

COASTAL CONSERVANCY

Staff Recommendation  
May 19, 2011

**RANCHERO MARK WEST ACQUISITION**

Project No. 11-011-01  
Project Manager: Amy Hutzel

**RECOMMENDED ACTION:** Authorization to disburse up to \$750,000 to LandPaths to acquire a remainder interest in the 120-acre Rancho Mark West property in Sonoma County for the protection of natural resources, public access, and education.

**LOCATION:** Northeast of the City of Santa Rosa in Sonoma County.

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

---

**EXHIBITS**

- Exhibit 1: [Project Location and Site Maps](#)
  - Exhibit 2: [Project Photos](#)
  - Exhibit 3: [Upland Habitat Goals Biodiversity Report](#)
  - Exhibit 4: [Project Letters](#)
- 

**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed \$750,000 (seven hundred fifty thousand dollars) to LandPaths for the purpose of acquiring a remainder interest in the 120-acre Rancho Mark West Property (Sonoma County Assessor Parcel No. 028-170-076) as shown on Exhibit 1, subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, LandPaths shall submit for the review and approval of the Executive Officer of the Conservancy:
  - a. All relevant acquisition documents, including, without limitation, the appraisal, purchase agreement, escrow instructions, environmental or hazardous materials assessment and documents of title.
  - b. Evidence that sufficient funds are available to complete the acquisition.
  - c. A list of the minimum educational programs that LandPaths will conduct on the property annually.

2. LandPaths shall pay no more than fair market value for the remainder interest in fee title acquisition of the property based on an appraisal of the property. The appraised fair market value shall take into account the retention by the owner of a life estate in the property and the conservation easement held by the Sonoma County Agricultural Preservation and Open Space District.
3. LandPaths shall permanently dedicate the property for the protection of natural resources, public access, and education through an irrevocable offer to dedicate an interest in the property or other instrument approved by the Executive Officer in accordance with Public Resources Code Section 31116(b).
4. LandPaths shall provide evidence that the landowner will allow public access and educational programs on the property for the duration of the life estate.
5. LandPaths shall use any revenue generated from the property for property management and provision of public access and education programs.
6. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property, the design and location of which has been approved by the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.
2. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
3. LandPaths is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

---

### **PROJECT SUMMARY:**

Conservancy staff recommends authorization of a grant of \$750,000 to LandPaths to acquire a remainder interest in the 120-acre Rancho Mark West property (“the property”). The purpose of the acquisition is to permanently protect existing natural resources and provide public access and education through the creation of the Rancho Mark West Nature Center. The property is northeast of the City of Santa Rosa in central Sonoma County (Exhibit 1). Located approximately 20 minutes from downtown Santa Rosa, the property will provide an incredible opportunity for natural resource education close to Sonoma County’s urban center.

The property is currently protected from development by a conservation easement acquired by the Sonoma County Agricultural Preservation and Open Space District in 1993. The easement protects the open space, natural, scenic and agricultural values of the property. Purchase of the property by LandPaths will provide additional protection of the natural resources of the property by reducing the potential for conflicts between future landowners and the easement holder and

by establishing the Conservancy as another public entity able to insure that the property remains undeveloped. In addition, the conservation easement allows for logging, which will no longer be permitted once the property is acquired by LandPaths.

The current conservation easement does not require public access be allowed on the property. Thus, acquisition by LandPaths will enable the property to be used in perpetuity for public access and education. The landowner, James Doerksen, and his wife, Elizabeth Doerksen, will retain a life estate on the property, but will agree in the purchase agreement to allow for continued and expanded public use on the property during the term of the life estate. The Doerksons will retain, for their lifetimes, the right to reside in the ranch house on the property and to rent out four units (three cabins and an apartment) on the property to tenants. During the term of the life estate, the Doerksons will be responsible for property taxes, insuring all improvements on the property, and maintenance of the property and buildings as well as the personal property included in the acquisition. The Doerksons will also keep the property open and available for use by LandPaths and numerous other project partners for public access and educational programs during the term of the life estate.

The Doerksons and LandPaths are currently negotiating a purchase agreement that will identify the uses allowed during the life estate. LandPaths is seeking agreement to carry out educational programs such as school field trips, nature-based youth camps, garden programs, and college-level courses and internships; community access programs such as holiday and community gatherings, volunteer and fundraising events, and public outings; and site management and stewardship activities by LandPaths staff and partners, including ecological research, animal husbandry, and green technology demonstrations. LandPaths is proposing public access in the form of trail use available to 25 people per day and general public use available for up to 60 people per day. The Sonoma County Permit and Resource Management Department has determined that LandPaths' proposed public access and educational uses of the property are consistent with Sonoma County's zoning designation for the property. Similarly, the Sonoma County Agricultural Preservation and Open Space District has agreed that the public access and educational uses are consistent with the easement.

Mr. Doerksen is currently allowing public access and education on the property, by LandPaths and other organizations. LandPaths' programs in Sonoma County target underserved populations and Rancho Mark West has proven to be easily accessible to urban populations due to its proximity to Santa Rosa. LandPaths' current programs at the property include the In Our Own Backyard field trip program, as well as the Owl Camp summer camp program, annual seasonal celebrations, open days to the public for nature exploration and hiking, and numerous community events. In addition, over 25 other partner organizations ranging from the Boy Scouts to the California Department of Forestry have been allowed by Mr. Doerksen to use the property for various purposes. LandPaths will build upon all of these existing programs and grow the public access and educational programs to serve the large and diverse population of greater Santa Rosa and Sonoma County.

After termination of the life estate, LandPaths would continue to provide the public access and educational programs that it conducted during the life estate. In addition, LandPaths has agreed that it will maintain a minimum level of educational and public access programs in perpetuity but that if it is ever in a position that it cannot continue those programs, it will open the property to unlimited public access, subject only to reasonable restrictions, as approved by the Conservancy

on the location of public use, hours per day and days per week. Since the Doerksens are expecting the property to be used for educational programs, the opening to general public use as an alternative to educational and public access programs would likely occur only after the end of the life estate.

The acquisition by LandPaths of a remainder interest in the property secures the property in perpetuity for natural resource protection, public access, and education and builds upon an existing relationship with the Doerksens to allow public access and education on the property during the term of the life estate. Acquisition of a remainder interest versus fee simple title also significantly lowers the acquisition cost. A fee simple acquisition of the property has been appraised at \$2,750,000. The existence of the easement was taken into account in the appraisal and reduced the fair market value of fee title acquisition of the property. The value of the property subject to a life estate has been appraised at \$1,446,784.25, which does not include the value of the use of the property for public access and education during the term of the life estate. The Doerksens have agreed to sell the remainder interest to LandPaths for \$1,000,000, which is a bargain sale. Matching funds from the Sonoma County Agricultural Preservation and Open Space District (final decision pending) and community members will be used to complete the acquisition.

LandPaths is a nonprofit organization headquartered in Santa Rosa, with a mission to foster a love of the land in Sonoma County. LandPaths partners with many other agencies and organizations to conduct stewardship and public use programs on public lands and owns and manages their own property as well. LandPaths currently manages one state park (Willow Creek), two county open space preserves (Healdsburg Ridge and Taylor Mountain), two preserves of its own (Riddell and Grove of the Old Trees), and one city park (Bayer Farm). The Conservancy has provided grants to LandPaths in the past for projects including construction of Sonoma Mountain Trail, acquisition of the Grove of the Old Trees (formerly Van Alstyne), and management of public access at Willow Creek.

**Site Description:** Rancho Mark West is an historic 120-acre property located northeast of Santa Rosa, in the geographic heart of the Mayacamas Mountain Range and just 0.3 miles from the 960-acre Saddle Mountain Open Space Preserve (Exhibit 1). The property is within a complex of protected lands: Annadel, Sugarloaf, and Bothe Napa Valley State Parks, Shiloh Regional Park, and Saddle Mountain Open Space Preserve, and Pepperwood Preserve. The property has a unique combination of historic working landscape features and riparian, coastal conifer and hardwood forest habitats.

A 0.7 mile reach of Mark West Creek, one of only three tributaries to the Russian River identified as refugia headwater streams providing high quality spawning and rearing habitat for steelhead and coho salmon, runs through the property. This freestone and bedrock reach of the creek has forested cover running its entirety comprised of white alder, Oregon ash, bay laurel, and coastal redwood and is a defining geographic feature of the property, separating the historic, gently sloped working landscape to the north and the more steeply contoured, coniferous forest to the south.

Rancho Mark West's flora is comprised of both individual plant species and plant communities representative of both northern California coastal and interior valley zones. Seventeen species of trees, including California nutmeg, Douglas fir, California black walnut, canyon live oak, big-leaf maple, madrone, and buckeye, can be found on the property which also supports over 50

species of wildflowers, some of which are on serpentine outcrops. Redwood forest on the western end of the property includes several old-growth trees and sizable stands of mature second growth trees. 236 species of birds have been documented on the property, including eight species of owls, kingfisher, neotropical migrant passerines and every species of raptor found in Sonoma County.

The Upland Habitat Goals Biodiversity Habitat Report for the property ranks the property as highly suitable for conservation and identifies the importance of Mark West Creek and notes the property's contribution towards protection goals for redwood forest, valley oak forest, Douglas fir forest, and montane hardwoods (Exhibit 3). As the property is protected by a conservation easement, it is categorized as protected land, but is surrounded by lands designated as essential or important for completing the conservation lands network in the Bay Area.

Access to the site is off of the well-traveled St. Helena Road that connects Sonoma and Napa Counties. Located on the property are an historic ranch house built in 1851, a barn, a second storage barn, and three cabins, as well as three well-outfitted maintenance shops, a pond, teaching farm area with school garden, and several miles of well-maintained ranch roads and secondary trails, and a staging area that can accommodate up to 65 vehicles.

The historic ranch house and cabins are being lived in by Mr. Doerksen and his wife and their tenants. This arrangement will continue during the term of the life estate, with the opportunity for LandPaths to rent buildings as they become available. When the life estate ends, LandPaths will reuse the buildings for public use and educational programs. During the life estate, LandPaths will use the barns and maintenance shops, pond, teaching farm area, staging area, trails, and natural areas for their programs. The property is well-developed for public access and educational programs, with very well-built and maintained facilities. Mr. Doerksen has also extirpated poison oak from the property to make the educational programs more pleasant for schoolchildren. When the life estate ends, LandPaths plans to reuse a number of the buildings for public use and educational programs, for staff and volunteers to live on site, and, potentially continue to rent existing rental units in order to provide revenue for management of the property and public use and education programs.

**Project History:** The project builds on Conservancy funded projects, including a grant to LandPaths to conduct the In Our Own Backyard environmental education program in 2003 and a grant to the Bay Area Open Space Council in 2002 for various regional work including a Diversity Initiative which identified LandPaths as one of three Bay Area organizations that demonstrated considerable interest and readiness to participate in meaningful process towards achieving diversity and community participation goals.

Ranchero Mark West was one of the first conservation easements accomplished in 1993 by the then newly-formed Sonoma County Agriculture Preservation and Open Space District. This conservation easement prevents subdivision and development, but allows farming including animal husbandry and limited logging of Douglas fir under an approved Timber Harvest Plan. The acquisition of a remainder interest in fee title will build upon the protection of natural resources in the conservation easement and will protect in perpetuity the public access and educational programs that have been occurring with the landowner's permission for decades by numerous agencies and organizations. LandPaths has twelve years of history on the property and is currently providing several programs on the property, serving 350 students annually through the In Our Own Backyard Program (with 1,400 student field days per school-year) and an

additional 375 student field days during the summer Owl Camp program. Additional children and adults are served through community events and outings. All of the future envisioned activities fall within the conservation easement restrictions and county zoning restrictions. The fee title acquisition would strengthen the level of protection for natural resources and establish a protection for public access currently an asset only volunteered by the landowner.

**PROJECT FINANCING**

Coastal Conservancy	\$750,000
Sonoma County Agricultural Preservation and Open Space District ( <i>pending</i> )	250,000
Community Donations	<u>50,000</u>
<b>Total Project Costs</b>	<b>\$1,050,000</b>

In addition to the cash contributions, there are many in-kind contributions towards the acquisition and formation of Rancho Mark West Nature Center. LandPaths has received pro-bono services from an architect, transaction broker, and real estate attorney in the estimated amount of \$45,000. Mr. Doerksen has agreed to a bargain sale, selling the property for \$446,785.25 less than its appraised fair market value and he is including approximately \$100,000 in personal property (such as the tools in the maintenance shops) in the sale. LandPaths has also forged a volunteer labor force for maintenance of the property and delivery of educational programs, and benefited from pro-bono labor on the school garden development and barn floor rehabilitation.

Staff anticipates using the fiscal year 2009 appropriation to the Conservancy from the “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006” (Proposition 84). See Public Resources Code section 75001 et seq. This funding source may be used for San Francisco Bay Area Conservancy Program projects that promote access to and enjoyment of coastal resources and that protect coastal watersheds and the natural habitat values of coastal waters and lands. Public Resources Code section 75060(c). The fee title acquisition of the remainder interest in Rancho Mark West will serve to protect natural habitats in the Mark West Creek watershed as well as to promote access to and enjoyment of land in a coastal watershed. As discussed below, the project is consistent with Chapter 4.5 of Division 21.

Proposition 84 also requires that, for acquisition projects that protect natural resources, the Conservancy assess whether the project meets at least one of the criteria specified in Section 75071 of the Public Resources Code. The proposed acquisition satisfies three of the five specified criteria:

- 1) The property contributes to linking existing protected areas with other large blocks of protected habitat. The linkage serves to connect existing protected areas, facilitate wildlife movement or botanical transfer, and results in sustainable combined acreage within the Mayacamas Mountain Range.
- 2) The project will contribute to long-term protection of and improvement to the water and biological quality of Mark West Creek within the Russian River watershed, a “priority

watershed” as identified by the Resources Agency.

- 3) The project is supported by matching funds. An additional \$300,000 in funding is being contributed to the acquisition and significant in-kind services are being contributed to the project.

As required by Section 75701, Conservancy staff has submitted to the Resources Agency and posted on the Conservancy’s website an explanation as to how the proposed acquisition meets the criteria of this section.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

This project is undertaken pursuant to Chapter 4.5 of the Conservancy’s enabling legislation, Public Resources Code Sections 31160-31165, to address resource and recreational goals in the San Francisco Bay Area.

The Rancho Mark West property is located in Sonoma County, one of the nine San Francisco Bay Area counties in which the Conservancy is authorized, under Sections 31160 and 31161 of the Public Resources Code, to undertake projects and award grants to address resource and recreational goals for the region.

Consistent with Section 31162(a), the project will improve public access to, within, and around ridgetops and urban open spaces, consistent with the rights of private property owners and without having a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife, through the provision and preservation of public access facilities on the Rancho Mark West property, including a staging area, picnic areas, trails, and educational facilities and programs.

Under Section 31162(b), the Conservancy may act to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance. The acquisition of a remainder interest in fee title of the property will permanently protect 120 acres of habitat and open space and 0.7 miles of Mark West Creek.

Consistent with Section 31162(d), the project will provide open space and natural areas accessible to the urban populations of greater Santa Rosa and beyond for educational purposes.

Finally, the Rancho Mark West acquisition satisfies all of the criteria for determining project priority under 31163, as follows: (1) The acquisition is supported by adopted regional plans. Acquisition and permanent protection of the property for public access and education is consistent with the Open Space and Resource Conservation Element and Public Facilities and Services Element of the Sonoma County General Plan 2020 (which includes goals and objectives for retaining the largely open, scenic character of important Scenic Landscape Units, including the Mayacamas, preserving the unique rural and natural character of Sonoma County, protecting and enhancing the County’s natural habitats and diverse plant and animal communities, protecting and enhancing Riparian Corridors, and providing an adequate supply and equitable geographic distribution of regional and local parks and recreation services based on population projections), as well as the Sonoma County Agricultural Preservation and Open Space District’s Long Range Acquisition Plan (2006) and Mayacamas Connectivity Report (2010). (2) The project serves a regional constituency, in that the project will help preserve habitat and provide public access and education for the benefit of urban populations of greater Santa Rosa and the

San Francisco Bay Area. (3) The acquisition can be implemented immediately. (4) The project provides benefits that would be lost if the project is not quickly implemented: the landowners are allowing public access, but this acquisition would secure that right in perpetuity. (5) The Conservancy's funds are being matched, both for the property acquisition and for implementation of public access and educational programs and facilities, including land stewardship.

**CONSISTENCY WITH CONSERVANCY'S 2007  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

The proposed project is consistent with **Goal 10, Objective D** of the Conservancy's Strategic Plan, because it will result in the acquisition of 120 acres of upland wildlife habitat and regionally significant open space in the Bay Area.

The proposed project is consistent with **Goal 11, Objective C** of the Conservancy's Strategic Plan, because it will increase the amount of land accessible to the public.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The proposed project has a broad level of support from school districts, public agencies and elected officials, environmental education programs, nonprofit organizations, and greater Santa Rosa residents. Supporters include Congresswoman Lynn Woolsey, State Senator Noreen Evans, Assemblyman Michael Allen, Sonoma County Supervisors Valerie Brown, Shirley Zane, and Efren Carrillo, a number of Santa Rosa School District Superintendents, Sonoma County Agricultural Preservation and Open Space District, Sotoyome Resource Conservation District, Save-the-Redwoods League, the Laguna Foundation, Pepperwood Foundation, Russian Riverkeeper, Sonoma State Field Stations, City of Santa Rosa Parks and Recreation department, 4-H Foundation, and the Friends of Mark West Creek Watershed. Letters of support are attached as Exhibit 4.
4. **Location:** The Rancho Mark West Property is located in Sonoma County, within the jurisdiction of the San Francisco Bay Area Conservancy.
5. **Need:** This acquisition would not be possible without Conservancy funding. While supported by many organizations and agencies, Conservancy funds are necessary to leverage local funding and make the acquisition a reality.



6. **Greater-than-local interest:** The property is regionally significant for its capacity for nature study easily accessible to greater Santa Rosa residents as well as its inherent natural resource values, notably a portion of Mark West Creek and redwood and Douglas fir forest. Santa Rosa is the urban and political center of Sonoma County, the fifth largest city in the San Francisco Bay Area, and the 12<sup>th</sup> largest metropolitan area in California. Nearly 30% of the population is Hispanic or Latino and over 30% of households have children under the age of 18. LandPaths' focus is on serving the children of greater Santa Rosa and Sonoma County, and has built a strong connection with the Latino community at Bayer Farm in Roseland in Santa Rosa.
7. **Sea level rise vulnerability:** The project is located in an area that is not vulnerable to impacts due to anticipated rise in sea levels attributable to global climate change.

**Additional Criteria**

8. **Urgency:** The opportunity to acquire a remainder interest in the Rancho Mark West is at a critical juncture. Mr. Doerksen is motivated to see the land protected for use as a publicly-accessible nature center and has stated that he needs resolution this year in order to plan for his future and that of the property. LandPaths and others want to secure in perpetuity the opportunity to provide public access and education that has been allowed for many years by Mr. Doerksen.
9. **Resolution of more than one issue:** The acquisition protects natural resources, the Mark West Creek and watershed, and a natural area accessible to urban populations for education. Multiple organizations use Rancho Mark West already and would benefit by the permanent protection of the property for public access.
10. **Leverage:** See the "Project Financing" section above.
11. **Innovation:** LandPaths has forged innovative environmental education programs at Rancho Mark West, as well as Bayer Farm in Santa Rosa, working with local schools and communities. The establishment of the Rancho Mark West Nature Center will provide for an easily accessible gateway to the heart of the Mayacamas Mountains, where youth and adults can learn about environmental issues and positive actions to steward the earth and where a connection to nature can be nurtured. The acquisition is also innovative in its use of a remainder estate. The continued involvement of the landowner, through a life estate, will reduce the costs of the fee title acquisition and the initial costs of land management and stewardship, allowing a transitional period for LandPaths to build additional capacity and build upon existing volunteer programs in order to move into the role of fully managing the site in perpetuity.
12. **Readiness:** An appraisal has been completed and a purchase agreement is being negotiated with the landowner. LandPaths is securing the necessary funding and is ready to proceed with the land acquisition and the continuation and expansion of public access and educational programs.
13. **Cooperation:** Along with LandPaths, numerous other organizations, such as Boy and Girl Scouts, Friends of Mark West Watershed, Sierra Club, Sotoyome Resource Conservation District, U.C. Berkeley, and California Department of Forestry, have used the property for educational purposes. The acquisition by LandPaths will enable their continued use of the property.

14. **Vulnerability from climate change impacts other than sea level rise:** LandPaths intends to manage the site to prepare for a “flashier” climate (e.g. longer, hotter droughts as well as increased and more intense rainfall). A flashier climate in Sonoma County could exacerbate some stresses and lead to habitat changes as characteristic plant species die out or experience range shifts. For example, less rain during the growing season is forecast to reduce the range of at least some local oak species by up to 59%. Additionally, threats to native habitats such as fire, water consumption, and invasive species could increase. LandPaths is engaged in the North Bay Climate Adaptation Initiative, a consoryium of citizens, policy makers, scientists, and land managers dedicated to implementation of priority actions recommended in the Biodiversity Action Plan (2010) prepared for Community Foundation Sonoma County and Sonoma County Water Agency.
15. **Minimization of greenhouse gas emissions:** The formation of the Rancho Mark West Nature Center provides an environmental education resource within a short drive of the many schools in greater Santa Rosa, potentially reducing the need for longer drives to far-flung environmental education sites. LandPaths also intends to incorporate multiple “green technology” improvements on the property, such as solar panels on the existing buildings, reuse of existing buildings, and rainwater catchment and reuse in the teaching farm area. The acquisition would also permanently protect Douglas fir and redwood stands, which act to sequester carbon.

**COMPLIANCE WITH CEQA:**

Acquisition of the Rancho Mark West property is categorically exempt from the California Environmental Quality Act (CEQA) in that it involves the acquisition of interests in land for open space and wildlife habitat purposes, to preserve existing natural conditions and to allow public access and educational use (14 Cal. Code of Regulations Section 15325). Staff will file a CEQA Notice of Exemption upon Conservancy approval of the project.