseback trails

Extremely Important	12%
Very Important	30%
Somewhat Important	40%
Not Important	17%

Improving Public Access to Existing Parkland

Extremely Important	14%
Very Important	38%
Somewhat Important	32%
Not Important	14%

Expanding Opportunities for Camping, Biking, Horse Riding, and Hiking

Extremely Important	15%
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Very Important	28%
Somewhat Important	41%
Not Important	14%

Improving the Safety of Parks

Extremely Important	19%
Very Important	40%
Somewhat Important	31%
Not Important	7%

Several witnesses testified there is widespread and strong public support to maintain existing neighborhood parks and to add more neighborhood parks. The remarks of those witnesses are confirmed by the data cited in the survey results above.

Statements by staff of the Agricultural Preservation and Open Space District indicate a strong interest in having the district acquire land for hiking and biking and to provide funds to develop hiking and biking trails. By contrast the staff showed very little interest or support for the acquisition and development of playgrounds and athletic fields. Their remarks indicate that the open space district staff believes neighborhood parks, playgrounds, and athletic fields are, at best, low priority for the district.

The open space district does not budget or plan the allocation of funds for future acquisitions. The open space district proceeds on the basis that acquisitions will be considered when each proposal comes to the attention of the district. The acquisition process is initiated when a landowner, or city, or agency, or non-profit group presents a proposal to the district.

It appears that the cities' contact with the district takes place when individual projects arise. The district and the city planners have not met to consider each city's open space element of the city general plan and develop long term, comprehensive goals for city-district cooperation.

Investigative Procedures

Members of the Grand Jury reviewed the following:

- Complaints from taxpayers
- Articles published in newspapers.
- Documents provided by the Open Space District
- Reports on open space published by previous Grand Juries
- Testimony of witnesses such as individual taxpayers, Sonoma County Agricultural Preservation and Open Space District staff, and representatives from city planning departments.
- Particular emphasis was given to Measures A, C and F, and associated documents

Findings

F1. Measure F adds new language to the expenditure plan. This new language makes it clear that the open space district can and should provide funds for open space projects in incorporated areas (cities).

F2. Approximately two-thirds of the sales tax revenue comes from residents of the nine cities and their suburbs.

F3. A public opinion survey showed very strong support for environmental and open space issues. By implication the survey shows very strong support for the goals and objectives of the Sonoma County Agricultural Preservation and Open Space District.

F4. The same public opinion survey shows strong support for neighborhood parks, playgrounds and athletic fields. Testimony from witnesses confirms there is a strong public interest and demand for neighborhood parks, playgrounds, athletic fields, and picnic areas.

F5. The district places a lot of emphasis on the acquisition and development of land for trails that are for hiking, biking and horseback riding.

F6. The Agricultural Preservation and Open Space District has a low level of interest in providing funds for active recreation e.g., neighborhood parks, playgrounds, athletic fields, picnic areas, hunting, fishing, etc.

F7. The Open Space District in the past has not met with city planning departments to review the city open space element of each city's general plan and there has been no development of a comprehensive, long-term approach with each city.

F8. Representatives from city planning departments praised the Open Space District and its staff. The staff was described as very knowledgeable, helpful and a source for expertise and contacts that are not available to city planning departments.

F9. The public opinion survey, public statements, media coverage, and interviews have indicated a strong desire to obtain access to the properties and easements obtained with public funds.

F10. The Open Space District does not budget or plan the allocation of funds for future acquisitions.

F11. A review and revision of policies and directives is the responsibility of the Sonoma County Board of Supervisors.

Conclusion

With the passage of Measure F, the Sonoma County Agricultural Preservation and Open Space District has the opportunity to break new ground in the areas of active recreation, partnership with cities, implementing an operations and maintenance program, and increasing access to properties and easements acquired with public funds. With direction, guidance, and support by the Sonoma County Board of Supervisors, significant progress can be obtained in the implementation and execution of these objectives.

Commendations

The Sonoma County Grand Jury would like to thank all those who assisted in providing valuable information toward this report.

The members of the Sonoma County Grand Jury who interviewed the Agricultural Preservation and Open Space District staff were impressed by the educational qualifications, experience, knowledge and attitudes of staff members.

Witnesses from city planning departments praised the Open Space District and the district staff. A typical remark was, "they are very responsive." When describing individual projects these witnesses described the participation of the Agricultural Preservation and Open Space District staff as positive, helpful, and a good resource for expertise and assistance.

Recommendations

R1. The language change in exhibit A of Measure F states, "The purpose of this expenditure plan is to implement the Sonoma County General Plan and the General Plans of the county's incorporated cities by preserving agricultural land use and open space."

It is recommended that the Board of Supervisors initiate an independent study to determine what effect, if any, the new language has on the policies and practices of the Open Space District.

R2. The Board of Supervisors should require greater emphasis and greater willingness to spend district funds on neighborhood parks, playgrounds, athletic fields and picnic areas.

R3. The Board of Supervisors should establish policies to require the Open Space District to conduct conferences with each city planning department and city parks department to review the open space element of each city's General Plan. Among the goals of such a conference would be a review of both the county and city open space elements to establish coordination and planning on a comprehensive and long-term basis.

R4. The Board of Supervisors should establish policies and practices that will maximize public access to land acquired through both fee purchases and easement agreements. This would include instructions to the Agricultural Preservation and Open Space District staff to consider that public access is a top priority.

R5. Recognizing that the great majority of the Agricultural Preservation and Open Space District tax funds come from city residents and that they have expressed strong desire and support for neighborhood parks, playgrounds and athletic fields, the Board of Supervisors should direct the allocation of a greater portion of these tax funds to provide, operate, and maintain recreational facilities in or near city residential areas.

R6. City Councils should establish policies and practices to meet with the Open Space District to review planning on a comprehensive and long-term basis.

Required responses to Findings

None

Requested responses to Recommendations

City Planning Departments: Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, Windsor – R6

Required responses to Recommendations

Board of Supervisors – R1, R2, R3, R4, R5