



CITY OF ARCATA



OPEN SPACE PROTECTION PROGRAM AND ACQUISITION MATRIX



*Adopted By the Arcata City Council
January 7, 2004*

*City of Arcata
Environmental Services Dept.
736 F Street
Arcata, CA 95521
(707) 822-8184
arcatacityhall.org
eservices@arcatacityhall.org
Printed October 20, 2009*

CITY OF ARCATA

OPEN SPACE PROTECTION PROGRAM AND ACQUISITION

MATRIX-2004

Preface

Program Development

On March 31, 1999, The Arcata City Council created an Open Space Committee by adopting Ordinance No. 1293. Part of the duties of the committee included the participation in the preparation and development of an open Space Protection Program. The committee's effort built on a previous Open Space Framework document that was developed by staff and a citizen's working group. The Framework document was subject to public scoping meetings and was the first step in the development of the Open Space Protection Program.

State Law requires that each City and County prepare an Open Space Element as part of its general plan that addresses how preservation of open space lands will be implemented. The Open Space Protection Program is designed to provide the necessary guidance for the implementation of the Open Space Element policies within the General Plan 2020. The Open Space Protection Program was approved by the Arcata Planning Commission on July 22, 2003 and the City Council on January 7, 2004.

Relationship to Other Plans

The Open Space Protection Program is intended to compliment and tier to the Creeks Management Plan, General Plan, Parks and Recreation Master Plan, Stormwater Master Plan, Wetlands Plan and Forest Management Plan. Newly acquired lands usually are amended into existing management plans. The Open Space Protection Program and its Appendixes will serve as a tool for future planning and protection of City owned open space areas.

Environmental Regulations

Adoption of an Acquisition Plan, individual property acquisitions and other activities, must conform to the California Environmental Quality Act (CEQA), where applicable. City projects that may involve Federal funding must conform to the National Environmental Policy Act (NEPA). Open space areas acquired by the City with state grant funds usually require a CEQA determination before the transaction can be completed. City acquisitions require that the Arcata Planning Commission make a finding of consistency with the Arcata General Plan. In order to make this finding, staff prepares a report that describes how the property will be managed and lists primary uses of the property.

Amendments and Revisions

This program will ordinarily be revised every ten to fifteen years unless the demands of the public, monitoring results or other conditions warrant revision at an earlier date. Any revision will incorporate public involvement in the process. The City Council will take final action on all revisions or amendments.

The Program was developed by the Open Space Committee and The City of Arcata Environmental Services Department Natural Resources Division. Contributors included:

Open Space Committee

Lisa Brown	Michael Smith	Kristina Perry	*Judy Walton
Joe James	Susan Ornelas	*Eric Schimps	*Earl Moranda
Robert Wunner	Chad Sefcik	* Denotes past committee member	

Staff

Stephen C. Tyler, Director Environmental Services

Mark S. Andre, Deputy Director Environmental Services

Karolyn K. Merz, Secretary Environmental Services

CITY OF ARCATA

OPEN SPACE PROTECTION PROGRAM AND ACQUISITION MATRIX-2004

Open spaces in and around Arcata represent a significant and desirable component of the community. They offer scenic views and contribute to the town's rural character, aesthetic appeal, and high quality of life. Arcata's waterways, parks, agricultural lands, community forest, and wildlife sanctuary enrich our daily lives and help establish a strong community identity and sense of place.

Open spaces also provide a number of more practical functions. They protect water quality and wildlife habitat, act as buffers and linkages, and allow for the preservation of important historic and cultural sites. They provide opportunities for recreation, education, scientific research, and locally produced food. Open space protection is therefore one of the most rewarding commitments a community can make to future generations, and is a required element in the general plan of every California city and county. The City Council must approve all open space acquisitions. This action includes a public process whereby disclosures regarding purchase price, management costs, management intent and purpose and need are made.

I. PURPOSE AND SCOPE

This Open Space Protection Program serves as a mechanism for implementing the policies of the General Plan Open Space Element of Arcata's General Plan and integrating the goals of the Resource Conservation and Land Use Elements and other City plans that relate to the designation, maintenance, enhancement, and increasing the amount of permanently protected open space in and around Arcata. While the General Plan provides for open space protection through land use and zoning policies, the Open Space Protection Program primarily guides the City and its citizens in protecting and maintaining open spaces via purchase of land or easements that will enrich the lives of Arcata's residents in harmony with the needs and goals of the community.

Needs and Opportunities

1. The need to connect more fully our urban open spaces with each other and with major open spaces adjacent to the urban area.
2. The need and opportunity to protect lands, as the development pressures in and around the City will likely compromise open space resources without a proactive planning approach.
3. The need and opportunity to protect variety of open space types near the built environment so that they can better complement and enhance each other.
4. The need to unify and integrate open space direction and oversight so that management plans compliment rather than conflict with each other.

Policies affecting open space in Arcata are not confined to the Open Space Element of the General Plan, but are found throughout the document. For example, in the Growth Management Element of Chapter 2: Community Development, policy GM-1d reads:

Greenbelt: The rural and agricultural lands within the Planning Area are designated by the City as open space or greenbelt. The intent is that such lands shall not be developed with urban densities or uses and that land uses shall be limited to agricultural production and natural resources conservation.

See Appendix A for a complete list of open space-related policies found in the General Plan (other than those in the Open Space Element in Chapter 4).

II. OVERVIEW OF ARCATA'S OPEN SPACE RESOURCES

Arcata (pop. 16,650) is located on the Pacific coast in northern California. It is home to Humboldt State University, which offers the area cultural benefits of a larger city within the rural setting of a small town. Arcata comprises approximately 11 square miles, and is surrounded by forested hillsides to the east, agricultural lands to the west, Humboldt Bay to the south, and the Mad River to the north. Open space resources within the community include a community forest, a marsh & wildlife sanctuary, agricultural lands and wetlands, and neighborhood parks. The City has been actively purchasing fee title and conservation easements along creeks and wetlands. Most of these areas will have a public access component.

The 622-acre Arcata Community Forest was established in 1955, with combined goals of public recreation, education, scenic views, timber production and protection of wildlife habitat. Today, the Community Forest and the City's 1,193-acre Jacoby Creek Forest, provide a model of sustainable forestry, managed under an ecologically sensitive plan. The forests support multi-aged stands of redwood, spruce, fir, alder, hemlock and cedar trees and associated forest ecology. The Community Forest contains over 10 miles of popular hiking, biking and horseback riding trails. The Jacoby Creek Forest was expanded by 331 acres in 2002 and an additional 287 acres was added in 2003.

The southern portion of town is dominated by the tidelands and marshes of Humboldt Bay, the largest estuary between San Francisco and Coos Bay, Oregon. It is an important stopover for birds on the Pacific Flyway, including shorebirds, waterfowl and other estuarine-dependent species. A portion of the estuary has been set-aside as a national wildlife refuge. The tidelands and freshwater tributaries provide habitat for many threatened or endangered plant and animal species, including Chinook and Coho salmon, steelhead trout, coastal cutthroat trout and tidewater goby. Recently, the City purchased over 200 acres of coastal wetlands on the southern portion of town.

The 230-acre Arcata Marsh and Wildlife Sanctuary is an accessible and popular open space for walking, biking, jogging, and bird watching, with over five miles of trails and numerous ponds and wetlands. It provides seasonal and year-round habitat for over 200 species of birds, and attracts more than 100,000 visitors each year. The marsh also garners international attention for its innovative role as the city's wastewater treatment system. The marsh was expanded by 75 acres in 1999 when the City purchased the Hunt property.

Approximately 1,200 acres of agricultural lands exist within the city, with another 4,800 acres located outside city boundaries within the city's planning area. Farms range in size from 2 to 322 acres, and are zoned "Agriculture Exclusive" or "Rural Residential." Farm operations include beef

and cow pastures, silage, dairy, vegetable farms, and flower production. These areas are productive farmlands with some of the fields serving as seasonal wetlands. Diked former tidelands are also utilized for agriculture and provide significant wildlife use. Most of the farmed wetland areas around Humboldt Bay are former tidelands, once owned by the State, which private parties acquired from the State under the Swamp and Overflowed Lands Act. These lands are subject to the Public Trust Doctrine which could also include open space and recreational use.

Bordering on the Pacific Ocean at the western end of Arcata's planning area is the 500-acre Lanphere Dunes Unit of the Humboldt Bay National Wildlife Refuge. With its extensive beach pine forest, native dune system and fresh water swamps, it is a unique natural area on the west coast. The Lanphere Dunes Unit is managed by the U.S. Fish and Wildlife Service.

There are 23 neighborhood parks in Arcata, providing passive and active recreational opportunities such as skateboarding, hiking, and picnicking. The Arcata Plaza serves as a hub of community activity and a focal point of the downtown business district. Surrounded by historic buildings, the plaza is the site for festivals, art openings, and a popular farmers market.

The City has a strong record working with a wide variety of agencies, individuals, and organizations to achieve common goals. Open space partnerships often allow preservation and restoration work to occur more efficiently and quickly, and opportunities to participate in cooperative acquisitions or grant seeking can be an effective way to leverage limited City funds. For this reason, partnerships should be considered when contemplating any open space activity. Land trusts are often partners in preserving open space lands. Often called conservancies or foundations, trusts can be local, regional, statewide or national organizations whose main purpose is to protect land that has natural, recreational, scenic, historical or productive value. In many cases, the City will need to coordinate with the County of Humboldt, local Land Trusts and state and federal agencies to protect open space resources outside the City limits.

The preservation of significant cultural and ecological landscapes is important to the City's identity and to the well being of its residents. It is the City's responsibility to maintain the integrity of its open spaces and develop a viable system that includes linkages and trails. These guidelines have been formulated to assist the citizens of Arcata to achieve this vision.

III. ELIGIBLE LANDS

The Open Space Element of the General Plan (see Appendix B) recognizes four categories of open space, with a separate set of policies for each. An additional set of policies (OS-1) covers the overall open space system. Detailed descriptions of open space categories and relevant policies are provided in Appendix B.

<u>Open Space Category</u>	<u>Relevant Policies</u>
Open space for maintenance & enhancement of natural resources	OS-2
Open space for the managed production of resources*	OS-3
Open space for outdoor recreation	OS-4
Open space for public health and safety	OS-5

**Resource open space lands may include public access and recreation when these uses are found to be consistent with the primary open space use.*

The Open Space Committee has identified nine types of lands that are eligible for Open Space designation in the City of Arcata:

1. Conservation lands, natural resource protection & enhancement lands
2. Agricultural lands
3. Forest resource lands
4. Parks, parklands, coastal and river access lands
5. Greenways, greenbelts, and buffers
6. Lands of historical, cultural, and educational importance
7. Lands with scenic value (viewsheds & scenic vistas)
8. Lands with public health & safety concerns
9. Public trust lands (existing and former tidelands, baylands and navigable rivers)

The City recognizes that each of these nine land types may fall under more than one of the four open space categories listed above. For example, agricultural lands (type 2) primarily fall in the category “open space for the managed production of resources,” and therefore OS-3 policies apply. However, an agricultural property may happen to lie within a flood plain, in which case it would also fall within the category “open space for public health and safety,” and OS-5 policies would apply as well.

For ease of use, the nine types of eligible lands identified above are listed under the open space category they *primarily* fit in the “List of Eligible Lands” below. Recognizing that specific lands may fall under more than one category, additional policies that may apply are listed in parentheses after the type of land.

LIST OF ELIGIBLE LANDS

Open Space For The Maintenance And Enhancement Of Natural Resources and Public Trust Lands (OS-2 Policies)

1. Conservation Lands, Natural Resource Protection & Enhancement Lands (OS-3, -4, and -5 policies may also apply)
 - 1a. Land containing endangered, threatened, or rare species, or species of special concern, and sensitive habitats.
 - 1b. Natural communities characteristic of our region. OS-4b Coastal access policy.

The City shall maintain coastal access corridors to Arcata Bay and other public use areas and public trust lands within the coastal zone.

Coastal access routes include:

1. Access from Samoa Boulevard to Arcata Bay via South "I" and "G" Streets.
 2. Access to Mad River Beach via Mad River Road.
 3. Access to Manila Dunes via Samoa Boulevard.
-
- 1c. Lands providing essential ecosystem functions such as nutrient cycling, habitat for native flora and fauna, purification of air and water, and carbon sequestering.
 - 1d. Aquatic ecosystems, including streams, wetlands, flood plains, and ponds.
 - 1e. Forest lands suitable for conservation and restoration.
 - 1f. Forested, upland or riparian corridors, which allow for the movement of wildlife.

Open Space For The Managed Production Of Resources (OS-3 Policies)

2. Agricultural Lands (OS-2, -4, and -5 policies may also apply)
 - 2a. Lands in active agriculture/grazing or with potential for agricultural/grazing use.
 - 2b. Lands with highly productive soils (Class 1 and 2).
 - 2c. Lands suitable for community agricultural operations such as community supported agriculture, community gardens, and small family farms.
 - 2d. Agricultural greenbelts.
3. Forest Resource Lands Other Than Community Forest (OS-2, -4, and -5 policies may also apply)
 - 3a. Land devoted primarily to the growth and harvest of timber. May include other forest resources and areas for passive recreation.

Open Space For Outdoor Recreation (OS-4 Policies)

4. Parks, Parklands, Coastal and River Access Lands (OS-2 and OS-5 policies may also apply)
 - 4a. Parklands with natural features as well as lands suitable for public recreational uses.
 - 4b. Lands suitable for parks and/or parkways.
 - 4c. Lands for active and passive outdoor recreation.
 - 4d. Links that establish a corridor between existing or proposed trails, parks, viewsheds, or open space preserves along or on waterways.
 - 4e. Land that has the potential to be part of a community, regional, or state park or greenway system.
 - 4f. Links that create non-motorized transportation uses.
 - 4g. Coastal access corridors.
5. Greenways, Greenbelts, and Buffers (OS-2, -3, and -5 policies may also apply)
 - 5a. Land adjacent to roads and railroads that could be used for walking, biking, and other non-motorized transport.
 - 5b. Land that separates already built-out areas or areas that have the potential to be developed, and could serve as community green space.
 - 5c. Land that serves as a buffer between urban areas and resource lands and could be used for leisure and recreation.
6. Lands of Historical, Cultural, and Educational Importance (OS-2 and OS-4 policies may also apply)
 - 6a. Undeveloped lands containing historic buildings and/or sites of historic value.
 - 6b. Lands containing resources of archeological value.
 - 6c. Undeveloped lands adjacent to sites of historical or archeological value necessary for their protection.
 - 6d. Land that has (or has potential for) educational or scientific value.
7. Viewsheds & Scenic Vistas (OS-2, -3, and -5 policies may also apply)
 - 7a. Lands possessing outstanding scenic qualities visible from public access point.
 - 7b. Lands that contribute to open space viewsheds.
 - 7c. Areas that offer outstanding views of the city, rural lands, baylands or forest.

Open Space For Public Health And Safety (OS-5 Policies)

- 8. Public Health & Safety (OS-2, -3, and -4 policies may also apply)
 - 8a. Flood plains
 - 8b. Steep slopes
 - 8c. Liquefaction areas
 - 8d. Unstable soil areas

IV. CONSERVATION METHODS and TOOLS

The City fulfills its purpose to protect open space lands by adopting general plan policies and implementing ordinances that affect land use, protecting natural resources and applying the Public Trust Doctrine. Also, the City works with willing landowners to acquire two types of real property interests: conservation easement (partial interest) and land in fee (full interest):

Conservation Easement (Partial Interest)

A Conservation easement is the purchase of development rights to all or a portion of real property. The easement is a legally binding deed and agreement between a landowner and the City in which the landowner limits the development and other uses of property to protect its conservation values. *(For a further discussion of conservation easements see Appendix C.)* This option results in permanent protection.

Land in Fee (Full Interest)

The City also acquires land outright for public purposes, such as for a park or wildlife preserve. The City may on occasion purchase land in fee and resell it with conservation easement restrictions that achieve the City's agricultural preservation and open space purposes. *(For a further discussion of land in fee see Appendix C.)* Fee title purchase usually results in permanent protection especially if a granting agency places covenants and restrictions on the property.

Land Use Policies

Through adopted policies and ordinance, open space areas are protected. Often open space dedications are a required condition of approval for development projects. . Land use policies protect open space values until actions are taken to change the land use, grant a variances etc. Therefore, this type of protection is not necessary a long-term protection measure as it allows some flexibility to future citizens and decision makers.

Other Acquisition Tools

Outright Donations

Property owners may deed their land to the City for open space purposes. This is a very desirable method of conveyance because it is simple and it gives the entrusted party relative freedom to vary the uses of the property to meet changing needs or conditions. Donation of property avoids further real estate or estate taxes, and maximum savings can be obtained

from federal and state income and capital gains taxes. Under California state tax laws, a property owner, whether a private individual or a corporation, is entitled to a tax reduction by donating all or part of the property to a qualifying charitable organization. Donated sites should be carefully evaluated and accepted by the City only if they meet the criteria and goals of the open space Program.

Right of First Refusal

A right of first refusal is a landowner's written promise to offer the City, or other entity, the first opportunity to buy the land should they decide to sell it. This can be especially worthwhile when the landowner agrees to manage the property to protect its natural values until they dispose of it.

Transfer of Development Rights (TDR)

TDR can be a very useful mechanism for preserving open space resources. Using TDR, development "credits" from one area ("donor site") may be transferred to another area ("receiving site"). This allows ecologically or otherwise sensitive areas to be preserved without reducing development potential in the City, and provides a way for the private marketplace to operate in an efficient manner while attaining the goals of the General Plan.

Selecting a Conservation Method

The method the City uses to preserve each property depends on a number of factors, such as:

- Conservation goals and priorities of the City
- Motivation and wishes of the landowners
- Resources present on the property
- Financial resources of the City

The City meets the unique challenges of each conservation transaction by selecting the right tool (i.e., conservation easement or fee acquisition) and utilizing the full range of real estate practices, including options including lease, that best fulfill its open space preservation and purpose. (*For more information on these types of transactions see Appendix C.*) The City will seek matching funds from foundations, federal agencies, and other conservation partners to leverage funds for acquisition of open space lands and easements.

V. CRITERIA FOR SELECTION

The matrices that follow guide the City in determining whether a property is eligible and worth pursuing for inclusion in the City's open space system based on how well the property meets criteria established in the City's Open Space Protection Program and General Plan, and the desirability of acquisition of the property in comparison to other eligible properties. The matrices may also be incorporated in future City and County planning documents that affect the planning area.

Property Under Consideration:

I. Initial Cut Matrix

The questions in this section address initial factors concerning the property being analyzed. Answers to these questions will allow staff and the appropriate committee's and commission's to recommend to the City Council whether the property in question meets basic eligibility requirements of the Open Space Protection Program.

Open Space Category

Does the property fit into the open space categories identified in the General Plan? (Indicate "P" for primary value; "S" for secondary value(s)):

Maintains and enhances natural resources _____

Managed production of resources _____

Outdoor recreation _____

Public health and safety _____

Location

Where is the land located? (Indicate with a check mark.)

_____ City of Arcata

_____ Arcata sphere of influence

_____ Arcata planning area

_____ Outside Arcata planning area

Contribution to Open Space

(Yes/No) Does the property:

_____ contribute to the diversity of lands within the open space system?

_____ Contribute to the balanced distribution of lands within the open space system?

_____ Reinforce and enhance other open spaces (and vice versa)?

How is property currently zoned? (fill in blank)

(Yes/ No)

_____ Would acquisition require re-zoning?

* Projects do not have to score in all areas in order to be valuable or to proceed to the next matrix.

II. Innate Characteristics Matrix

LANDS FOR THE MAINTENANCE & ENHANCEMENT OF NATURAL RESOURCES

Directions: Rank the property from 0 to 3 on each question (with “0” a strong negative and “3” a strong positive). Multiply by the assigned weight to achieve the score.

NATURAL RESOURCE LANDS

CRITERIA	<u>RANK</u> x <u>WEIGHT</u> = <u>SCORE</u>
<i>Primary Characteristics: Natural Values</i>	
Provides significant, rare, or unique wildlife habitat or known migratory routes.	_____ x 6 = _____
Has significant, rare, or unique natural vegetation or other fragile resources.	_____ x 6 = _____
Is adjacent or connected to existing conservation lands, or sets important precedent for habitat and open space protection in needed areas.	_____ x 5 = _____
Has ability to restore habitat values or helps restore natural resources that have been altered or damaged.	_____ x 4 = _____
Includes a stream, watercourse, wetland, slough, or shoreline.	_____ x 3 = _____
<i>Secondary Characteristics: Human Use Values</i>	
Is visually attractive and accessible, providing scenic benefits, viewshed, valuable open space, and/or historical or cultural resources.	_____ x 3 = _____
Is suitable for non-intrusive passive recreation.	_____ x 3 = _____
Contains or has potential to contain ecosystems of educational or scientific value.	_____ x 2 = _____
Total Points: (96 maximum possible)	_____

LANDS FOR THE MANAGED PRODUCTION OF RESOURCES

Directions: Rank the property from 0 to 3 on each question (with “0” a strong negative and “3” a strong positive). Multiply by the assigned weight to achieve the score.

AGRICULTURAL LAND

CRITERIA	<u>RANK</u> x <u>WEIGHT</u> = <u>SCORE</u>
Has topography, location, and soil suitable for current or future agricultural or grazing use. (Consider Soil Productivity Index).	_____ x 6 = _____
Has potential for or is currently serving the community in a beneficial way, e.g., CSA; community garden; greenbelt; education; conservation easement; lease/resale opportunity; urban separator.	_____ x 6 = _____
Has infrastructure necessary for continued or expanded agricultural use, or it can be obtained without undue difficulty.	_____ x 4 = _____
Has historical, educational or wildlife value, or offers recreational opportunities consistent with agricultural use.	_____ x 3 = _____
Total Points: (57 maximum possible)	_____

FOREST LAND

CRITERIA	<u>RANK</u> x <u>WEIGHT</u> = <u>SCORE</u>
Has topography, location, and soil suitable for current or future forest management.	_____ x 6 = _____
Has access necessary for continued or expanded forest management.	_____ x 6 = _____
Has potential for or is currently serving the community in a beneficial way, e.g., open space, greenbelt, viewshed, watershed protection, carbon storage.	_____ x 4 = _____
Sustains wildlife, has historical or educational value, or offers recreational opportunities consistent with forest management use.	_____ x 3 = _____
Total Points: (57 maximum possible)	_____

LANDS FOR OUTDOOR RECREATION

Directions: Rank the property from 0 to 3 on each question (with “0” a strong negative and “3” a strong positive). Multiply by the assigned weight to achieve the score.

OUTDOOR RECREATION

CRITERIA	<u>RANK</u> x <u>WEIGHT</u> = <u>SCORE</u>
Has potential to be a community park or greenway for passive or active recreation.	_____ x 7 = _____
Connects or has potential to connect or contribute to other recreational spaces. (Linking 2 or more protected parcels should result in higher score).	_____ x 6 = _____
Serves as a buffer between urban areas and resource lands and can be used for leisure or recreation.	_____ x 4 = _____
Contributes to open space viewsheds.	_____ x 3 = _____
Offers outstanding views of the city, rural lands, baylands, or forest.	_____ x 3 = _____
Has historical, cultural, educational, or ecosystem importance.	_____ x 3 = _____
Total Points: (78 maximum possible)	_____

****TOTAL CUMULATIVE POINTS** (288 maximum total possible) _____

LANDS FOR PUBLIC HEALTH AND SAFETY

Directions: Given the unique nature of this type of land, the matrix asks only for a yes/no answer.

PUBLIC HEALTH AND SAFETY

CRITERIA	YES/NO
Located in a designated flood plain or on steep slopes (over 25%)	_____
Located in areas prone to liquefaction	_____
Located in an area with unstable soils	_____
Property is currently protected by Land Use Development Guide and or zoning overlay	_____

III. Maintenance, Liability, And Other Issues

This section provides an opportunity to discuss issues of cost, maintenance, liability, urgency, and other factors specific to the property under consideration. Please provide notes from discussion of final-cut matrix questions. Some of these considerations may result in a land protection proposal being declined by the City. Please provide notes from discussion of final-cut matrix questions.

FINAL CUT MATRIX

Yes/No Maintenance

_____ Are maintenance issues known? (If so list below)

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

Is the level of required maintenance: (check one)

High _____

Medium _____

Low _____

_____ Are there costs to the city associated with maintenance?

_____ Are city resources available for maintenance?

_____ Is there another entity that can perform the maintenance?

_____ Are there special liability issues associated with maintenance?

_____ There is reason to believe that the land/easement would be unusually difficult to manage or enforce.

_____ The easement would be difficult to monitor and enforce

_____ Landowner requires provisions in the easement which would diminish the property's conservation values or the City's ability to enforce the easement

Yes/No

Opportunity vs. Threat

- _____ Is the property presently under development pressure?
- _____ Is this an especially attractive or timely opportunity to obtain this property for open space?
- _____ Adjacent properties are being, or are likely to be, developed in a manner that would significantly diminish the conservation or public values of the property in question.

Yes/No Cost

- _____ Is cost reasonably related to the land's open space value to the community?
- _____ Does expenditure accomplish preservation at the least possible cost?
- _____ Do benefits of preservation outweigh costs?
- _____ If fee simple acquisition is contemplated, would a conservation easement or other option accomplish the same goal at less expense?
- _____ Was a conservation easement an option?
- _____ Are grant funds available?
- _____ Is there a revenue stream from the property (such as rent, grazing fees, timber harvest potential?)
- _____ Is the City liable for property taxes?
- _____ Is the City liable for fire protection fees?
- _____ The property is found to be irreparably contaminated or the cost of cleanup is too high.

NOTES: Attach additional pages if necessary.

Management Plans

Management plans will strive to balance public access and enjoyment with the need to protect and manage the land for its natural resource values. Providing the public with access to recreational activities – picnicking, fishing, hiking, boating and nature study – requires careful planning. This will ensure that each open space component becomes an asset to the community and not a target for complaints, or worse, a source of liability. The varied and sometimes competing issues associated with each site can be evaluated and decided through this process, and will involve neighborhood representatives, citizen organizations, resource management agencies, local governments, businesses, and interested individuals.

In many cases, existing management plans already exist. For example, additions to the Community Forest will be amended into the existing Arcata Community Forest/ Jacoby Creek Management Plan. New parklands will be amended into the Parks Master Plan, and creek areas will be managed under the existing Creeks Management Plan. Management plans and or amendments will be coordinated with these existing plans, and with other public and private partners and owners.

One of the first considerations in developing a management plan will be an examination of the property's relationship to its watershed location. Since natural resource protection and watershed health are important goals in the open space protection program, an analysis of any proposed action must be made within this larger context. In some cases, watershed assessment studies or management plans may have already been done by local organizations or other public agencies.

At a minimum, each site's specific management plan will include actions addressing the following important issues:

- The lead agency or responsible party for all management and maintenance activities
- Maintenance issues, such as vegetation control of invasive exotic species, litter abatement, illegal activities and vandalism
- Recreation amenities and improvements appropriate for the site
- Connection opportunities to citywide recreation facilities and trails
- The desired level of public access (unrestricted, limited, or none)
- Public safety issues related to transients and undesirable or illegal activities
- Stormwater protection measures
- Public education and stewardship activities relevant to the special qualities of the site, including interpretive facilities such as maps and exhibits
- Compatibility of existing and proposed site improvements with adjacent properties and land uses
- Habitat restoration, enhancement projects, trail building, and appropriate volunteer activities
- Funding sources to assure the existence of long-term stewardship and care
- Local landowner concerns to minimize trespass on private lands
- Fire management concerns, including fire control and fuel management

VII. LIST OF APPENDICES

<u>Appendix</u>	<u>Title</u>
A.	Policies Related to Open Space in Arcata General Plan 2020 (other than those found in Chapter 4: Open Space Element)
B.	Open Space Element (Chapter 4 of General Plan 2020).
C.	Conservation easements, land in fee, City real estate transactions.
D.	Funding Mechanisms
E.	Maps
F.	Process For Working With Landowners

Appendix A--Policies Related to Open Space in Arcata General Plan 2020

(Other than those found in Chapter 4: Open Space Element)

Chapter 1: Introduction

Pg. 1-8 “Protection and enhancement of the natural environment and preservation of open space will continue to be high priorities. Creek, wetland, bayland and tideland, agriculture, forest, soil and mineral resource issues, and the broader issue of natural biological diversity and ecosystem function, are specifically addressed in the General Plan. The protection of open space within the City and an agricultural and forest greenbelt around the City are integral to the future form of the City.”

Chapter 2: Land Use Element

Pg. 2-5 H: “Retain agricultural and natural resource lands within the City.”

Pg. 2-8 LU-1e: Protection of natural resources and agricultural lands. “Agricultural [A-E] and Natural Resource [NR] designated lands make up over half of the community land base. Their productive, open space, and natural resource values are important to the community and conversion to other non-compatible uses shall be prohibited.

Pg. 2-10 Table LU-3: Specific Considerations for certain Residential Areas. Spear Ave. & St. Louis Rd. “Residential development shall include a mix of housing types and shall be clustered to maintain creek course and riparian areas as open space [Sorensen property].”

Sunset at Baldwin. “Residential development shall be clustered to preserve Jolly Giant Creek course and wetland areas as open space.”

Pg. 2-11 LU-2d: Planned residential developments. “The purpose shall be to: incorporate a mix of residential types, unit sizes, and styles in a coordinated manner to allow clustering of units; to provide larger, more usable areas of common open space; and to protect natural resources or site features, such as creekside riparian areas, wetlands, and significant vegetation such as trees.”

Pg. 2-18 LU-5a: Public Facility [PF] uses. “[Public Facility land] uses include schools, public services and administrative offices, wastewater and solid waste management facilities, public parking lots, parks and non-commercial recreation uses, golf courses... cultural facilities, community gardens.”

Pg. 2-18 Policy LU-6: Agricultural and Natural Resource Lands. Objectives: “preserve and promote the agricultural, forest, and aquaculture lands; and protect public natural resource/open space lands, including stream courses, wetlands, tidelands, and open space areas.”

LU-6d Uses allowed in diked/reclaimed former tidelands.

Allowable uses and development in grazed or farmed wetlands are limited to uses compatible with the Public Trust. These uses are summarized below:

1. Agricultural operations limited to accessory structures, apiaries, field and truck crops, livestock raising, greenhouses (provided they are not located on slab foundations and crops are grown in the existing soil on site), and orchards.
2. Farm related structures, including barns, sheds, and farmer occupied housing, necessary for the performance of agricultural operations. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on Public Trust resources and uses. No more than one primary and one secondary residential unit shall be allowed per parcel.
3. Restoration projects.
4. Nature study, aquaculture, and similar resource dependent activities compatible with the Public Trust resources and uses.

NATURAL RESOURCE CONSERVATION AND MANAGEMENT ELEMENT

Overview of Arcata's Natural Resources. Collectively, Arcata's natural resources constitute a significant component of the community. The forested hillsides, including the community forest, the Arcata Bottom, baylands, tidelands, creeks and wetlands are features of the natural ecosystem, which is as much a part of the community as homes, businesses, and schools. Goals and policies for conserving, enhancing, and managing the City's natural systems and features are critical ingredients of the General Plan.

Overview of agricultural resources. Agricultural lands represent an important natural resource within the City. Arcata's agricultural lands are currently used primarily for flowers, silage and hay production, food production, and livestock grazing. The Ferndale, Russ, and Loleta series are Arcata's most productive agricultural soils.

The agricultural lands in and around Arcata produce crops of raspberries, strawberries, lilies, daffodils, potatoes, corn, artichokes, hay (forage for cattle), and a number of other shallow rooted crops. There is community support for the continuation of dairy, beef, vegetable, fodder, and flower production in the City and the Planning Area, and recognition that protection of agricultural values, as well as open space and recreational values, is important.

CITY OF ARCATA GENERAL PLAN 2020

LAND USE ELEMENT

POLICY LU-6 AGRICULTURAL AND NATURAL RESOURCE LANDS

LU-6a Agricultural and Natural Resource classifications.

The following land use categories are applicable to agricultural and natural resource lands. Table LU-9 defines permitted uses, densities, lot sizes, and coverages for each category.

Objectives. Preserve and promote the sustained production of natural resources; preserve and promote the agricultural, forest, and aquaculture lands; and protect public natural resource/open space lands, including stream courses, wetlands, tidelands, and open space areas. Provide for complementary uses including farm housing, processing of agricultural and aquaculture products, and access for timber harvesting, in designated areas.

Natural Resource [NR]. This designation is applied to public or private lands where protection of unique and/or sensitive natural resources, or managed production of resources, are the primary objectives. The resources element describes three subdistrict zones within the NR district that are

designated: Wetland Stream Protection Zone (NR-WSPZ), Timber Production Zone (NR-TPZ), and Public Trust Zone (NR-PTZ). Examples of lands designated NR include the Community Forest (NR-TPZ), Janes Creek /McDaniel Slough Linear Park (NR-WSPZ), and the Arcata Marsh and Wildlife Sanctuary (NR-PTZ). Recreation may be considered as a secondary use when there are no adverse impacts to the protected resources. This designation is also applicable to productive resource lands, such as timber-producing forested areas (NR-TPZ) and aquaculture in Arcata Bay (NR-PTZ).

Pg. 2-21 LU-6d Uses allowed in diked/reclaimed former tidelands.

Allowable uses and development in grazed or farmed wetlands are limited to uses compatible with the Public Trust. These uses are summarized below:

1. Agricultural operations limited to accessory structures, apiaries, field and truck crops, livestock raising, greenhouses (provided they are not located on slab foundations and crops are grown in the existing soil on site), and orchards.
2. Farm related structures, including barns, sheds, and farmer occupied housing, necessary for the performance of agricultural operations. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on Public Trust resources and uses. No more than one primary and one secondary residential unit shall be allowed per parcel.
3. Restoration projects.
4. Nature study, aquaculture, and similar resource dependent activities compatible with the Public Trust resources and uses.

Pg. 2-20 LU-6c: Protection of agricultural lands and uses within the City. “Agricultural lands represent an important natural resource within the City.”

Pg. 2-22 LU-6e: Relationship with the Open Space and Resource Conservation and Management Elements. “The Open Space and Resource Conservation and Management Elements (General Plan Chapter 4) address the natural resource values of agricultural and natural resource lands. Lands designated Agriculture Exclusive [A-E] and Natural Resource [NR] are important components of City’s open space, as defined in the Open Space Element.... The policies of [this element] shall apply to future agricultural and natural resource land use decisions.”

Pg. 2-27 Guiding Principles and Goals [for Growth Management]:

B. Preserve the rural character and promote resource protection in the Planning Area.

E. Protect flood-prone, steeply sloped, streamside buffer areas and productive natural resource, agricultural, and forestlands from urban development.

F. Incorporate greenbelts, designated natural areas, and other open space into the planning area and Sphere of Influence in order to maintain an identity separate from surrounding communities.

Pg. 2-29 GM-1d: Greenbelt: “The rural and agricultural lands within the Planning Area are designated by the City as open space or greenbelt. The intent is that such lands shall not be developed with urban densities or uses and that land uses shall be limited to agricultural production and natural resources conservation.”

Pg. 2-62 T-5g: Pedestrian pathways and multi-use trails: “Pedestrian pathways or multi-use trails for the exclusive use of non-motorized transportation modes should be provided. Pathways may be long facilities located along corridors or short facilities providing

direct access through development projects or connecting areas not directly accessible by streets. Pathways should be planned to serve both recreational and commuter needs.”

- Pg. 2-65 T-7d: Rails to Trails conversions: “The City supports plans to convert abandoned railroad rights-of-way to provide multi-use trails. Planning efforts shall be coordinated with federal, state, and regional agencies to obtain funds to purchase or lease abandoned lines if the railroad authority selects not to dedicate the right of way. If feasible, active railroad lines may be used for multi-use trail purposes.”

Chapter 4: Environmental Quality and Management

- Pg. 4-10 RC-2f: Conservation easement: “Dedication of a conservation easement, or equivalent deed restriction, encompassing the area within the [Streamside Protection Area (SPA)] shall be required as a condition of approval of any discretionary planning permit, including design review, when any portion of the project site falls within an SPA. Such easements may be conveyed to the City of Arcata... or to an appropriate non-profit entity.”

- Pg. 4-10 RC-2b Streamside Protection Areas (SPA).

A streamside protection area is hereby established along both sides of the streams identified on the City Watercourse Map. The purpose of the SPA is to remain in a natural state in order to protect streams’ ecosystems and their associated riparian habitat areas. The SPA shall include:

1. In areas where existing development, as defined in the Land Use Code, is adjacent to the stream, the SPA shall be not less than 25 feet outward on both sides of the stream, measured from the top of bank.
2. In all other locations within the City, the SPA shall be not less than 100 feet outward on both sides of the stream, measured from the top of bank.
3. In locations within the City having significant areas of riparian vegetation exceeding 100 feet in width measured from the top of bank, the SPA shall be expanded to encompass all of the riparian vegetation, except in no case shall the SPA exceed 250 feet in width from the top of bank on either side of the stream.

- Pg. 4-23 RC-3c Designation of Wetland Protection Areas (WPA).

A WPA shall be established to separate all permitted development from adjacent existing wetlands that are to be preserved in a natural state and new wetland areas that are created as a mitigation. The WPA's purpose is to remain in a natural state in order to protect wetland ecosystems and their associated habitat areas from destruction or degradation. The extent of the WPA shall be established based upon analyses and recommendations contained in a site-specific wetland delineation study, but shall include the wetland area and a setback area which shall generally range from a 50 foot minimum to a 100 foot maximum. Specific findings, based on evidence provided for City review, shall be required for setbacks less than 100 feet.

Pg. 4-23 RC-3d Allowable uses and activities in Wetland Protection Areas.

The following compatible land uses and activities may be permitted in WPAs, subject to all other policies in this Element, including those requiring avoidance of impacts and other mitigation requirements:

1. Resource restoration or enhancement projects.
2. Farming, consistent with policy RC-3l.

Pg. 4-26 RC-3l Uses allowed in diked/reclaimed former tidelands.

Allowable uses and development in grazed or farmed wetlands are limited to uses compatible with the Public Trust. These uses are specified in Land Use Element Policy LU-6 and are summarized below.

1. Agricultural operations limited to accessory structures, apiaries, field and truck crops, livestock raising, greenhouses (provided they are not located on slab foundations and crops are grown in the existing soil on site), and orchards.
2. Farm related structures, including barns, sheds, and farmer occupied housing, necessary for the performance of agricultural operations. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the *structures are sited and designed to minimize adverse environmental effects on Public Trust resources and uses*. No more than one primary and one secondary residential unit shall be allowed per parcel.
3. Restoration projects.
4. Nature study, aquaculture, and similar *resource-dependent activities compatible with Public Trust resources and uses*.
5. Incidental public service purposes which may temporarily impact the resources of the area (such as burying cables or pipes).

Expanding farming operations into non-farmed wetlands, by diking or otherwise altering the functional capacity of the wetland is not permitted. Farm-related structures (including barns, sheds, and farm-owner occupied housing) necessary for the continuance of the existing operation of the farmed wetlands may be located on an existing farmed wetland parcel, only if no alternative upland location is viable for such purpose and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. Clustering and other construction techniques to minimize both the land area covered by such structures and the amount of fill necessary to protect such structures will be required.

Pg. 4-24 RC-3g: Conservation easements: “Dedication of a conservation easement, or equivalent deed restriction, encompassing the area within the [Wetlands Protection Area (WPA)] shall be required as a condition of approval of any discretionary planning permit, including design review, when any portion of the project site falls within a WPA. Such easements may be conveyed to the City of Arcata... or City-approved non-profit entity...”

Pg. 4-26 Policy RC-4: Open Waters of Arcata Bay & Tidelands. “Objective: Maintain existing Bay wetlands and tidelands, protect them from urban and agricultural encroachments, or degradation, and manage the open waters of Arcata Bay for their wildlife, fisheries, navigation and ecological values and recreation and tourism uses.”

Pg. 4-26 RC-4a Protection of open waters /tideland areas of Arcata Bay.

The tidal and water areas of Arcata Bay constitute a fragile Public Trust resource and access shall be controlled to avoid resource degradation, while maintaining the public's right to navigation. Tidal marshes shall be enhanced and maintained, especially in the areas of McDaniel, Gannon, and Butcher's Sloughs, to protect wetland values.

Pg. 4-27 RC-4b Access to Arcata Bay.

The following routes are designated as Public Access Corridors and are to be properly signed and identified as approved Bay access points.

1. "I" Street from Samoa Boulevard, south through the Arcata Marsh and Wildlife Sanctuary to the boat launching facility on Arcata Bay.
2. South "G" Street south of "H" Street, to Highway 101.
3. Highway 101 from Samoa Boulevard (Highway 255), south to Bayside Cutoff.
4. Samoa Boulevard from Highway 101 west to Mad River Slough.

A system of foot trails and interpretive sites shall be established along the Arcata Bay shore westward to the City limit, subject to the following guidelines.

5. All planning and development in the area that is both South of Samoa Boulevard and west of State Route 101 and which is identified as tidelands, former tidelands, wetlands or riparian corridor on the adopted Wetlands Map shall be reviewed by the Creeks & Wetlands Committee, and coordinated with California Department of Fish and Game.
6. Development in the area bounded by Butcher's Slough and Gannon Slough should occur in conjunction with management of the National Wildlife Refuge and the Arcata Marsh and Wildlife Sanctuary.
7. Motorized vehicles shall be restricted to paved roads and parking lots.
8. Pedestrians shall be restricted to designated trails and facilities.
9. Valid scientific and educational studies of wetlands and tidelands are encouraged.

Pg. 4-27 RC-4c Coastal-dependent and public trust uses of Arcata's tidelands.

Tidelands of Arcata Bay support a variety of wildlife as well as human activities. The following provisions shall be made for managing tideland areas.

1. New development shall not restrict access to the shoreline. Access to coastal areas shall be required for new development.
2. Tidelands and water areas of Arcata Bay shall be designated Natural Resource-Public Trust Lands [NR-PTL], and identified as passive use recreational areas.
3. The Arcata Marsh and Wildlife Sanctuary shall be designated as Natural Resource [NR] and the recreational component of the project identified as a passive use recreational area.
4. The continued use of the tideland for scientific and educational studies is encouraged.
5. The Arcata Marsh and Wildlife Sanctuary (AMWS) shall be maintained and new facilities shall be consistent with the AMWS plan adopted by the City Council.
6. The South "I" Street boat launch shall be enhanced and maintained to accommodate small watercraft and windsurfing.
7. Removing or modifying barriers such as tide gates that prevent migrating anadromous salmonids which are federally listed endangered species from reaching their critical habitat.
8. Exclusionary fencing to keep livestock out of the SPA.

9. The placement of interpretative sites along the Arcata Bay shore, including Nature and Wildlife Centers, shall be coordinated with other agencies, and serve as an educational focal point for Arcata's natural resource areas.

10. Access on the levee from the AMWS westward to the City limit will be provided for passive recreation and nature observation.

Pg. 4-29 Policy RC-4f Management of bay front and marsh areas for coastal access, recreation, and tourism.

Tidelands and water areas of Arcata Bay shall be designated Natural Resource-Public Trust Land [NR-PTL] and protected from uncontrolled access

Pg. 4-31 Policy RC-5d: Permanent protection for agricultural lands. “Protection of agricultural resources shall be secured through the purchase of conservation easements, development rights, and outright acquisitions. The City shall work in conjunction with other entities such as land trusts, whenever possible, to preserve agricultural buffers and maintain and enhance agricultural uses on prime agricultural soils.”

Pg. 4-31 RC-6a: Management of Arcata Community Forest: “1. Recreation and aesthetics resource management: The Community Forest will emphasize dispersed, day-use opportunities. Recreational use shall not be allowed to impact other resources, such as fish, wildlife, or watershed.”

Pg. 4-32 RC-6b Management of Jacoby Creek Forest: “The management policies for the Jacoby Creek Forest are the same as those for the Arcata Community Forest, listed above, except that the Jacoby Creek Forest is not open to recreational use.”

Appendix B – Open Space Element from Arcata General Plan 2020

OPEN SPACE ELEMENT

4.1 INTRODUCTION

Overview of Arcata's Open Space Resources. Arcata=s open spaces take many forms and serve a variety of functions. Open space areas represent a significant and desirable component of the community=s character and maintain natural, recreational, and visual resources for future community use and enjoyment. Open space is valuable for both passive and active uses. Designating or otherwise protecting lands as open space provides for: protection of natural habitats and species; managed production of natural resources such as agricultural and forest products; recreational uses; coastal access; scenic, aesthetic resources; and avoidance of development on such areas as steep slopes, faults, and flood zones that are potentially hazardous to the community. Open space is also valuable for preserving scenic views and other aesthetic considerations. The overall system is also enhanced when open space lands are linked by natural biological corridors, greenways, easements, and other types of connections. Open space categories are described in more detail below, and mapped on Figure OS-a located in the map pocket at the end of this chapter.

Open Space for the maintenance and enhancement of natural resources protects plant and animal habitat, especially in areas where rare, endangered, or threatened species exist. Arcata=s creek watersheds and watercourses, McDaniel, Gannon, Butcher and Mad River sloughs, Arcata and Aldergrove Marshes, wetlands, baylands and tidelands, and ecological and scientific study areas, may also be included in this category.

Open space for the managed production of resources includes forest lands on the west slopes of Fickle Hill, agricultural lands in the Arcata Bottom and Bayside areas, aquaculture areas in Arcata Bay, and the aggregate

deposits along the Mad River. These areas are important for their production of food, wood, and mineral products, as well as for maintaining water quality and other ecological functions.

Open space for outdoor

includes City parks and ballfields, such as Community Center; cultural and special use field, Skate park, and Plaza; neighborhood Stewart Parks; and natural areas such as the

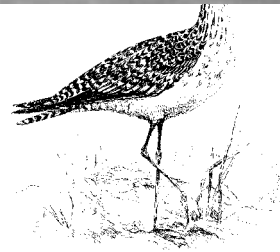


recreation

Redwood Park and the areas such as the Arcata Ball parks such as Sunny Brae and Arcata Marsh and Shay Park.

Open space for public health

earthquake fault zones, steeply sloped hillsides, and 100-year floodplains.



and safety includes liquefaction areas,

In many cases, open space can provide multiple benefits. Arcata Bottom and forested lands on the western slopes of for their natural and resource production capabilities. natural drainage systems, sustain natural habitats, community=s viewshed and provide an aesthetic resource. Designating these and other open spaces in the General Plan documents their value to the community. It also allows City decision-makers to identify open space as an important resource when considering proposed changes in community form.

Agricultural lands in the Fickle Hill are important. These lands also retain enhance the

Within the city and surrounding Planning Area, natural resource lands that are part of the open space system include: ocean beach; sand dunes; back-dune woodlands; Arcata Bay; Mad River; Mad River Slough; and buffer strips along the Mad River, and Jacoby, Jolly Giant, Janes, Sunset, Grotzman, Beith, and Campbell Creeks.

The Open Space Element is closely linked with the and Management, Public Safety, and Parks and the General Plan. These linked elements contain protection, management, enjoyment, and access identified open space areas. The Open Space and productive resource areas, parks, coastal recreation, and hazard areas that should be space values.

Guiding Principles and Goals.

- A. Protect open space lands with native biotic legacy for future generations.
- B. Protect and manage public trust lands to species and ecosystem health.
- C. Recognize that the value of natural resources lands of all sizes and shapes are significantly enhanced when linked together in an open space system.
- D. Designate as open space, resource lands capable of producing agricultural, forest, mineral, and aquaculture products; and manage those lands for sustained production as well as habitat, hydrological, mineral, recreational, and aesthetic values.
- E. Preserve sufficient lands, for both active and passive recreational activities, and coastal access to serve the present and future needs of the community.
- F. Protect lands that, due to instability or seismic risks, pose potential risk to human health and well-being.

General Plan Parks and Recreation Element Goals:

- To provide a wide spectrum of recreational opportunities for Arcata residents of all ages.
- To provide all residents with a wide assortment of parks and related facilities.
- To promote sharing of facilities and programs with other entities.
- To emphasize fiscal efficiency in the provision of parks and recreation programs.
- To provide aesthetically pleasing parks and recreational facilities which are compatible with their environment.

Resource Conservation Recreation Elements of policies for the to and appropriate use of Element identifies natural access, outdoor considered for their open resources as a natural sustain plant and animal

- G. Provide additional entryways to the Community Forest to promote greater accessibility from Arcata's adjacent neighborhoods.

4.2 POLICIES

The Open Space Element includes the following policies:

- OS-1 Overall Open Space System
- OS-2 Natural resource Protection and Enhancement
- OS-3 Open Space for Managed Production of Resources
- OS-4 Open Space for Outdoor Recreation/Coastal Access

POLICY OS-1 OVERALL OPEN SPACE SYSTEM

Objective. Designate, maintain, and enhance the quality, and increase the amount of permanently protected open space in the Arcata Planning Area, including: natural resource areas; resource production areas; outdoor recreation areas; and areas subject to health and safety hazards. These areas are to be protected, linked together in a network wherever practical for accessibility, managed for resource production, and maintained for enjoyment by City residents and visitors.

OS-1a **Designation of open space lands resources and ecosystems.** The the forested western slopes of riparian zones, the Arcata and



with native biotic
native biotic resources of
Fickle Hill, river and creek
Aldergrove Marshes, and

Arcata Bay tidelands and sloughs are unique ecosystems that have important habitat values in addition to their other open space values. These areas as designated on Map OS-a shall be protected as open space for their resource values.



OS-1b Open Space Plan Map. The areas designated as open space are shown on Figure OS-a. Generally, these lands are designated as A-E, NR, or PF on the land use map. Other lands, where identified open space resources have been preserved through easements or other means, are also subject to this element's policies.

OS-1c Relationship to Resource Conservation and Management and Public Safety Elements. This element identifies hazard areas that shall be maintained as open space for the benefit of the community. The policies of this element and policies found in the Public Safety Element provide common direction for the designation and avoidance of hazard areas. The natural open space features of these areas, such as vegetation, shall be retained, except where they contribute to instability or increase hazards.

OS-1d Linkages between open space areas. Linkage of open space lands, especially along biological corridors and greenways, is important for animal migration, non-motorized vehicle transportation, and community recreation, and shall be encouraged. Trails along levees or adjacent to railroad tracks and street rights-of-way can serve as links to parks, open space, and natural areas. Easements shall also be considered as a lower cost alternative to preserving links between open space.


OS-1e Appropriate uses and development limitations within open space lands. Certain open space areas contain wetlands and other critical habitat, and must be preserved in a natural condition and enhanced. Other areas can accommodate managed activities such as mining and timber harvesting, subject to sustainable yield policies RC-6 and RC-8 in the Resource Conservation & Management

Element, while other areas shall be designated for interpretive and recreational use. Each designated open space area of the City shall be evaluated by the appropriate City advisory board (e.g., Creeks & Wetlands Committee) to determine the resources present, the acceptable level of use, and appropriate preservation. The management of, and development in, open space areas are subject to applicable policies of the Resource Conservation and Management and Land Use Elements.

OS-1f **Designation of lands with scenic, cultural value.** The City has scenic Route 101 and Samoa Boulevard; vistas, slopes of Fickle Hill and the Arcata historic and cultural value, such as the natural characteristics of these areas Policies for retaining scenic vistas and included in the Community Design Plan.



aesthetic, historic, and routes, including State including the forested Bottoms; and areas of Plaza. The open and shall be maintained. landscape features are Element of the General

OS-1g  **Public and private ownership and management of open space.** Open space resource areas are owned and managed by the City, state agencies, land trusts, corporations, and private individuals. The City shall set the standard for responsible resource land stewardship through its management of the Community Forest, marshes, parks, and other resource lands, and encourage other public and private entities, entrusted with the ownership and management of similar resource areas, to consider natural resource values to the community in all long term use decisions.

OS-1h **Greenbelts.** Preserving greenbelts of agricultural and other open space lands is an effective method of defining urban development limits. The City shall encourage the County to preserve agricultural

designations in the City's Planning Area. The City also supports greenbelt preservation through land and conservation easement acquisition.

These measures will help preserve visual and associative links to nature, and reinforce the distinction between the City and adjacent communities.

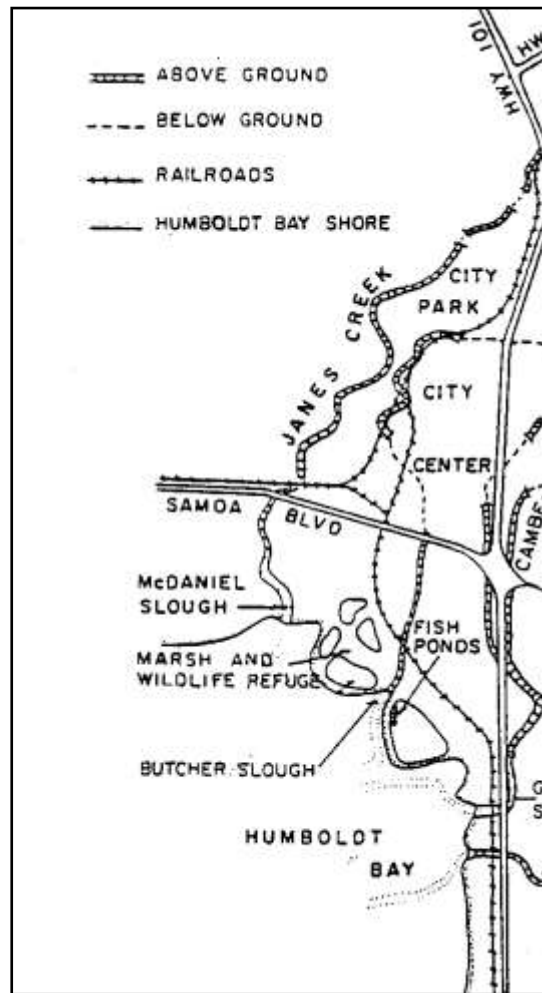
- OS-1i **Acquisition of open space areas.** There are several privately held land parcels, including forested property on the west slopes of Fickle Hill, which would contribute significantly to the City's open space system. The City shall pursue acquisition of these parcels, from willing sellers, for their open space values. Joint funding for land coordinated with County, regional and

acquisition will be state agencies.

POLICY OS-2 NATURAL RESOURCES ENHANCEMENT

Objective. Designate, maintain, and enhance including sensitive habitat areas, necessary to life and native biological diversity.

- OS-2a **Open space plan map designations for protection.** Publicly held lands wetlands, other open water, marsh, forests, and other important natural designated on the Open Space Map.



PROTECTION AND

natural resource areas, sustain plant and animal

natural resource containing creeks, sensitive habitat, resources are

OS-2b Development limitations and management for maintenance of biotic resources and diversity, including aquatic resources and sensitive habitats. Creeks, marshes, and wetlands are significant components of Arcata's natural open space system. The City shall restore and maintain this system for the benefit of residents, visitors, fish, and wildlife.

The Arcata Bay and tidelands represent an important natural edge and open space feature of the City. Buildings, landform alterations, or access routes in this area shall be of a design and scale that preserves open space and natural characteristics and maintains public views to the Bay.

Local creeks which flow openly through the developed portion of the community shall have biological corridors and greenways established, and shall be maintained as visual assets to any developments which adjoin them.

The natural features of the Mad River corridor, Arcata's creeks and adjacent areas, marshes, and other wetland areas, shall be retained.

Unique vegetation and wildlife areas shall remain in a natural condition. Such areas include sand dunes and backdune woodlands, eel grass area, salt marshes, and special habitats (tern and osprey nesting areas, cormorant rookery, harbor seal area and egret roost). The policies of this element shall also call for protection for habitat of species that become threatened in the future.

**POLICY OS-3 OPEN SPACE FOR MANAGED
RESOURCES**

Objective. Designate and conserve resource and agricultural lands, fisheries and aquaculture, resources, for their sustainable, long-term



OS-3a Designations for forest, agriculture, groundwater, and mineral resource uses publicly held lands, and some privately held Community Forest and east of Aldergrove managed for production of forest, fisheries, resources are designated as Natural General Plan Land Use Element map. lands are designated on the Open Space

OS-3b Development limitations and management areas. The policies of the Resource Management Element shall be followed for management of productive resource lands. Natural Biological Diversity; Streams Management; Wetlands Management; Baylands and Tidelands; Agricultural and Forest Resources; and Water, Energy, Soils and Mineral Resources. The City shall require that management of open space resources be consistent with these and other applicable General Plan policies.



PRODUCTION OF

areas, including forest groundwater, and mineral productive capabilities

fisheries, aquaculture, and management. All lands adjacent to the Industrial Park, actively aquaculture and mineral Resource [NR] on the Productive agricultural Map.

for productive resource Conservation and the development and This includes policies for:

POLICY OS-4 OPEN SPACE FOR OUTDOOR RECREATION AND COASTAL ACCESS

Objective. Designate and secure public access to a sufficient supply of land and water areas with recreation resource value, including parks, forests, coastal areas, baylands, and stream corridors, to meet the outdoor recreation needs of Arcata residents and visitors.

OS-4a **Designations for park lands and outdoor recreation areas.** All publicly held park lands and outdoor recreation areas are designated as Public General map. The present on subject to of the Resource Conservation & Management Element. Recreation areas are mapped on Figure OS-a.



OS-4b **Coastal access policy.** The City shall maintain coastal access corridors to Arcata Bay and other public use areas and public trust lands within the coastal zone.

Coastal access routes include:

1. Access from Samoa Boulevard to Arcata Bay via South "I" and "G" Streets.
2. Access to Mad River Beach via Mad River Road.
3. Access to Manila Dunes via Samoa Boulevard.

OS-4c **Relationship to the Parks and Recreation Element.** This element contains policies for management of open space lands designated for outdoor recreation. The Parks and Recreation Element contains goals

and policy direction for: providing a range of recreation opportunities; sharing facilities; park and recreation program efficiency; environmental compatibility; and user safety.

POLICY OS-5 OPEN SPACE IN HEALTH AND SAFETY HAZARD AREAS

Objective. Designate health and safety hazard areas such as seismic fault and liquefaction zones, unstable soils or slopes, floodplains, areas susceptible to wildland fire, and watershed/reservoir safety zones. Provide appropriate protections, or restrictions, to minimize unnecessary exposure of people and property to health and safety hazards.

OS-5a Designation of open space for public safety. Designated open space for public safety is shown on Figure OS-a. Setbacks for seismic faults and liquefaction zones, unstable soils or steep slopes, mapped Flood Hazard Zone A, areas susceptible to wildland fire, and watershed/reservoir safety zones, shall be established as part of the development review process. Where severe safety considerations exist (e.g., within the Alquist-Priolo Zone), open space easements shall be granted to the City to protect people and property from health and safety hazards.

Open space areas, with slopes 15% or greater shall retain their natural landform features; excavation shall be restricted, according to the City's adopted grading ordinance, and removal of vegetation shall be limited to selected thinning of timber stands and removal of hazard trees.



Open Space areas that are flood-prone may be used for agricultural and recreational purposes but shall be kept free from urban development. A flood plain overlay zone shall be applied to all Natural Resource [NR] and Agricultural [AE] areas subject to inundation according to the Flood Insurance Rate Map (Flood Hazard Boundary Map) developed by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration.



OS-5b **Development limitations and management for health and safety hazard areas.** The policies of the Public Safety Element shall be followed for all development activity in areas with known or suspected safety hazards. In particular, seismic hazards, other geologic hazards, and flood hazards policy topics are applicable.

4.3 IMPLEMENTATION MEASURES

#	IMPLEMENTATION MEASURES	RESPONSIBLE PARTY	TIME FRAME
OS -1	<p>Open Space Preservation</p> <p>Preserve existing and acquire additional open space lands identified in this element through the following measures:</p> <ul style="list-style-type: none"> § Purchase of open space lands in fee. § Secure easements by negotiated agreement. § Maintain open space designations on City and County planning maps. <p>An appointed Open Space Advisory Committee will be responsible for implementing the Open Space Element and making relevant recommendations to City Council, including possible funding through bond measure approval. The advisory body is to participate in the next County General Plan update and promote incorporation of the City's open space goals, policies, and implementation measures in the County community plans covering the Arcata Planning Area.</p>	Community Development Dept./ Planning Commission	Year 1

Appendix C - Conservation Methods

Conservation Easement

A conservation easement granted to the City, state or federal agency, or a non-profit land trust, is a condition of the property title in which the landowner voluntarily limits development and other uses of the property to protect its conservation, agricultural, ecological, public health, or open space values.

Conservation easements are beneficial to landowners, the City, and the public for many reasons. They can:

- Accomplish public land conservation goals while the landowner retains ownership of the land. Maintenance of the easement can be by the owner or the City, depending upon the conservation easement agreement.
- Offer tax advantages for the landowner.
- Keep land in the family because a landowner can generate needed capital without selling off the land.
- Be an efficient use of public funds. They protect conservation values of the land, but cost the public less money than buying land in fee.

The conservation easement runs with the land in perpetuity, thus it cannot be severed by sale, death or other change of ownership. The conservation easement permanently stays with the land as the land passes from generation to generation, from owner to owner.

Land in Fee

Land in fee is the outright purchase of land for conservation, agricultural, ecological, public health, and open space values. The following are real estate transactions involved in Land in Fee land acquisitions.

Market Sales: The City pays full price ("fair market value") as determined by an independent appraisal.

Below Market Sales: The City pays less than full price. Some below-market sales qualify as "bargain sales" (part gift, part sale) under IRS regulations so that the gift part of the transaction qualifies as a tax-deductible charitable contribution.

Outright Gifts: The City accepts, without payment to the landowner, land in fee or conservation easement. Such outright gifts to the City, with limited exceptions, qualify as tax deductible charitable contributions for state and federal income tax purposes.

The City may purchase land in fee and resell it with conservation easement restrictions that achieve its open space goals. The ability to purchase land in fee enables the City to respond quickly to open space opportunities. Even if used infrequently, land in fee purchase is a necessary tool for maintaining an effective land conservation program. Payment for transactions cannot exceed fair market value, as determined by an independent appraisal. The amount of payment - fair market value or less - is negotiated based on a number of factors, including the landowner's financial motivation to sell or donate.

Conservation easements and land in fee purchases depend largely on state and federal funding, or on donations from private foundations. Both public agencies and non-profit land trust organizations are legally able to acquire and hold conservation easements.

Benefits to Landowners

What are the benefits to landowners for participating in the city's Open Space Protection Program? People have many reasons, ranging from financial gain and tax benefits to satisfaction from preserving a beloved piece of land as a city park, for agricultural production, or as a nature preserve. Financial benefits such as cash paid for purchase of development rights, income tax deductions, capital gains tax reduction, estate tax reductions, and reduced or unchanged property tax assessment can be advantageous for a landowner. By participating in the Open Space Protection Program, owners can establish a living legacy on their land.

Appendix D – Funding Mechanisms

There are a diverse range of funding sources for open space land acquisition and maintenance. This appendix describes some of the major sources available. Primary sources can be broken into four major types:

- Local
- State
- Federal
- Private

Local Funding Sources

Existing Mechanisms

- **Park In-lieu fees**-Limited amount.
- **Drainage fees**- Limited amount. Primarily used for easements and to leverage grant funds as a cost share. Almost without exception, these areas lie along one of the numerous creeks or wetlands that exist throughout the city. Although these areas are typically not very large (the open space areas typically only extend through the riparian zones bordering the creeks), they are highly connected and afford many opportunities for the city to develop an interconnected set of recreational trails and to tie into regional trail systems.
- **Forest Funds**- Periodic funds available depending upon market conditions. Has been used to purchase several parks and to leverage grant funds for forest expansion. Also covers Community Forest open space maintenance.
- **Special Assessment Funds**. These funds are used for the financing of public improvements and services deemed to benefit the special properties against which the special assessments are levied.
- **Outright Donation**: A donation by the landowner of all or partial interest in the property. Donation allows for permanent protection by the City of the acreage donated with little or no public expense for acquisition. The donor is also eligible to write off the value of the land dedicated. In some cases, property proposed for donation may not provide any value to the City's overall Open Space objectives.

There are potentially several mechanisms that could be used to generate revenue locally for open space acquisition. These include:

- Property tax/general obligation bond
- Sales tax
- Development impact fee
- Parcel tax
- Mello-Roos Community Facilities tax

- Hotel/motel tax
- Utility tax
- Business license tax

Property tax/general obligation bond The city could place a measure on the ballot to raise property taxes to pay for a general obligation bond for the purchase of open space. Several communities in California have used this mechanism, including the East Bay Municipal Park District, The Mid Peninsula Open Space District, and the Marin County Open Space District. A .025% increase in property tax would cost the owner of a \$200,000 home \$50 in additional property tax per year. A 2/3 majority affirmative Community vote is required. Several communities have used a provision in state law called a “split ballot initiative” that allows for an advisory measure (which specifies the use to which the money will be put) to be placed by a city council on the ballot simultaneously with the bond Measure; only a simple majority is required for passage using this method. This “split ballot” approach applies to most of the tax types described below.

Sales tax increase: The city could place a measure on the ballot to raise the sales tax rate to a maximum of 8.75% (a .025% increase is common). A 2/3 majority affirmative vote is required. Sonoma County voters passed a 0.25% increase in 1990 that raises several hundred thousand dollars per year for their open Space Protection Program. This tax was for a 20-year period.

Open Space Assessment District: A region-wide district encompassing the entire North Humboldt Bay region that provides funding for the acquisition of open space through an assessment fee placed on property. It could fund management and maintenance and would require a ballot measure and vote by the general public. Subject to Proposition 218 requirements.

*****Proposition 218:*** *Proposition 218, which was approved by voters in 1996, altered the requirements for enacting new assessments, property-related fees (not including developer fees), and taxes. This measure has two primary implications for raising local public funds for the acquisition of open space in Arcata:*

1) Assessments and property related fees are now less suitable for acquisition of open space because Proposition 218 clarified and strengthened the requirement that such measures have a direct benefit to the property charged (beyond a benefit to property values) and not be used to fund services which benefit the public in general; and 2) raising any tax in the City to create a dedicated source of revenue for acquisition of open space will require approval by 2/3 of eligible voters in an election

Partnerships with Other Agencies / Joint Powers Authority (JPA): This organization acquires and holds open space to either transfer land to other governmental agencies or manage itself. This can reduce the total amount of capital outlay by the City to purchase property. A J.P.A. may present greater negotiating power than the City acting individually. Successful acquisition relies on good cooperation between participants in the J.P.A.

Partnerships with Land Trusts The City has a non-profit land trust partner in the Jacoby Creek Land Trust. As in other counties, The City and land trust work closely to compliment each other's acquisition activities within the Jacoby Creek watershed. Other opportunities for land trust partnering may be possible. The McKinleyville Land Trust and Northcoast Regional Land Trust could compliment City open space goals.

Development Impact Fee Section 66000 of the State of California Government Code authorizes development impact fees and defines the circumstances under which they can be legally collected and spent. The city could charge an impact fee for new development to fund open space acquisition. Typical fees charged in other cities and counties in California average \$1000-1500/per acre developed. Development impact fees are also not subject to the requirements of Prop. 218 and can be enacted by a municipality without a vote by the community. Development impact fees can potentially be a viable source of funding for significant amounts of open space preservation, but municipalities need to be sure that their programs pass the numerous legal requirements regarding exactions and do not unduly concentrate the costs of open space preservation on specific members of society.

Note: The principle of a clearly defined nexus between the impact fee and its proposed use was established by the US Supreme Court case Nollan v. California Coastal Commission (1987)483U.S.825. The rough proportionality test was established in another Supreme Court case Dolan v. City of Tigard(1994)512U.S.374. Taken together, these two cases comprise what is commonly referred to as the "Nollan-Dolan" rule regarding the imposition of exactions.

Mello-Roos Community Facilities Tax The city could create Mello-Roos Community Facilities Districts for new development which could impose a special non-ad-valorem tax within the District boundaries. No voter approval is required, and tax rates are variable.

Hotel/motel tax The city could increase the local tax levied on hotel, motel, and other lodging services. A 2/3 majority approval vote is required.

Utility tax The city could increase the local tax paid on utility users. A 2/3-majority approval vote is required.

Business license tax The city could increase the tax paid by local businesses. A 2/3-majority approval vote is required.

Real estate transfer taxes The City attorney needs to explore legal ramifications.

Leasebacks: The purchase of land with a larger area of open space and a smaller developed area. The City leases the developed area to a tenant(s) and uses the revenue to pay back the purchase price.

Voluntary Sales Tax Arcata establishments voluntarily participate by collecting a 1% sales tax that is used for open space protection. This has been successful in Crested Butte, Colorado. Businesses are not required to participate in this program.

Table 1– Overview of Local Government Open Space Funding Options

Revenue Source	Established By	Potential Revenue	Other Issues
Bonds	Two-thirds vote.	High. Revenue can be raised up front in one lump sum or spread out over a period of several years.	Two-thirds vote difficult to achieve. Bonds typically guaranteed by property taxes.
General Tax	One-half plus one vote	High	Need to pass advisory measure to direct taxes toward open space. Money can be redirected to other purposes.
Special Tax	Two thirds vote	High	Two-thirds vote difficult to achieve. Taxes are typically regressive in nature.
Mello-Roos	Two-thirds vote although may be established by a single developer	Typically low for open space purposes.	Most money from Mello-Roos districts is used for infrastructure projects; less money is usually directed to open space purposes.
Lease Purchase	No vote required	Typically low.	Local government must be able to meet terms of loan.
Impact Fees/Exactions	No vote required	Moderate to high. Revenue tied to amount of growth.	Exactions can be targeted to specific impacts (i.e. all commercial development only). Must pass Nollan-Dolan test. Authorizing document such as HCP can be invalidated. May make new housing less affordable to persons of moderate incomes. Impacts borne by new residents.

State Funding Sources (Partial List)

There are a wide number of state sources of funding for open space acquisition available from a variety of sources. This section highlights some of the major sources; new sources are being created on an annual basis.

State Bond Measures Two recent successful bond measures – Propositions 12 and 13 – provide over \$4 billion toward protection of wildlife habitat, open space, parkland, and air and water quality. Much of this money is available through competitive grant programs. Proposition 40 allocated \$2.6 billion dollars. Several hundred million dollars would be available through competitive grant programs.

California Farmland Conservancy Program This program is run by the California Department of Conservation, and provides grants to purchase agricultural conservation easements. Several million dollars are available through this program for statewide purchases.

Williamson Act

The California Land Conservation Act of 1965--commonly referred to as the Williamson Act—enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971.

Habitat Conservation Fund Grant Program This program was established by the California Wildlife Protection Act of 1990, and provides \$2 million of funding per year through the year 2020 for projects.

Environmental Enhancement and Mitigation Program (“EEMP”) EEMP is a state-sponsored grant program which is intended to complement and help mitigate transportation programs. EEMP draws its funds from the gasoline tax approved by Proposition 111. EEMP annually disburses \$10 million in grants throughout the state. The gas tax and EEMP will sunset in two years, though renewal is a possibility. Grants tend to be in the \$100,000's range, with a maximum of \$250,000. Successful applications demonstrate a clear nexus to transportation projects and to mitigating the impact of such projects.

Wildlife Conservation Board The Wildlife Conservation Board awards grants from an array of funds to acquire and protect wildlife habitat and improve public access.

California Department of Fish and Game Coastal Salmon Recovery Program Funds easements and acquisitions as well as habitat restoration projects.

Coastal Conservancy Funds coastal projects including land acquisition and infrastructure.

Federal Funding Sources (Partial List)

Land and Water Conservation Fund This fund was created by Congress in 1964 and receives money primarily from fees paid by companies drilling for offshore oil and natural gas. California's congressional delegation has been working to secure a portion of the funds for land purchases and restoration; California may receive over \$300 million annually in future years.

Farmland Protection Program This program is administered by the U.S. Department of Agriculture – Natural Resources Conservation Service (NRCS), and provides funding to state and local governments to acquire conservation easements on agricultural land. Typically, these are matching funds that require a local government to provide funding for 50 percent of the easement value.

Wetlands Reserve Program This program is also administered by the U.S. Department of Agriculture – Natural Resources Conservation Service (NRCS), and provides financial incentives for private landowners to enhance wetlands in exchange for retiring marginal agricultural land.

Forest Legacy Program Funds purchase or easements on forest land that has threat of conversion by urbanization. This competitive funding source is tied to the farm bill.

North American Wetlands Conservation Act Funds purchase and restoration activities on wetland areas. Grant program administered by the U.S. Fish and Wildlife Service

Private Funding Sources (Partial List)

National Fish and Wildlife Foundation Funding is provided for wildlife conservation projects throughout the U.S., and funds are usually provided in the form of challenge grants requiring additional matching contributions from local jurisdictions. *City has been successful in obtaining these funds*

The Conservation Fund Administers the Kodak American Greenways Awards Program, which provides small grants for planning and design of greenways. Maximum grant is \$2,500.

California Trails and Greenways Foundation Administers the California Greenways Creative Grants Program, which provides grants from \$500-2,500 to develop greenway and trails projects. *City has been successful in obtaining these funds.*

Table 2 - Open Space Preservation Grant Sources

Program Name	Agency	Contact Phone	Activities	Eligibility	Matching %	Funding Level	Constraints
Land and Water Conservation Fund	CA Parks	(916) 653-8758	Acquisition; planning	Local governments	50%	High	
Environmental Enhancement and Mitigation Program	CALTRANS	(916) 654-5275	Acquisition; restoration	Local governments; non-profits	None	High	
Habitat Conservation Fund	CA Parks	(916) 653-8758	Acquisition; planning	Local governments	50%	High	
Recreational Trails Program	CA Parks	(916) 653-7423	Acquisition; planning	Local governments	20%	Medium	
Wetlands Conservation Program	CA Wildlife Conservation Board	(916) 445-1702	Acquisition; restoration	Local governments; non-profits	50%		Lands preserved must further objectives of Central Valley Joint Venture Habitat program.
California Riparian Habitat Conservation Program	CA Wildlife Conservation Board	(916) 445-1702	Acquisition; restoration	Local governments; non-profits	50%		
California Farmland Conservancy Program	CA Department of Conservation	(916) 324-0850	Acquisition; planning	Local governments; non-profits	5% - 10%	High	
NFWF Challenge Grants	National Fish and Wildlife Foundation	(415) 778-0999	Acquisition; restoration	Local governments; non-profits	50%	Medium	Prefers at least 2:1 match from grantee.
Migratory Bird Conservancy	National Fish and Wildlife Foundation	(415) 778-0999	Acquisition; planning	Local governments; non-profits	50%	Medium	
ISTEA/TEA-21	US DOT	(916) 654-5275	Acquisition; restoration	Local governments	11.5% - 20%	High	Proposed project must have transit nexus.
CALFED Grants	CALFED	NA	Acquisition; management	Local governments; non-profits	None	High	
Central Valley Project Improvement Act	US Bureau of Reclamation	(916) 978-5354	Acquisition; restoration; management	Local governments; non-profits	None	High	
North American Wetlands Conservation Act Grants	US Fish and Wildlife Service	(703) 358-2156	Acquisition	Local governments; non-profits	50%	High	Must further goals of North American Waterfowl Management Plan
Farmland Protection Program	Natural Resource Conservation Service	(530) 757-8215	Acquisition	Local government	50%	High	Grants can only be made to established farmland protection programs.
National Rivers, Trails, and Conservation Assistance	National Park Service	(415) 427-1321	Planning	Local governments; non-profits	Varies	Low	

Table 2 - Open Space Preservation Grant Sources (continued)

Program Name	Agency	Contact Phone	Activities	Eligibility	Matching %	Funding Level	Constraints
Wetlands Protection: Development Grants	EPA	(415) 974-1974	Acquisition; planning	Local governments	25%	Medium	
TEA-21 Recreational Trails Program	US DOT	(202) 366-5013	Acquisition; planning	Local governments; non-profits	20%	Medium	
Watershed Surveys and Planning	Natural Resource Conservation Service	(530) 757-8215	Planning	Local governments; non-profits	None	Medium	
Resource Conservation and Development	Natural Resource Conservation Service	(530) 757-8215	Planning	Local governments; non-profits	10%	Low	Project must be in designated resource conservation and development area.
Small Watershed Protection and Flood Prevention	Natural Resource Conservation Service	(530) 757-8215	Planning	Local government	0% to 50%	Medium	
Soil and Water Conservation Grants	Natural Resource Conservation Service	(530) 757-8215	Planning	Local governments; non-profits	None		
Sustainable Development Challenge Grants	EPA	(415) 974-1974	Varies (could include acquisition)	Local governments; non-profits	20%	Medium	
Urban Park and Recreation Recovery Program	National Park Service	(415) 427-1321	Planning	Local governments	50%	Medium	
5-Start Restoration Challenge Grants	EPA/National Fish and Wildlife Foundation	(202) 260-8076	Acquisition; planning; management	Local governments; non-profits	50%	Low	
Challenge Grants for Conservation on Private Lands	National Fish and Wildlife Foundation	(415) 778-0999	Varies	Local governments; non-profits	50%		
Pacific Grassroots Salmon Initiative	National Fish and Wildlife Foundation	(415) 778-0999	Restoration; management	Local governments; non-profits	66%	Medium	
Urban Streams Restoration Program	CA Department of Water Resources	(916) 327-1664	Acquisition; management; restoration	Local governments; non-profits	50%	Medium	
LEGACI Grants	Great Valley Center	(209) 522-5103	Planning	Local governments; non-profits	None	Small	
The Gabilan Foundation	The Gabilan Foundation	(650) 341-7384	Varies	Non-profits	None	Medium	
The David and Lucille Packard Foundation	The David and Lucille Packard Foundation	(650) 948-7658	Varies	Non-profits	None	Large	
PG and E Corporate Giving Program	Pacific Gas and Electric	(415) 973-4951	Varies	Non-profits	None	Large	

Resources

Open Space Funding Approaches

The publications and organizations listed below all provide additional information on the various local government financing, development mitigation, and grant programs discussed within this section.

General Information

1. The Trust for Public Land (<http://www.tpl.org>)
The Trust for Public Land (TPL) is largely regarded as a nationwide leader in land conservation. Their website contains numerous resources on mechanisms for financing open space acquisitions.
2. The Land Trust Alliance (<http://www.lta.org>)
The Land Trust Alliance (LTA) is a national organization specializing in providing technical assistance for local land trusts. They have numerous resources describing the ins and outs of conservation easements.
3. The Conservation Fund (<http://www.conservationfund.org>)
The Conservation Fund is a national organization devoted to land preservation and has just recently begun to become more active in California. Their site has numerous resources relating to land conservation, in general, and greenways in particular.
4. The Nature Conservancy (<http://www.tnc.org>)
The Nature Conservancy is a worldwide leader in land conservation. Their site has a particular focus on land protection for habitat conservation purposes.
5. The American Farmland Trust Farmland Information Library (<http://www.farmlandinfo.org>)
The Farmland Information Library contains links to numerous publications detailing various methods of open space conservation and agricultural preservation.
6. Stokes, Watson, and Mastran (1993). *Saving America's Countryside: A Guide to Rural Conservation*. National Trust for Historic Preservation.
Comprehensive guides to setting up programs for the conservation of rural landscapes and open space. Contains chapters dealing with conservation easements, transfer of development rights, land use controls such as zoning, and land trusts.
7. Endicott (1993). *Land Conservation Through Public/Private Partnerships*. Island Press.
Examines the issues associated with developing partnerships in land conservation efforts. Contains numerous case studies of successful collaborative efforts in land conservation.
8. Fulton (1999). *Fulton's Guide to California Planning*. Solano Press.
The essential reference on the practice of local land use planning in California. Contains chapters describing the general plan and specific plans, zoning, infrastructure financing (including open space), and the legalities surrounding land use planning and regulation in California.

Conservation Easements/Transfer of Development Rights

1. Pruetz (1993). *Putting Transfer of Development Rights to Work in California*. Solano Press. The definitive work describing the legalities of establishing a transfer of

- development rights program in California. Contains case studies of various TDR programs implemented throughout the state.
2. Pruetz (1997). *Saved by Development: Preserving Environmental Areas, Farmland, and Historic Landmarks with Transfer of Development Rights*. Arje Press.
A work expanding on Pruetz's earlier volume dealing with TDR programs. Contains surveys of over 600 communities nationwide assessing community experiences with TDR programs or, for those communities not using TDR, analyzing why those communities chose not to use these programs. Also contains over 100 case studies of TDR programs and gives step-by-step instructions to integrate a TDR program into local planning processes.
 3. Lind (1991). *The Conservation Easement Stewardship Guide: Designing, Monitoring, and Enforcing Easements*. Land Trust Alliance.
A comprehensive look at the various issues associated with the implementation of conservation easements for land conservation.
 4. Barrett (1983). *The Conservation Easement in California*. Island Press.
A review of the use of conservation easements in California.

Local Government Finance

1. Governor's Office of Planning and Research (<http://www.opr.ca.gov>)
Statewide clearinghouse for local land use planning and policy. Contains links to the two documents listed below as well as other publications relating to land use in California.
2. Governor's Office of Planning and Research (1996). *A Planner's Guide to Financing Public Improvements*. Governor's Office of Planning and Research. Online at <http://www.ceres.ca.gov/planning/financing>.
A general-purpose guide to financing public improvements, all of which is applicable to open space financing. Discusses issues surrounding general purpose taxes, special taxes, bonds, exactions, and contains the full text of Proposition 218.
3. Governor's Office of Planning and Research (1997). *Putting Action Into the Open Space Element: Techniques for Preserving Open Space and Farmland*. Governor's Office of Planning and Research. Online at http://www.ceres.ca.gov/planning/open_space/open_space.html.
Describes, in detail, various approaches local government agencies can take to preserve open space in their communities.

Development Impacts/Mitigation/Legal Issues

1. Remy, Thomas, Moose, and Manley (1999). *Guide to the California Environmental Quality Act*. Solano Press.
The complete reference on CEQA, including mitigation requirements under CEQA.
2. Curtin (1999). *Curtin's California Land Use and Planning Law*. Solano Press.
Details the case law and legislative statutes governing the use of land in California. Included are legal backgrounds on CEQA, exactions and development impact fees, and takings jurisprudence.
3. Abbott, Detwiler, Jacobson, Schagi, and Steiner (2000). *Exactions and Impact Fees in California*. Solano Press.

- A practical guide for local government agencies to determine the appropriate mix of exactions and charges for development.
4. Cylinder, Bogdan, Davis, and Herson (1994). *Wetlands Regulation*. Solano Press. A comprehensive guide to wetlands regulation in California including mitigation measures, conservation/mitigation banking, and conservation planning.
 5. US Fish and Wildlife Service Habitat Conservation Planning (<http://endangered.fws.gov/hcp>)
The United States Fish and Wildlife Service complete guide to habitat conservation planning, including mitigation measures.
 6. Natural Communities Conservation Planning (<http://ceres.ca.gov/cra/nccp>)
Guide to the NCCP program in California.
 7. California Wetlands (<http://ceres.ca.gov/wetlands>)
Guide to wetlands permitting, regulation, and mediation programs in California.

Grants

1. The Foundation Center (<http://www.fdncenter.org>)
The Foundation Center maintains a comprehensive database of private foundation grant programs.
2. Sacramento Public Library Non-Profit Resource Center
Division of the Sacramento Public Library Main Branch containing numerous resources for organizations seeking private foundation grant funding, including access to the Foundation Center's database and printed guides to environmental grant-making organizations.
3. Catalog of Federal Domestic Assistance (<http://aspe.hhs.gov/cfda/index.htm>)
The Catalog of Federal Domestic Assistance contains guidelines for all Federal grant programs.

Other Approaches

1. Arendt (1994). *Rural by Design*. American Planning Association Planner's Press.
2. Arendt (1996). *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Island Press.
3. Arendt (1999). *Growing Greener: Putting Conservation into Local Plans and Ordinances*. Island Press.

Appendix E Maps/Tables

E-1 Existing protected open space lands in City and Planning area

E-2 Lands in city and sphere that meet criteria for open space protection

E-3 Table: Open space by ownership/land use

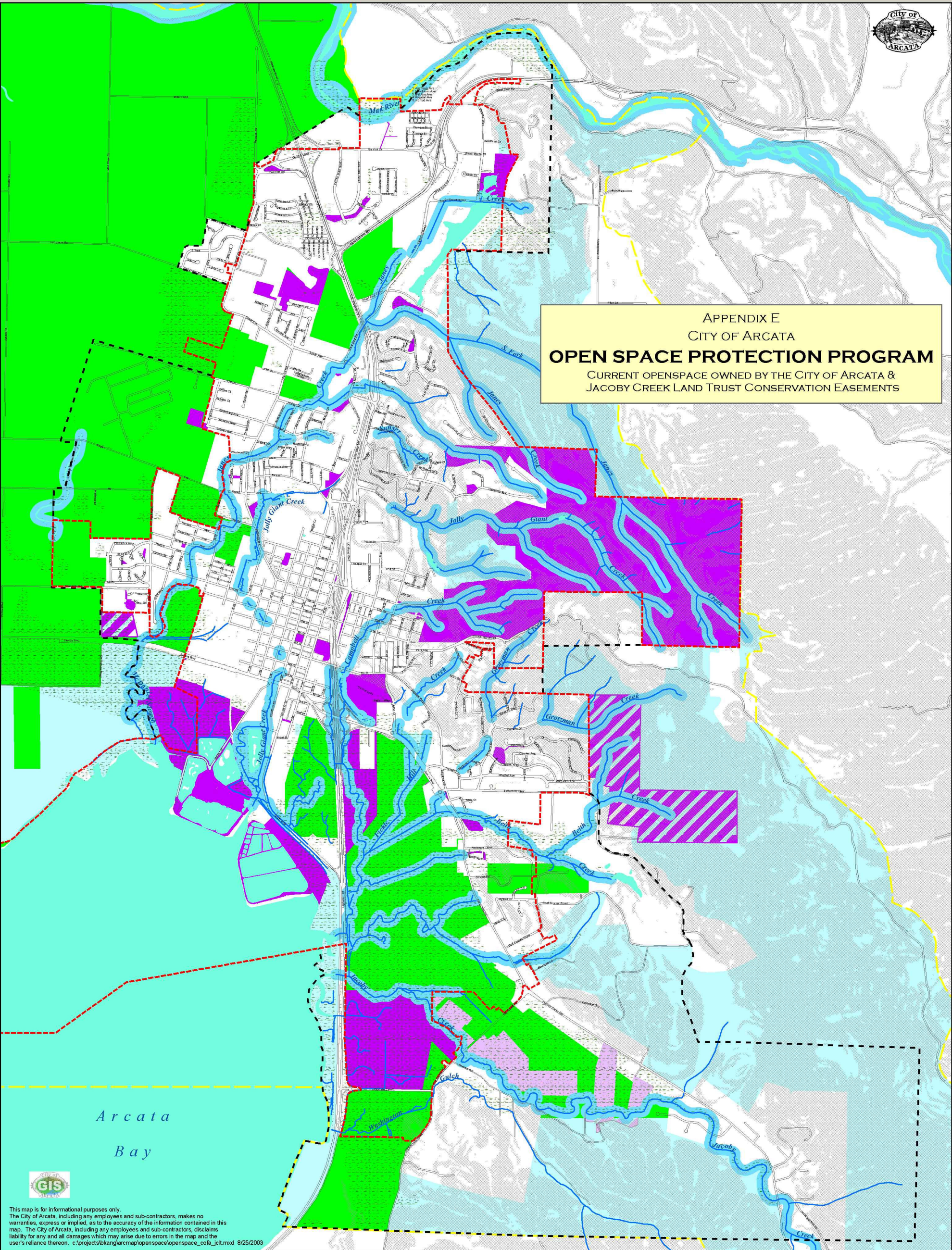
Appendix F Process for Working With Landowners

STEP	TASKS/STAFF	SUPPORT MATERIALS & GUIDELINES
1. Outreach to landowners	<ul style="list-style-type: none"> ✓ Staff letter to all landowners adjacent to creeks, natural areas, trail linkage with 5+ acres. ✓ Focused personal outreach to key landowners. 	Model broadcast letter
2. Landowner expresses interest	<ul style="list-style-type: none"> ✓ Confirm staff team that will respond to landowners. 	
3. Collect preliminary information on property	<ul style="list-style-type: none"> ✓ Review maps, tax maps, tax records & aerial photos. 	
4. First meeting with landowner	<ul style="list-style-type: none"> ✓ Identify landowner objectives: <ul style="list-style-type: none"> • Sale or donation? • Stay on land or transfer deed? • Potential exclusions or reserve rights (if easement). • Permitted uses (if easement). • Timing/urgency/developer risk. ✓ Review conservation options. ✓ Identify role/interest of other family members. ✓ Mortgages or liens? ✓ Survey and maps ✓ Potential problems 	Checklist/meeting record Handout materials, maps
5. OSC assessment and recommendation of potential transaction	Purchase & Sale transactions: <ul style="list-style-type: none"> ✓ Assess opportunity & competing projects ✓ Need for partnering organization as grantor or easement holder <ul style="list-style-type: none"> • Assess parcel opp'ty vs. grantor criteria (matrix) <i>Pure donations of land or easement:</i> <ul style="list-style-type: none"> • Assess stewardship requirements and cost. 	Reference on grantor and land criteria. Open Space Program Matrix
NOTE: THE FOLLOWING STEPS WILL BE COMPLETED WITH LAND TRUST PARTICIPATION/SUPPORT IF THE LAND TRUST IS THE POTENTIAL EASEMENT HOLDER		
6. City Council authorize City Manager to negotiate.		Maps, aerial photos Staff Report
7. Staff to negotiate preliminary deal terms with landowner.	<ul style="list-style-type: none"> ✓ Confirm selected conservation option (easement/land transfer, donation/sale, etc.) ✓ Transaction costs that will be incurred & cost sharing with landowner. ✓ Expected time frame ✓ Required City approvals. ✓ Contingencies, fallback, strategy and/or exit strategy (if grant not approved, etc.) 	Draft purchase sale agreement (City Attorney)

8. <i>Optional:</i> Obtain appraisal on the value of the land/easement, if necessary	✓ Landowner or City contract with the appraiser for an appraisal.	List of preferred qualified appraisers. Note: City to split costs of appraiser if landowner wants IRS deduction for 100% gift of easement or land.
9. All parties confirm commitment.	✓ Landowner confirm commitment based on any appraisal completed in step 8. ✓ OSC update funding criteria assessment. ✓ OSC review transaction costs & update matrix rating.	
10. If necessary, obtain City Council approval to proceed with negotiations of final terms (purchase & sale transactions only).	✓ Forward the proposed transaction to the correct approving bodies who wish to provide advice consent prior to final negotiations. ✓ Planning Commission makes finding of consistency with General Plan.	
11. Negotiations on final price and transaction documents.	✓ Negotiate easement deed, terms of gift, or purchase & sales agreement. ✓ Obtain consultant assistance as indicated.	
12. Assemble due diligence materials and obtain full appraisal if necessary.	✓ Hazardous waste inspection (if indicated by site conditions).	
13. OSC review due diligence.	✓ Recommend approval of land protection transaction, considering due diligence findings or issues that may have arisen during negotiation of transaction documents.	
14. Apply for and receive grant funding.	✓ Complete and submit grant application documents.	
15. Obtain Council approval of final transaction documents with public hearing.	✓ City Council holds public hearing and then votes on transaction.	
16. Execute transaction documents with landowner and any involved third parties.	✓ Sign deed transfer, easement deed and/or purchase & sales agreement (as applicable).	
17. Assemble or complete baseline documentation.	✓ Deeds, maps, existing surveys ✓ Boundary map w/photos ✓ Condition of forest, wetlands, trails ✓ Special features (mapped natural resource inventory, scope determined by nature of any grant application).	Checklist Permanent City filing system for monitoring easements and maintaining baseline documents.



APPENDIX E
CITY OF ARCATA
OPEN SPACE PROTECTION PROGRAM
CURRENT OPENSOURCE OWNED BY THE CITY OF ARCATA &
JACOBY CREEK LAND TRUST CONSERVATION EASEMENTS



This map is for informational purposes only.
The City of Arcata, including any employees and sub-contractors, makes no
warranties, express or implied, as to the accuracy of the information contained in this
map. The City of Arcata, including any employees and sub-contractors, disclaims
liability for any and all damages which may arise due to errors in the map and the
user's reliance thereon. c:\projects\blklar\map\openspace\openspace_cofa_jclt.mxd 8/25/2003

Legend

Open Space Type

- Current Open Space: (City of Arcata property, conservation easements, & city parks)
- Open Space-Pending
- Jacoby Creek Land Trust Conservation Easement
- Jacoby Creek Land Trust Conservation Easement-Proposed

Boundary Type

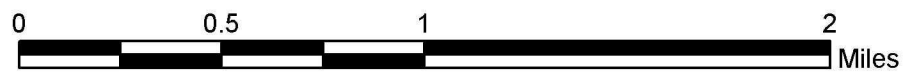
- Arcata City Limits
- Arcata Sphere of Influence Boundary
- City of Arcata Planning Boundary

Environmental Features

- Creeks
- Creek Zone
- Waterbody
- Slopes > 15%
- Wetlands

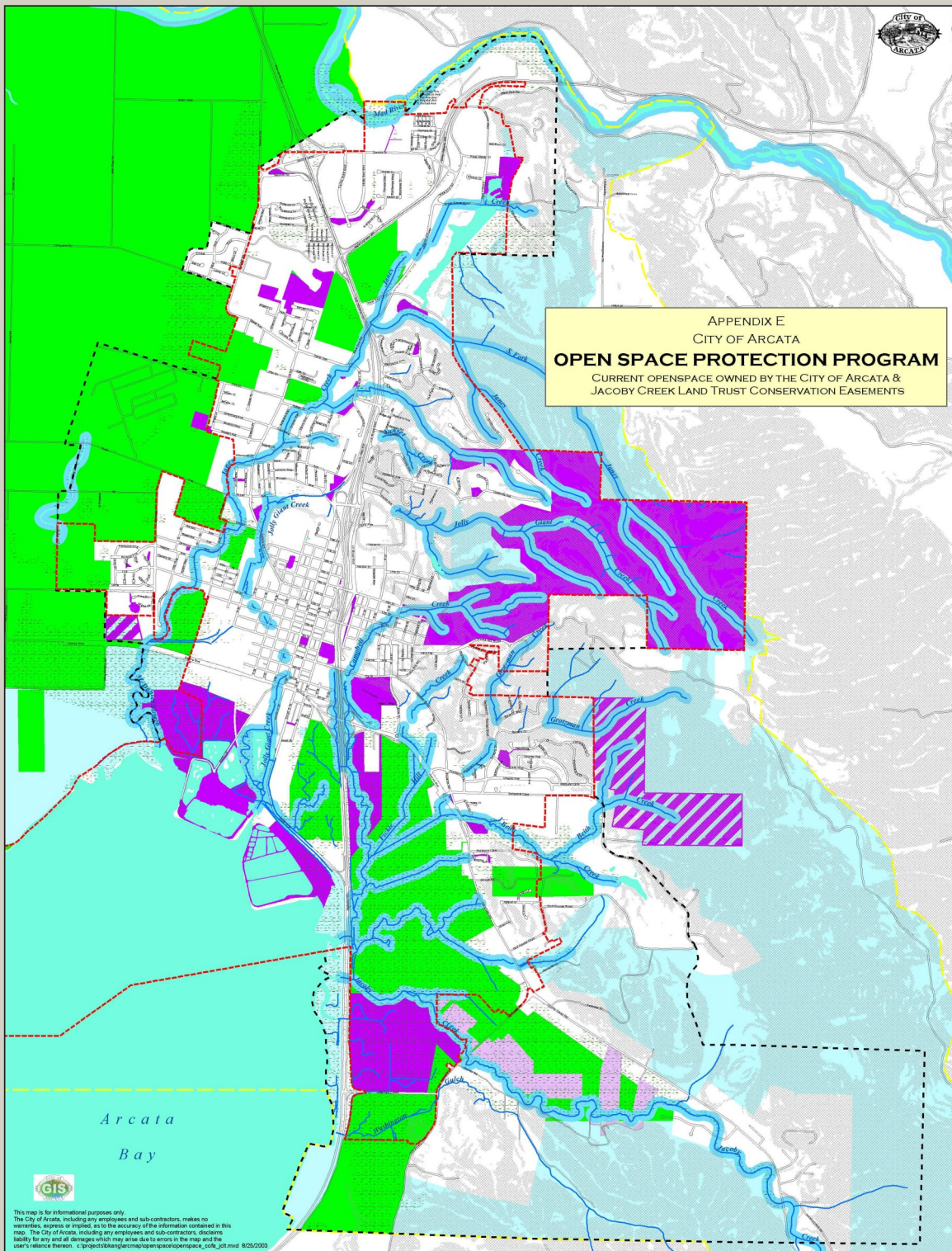
General Plan 2020: Land Use

- Agriculture - Exclusive [A-E]
- Natural Resource [NR]





APPENDIX E
CITY OF ARCATA
OPEN SPACE PROTECTION PROGRAM
CURRENT OPENSOURCE OWNED BY THE CITY OF ARCATA &
JACOBY CREEK LAND TRUST CONSERVATION EASEMENTS



This map is for informational purposes only.
The City of Arcata, including any employees and sub-contractors, makes no
warranties, express or implied, as to the accuracy of the information contained in this
map. The City of Arcata, including any employees and sub-contractors, disclaims
liability for any and all damages which may arise due to errors in the map and the
user's reliance thereon. c:\projects\gis\arcata\map\openspace\openspace_city_jct.mxd 8/25/2003

Legend

Open Space Type

- Current Open Space: (City of Arcata property, conservation easements, & city parks)
- Open Space-Pending
- Jacoby Creek Land Trust Conservation Easement
- Jacoby Creek Land Trust Conservation Easement-Proposed

Boundary Type

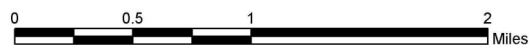
- Arcata City Limits
- Arcata Sphere of Influence Boundary
- City of Arcata Planning Boundary

Environmental Features

- Creeks
- Creek Zone
- Waterbody
- Slopes > 15%
- Wetlands

General Plan 2020: Land Use

- Agriculture - Exclusive [A-E]
- Natural Resource [NR]



APPENDIX E-2

Appendix E-3

Open Space Ownership 2003 (Acres)			
Open Space Ownership	City Limits	Sphere of Influence	Planning Area
City Parks	99	4	0
City Owned Open Space	1,719	57	768
Conservation Easements	23	121	60
County Property	84	9	0
State Property	179	76	512
Federal Property	15	38	662

Arcata General Plan 2020 Land Use (Acres)			
Land Use Category	City Limits	Sphere of Influence	Planning Area
Natural Resource [NR]	1,025	1,340	13,910
Agriculture - Exclusive [A-E]	1,040	824	5,396

Boundary Areas		
Boundary	Acres	Square Miles
Arcata City Limits	6,428	10.0
Sphere of Influence	3,485	5.4
Planning Area	20,096	31.4

Appendix F Process for Working With Landowners

STEP	TASKS/STAFF	SUPPORT MATERIALS & GUIDELINES
1. Outreach to landowners	<ul style="list-style-type: none"> ✓ Staff letter to all landowners adjacent to creeks, natural areas, trail linkage with 5+ acres. ✓ Focused personal outreach to key landowners. 	Model broadcast letter
2. Landowner expresses interest	<ul style="list-style-type: none"> ✓ Confirm staff team that will respond to landowners. 	
3. Collect preliminary information on property	<ul style="list-style-type: none"> ✓ Review maps, tax maps, tax records & aerial photos. 	
4. First meeting with landowner	<ul style="list-style-type: none"> ✓ Identify landowner objectives: <ul style="list-style-type: none"> • Sale or donation? • Stay on land or transfer deed? • Potential exclusions or reserve rights (if easement). • Permitted uses (if easement). • Timing/urgency/developer risk. ✓ Review conservation options. ✓ Identify role/interest of other family members. ✓ Mortgages or liens? ✓ Survey and maps ✓ Potential problems 	Checklist/meeting record Handout materials, maps
5. OSC assessment and recommendation of potential transaction	<i>Purchase & Sale transactions:</i> <ul style="list-style-type: none"> ✓ Assess opportunity & competing projects ✓ Need for partnering organization as grantor or easement holder <ul style="list-style-type: none"> • Assess parcel opp'ty vs. grantor criteria (matrix) <i>Pure donations of land or easement:</i> <ul style="list-style-type: none"> • Assess stewardship requirements and cost. 	Reference on grantor and land criteria. Open Space Program Matrix
NOTE: THE FOLLOWING STEPS WILL BE COMPLETED WITH LAND TRUST PARTICIPATION/SUPPORT IF THE LAND TRUST IS THE POTENTIAL EASEMENT HOLDER		
6. City Council authorize City Manager to negotiate.		Maps, aerial photos Staff Report
7. Staff to negotiate preliminary deal terms with landowner.	<ul style="list-style-type: none"> ✓ Confirm selected conservation option (easement/land transfer, donation/sale, etc.) ✓ Transaction costs that will be incurred & cost sharing with landowner. ✓ Expected time frame ✓ Required City approvals. ✓ Contingencies, fallback, strategy and/or exit strategy (if grant not approved, etc.) 	Draft purchase sale agreement (City Attorney)

8. <i>Optional:</i> Obtain appraisal on the value of the land/easement, if necessary	✓Landowner or City contract with the appraiser for an appraisal.	List of preferred qualified appraisers. Note: City to split costs of appraiser if landowner wants IRS deduction for 100% gift of easement or land.
9. All parties confirm commitment.	✓Landowner confirm commitment based on any appraisal completed in step 8. ✓OSC update funding criteria assessment. ✓OSC review transaction costs & update matrix rating.	
10. If necessary, obtain City Council approval to proceed with negotiations of final terms (purchase & sale transactions only).	✓Forward the proposed transaction to the correct approving bodies who wish to provide advice consent prior to final negotiations. ✓Planning Commission makes finding of consistency with General Plan.	
11. Negotiations on final price and transaction documents.	✓Negotiate easement deed, terms of gift, or purchase & sales agreement. ✓Obtain consultant assistance as indicated.	
12. Assemble due diligence materials and obtain full appraisal if necessary.	✓Hazardous waste inspection (if indicated by site conditions).	
13. OSC review due diligence.	✓Recommend approval of land protection transaction, considering due diligence findings or issues that may have arisen during negotiation of transaction documents.	
14. Apply for and receive grant funding.	✓Complete and submit grant application documents.	
15. Obtain Council approval of final transaction documents with public hearing.	✓City Council holds public hearing and then votes on transaction.	
16. Execute transaction documents with landowner and any involved third parties.	✓Sign deed transfer, easement deed and/or purchase & sales agreement (as applicable).	
17. Assemble or complete baseline documentation.	✓Deeds, maps, existing surveys ✓Boundary map w/photos ✓Condition of forest, wetlands, trails ✓Special features (mapped natural resource inventory, scope determined by nature of any grant application).	Checklist Permanent City filing system for monitoring easements and maintaining baseline documents.