



Frequently Asked Questions about an Agricultural Preservation and Open Space District for Santa Cruz County

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1. What is an open space district?

An open space district is a local public agency dedicated to preserving land, protecting natural resources, and providing recreational opportunities. Open space districts can protect land through outright acquisition and conservation easements, which are voluntary agreements with willing landowners. Such districts already exist in Sonoma, San Mateo, Marin, and other counties. Nearly all districts in the state are formed under Public Resources Code 5500 which provides all the basic powers and authorities for a district. It usually requires the approval of the legislature and always the approval of the voters in the relevant jurisdiction.

2. How can we create an open space district in Santa Cruz County?

The creation of a local open space district is a three step process.

Step One: The State Legislature must pass a bill that allows or enables the County Board of Supervisors to initiate a process to place a measure on the ballot to form a district. Currently, state Senate Bill 211 is the pending enabling legislation for Santa Cruz County. This bill is authored by Senator Joe Simitian and co-authored by Assembly Member Bill Monning and Assembly Member Anna Caballero, all of whom represent portions of Santa Cruz County. This bill does not create a district, it simply allows the County to put the question of a district to the voters.

Step Two: If SB 211 becomes law, the Land Trust will work with the Board of Supervisors to initiate a public process, including public hearings, involving representatives from cities, county agencies and community groups (including the Farm Bureau, agricultural and environmental communities) to develop measures creating and funding a district.

Step Three: The district formation and funding measures may be placed on the ballot and the voters decide. District formation requires a majority vote and financing measures require two-third approval.

3. What is in this legislation?

SB 211 would allow the creation of an open space district under Public Resources Code 5500. As dictated by PRC 5500, the district would have to be placed on the ballot by

the Board of Supervisors, approved by the voters, and have a locally elected Board of five to seven members to govern the district. Under SB 211 the district would not have the power of eminent domain and would not go through the Local Agency Formation Commission (LAFCo) process. SB 211 does not include any tax increase.

4. Why would the district be exempt from the LAFCo process?

LAFCo regulates the formation of new local government in order to encourage efficient local government service areas and promote orderly growth. SB211 identifies the boundaries of an open space district in Santa Cruz County as essentially the same as the county boundaries. As a result, the review of the formation of a district by LAFCo would be an unproductive waste of public funds.

5. How would an open space district be funded?

Open space districts are funded through a wide variety of methods. No decision has been made on which funding mechanisms would be used to fund a Santa Cruz County open space district. Any tax to fund a district would be subject to public hearing by the Board of Supervisors to decide whether to place it on the ballot, where it would require approval by two-thirds of the voters.

6. What would an open space district spend money on?

The funding measure for the district would include an expenditure plan which would direct and limit how the district could spend tax revenues. The expenditure plan would be developed with community input and included in the ballot pamphlet provided to voters. The open space district's Board of Directors would identify the specific projects that are consistent with the expenditure plan and would be funded as part of the district's annual budget.

7. What types of things could the district spend money on?

Through public opinion surveys and extensive outreach, the Land Trust has identified that there is strong community support for an open space district that would do the following:

- Protect natural lands, wildlife habitats, and water quality and supply;
- Preserve private, working lands, including farm, ranch, and timber land;
- Steward protected lands and develop and maintain trails;
- Create, enhance, and maintain neighborhood parks;
- Provide grants to local agencies and organizations to support local responses to climate change, water quality and supply improvement projects, environmental education, and agricultural awareness.

These items could be a starting point for developing an expenditure plan for the district.

8. When will an open space district be voted on in Santa Cruz County?

The earliest time for a vote would be November 2010. Polling by the Land Trust showed support for such a measure in 2007 and we will do additional polling in 2010 to see if there is public support for going forward. If there isn't sufficient support in 2010, we would look towards 2012.

9. How can I have a say in what the district will do?

Public input on the district's expenditure plan will be solicited in a variety of ways once the enabling legislation is approved. Your input will be solicited by a steering committee that will be formed to advocate for and develop a draft expenditure plan for the district. The steering committee will represent the full diversity of Santa Cruz County.

Your input will also be solicited by the County Board of Supervisors before they make a decision to place the creation of an open space district or a funding measure on the ballot. If the voters approve the creation of a district, the district Board would hold public hearings on its spending plans.

10. Why do we need an open space district?

Santa Cruz County has both an abundance of state parks and some of the strongest growth control measures in the state. The county is also next door to the nation's fourth largest metropolitan area. Growth control measures (like Measure J), general plans, and zoning protections are not permanent. Plans can be amended, zoning can change, and long-term growth pressures could erode the rules and regulations that have protected Santa Cruz County for a generation.

A local open space district can provide local control and permanent protection now, before the threats are imminent and the price of protecting land prohibitive. By providing local funding as a match, a local district will be able to bring in additional major funds for conservation from state, federal, and foundation grants.

11. Doesn't Measure J provide permanent protection for farmland?

Land use controls, while an important tool for land protection, do not provide the permanent protection that acquisition of land or conservation easements do. Acquisition is a "third leg of the stool," along with general plans and zoning.

Measure J, a unique land use ordinance approved countywide in 1978, restricts the use of agricultural land in the unincorporated areas and ensures it cannot be converted to

non-agricultural use. Measure J applies only to the unincorporated areas and once land is annexed into a city, Measure J no longer applies. Measure J does not limit the development of existing agricultural parcels for the purpose of developing single-family homes otherwise allowed by zoning.

12. Shouldn't we spend our money on more urgent projects?

In these challenging economic times, many people understandably ask whether conservation should be a priority. Our nation and state have a history of looking beyond the immediate economic conditions to invest in the protection of natural resources.

During the Great Depression California created a string of state parks, including Natural Bridges and Pfeiffer Big Sur state parks and Roosevelt doubled the size of the National Park System. In more recent times, California state parks and natural resources bond measures were approved in 1974 during a three-year recession and in 2002 following the 9/11 attacks and the collapse of the dot-com bubble. Santa Cruz County voters have consistently approved these statewide measures by higher margins than the statewide average. In 2008, with the current recession well underway, voters across the country approved 71% of 90 conservation ballot measures.

Ultimately the voters will decide whether the long-term benefits of funding land protection are worth the relatively small cost today – just as previous generations decided to protect the places we now love.

13. How much will it cost me?

That depends on the kind of funding measure approved by the voters. A quarter cent sales tax would cost the average household less than a dollar a week – but raise almost \$8 million annually to protect the land and water of Santa Cruz County.

14. Won't more taxes hurt the economy?

The small tax increase is an investment in the long term economic health of Santa Cruz County. Tourism and agriculture are the twin pillars of the local economy and the long-term health of both require that we protect our farmland and forests. Santa Cruz County imports no water and protecting our forest watersheds is an economically smart way to assure high quality water and reduce the high costs of treatment facilities.

15. Will the open space district impose more red tape on landowners?

The open space district is not a regulatory agency and cannot impose rules or regulations on lands it has not purchased or protected through voluntary agreements with willing landowners.

16. Will the district take land off the tax rolls?

The district may acquire some land for parks, but other land will be protected through conservation easements. Conservation easements limit development, while leaving the land in private hands and on the tax rolls. The district's local elected Board will make such decisions after public hearings.

17. Why do we need another government agency when we already have state, county and city parks?

So we can protect more land and do a better job of caring for what we've already protected. As an independent local district, an open space district would provide dedicated resources and focus for land and water protection projects that the community identifies as local priorities. The district would work cooperatively with local governments, public agencies, and nonprofit organizations, like the Land Trust.

Other counties with strong open space districts demonstrate how they can effectively direct local resources to local land protection priorities. The Sonoma Agricultural Preservation and Open Space District has protected 75,000 acres, 32,000 of it productive farmland that can never be developed. Through an open space district, landowners can be compensated in return for providing permanent protection against development.

18. Why protect more land when we can't take care of what we have already protected?

The expenditure plan for the district could include funds for stewardship of protected lands. By providing local funds and local control, Santa Cruz County will reduce its dependence on funding decisions made outside the county.

19. When we "protect land forever" aren't we limiting what future generations can do?

Yes, we are. We are saying that we want key lands forever protected from development. At the same time, when you build a shopping center or subdivision, you are also limiting what future generation can do. It's a question of which future you want.

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