

## **Conservation and Preservation Organizations**

A **regional open space district** is another effective mechanism for preserving open space, including *agricultural* land. It's an independent special district with an elected board of directors that is incorporated through the cooperative efforts of a region's cities, counties, and voters. Its primary functions are to acquire, preserve, and maintain open space.

This narrow focus provides open space districts with an advantage over city and county governments when it comes to saving open areas. Since cities and counties have multiple and competing service objectives, open space funding can sometimes be diverted to other pressing needs. An open space district's revenues, on the other hand, may only be spent for open space purposes. This encourages a steady flow of funding for the long-term implementation of an open space plan.

During the past decade fiscal constraints have hindered the formation of new open space districts. As in the case of other local governments, regional open space districts have been financed primarily by property tax revenues. Property tax increases to fund new districts are restricted by Proposition 13.

In response, state legislation enacted in 1987 allowed counties to increase their sales tax to finance general expenditures, thus expanding district funding opportunities. However, any sales tax dedicated solely to an open space district is considered a special tax and requires a two-thirds voter approval under Proposition 218.

Sonoma County voters created the Agricultural Preservation and Open Space District in 1990 and authorized a quarter-cent sales tax increase to fund the District. The \$10 to 12 million dollars annual revenue that results is used primarily to purchase conservation easements from willing sellers. Since 1992, the District has acquired easements over approximately 23,000 acres.

Also, SB 1685 (Ch. 982, Stats. 1986) authorizes open space districts to levy special assessments for open space purposes. These assessments are subject to Proposition 218's limitations on the use and levying of special assessments.

Regional open space districts are also authorized to levy special taxes, subject to a two-thirds voter approval. In addition, they may receive land grants and gifts and may employ debt financing measures such as general obligation bonds. They may also lease real estate as part of their preservation activities. For instance, to save agricultural land, they may purchase farms or grazing ranges and lease them back to farmers and ranchers. Regional districts, such as the Marin Open Space District, sometimes employ the services of land conservation trusts in acquiring open space.

In 1995, The Midpeninsula Regional Open Space District participated in a joint acquisition with the County of Santa Clara County to purchase 907-acre Jacques Ridge. Jacques Ridge provides a wildlife corridor connecting over 10,000 acres of contiguous park and open space lands. It also establishes a vital link in the Bay Area Ridge Trail. The Midpeninsula Regional Open Space District is responsible for the preservation of over 36,000 acres of open space extending from the city of San Carlos to the town of Los Gatos.

The enabling legislation for regional open space districts is in the California Public Resources Code commencing with section 5500 and in the Government Code commencing with section 56000. It is the same authority as that for regional park districts and regional park and open space districts.

A **land conservation trust** is another type of organization devoted to protecting open space, agricultural lands, wildlife habitats, and natural resource lands. The approximate 80 trusts in California achieve their objectives primarily through acquiring and managing interests in land.

Most land trusts are local, private nonprofit entities with boards of directors made up of private citizens. They rely on private funds, corporate or foundation grants, and property gifts to carry out their land acquisition and management activities. A number of trusts in California also use public funds, such as those from Proposition 70 or the Coastal Conservancy, to purchase open space.

Land conservation trusts preserve open space and resource lands in a variety of ways. Some use their funds to acquire fee simple interest in real estate and then manage or lease back their holdings. Others purchase conservation easements which protect sensitive land from development while allowing owners to sell their remaining property interests to whomever they please. The Marin Agricultural Land Trust in Marin County has pioneered the use of such easements to preserve agricultural and dairy lands. The 20-year old Sonoma Land Trust now compliments the work of the County Agricultural Preservation and Open Space District and, over its lifespan has protected some 10,000 acres. For over a decade, the Kern River Parkway Foundation has acquired land along the Kern River in Bakersfield which has contributed to implementation of the city/county Kern River Parkway Plan. The Foundation has also planted over 3200 trees along the parkway.

Land trusts also purchase land and resell it with deed restrictions that guarantee the property's open space character in perpetuity. Alternatively, trusts sometimes acquire land on an interim basis and later transfer it to public or private conservation organizations.

Since they are less fettered by red tape, private land trusts are usually able to respond more quickly than governmental entities to sudden and fleeting purchasing opportunities. They also use their real estate experience to help public agencies with the mechanics of acquisition. For example, the Peninsula Open Space Trust in Menlo Park was originally organized to facilitate the land acquisition activities of the Midpeninsula Regional Open Space District.

Recently, the Peninsula Open Space Trust purchased 1,262 acres of wetlands on the Peninsula next to the San Francisco Bay from a development company for \$15 million after receiving a loan from a private group. In January 1997, the Trust for Public Land and the state Department of Parks and Recreation cooperatively acquired 13.9 acres of scenic land near Tomales Bay in Marin County as an addition to Tomales Bay State Park.

The American Farmland Trust and the Trust for Public Land often advise local land trusts on successful preservation programs. Another source of information for and about local land trusts is the Land Trust Alliance in Washington, D.C.

Another resource, published by The Land Trust Alliance, is a book entitled *Starting a Land Trust: A Guide to Forming a Land Conservation Organization*. The book outlines case studies in starting land trusts, how to organize a board of directors and articles of incorporation, how to apply for federal tax-exempt status, and much more. The appendices have a list of useful contacts and a sample of articles and bylaws.