



## Introduction

The County of Marin (County) has been engaged in agricultural land preservation and protection efforts for more than four decades through the promotion of Williamson Act contracts, the development and defense of A-60 zoning, and other activities. Marin's agricultural lands provide innumerable benefits to local communities and the region. The Marin County Agricultural Land Conservation Program (County Program) was approved by the Board of Supervisors on January 31, 2012 to formalize the County's long-standing commitment to agricultural preservation by amending Marin County Parks' Agricultural Policies to include Policy AG5. Policy AG5 states "The department shall develop and administer an Agricultural Land Conservation Program to promote, support, and engage in measures to permanently protect agricultural lands in Marin."

With the passage of Measure A (see Ordinance 3586 in the Web References section below) on November 6<sup>th</sup>, 2012 annual funding became available to support the County Program through a Farmland Preservation Program (Measure A Program) over 9 years. 20% of Measure A annual revenues (estimated at \$2,000,000 per year) have been set aside to "protect Marin County farmland at risk of subdivision and development and preserve Marin's working farms and ranches." At least 90% of Measure A Program revenues are allocated to a) purchase of perpetual agricultural conservation easements, and on land already encumbered by agricultural conservation easements, purchase of additional real property interests, to protect and permanently preserve Marin County farms and ranches for productive agricultural use through voluntary transactions with landowners; or b) provide matching grants to qualified organizations to support and facilitate the purchase of perpetual agricultural conservation easements, and additional real property interests on land already encumbered by an agricultural conservation easement, through voluntary transactions with landowners. A Parks, Open Space, and Farmland Preservation Expenditure Plan attached to Ordinance 3586 includes additional information about this Measure A Program and other expenditures allowable under Measure A.

Measure A Program matching grant funds support the County Program and are issued in accordance with the Parks, Open Space, and Farmland Preservation Expenditure Plan, Measure A Program grant application materials and all County Program guiding documentation. The Measure A Program is the funding mechanism for the County Program.

## Note to Applicants\*

Use this application to apply for matching grant funding from the County Program, with funding provided by the Measure A Program for the purpose of:

- purchasing perpetual agricultural conservation easements (“easement” or “easements”)
- purchasing additional real property interests on land already encumbered by a perpetual agricultural conservation easement

To facilitate processing your grant application, please note the following:

- Marin County Parks will disburse funds from the Measure A Program subject to a signed grant agreement between the applicant and the County of Marin.
- See the Review and Approval Process, below, to understand the steps required to secure a grant of Measure A Program funds.
- Grant applications are accepted at any time.
- Grant applications are accepted by e-mail or hard copy.
  - If e-mailing your application, please submit all documents in pdf format
  - If e-mailing, address your application to your assigned staff contact
  - Mail your application to: Marin County Parks, 3501 Civic Center Drive, Suite 260, San Rafael, CA 94903
  - Marin County Parks will acknowledge receipt of all applications.
- Proposed grant agreements will be considered at regularly scheduled public meetings of the Marin County Board of Supervisors (Board). Applicants should plan on attending the meeting(s) at which their agreement is being considered.
- Grants are subject to availability of Measure A Program funds. Grant requests may exceed available funds in any given year, and are considered on a first come, first served basis.
- The sales tax increment supporting the County Program expires in 2021, though limited Measure A Program funds may be available for a limited amount of time after that until they are exhausted.

\*Note: The terms “Applicant”, “Grantee” and “Owner” are used interchangeably in this application packet, and refer to the same entity, depending on the status of the application and approval process.

## General Program Requirements

General requirements for the acquisition of easements are as follows:

1. The purchase price of any interest in land purchased under this County Program may not exceed fair market value as established by an appraisal prepared by an MAI (Member, Appraisal Institute) appraiser and reviewed and approved by the Marin County Department of Public Works – Real Estate Section.
2. Easements and other real property interests shall be acquired only from willing sellers.
3. Easements shall include, if appropriate, provisions limiting uses and practices that may degrade water quality, soil and bank stability, and riparian vegetation with regard to a creek or stream on the property.
4. When additional real property interests are being purchased to further restrict the use of lands encumbered by an easement those interests may limit uses and practices that could degrade water quality, soil and bank stability, and riparian vegetation with regard to a creek or stream on the property.
5. Easements shall include a provision specifying continued productive agricultural uses on the property. This provision shall also be required, where appropriate, when additional real property interests are being purchased to further restrict the use of lands encumbered by an easement that predates the effective date of the County Program.
6. Easements held by an entity other than the County of Marin (County) shall name the County, the Marin County Open Space District, or a public entity approved by the County, as a back-up owner in the event the original owner ceases to exist, or to be a qualified organization under Section 170(h) of the Internal Revenue Code, as amended, or ceases to be authorized to hold conservation easements under California law.
7. The Marin County Board of Supervisors (Board) shall empower the Director to approve any form of easements acquired pursuant to this County Program by an entity other than the County. The Agricultural Conservation Easement template adopted by the County on May 12, 2009 shall serve as a model for an appropriate easement, and may be modified as necessary. The final easement terms and conditions are subject to input, review, and approval by Marin County Parks and the Board.
8. The holder of easements and other real property interests acquired pursuant to this County Program shall monitor and enforce the easements and other real property interests in accordance with the Land Trust Alliance Land Standards and Practices, and as such standards and practices may be amended from time to time.
9. Grantee is responsible for complying with all County appraisal requirements. Please see Item VII.D. in the County Program for detailed information on appraisal requirements (see Marin County Agricultural Lands Conservation Program in the Web References section below).
10. Measure A Program funds must be matched at a minimum ratio of 1:1. In-kind donations do not qualify for matching purposes.
11. The applicant and the Marin County Board of Supervisors must enter into a grant agreement before the County disburses funding from this Measure A Program.
12. Applicant or the proposed easement holder must complete a baseline conditions report prior to close of escrow. Please see Item 4 of the County of Marin Agricultural Conservation Easement template (see Web References section below), for information on the content of this report.
13. The easement holder shall develop and submit to Marin County Parks prior to close of escrow a baseline report and an Easement Monitoring and Reporting Plan that, at minimum, describes annual monitoring and reporting protocol.
14. The use of public funds to acquire an agricultural conservation easement is a project within meaning of the California Environmental Quality Act and is subject to the requirements of Division 13 of the California Public Resources Code. California Code of Regulations, Title 14, Section 15317 provides for a categorical exclusion for open space contracts or easements, including the establishment of agricultural preserves.
15. The applicant must meet the requirements of a qualified applicant under VII of the Marin County Agricultural Lands Conservation Program: Procedures and Requirements in the County Program.

16. Confirm property is zoned for agricultural use; its preservation is consistent with the Marin Countywide Plan.

Compliance with all of the above requirements is necessary to receive Measure A Program funding.

## Review and Approval Process

The following process applies to qualified conservation organizations.

1. Applicant contacts the Marin County Parks Open Space Planner to arrange a meeting to discuss a proposed easement acquisition project.
2. Marin County Parks and applicant meet to discuss project proposal. Applicant is provided with application materials and is assigned a staff contact who will guide the applicant through the process.
3. Applicant completes and submits the application.
4. Marin County Parks reviews the application for completeness and content, completes the assessment process, conducts any necessary site visits, and proceeds with compiling other additional information necessary to make a final funding recommendation to the Marin County Board of Supervisors (Board).
5. Marin County Parks informs applicant of its preliminary recommendation. This recommendation is preliminary and will be contingent on Marin County Park's review of the appraisal and other project documents discussed below.
6. Applicant obtains an appraisal, consistent with requirements outlined in the County Program.
7. Marin County Parks reviews, with assistance from the County Department of Public Works, Real Estate Division, all real estate related documents, including, but not limited to, the appraisal, purchase agreement, and escrow instructions. Marin County Parks may require a new appraisal if it's completion date is over one year from the execution date of the purchase agreement.
8. Marin County Parks prepares a grant agreement and final recommendation to the Board (see Grant Agreement in the Web References section below).
9. Marin County Parks schedules matter for consideration at a meeting of the Board.
10. Upon execution of the agreement by Board president on behalf of County, applicant has one (1) year from the date of the appraisal to close escrow.
11. Grantee submits an Easement Monitoring and Reporting Plan and a baseline conditions report. Marin County Parks reviews and approves both the plan and report.
12. Marin County Parks will disburse matching funds directly into an escrow account established for the acquisition.

## Grant Application Checklist

All grant applications must include the following. Please indicate any information that will be submitted after the grant application, prior to closing.

- Completed Grant Application Checklist
- Completed Grant Application Cover Sheet
- Executive Summary (1 page maximum)
- Project Location Map
- Parcel and easement boundary maps (May be combined with Project Location Map).
- Representative photos of land showing notable features
- Project Budget
- Project Implementation Schedule (completed with Marin County Parks staff)
- Letter of Intent and Confirmation of Willing Seller
- Letters of Support from any cooperating or supporting entities (may include individuals, government entities, funders or community organizations)
- Easement Acquisition Summary Sheet
- Project Specification (4 page maximum)
- Documentation of Public/Neighboring Landowner Notification
- Preliminary Title Report
- Existing Easement (if applicable)
- Draft Easement (may be provided separately prior to closing)
- Appraisal (may be provided separately prior to closing)
- Purchase Agreement (if applicable)
- Escrow Instructions
- Easement Monitoring and Reporting Summary (may be provided separately prior to closing)
- Baseline Conditions Report consistent with Land Trust Alliance standards (may be provided separately prior to closing)

A qualified conservation organization must include:

- A copy of organization's IRS 501(c)3 or 170(h) status
- A copy of organization's Articles of Incorporation

## Grant Application Cover Sheet

<b>Name of Applicant</b>			
<b>Project Title</b>			
<b>Mailing Address</b>			
<b>Contact</b>	<b>Name</b>		
	<b>Title</b>		
	<b>Telephone</b>		
	<b>Email</b>		
<b>Funding Information</b>	<b>Estimated Fair Market Value</b>	\$	
	<b>Preliminary Estimate of Acquisitions Costs</b>	\$	
	<b>Estimate of Transaction Administrative Costs</b>	\$	
	<b>Grant Request Amount</b>	\$	
	<b>Total Estimated Project Cost</b>	\$	
	<b>Matching Funds</b>	\$	
		\$	
		\$	
<b>Project Location (Address and APNs)</b>			
<b>Type of Grant Request</b>	<b>Agricultural Conservation Easement</b>		
	<b>Additional Real Property Interests</b>		

## **Executive Summary**

In one page or less, please provide a brief description of the proposed project and its scope. Include information regarding:

1. The present and/or potential agricultural use of the property given its soils, topography, water resources, size, etc.
2. Agricultural improvements and facilities on property.
3. Size and location of property.
4. Effect of conversion of the property to non-agricultural use(s) on adjacent or nearby properties and on the local agricultural economy.
5. Any evidence that land proposed for protection is likely to be converted to non-agricultural use in the foreseeable future.

## Project Location Map

## **Topographic and Aerial Maps**

(Maps should show the exterior boundaries of subject parcel(s), boundaries of the proposed easement, parcel number(s), and names of roads and other features useful in identifying features.)

## **Representative Photos of Land Showing Notable Features**

(Photos may be provided electronically with a cover sheet describing all photos. If possible, please provide a map with photo points showing the direction each photo was taken.)

## **Project Budget**

Include the amount requested from Marin County Parks, together with source(s) and amount(s) of matching funding. Project budget must consider the following items:

1. Estimated fair market value of the easement or additional real property interests
2. Preliminary title reports, appraisal, purchase agreement, draft escrow instructions, and any other acquisitions costs
3. Survey (if needed)
4. Estimated closing costs
5. Grantee administrative costs (limited to 5% of total funding request; any administrative costs must be directly related to this project and cannot support the general function of the organization)
6. Matching funds and sources (include information about the status of any awards or pending requests)
7. All other costs the grantee wishes to be considered for funding under this grant

## Project Implementation Schedule

(To be completed at first meeting between staff and applicant)

<b>Task or Milestone</b>	<b>Timeframe</b>	<b>Comments</b>
Project initiation meeting (Applicant and County)		
Site visit (Applicant and County)		
Complete application (Applicant)		
Application deemed complete (County)		
Convey preliminary funding determination (County)		
Complete appraisal and submit to Marin County Parks (Applicant)		
Complete review of appraisal (County)		
Prepare grant agreement (County)		
Submit signed agreement for Board approval (Applicant)		
Board consideration of Grant Agreement (County)		
Close of escrow (Applicant)(submit copies of all final closing documents specified in the grant agreement)		

**Letter of Intent and Confirmation of Willing Seller**

A letter must be provided from each legal owner. The letter must include the following information and be signed and dated from the legal owner(s) of each parcel.

(Sample – Willing Seller Letter)

Date:

To: Attn: Director  
Marin County Parks

From: Name(s) of Legal Owner (Trust, etc.)  
Address of Legal Owner(s)

RE: Parcel numbers:  
Property address:

To Whom it May Concern:

This letter is provided to confirm that <name of owner, trust, etc.>, owner of the above referenced property, is a willing participant in the proposed real property transaction. Should grant funds be awarded to the grant applicant <name of grant applicant>, then <name of owner, trust, etc.>, as Seller, is willing to enter into negotiations for the sale of an agricultural easement, fee title or additional real property rights on property already under easement for a purchase price not to exceed fair market value.

Acknowledged:

\_\_\_\_\_  
**Signature(s) Owner(s) (trustee, etc.)**

\_\_\_\_\_  
**Date signed**

## **Letters of Support**

Please address any letters of support to the Director of Marin County Parks. Letters may be submitted separately.

## Easement Acquisition Summary Sheet

<b>Project Title</b>		
<b>Landowner name(s)/ownership structure</b>		
<b>Street Address of Property</b>		
<b>Property Information</b>	<b>Total Acres</b>	
	<b>Prime</b>	
	<b>Irrigated</b>	
	<b>Non-Irrigated</b>	
	<b>Grazing Land (Department of Conservation)</b>	
	<b>Farmland of Local Importance</b>	
	<b>Water Source(s)</b>	
	<b>Mineral rights separated from fee title property?</b>	Y/N If yes, type and owner:
<b>Residential Structures</b>	<b># of residential structures currently on property</b>	
	<b># of homesites to be reserved in easement (if any)</b>	
<b>Farm Labor Housing</b>	<b># farm labor residential structures/units currently on property (if any):</b>	
	<b>Approximate size of each farm labor residence (square footage of living area):</b>	
	<b>Are additional farm worker structures allowable?</b>	
<b>Zoning</b>	<b>Minimum parcel size (current zoning):</b>	
	<b>Number of existing legal parcels:</b>	
	<b>Would proposed easement(s) prohibit further subdivision of existing legal parcels?</b>	

<b>Any special need to expedite? (explain)</b>	
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## Project Specifications

This section should be used to explain attributes of the proposed project, the applicant's capabilities, and the project's consistency with county policies. This section shall not exceed **four pages**. Please answer the following questions, maintaining the lettering format below.

- a. Is the proposed easement area expected to continue to be used for, and is large enough to sustain, commercial agricultural production? What agricultural infrastructure exists on the property? (Describe irrigation systems, permanent crops, agricultural employee housing, other housing, agricultural buildings and facilities in detail.) Are the surrounding parcel sizes and land uses likely to support long-term commercial agricultural production?
- b. Without conservation, is the land proposed for protection likely to be converted to non-agricultural use in the foreseeable future? Provide any direct evidence supporting this prediction.
- c. Are there natural resource considerations associated with this proposal, including such issues as open space preservation, wetland protection, or wildlife habitat conservation?
- d. How is the acquisition consistent with county general plan, local coastal program, and other land use policies?
- e. Is the property currently under a Williamson Act contract or in a Farmland Security Zone? If so, how does this status impact the timeframe for future conversion from agricultural use?
- f. What are the fiscal and technical capabilities of the applicant to carry out this project? (Technical capability may be demonstrated by agricultural land conservation expertise on the governing board or staff of the applicant, or through partnership with an organization that has that expertise.)

## **Documentation of Public/Neighboring Landowner Notification**

(Please provide evidence that all adjacent landowners have been contacted, including a copy of the form of notice.)

**Preliminary Title Report**

(May be submitted separately)

**Existing Easement** (if applicable)

**Draft Easement**

(This may be submitted separately at any time prior to closing.)

## **Appraisal**

To be submitted separately, following preliminary determination of project merits by county

## **Purchase Agreement**

(This may be submitted as a draft provided it is final before the Board of Supervisors approves the grant agreement.)

**Escrow Instructions**

(This may be submitted separately at any time prior to closing.)

## **Easement Monitoring and Reporting Plan**

The following items must be covered in the Easement Monitoring and Reporting Plan:

- Monitoring Frequency
- Landowner Contact
- Monitoring Process including:
  - Review of historic documents
  - Types of information to be recorded on an annual basis
  - Photographs
  - Maintaining maps
  - Residual Dry Matter or similar measurements used to assess protection of agricultural values
  - Soil erosion
  - Water quality
  - Invasive Plants
  - Compliance with level and type of agriculture identified in the Agricultural Management Plan
- How report information will be handled by the grantee
- What report information will be provided annually to Marin County Parks

## Baseline Conditions Report

(This may be submitted at any time prior to closing.)

The following items must be covered in the Baseline Conditions Report:

- Summary Information
  - Owners name, address, phone number
  - Property address (if different)
  - Name, address, phone number(s) of contact person (if different)
  - Date of easement acquisition
  - Assessors parcel number(s) and acreage(s)
  - Zoning
  - Watershed
  - Type of land use
- Introduction
  - Purpose of the report
  - Date of site visit(s)
  - Sources of background information
  - Any important details specific to the property
- Physical Description
  - Location, regional uses
  - Topography
  - Major drainage patterns (watersheds)
- Improvements
  - Buildings
  - Fences
  - Roads
  - Ponds and other water sources
  - Dairy waste facilities
  - Any other significant improvements
- Vegetation and soils
  - Major vegetation types with approximate acreages/coverages, significant species
  - Cultivated crops with acreages
  - Agricultural weeds present and location
  - Soil descriptions
  - Soil erosion
- Land use
  - Current, historic, and surrounding land uses
  - Conservation practices
  - Quarries, dumps, timber harvesting
  - 3<sup>rd</sup> party leases, easements
- Signature page
- Appendices
  - Assessors parcel map
  - USGS 7.5 minute topographic map
  - Recent aerial photograph enlargement to approximately 1"=500' scale, with property boundary, photograph locations, and pertinent field notes

- Oblique or small-scale DOQ aerial photograph showing facilities (if needed)
- Soil map and soil type descriptions
- Photograph Record and photographs - color copies
- Copy of easement document protecting the property

**Copy of Nonprofit IRS 501(c)3 or 170(h) Status**

(Nonprofit Organizations Only)

**Copy of Articles of Incorporation**

(Nonprofit Organizations Only)

## **Web References**

Ordinance 3586: [http://www.marincountyparks.org/depts/pk/about-us/main/~/\\_media/Files/Departments/PK/About%20Us/MeasureA/COM\\_OrdinanceNo3586.pdf](http://www.marincountyparks.org/depts/pk/about-us/main/~/_media/Files/Departments/PK/About%20Us/MeasureA/COM_OrdinanceNo3586.pdf)

Marin County Agricultural Lands Conservation Program: <insert link>

County of Marin Agricultural Easement Template: <insert link>

Grant Agreement: <insert link>

<End of Application Materials>