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SEP 24 2007

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GRAND JURY

SEP 27 2007

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September 14, 2007

TO: The Honorable Robert Boyd  
Presiding Judge, Sonoma County Superior Court  
  
FROM: Sonoma County Board of Supervisors  
  
SUBJECT: **Response to Final Report of the 2006-2007 Grand Jury**

**BOARD OF SUPERVISORS  
RESPONSE TO THE 2006-2007 GRAND JURY FINAL REPORT**

**Access and Recreation in Open space District Properties**

The Board of Directors has received the Sonoma County Grand Jury Final Report for 2006-2007 and this letter is written pursuant to the Grand Jury's request for a response to the report recommendations. Although the report requests a response from the Sonoma County Board of Supervisors, we believe that the District Board is the correct respondent because it, not the Board of Supervisors, governs the District. And while they are the same people, they are legally separate branches.

What follows is a recitation of essentially both Boards' responses to each of the Grand Jury's recommendations that relate to the District (see Final Report pps. 9-11).

Recommendations: Page 11

***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.***

RESPONSE: The Board will not implement this recommendation because it is not warranted, and it is based on an erroneous assumption.

The new language did not result in any change in substance between the Measure C and Measure F. The new language only makes clear what is and has been the requirements of State law, that District acquisitions must conform to the applicable city or County general plan. The District will continue to meet this State law requirement

***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.***

RESPONSE: The Board will not implement this recommendation because it is not warranted, and it does not recognize the fact that the District's current Acquisition and Expenditure Plans were fully vetted with the community and received the ultimate validation with a 75% voter approval. To change it just after receiving voter approval is disrespectful to the wishes of the voters.

Neighborhood parks, playgrounds, athletic fields and picnic areas are important to meet the recreational needs of a community but historically have been the responsibility of local jurisdictions. The District, by the voters' discretion, has been granted the ability to enhance these resources through the Matching Grant Program. The District has assisted local jurisdictions through this program over several years. Examples from prior years include Schopflin Ballfields between Santa Rosa and Larkfield, the purchase of the property for the Sebastopol Skate Park and Cloverdale River Park, the Windsor Town Green, McNear's Peninsula, Prince Memorial Greenway, Nathanson Creek, and the expansion of Keiser Park. In addition, in July 2007, the District allocated \$10 million toward future Matching Grant projects. These projects include enhanced public access to the Russian River and Laguna de Santa Rosa, community parks and public access in Southwest Santa Rosa, a bikeway and pedestrian connection between Rohnert Park and Crane Creek Regional Park, a skate park and community garden in Sebastopol, preservation of heritage farming in Sonoma and Sebastopol, and active playfields in Petaluma.

Since the passage of Measure C in 1990 the District has had a balanced acquisition program that has met the open space priorities set forth in both the 1990 Expenditure Plan and the 2006 Expenditure Plan. A major shift in emphasis to favor one area would require de-emphasizing all of the other Expenditure Plan areas. This would not be in keeping with voters' expressed intent in approving Measures C and F or the extensive community input received during the development of Connecting Communities and the Land, the District's acquisition plan updated in 2006.

***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.***

RESPONSE: The Board will implement the essential parts of this recommendation.

The Board will direct staff to meet with each respective city planning and parks department to fully understand their plans and discuss areas of potential collaboration. The relationship between the District and the cities is set out in Paragraph 5 of the 2006 Expenditure Plan. Paragraph 5 sets out a program of matching grants that allows cities to periodically apply for District funding for open space acquisitions “within and near incorporated areas.” This program has resulted in the acquisition of 323 acres at a cost of \$9,645,500. An additional \$10 million was just allocated for ten more matching grant projects throughout the county that will protect or assist in recreational development of many more acres.

You might also recall the focal point and centerpiece for the Town of Windsor – the “Town Green” – was partially funded by District funds. In addition, Taylor Mountain, Saddle Mountain, and Montini, along with the recent acquisition of Clover Springs, are examples of District purchases that benefit city residents and further cities’ goals. The Board believes that the District has maintained a reasonable acquisition balance among the various open space categories described in both the Measure C and Measure F Expenditure Plans. As mentioned above, this balance is in keeping with the voters’ intent in approving the expenditure plans for both measures and a major shift in emphasis toward one open space category means a reduction in all other areas. The District has been, and continues to be, vigilant for additional properties that directly benefit city residents as they become available.

Additionally, the Board does not think it appropriate for the General Manager to intercede in the preparation of the open space elements of city and County general plans. Those are matters of policy for other local governments. The District’s role is to assist in the implementation of those policies once they are adopted and then only within the confines of the 2006 Expenditure Plan (Measure F). The General Manager has, and will continue to assist the, city planning, and parks departments when requested and within the limited resources of the District.

***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 and Open Space District staff to consider that public access is a top priority.***

RESPONSE: The Board will not implement the complete recommendation because it is not warranted, nor the direction given by the voters in 1990 or 2006. Neither measure says that “public access is a top priority.” Instead each measure calls out *several* categories for protection that are not weighted in any way. However, for those properties that are clearly purchased for their recreational value, then timely public access is needed, and is already a top priority. For the lands the District has acquired in order to preserve their natural value, there are several programs that allow for coordinated public access that protects the resources that made the acquisition valuable in the first place.

The District has been, and will continue to be, diligent in working toward public access on properties purchased for recreation. In fact, voters modified the expenditure plan to assist in the speedy opening of land given to other agencies for public access by making available funds for operations and maintenance to the receiving agency. The agency can then make provisions for public access during the interim period between receiving the land and fully developing the park. It is important to note that there are significant processes involved, including the need to comply with the California Environmental Quality Act (CEQA).

The District works closely with partners such as County Regional Parks or State Parks to operate and maintain recreational properties that have been purchased by the District; Riverfront Regional Park and Willow Creek addition to Sonoma Coast State Beach are examples of this.

It is not appropriate to direct staff to offer public access on all properties, especially those protected by conservation easements. These remain in private ownership. For example, Measure F calls out the "preservation of agriculturally productive lands." For those properties to remain in agriculture, they should not be required to allow public access that would substantially interfere with the agricultural use. Yet, we constantly strive to strike that balance between public access, while protecting the very value and nature that makes those lands so important to the people of Sonoma County.

***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 residential areas.***

RESPONSE: The Board will not implement the recommendation because it is not warranted and is based on findings that are not substantiated.

Indeed, the vast majority of sales tax revenue is collected in cities. This naturally follows the fact that the County has always advocated for city-centered growth. However, it is important to mention that the sales tax was collected in cities, not necessarily paid by city residents. There is an important distinction between collecting and paying the tax. The Board believes that there is currently a fair balance among acquisitions in each of the open space categories set forth in the 2006 Expenditure Plan. Yet we are always open to opportunities that present themselves directly in or near cities. Please see the response to Recommendations R2 and R4 for examples.