

October 11, 2010

President Valerie Brown and District Directors
Sonoma County Agricultural Preservation and Open Space District
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

RE: SCAPOSD Citizens Advisory Committee Position
Roblar Ranch Conservation Easement Exchange

Dear President Brown:

The SCAPOSD Citizens Advisory Committee (CAC) convened a special meeting on October 7, 2010 to discuss the proposed Roblar Ranch conservation easement exchange and amendment. The purpose of the meeting was to provide CAC members and the public an opportunity to learn about the proposal being presented to the Board on October 19, 2010 and determine what recommendations the committee could prepare for the Board's consideration.

Though the staff report for the Board was not yet available, District staff presented details of the proposed exchange and amendment, as well as fielded questions from the CAC. The meeting was very well attended by members of the public. Most in attendance, including the project applicant, spoke for the record. A copy of the meeting summary notes is attached.

With a strong majority vote, the CAC authorized the executive committee to prepare this letter and include the following recommendation.

The Advisory Committee to the SCAPOSD takes the following position:

We oppose the release of the easement for the Roblar Ranch Conservation Easement for the following reasons:

- 1. The citizens of Sonoma County expect the easements acquired by the District will be permanent.*
- 2. Sale or release of easements for private purposes sets a dangerous precedent and should not be considered.*
- 3. Approval of a road through the easement will damage the reputation of the District and erode public trust that the District permanently protects properties it acquires.*

We appreciate the opportunity to submit this recommendation for your consideration.

Sincerely,



Andrew S. Rodgers, Chair
SCAPOSD Citizens Advisory Committee

Attached: CAC Meeting Notes, October 7, 2010



SONOMA COUNTY

AGRICULTURAL PRESERVATION
AND OPEN SPACE DISTRICT

SONOMA COUNTY OPEN SPACE ADVISORY COMMITTEE SPECIAL MEETING
October 7, 2010 Notes

5:35 p.m. Meeting convened at the District office, 747 Mendocino Avenue, Suite 100,
Santa Rosa, California

Members Present

Andy Rodgers	Kristin Thigpen	Suzanne Doyle
Janet Orchard	Laurie Gallian	John Nagle
Karen Bianchi Moreda	Steve Rabinowitsh	Guy Wilson
Yancey Forest Knowles	Sue Conley	Dennis Murphy
Douglas Hanford	Cary Fargo	

Members Absent

None

Staff Present

Bill Keene, General Manager; Maria J. Cipriani, Assistant General Manager; Sheri Emerson, Stewardship Program Manager; Sue Gallagher, Deputy County Counsel; Janet Christensen, Advisory Committee secretary

Public Attendees

Stan Gold, Susan Kirks, Sue Buxton, Nancy Fortner, Jason Merrick, John Barella, John Frank, David Spilman, Jerry Cossey, Tina Wallis, Donna Norton, Susan Baritell, Jessica Diaz, Marsha Sue Lustig, Bill Kortum, Gary Reed, Jon Jainga

Public Comment

Susan Kirks has filed a document for Paula Land Action Network with the Planning Commission so that the following statement is in the public record as an expression. "Any member of the Advisory Committee who has had, in the past, or currently has contracts with Northbay Construction, John Barella, Ghilotti Construction and/or is a seated member of the body, the Planning Commission, who made a recommendation to the Board of Supervisors would appear, to me, to potentially have a conflict of interest. I would respectfully ask that, because there is a quorum, any members who are in this category recuse yourselves from this discussion".

Regarding conflict of interest and the standards for recusal in these proceedings, Sue Gallagher, Deputy County Counsel, explained that recusal would be necessary if an Advisory Committee member had a financial interest in either the easement exchange, requested amendment or the quarry project. She added that being a planning Commission member or having past working/financial relationships with Northbay Construction, John Barella, Ghilotti Construction would not constitute a conflict. If a person can gain financially by this project then that person should recuse themselves.

Bill Keene, General Manager, gave a brief presentation on the Roblar Ranch Quarry issue regarding the proposed conservation easement exchange and the requested amendment and then opened the meeting for comment by members of the public.

Public Comment

David Spilman lives approximately .5 miles from the quarry site and represents the Citizens Advocating for Roblar Rural Quality (CARRQ). CAARQ hopes that the committee, in reviewing the request and reviewing their charge to protect Open Space District land and the charge of the mission statement of the Open Space District, will take formal action to recommend that the Board of Directors not approve the property exchange and the misuse of tax-funded open space land to benefit a private business. Mr. Spilman submitted a letter to the Advisory Committee members and exhibits referenced in the letter to the Advisory Chair and District staff.

Bill Kortum, a member of the Board of the Sonoma Land Trust for 26 years, stated that tinkering with conservation easements starts to destroy the whole system. Sonoma County has protected 80,000 acres by conservation easement – this is a tool that must be protected.

Sue Buxton stated that the term “irrevocable conservation easement” should mean that all conservation easement are “irrevocable”. She said the proposed haul road over 3.3 acres of the Wilson property conservation easement will be used for 200-400 gravel truck trips to and from the quarry each day and will be visible from the road. Ms. Buxton also stated that there is no guarantee that the quarry would operate for only 20 years.

Jason Merrick, property owner on Roblar Road, made 3 points: Mr. Barella has proposed using the 244 acre Lakeville property to meet his obligation under the Williamson Act; this exchange would be precedent-setting as it is the first time it will be used for a for-profit development enterprise; twice each month dust and contaminants would be blasted 200-300 feet in the air and carried by the wind.

Donna Norton lives across the street from the proposed quarry. After reading the conservation easement documents, Ms. Norton is concerned about the integrity of the system. The purpose of the Open Space District is to protect lands in perpetuity, not to interrupt perpetuity to provide for commercial and industrial development that it was supposed to protect against.

Susan Baritell lives on the corner of Roblar and Canfield. It is her understanding that none of the previous four easement exchanges were exchanged for an invasive, destructive assault on protected property for private profit of an industrial operation in exchange for permanently preserved publicly protected lands. The Districts mission statement speaks to “permanently preserve the diverse agricultural, natural resource and scenic open space lands of Sonoma County for future generations”. The extraction of gravel is the theft of one of the lands natural resources for private profit.

Gary Reed lives on Canfield Road. He stated that the prevailing winds would carry clouds of dust from the 200-400 truck loads of gravel drifting over the preserved property every day for 20 years – the impact would not just be on the road. Mr. Reed also stated that the County would not be saving money by allowing the gravel quarry to move forward as this gravel would not be available to the general public.

John Frank lives on Canfield Road. He is concerned about the affects that the dust from the quarry would have on the health of his grandchild who lives with him up the hill from the quarry site.

John Barella, owner of the Roblar Road property, stated that the County (PRMD) had proposed using the easement land for the haul road and that’s how he drew up his plans. He also stated that he

would not have entered into a conservation easement agreement with the District if he had known that the County would want him to use his property for the haul road instead of using Roblar Road. If the Board of Supervisors directs him to use Roblar Road he will do that. Mr. Barella stated that the roadway going through the easement would be 1700 linear feet not one mile. He also stated that he has withdrawn his application to put the 243 acres on Lakeville Highway into the Williamson Act.

Susan Kirks reminded the Advisory Committee that they are the citizen's representatives and they are responsible for upholding the public trust. They are meeting today to discuss whether it is appropriate for a commercial operation to benefit after altering a conservation easement that was placed in perpetuity. Ms. Kirks stated that the answer to that question should be no.

Jessica Diaz, aide to Supervisor Zane, clarified that County staff may have raised various proposals regarding Mr. Barella's plan, but did not instruct him to move in a certain direction regarding the location of the haul road.

Advisory Committee members raised these issues:

- Find the most effective communication that can be made to the Board of Directors to convey our opposition to the exchange.
- ~~Firmly oppose this project, which does not enhance agriculture and does not improve the County's open space. Neighboring ranchers are very upset with the proposal.~~
- At Planning Commission meetings this proposal was mentioned as the environmentally superior alternative. Well over three hundred acres will be gained by the exchange.
- Concerned about the damage this could potentially cause the District. Consider the public perception and future similar actions and take the time to look at the broader policy perspective. Sonoma Land Trust letter speaks very well of the harm to the integrity and credibility of the District.
- Continued public trust is essential. Raised the question: if the District knew at the time of the conservation easement agreement that there was the potential or reality of a quarry on this site. Staff stated that there was an identified resource in County-adopted plans.
- Concerned about unintended consequences occurring if the District allows this exchange such as: grant opportunities and partnering issues. Submit a letter to the Board of Directors to communicate what has been said at this meeting.
- The District only exists by the public's trust. This type of request erodes their confidence and sets a bad precedent.
- Conservation easements are meant to keep the integrity of the land forever. The many multi-generational families in that area are trying to preserve the land for open space.
- Stand firm against amending the conservation easement to allow mitigation.
- Concerned about losing the public trust and breaking an irrevocable easement for a commercial project. What will be left of the public's conserved land after it has been used for the quarry/road and somewhat rehabilitated?

- This type of request erodes the public's confidence in the District and sets a bad precedent.
- Public perception is critical.
- Having the staff report available prior to this special meeting would have been preferred. Public perception, the integrity and credibility of the District is crucial.

Motion by Steve Rabinowitsh and second by Janet Orchard to prepare a letter to the Board of Directors and include the following recommendations:

The Advisory Committee to the Sonoma County Agricultural Preservation and Open Space takes the following position:

We oppose the release of the easement for the Roblar Ranch Conservation Easement for the following reasons:

1. The citizens of Sonoma County expect that easements acquired by the District will be permanent.
2. Sale of release of easements for private purposes sets a dangerous precedent and should not be considered.
3. Approval of a road through the easement will damage the reputation of the District and erode public trust that the District permanently protects properties it acquires.

Ayes: Hanford, Thigpen, Conley, Rodgers, Forest-Knowles, Rabinowitsh, Nagle, Orchard, Gallian, Wilson, Doyle, Fargo, Bianch Moreda

Noes: Murphy