

**CALIFORNIA FARMERS AND CONSERVATION EASEMENTS:
MOTIVATIONS, EXPERIENCES, AND PERCEPTIONS
IN THREE COUNTIES**

By

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with the assistance of
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EXECUTIVE SUMMARY

What motivates farmers to give up development rights and convey permanent conservation easements on their land? This report, the first in a series of three, examines the views and experiences of 46 landowners with conservation easements on their properties in three northern California counties. Thirty-seven had sold such easements in recent years; the other nine owners had recently purchased parcels with easements already in place.

These farmland parcels are located in two North Bay coastal counties, Marin and Sonoma, and in Yolo County in the Central Valley. Collectively, these three counties contain a large share of the California farmland protected by conservation easements expressly for the purpose of allowing continued farming. The three programs are the Marin Agricultural Land Trust (MALT), the Sonoma County Agricultural Preservation and Open Space District (SCAPOS), and the Yolo Land Trust (YLT). In large part, the three programs acquire easements to preserve commercial farmland in the path of urbanization, as compared to the more traditional use of the technique to protect habitat, wetlands, forests, and other natural resource areas for their environmental qualities.

We surveyed the 46 landowners in phone and personal interviews in February-August, 1999, asking questions about motivations, negotiations with land trusts, perceptions about program success and other experiences related to their conservation easement. Our findings are divided into the following major areas.

Motivations

Farmland owners are motivated by a combination of short- and long-term reasons to sell easements on their properties. The short-term factors revolve largely around the benefits of getting a large amount of cash at one time. The long-term reasons are more complex and often are rooted in personal beliefs about land preservation. We found that preservation for continued farming or open space was the leading motivation for the 37 original sellers, with cash often seen as a mechanism for achieving preservation and family goals. Other findings:

- Many landowners commented on stewardship and landscape values and few were concerned about easement perpetuity—indications of the preservation motivation.
- Personal attachment to the easement-protected parcels was another widely-held sentiment, with many respondents noting a long history of family ownership and the importance of their farms as home sites.
- Easement status was a decided advantage for most of the nine later purchasers, primarily because it reduced purchase prices.

Experiences

Landowners overall have very positive views of their easement-related experiences, extending from the sale negotiations to later contacts with the conservation organizations. A few identified particular problems, mostly concerning the annual monitoring of uses on their parcels or specific deed restrictions including limits on additional housing. Other findings:

- Negotiating the sales transaction with the conservation agency was generally a satisfactory

experience, although some landowners were critical of the length of the process, price, and available information.

- Sellers spent the cash on these purposes, in order of frequency: (1) non-farm uses, such as retirement income and savings; (2) farm investment; (3) estate settlement; (4) reduction of farm debt.
- Most comments about post-sale contacts concerned the yearly monitoring of parcels to ensure compliance with easement terms. For some landowners, this process was an annoyance or a more serious intrusion on personal property rights. Others lauded the monitoring, seeing the inspections as helping them to become better land stewards.

Program Performance and Impact

The great majority of landowners said that the conservation programs—MALT, SCAPOSD, and the YLT—were successful in furthering their preservation purposes. Particular criticisms included: (1) excessive payments for easements; (2) placement of easements on some parcels that would not be subject to urban pressure; (3) doing little to assist the economic viability of local agriculture; (4) excessive bureaucracy; and (5) insufficient acquisition funds. Other findings:

- Asked about the compatibility of agricultural and open space preservation as purposes of the easement programs, most landowners said they were complementary.
- Respondents identified the top priorities for acquiring easements were (1) location in relation to urbanization, and (2) farm productivity.
- Suggestions for program improvements or other changes varied considerably and included: (1) expanding the representation of agricultural interests on the governing board; (2) simplifying negotiations; (3) increasing program funds; and (4) expanding educational and outreach activities.

Program Recommendations

The report concludes with a series of recommendations to easement programs on strategies for evaluating landowner relations. They are: (1) clarify and expedite easement negotiations; (2) increase information to later purchasers of easement-restricted parcels; (3) conduct parcel monitoring as a cooperative process; and (4) involve landowners in a variety of conservation activities.

Chapter 1

INTRODUCTION

As a tool for the protection of farmland from urbanization, conservation easements increasingly attract the interest of Californians. Without changing a property's basic ownership, an easement prohibits urban development and consequently blocks a change from agricultural to more intensive land uses. To convey an easement and accept such restrictions is an entirely voluntary action for an owner of farmland. While the landowner receives an immediate economic gain in cash or tax benefits, he or she also loses permanently the development rights on the land; it can't ever be converted from agricultural or natural conditions into more intensive uses.

What motivates farmland owners to take such a momentous step, one that limits all future owners of the land? How do they weigh the benefits and restrictions? In particular, how do economic, family, and preservation considerations come into play in a decision to sell development rights? And in years after the easement transaction, what do landowners who gave up such rights say about their experiences and perceptions of the conservation programs that hold the easements?

What 46 farmland owners in northern California told us about these and related topics is the focus of this study. All have conservation easements on their properties; 37 landowners had sold the development rights within the previous 16 years, while the other nine had purchased their land with easements already in place. The properties are located in three counties—Marin, Sonoma, and Yolo. The first two are North Bay coastal counties, while Yolo is in the Central Valley. Collectively, the Marin Agricultural Land Trust (MALT), the Sonoma County Agricultural Preservation and Open Space District (SCAPOS), and the Yolo Land Trust (YLT) held easements on more than 54,000 acres of farmland at the time of the research, in early 1999. (See Figures 1-3 for easement locations.) MALT and SCAPOS are the largest farmland easement programs in California and among the largest in the nation. YLT is the largest such

program in the Central Valley in cropland acres protected.

This survey of landowner motivations, views, and experiences is the first report from a large study of California's experience with the farmland easement technique that has been underway since late 1998. Additional reports will follow from the two other components of the study: (1) the organization and performance of California land trusts and other local conservation agencies that seek to acquire agricultural easements, and (2) the prospects for extensive use of the easement technique in the Central Valley, California's premier agricultural region. This research has been supported by the California Department of Conservation and the Great Valley Center of Modesto.

We concentrate in this research on a particular version of the conservation easement technique—its use in preserving commercial farmland in the path of urbanization. This is a fairly recent application of the technique, one that has been regularly used in California since the mid-1980s, and elsewhere in the United States only since the 1970s. The more common and traditional application puts easements on land for its environmental or natural qualities, such as wetlands, animal and plant habitat, riparian corridors, and scenic views. These two different purposes, however, are not always mutually exclusive in the motivations of landowners and the priorities of conservation programs; often easements are acquired **both** for commercial farmland and environmental values. Thus several of the landowners surveyed in our study said they wanted to see their parcels protected for open space and other environmental purposes as well as for continued farming.

Research on Landowner Patterns Elsewhere

This California survey adds to a small but growing store of knowledge about conservation incentives and the behavior of farmland owners. At least three other published studies on this

topic have appeared in the last few years. They report findings from landowner interviews in several northeastern states where easement programs for farmland protection have a slightly longer history than California's brief experience with this technique. The other studies include:

- An American Farmland Trust (AFT) phone and in-person survey of 75 participants in the Massachusetts Agricultural Preservation Restriction program, which began to acquire easements in 1977.¹
- A mail survey of 161 Pennsylvania farm owners who were among the first to participate in that state's Agricultural Land Preservation program, selling easements in 1989-92.²
- A mail survey of 349 farmland owners in New York, New Hampshire, and Massachusetts, including original sellers of easements to state and local programs and later purchasers of easement-protected parcels.³

Although they differ in emphasis and scope, the three studies present similar findings in several respects. They show especially that the leading reason given by landowners for giving up the development rights on their properties is to protect the land for continued farming. Four-fifths of the easement sellers in the AFT study of Massachusetts landowners, for example, listed this as a motivation. Less dominant motivations were to retire debt, invest in the farm operation,

¹Robin L. Sherman, Suzanne Milshaw, Robert C. Wagner, and Julia Freedgood. 1998. *Investing in the Future of Agriculture: The Massachusetts Farmland Protection Program and the Permanence Syndrome*. American Farmland Trust, Northampton, MA.

²Leigh J. Maynard, Timothy W. Kelsey, Stanford M. Lembeck, and John C. Becker. 1998. "Early experience with Pennsylvania's agricultural conservation easement program," *Journal of Soil and Water Conservation* 53(2), Second Quarter, 106-112

³Paul Elconin and Valerie A. Luzadis. 1997. *Evaluating Landowner Satisfaction with Conservation Restrictions*. SUNY College of Environmental Science and Forestry, Syracuse, NY.

keep the land in the family for future generations, and provide retirement income. All three studies explicitly note that financial incentives play a secondary role to the farmland preservation objective. The preservation motivation, according to two of the three reports, involves landowners' personal attachments to their parcels and stewardship values.

Other findings that come from only one or two of the studies are:

- Donors (providing "charitable contributions") of easements were more "altruistic" and more oriented toward stewardship values than sellers of easements. Sellers were more concerned than donors about continuing family ownership (3-state study).
- By lowering the market value of protected properties, easements make farmland more affordable to later purchasers. In Massachusetts this allowed a number of young families to enter farming as first-time landowners or to expand their operations (AFT Massachusetts study).
- Landowners are quite satisfied with their easement arrangements. Negative factors cited by respondents include difficulty in getting local governments to lower property tax assessments on protected land, the appraisal and other costs of completing an easement transaction, and less than expected tax benefits (AFT Massachusetts study; 3-state study).
- Two studies detail how landowners used the cash from the easement sale and describe later changes in farm operations. Reducing existing farm debt was the most common use, with other uses including savings for retirement and other purposes, investment in the farm operation, and off-farm business opportunities (AFT Massachusetts study; Pennsylvania study).

Interestingly, two of these studies offer different interpretations of the long-term consequences of placing easements on farmland. According to the AFT study, the Massachusetts state program has reduced for its farmer participants the “impermanence syndrome,” the tendency of landowners to disinvest in their agricultural operations because of surrounding urban development.

Massachusetts’s farmers with easements instead have become more confident about the agricultural future of their properties and have expanded their investments and increased their stewardship activities.

“Many farmers told interviewers that knowing the land would always be available for agriculture encouraged them to implement conservation practices, improve the management of their farms, reclaim abandoned fields, or repair old buildings.” AFT (p. 47)

The Pennsylvania study suggests a much less optimistic scenario in the longer term. Interpretations concentrate on the future economic uncertainties produced by permanently restricting farmland. Three interrelated consequences are projected: (1) While easements protect land use, they do not ensure that the other elements necessary for viable farming will be present, including profitable markets and agricultural input suppliers. (2) If not economically viable, many easement-protected parcels are likely to become estates for “hobby farmers,” an open space subsidy for affluent persons. (3) Creating a “critical mass” of protected land through contiguous blocks of easement parcels can help keep land in productive farming, but the voluntary nature of easement programs makes it difficult to achieve this.

Research Questions and Report Outline

We cover many of these same themes in this California survey. Three major sets of questions guided our interviews with the 46 landowners:

1. *Why do landowners give up their development rights?* We examine the relative emphases and mix of economic, family, and preservation reasons for selling easements. To what extent are landowners concerned about the permanent nature of easements? How do personal circumstances relate to sale decisions? How does the easement status affect the decisions of later purchasers?

2. *What were the experiences of landowners in their easement transactions and in later contacts with the easement program?* How satisfied are they with these arrangements and what specific problems do they now identify? In particular, we describe landowner recollections about the transaction process (negotiations over price and restrictions, timing, information). How did they use the cash from the sale? And what do they say about post-sale contacts with the easement program, especially the parcel monitoring process?

3. *What do landowners say about the performance and impact of the conservation programs that hold the easements on their parcels?* This question taps the community and policy context of landowner behavior and perspectives, and their unique ability to comment on program successes and shortcomings. How do landowners compare the easement technique with other land use tools employed locally? What do they say about the relative merits of farmland versus open space protection and easement acquisitions priorities? Finally, what do they suggest as to program changes?

Our summary and analysis of landowner responses to these questions frame the major part of this report. Following a description in Chapter 2 of the landowner sample and the three local easement programs and their counties, chapters 3, 4, and 5 discuss landowner motivations, experiences, and policy views. The final chapter of the report offers several recommendations for program-landowner relations.

Methods

Most of the 46 landowners who are the subjects of this research were identified in response to letters sent in early 1999 to all participants in the easement programs operated by MALT and the SCAPOSD. The sample landowners were those who responded positively to the letters sent by the UC Cooperative Extension offices in Marin and Sonoma counties explaining the project and asking for their participation. The names and addresses of current landowners, as well as other information, were originally provided to the project by MALT and SCAPOSD staff. The original lists did not make a distinction between landowners who had sold easements and later purchasers, and consequently, the final sample included both kinds of respondents. Originally the survey was confined to the 40 landowners in Marin and Sonoma counties, both North Bay coastal areas who responded positively to our initial letters. The six Yolo landowners, identified by a complete list of participating landowners provided by the YLT, were added to the project at a later stage to provide a modest expansion of the sample to an inland region. Chapter 2 describes in some detail the characteristics of the landowner sample.

Phone interviews, ranging in length from 15 minutes to more than an hour, were conducted with all but one of the 46 landowners. More detailed interviews followed with 17 of the landowners, either in person or by phone. (The one person who was not originally contacted by phone was interviewed in a personal session.) In some cases, a one-hour phone session covered the questions prepared for both the original phone and later follow up interviews. All interviews were conducted between February and August, 1999. The longer interviews (1-2 hours), including all in person sessions, were taped and later transcribed for analysis.

Compared to the three studies of easement participants in other states described above, we placed more emphasis on qualitative than quantitative data in interviewing and analysis. Most of the questions we employed were open-

ended, encouraging respondents to elaborate and extend their comments about motivations, program experiences, and program views. While this report does tabulate landowner responses in a number of categories, partly to note overall trends and differences between counties, it devotes more attention to the detailed substance of landowner responses. General points are often illustrated by select excerpts from individual interview reports. A major reason for this approach is the relatively small number of participants overall in the three California programs. As well, we wanted to dig more deeply into landowner motivations, experiences, and views than a standard questionnaire typically allows. Appendix A presents the two principal sets of questions used in the interviews.

Chapter 2

LANDOWNERS, PROGRAMS, AND COUNTIES

The 46 interviewees with easements on their properties participate in three different land conservation programs located in three northern California counties. As Table 1 shows, the 46 were about 44 percent of the total of 105 landowners participating in the Marin, Sonoma, and Yolo programs as of early 1999. Their parcels represented a majority (55%) of the 53,000 total easement acres held by the three programs at that time.

These sample proportions vary among the three counties. Our sample for Yolo County is virtually identical to the small program's totals — 6 of the 7 participating landowners and 99.5 percent of all 1,402 easement acres. The Sonoma sample has only 37 percent of total program landowners, but they represent two-thirds of all easement acres. The Marin sample includes a slight majority of total program landowners and almost 38 percent of easement acres.

We examine in some detail in this chapter the characteristics of the sample landowners and parcels, the three conservation programs, and their counties.

Sample Landowners and Parcels

The 46 landowners own an average of 634 acres of easement-restricted land, somewhat larger than the 530-acre average for all 105 participants in the three programs. The largest is a cattle ranch of almost 8,000 acres in Sonoma County. The smallest, also in Sonoma, is a 14 acre parcel that is leased for hay cutting. We collected from each landowner information about ownership, residence, farm operations, family history, and agricultural commodities.

Here are the pertinent characteristics of the entire sample, as drawn from Table 2:

Table 1. STUDY SAMPLE AS COMPARED TO PROGRAM TOTALS¹				
	Marin Land Trust	Sonoma Open Space District	Yolo Land Trust	Total
LANDOWNERS WITH EASEMENTS				
Program Total	31 ²	67 ³	7 ⁴	105
<i>Study Sample</i>	<i>15 (51.7%)</i>	<i>25 (37.3%)</i>	<i>6 (85.7%)</i>	<i>46 (43.8%)</i>
EASEMENT ACRES				
Program Total	26,050	26,653	1,402	53,039
<i>Study Sample</i>	<i>9,862 (37.9 %)</i>	<i>17,933 (67.3%)</i>	<i>1,395 (99.5%)</i>	<i>29,190 (55.0%)</i>
AVERAGE ACRES PER LANDOWNER				
Program Total	879.3	408.3	200.2	530.4
<i>Study Sample</i>	<i>657.5</i>	<i>717.3</i>	<i>232.5</i>	<i>634.6</i>
¹ Program totals as of February 1999. ² Representing 36 separate easement transactions. ³ Does not include in fee purchases. ⁴ Representing 12 separate easement transactions.				

- Most of the 46 landowners were personally involved in the transactions that transferred the easements on their parcels. However, nine current (at the time of the interviews) landowners had purchased their properties after the easement sales. While that is only a fifth of the total sample, it is still a significant number considering the short history of only 16 years since the earliest transaction (in Marin County).
- Three-fifths of the landowners reside on their easement-restricted parcels.
- While roughly two-thirds are personally involved in operating their farm parcels (and other agricultural land in some cases), including 19 full-time and 10 part-time farmers, 17 landowners are not directly involved in agriculture. Ten of these landowners lease their land for farming to others, while the other 7 (all in Sonoma County) own non-agricultural parcels. Among the part-time operators, one Marin and two Sonoma famers identified themselves as “retired.”
- Family ownership histories vary considerably. A little less than half of our interviewees represent at least the second generation in their families to own the land. At the other end of the scale, 11 persons are new owners, having purchased their parcels within the previous 10 years.
- Diverse commodities are produced on the 39 parcels in active agriculture - - dairy products, cattle, sheep, wine grapes, poultry and row and tree crops. Most of the parcels are devoted to milk and animal production.

Landowner and parcel characteristics for the sample differ considerably among the three programs, reflecting variations in program priorities and the underlying agricultural activities of the three counties:

(1) Marin County. Landowners in Marin County are the most closely connected to their easement parcels, in terms of residence, farm

operations, and family involvement and history. As Table 2 indicates, all reside on their easement parcels, slight majorities are full-time farmers or have other family members involved in the agricultural operation, and family ownership for most extends back at least two generations. Parcels for six of the landowners have been in family hands since the 19th century. Dairy and cattle are the dominant agricultural operations for the sample parcels in Marin.

(2) Sonoma County. The sample pattern in Sonoma County is skewed by the non-agricultural status of a little more than one-quarter of the 25 easements, parcels that were restricted for scenic and other environmental purposes. Among the 18 agricultural parcels, active farmers and long family ownership are dominant traits, although not to the same degree as in Marin. Only slightly more than half of the sample landowners in Sonoma reside on their easement properties. Dairy and beef are also the principal farm commodities grown on the 18 parcels in Sonoma that are in active agricultural use, but farm operations here are a bit more diverse than in Marin. They include two vineyards, an apple orchard, a Christmas tree lot, and a turkey operation.

(3) Yolo County. The relatively small number of landowners in Yolo County served by the land trust have the weakest connections to their easement parcels in the entire sample. Four of the six purchased the parcels after the easements were sold—all within the last four years. Only one landowner in the Yolo group has a family history on the easement parcel that goes back more than a generation and only one reports the involvement in the farm operation of other family members. None reside on their parcels and half are not directly involved in the farm operations. As compared to the dairy and cattle operations that are dominant in Marin and Sonoma, the Yolo farm parcels are used exclusively for crop production—one vineyard and several parcels with a mixture of commodities, principally processing tomatoes, alfalfa, and wheat.

Table 2. SAMPLE LANDOWNER AND PARCEL CHARACTERISTICS

	Marin Agricultural Land Trust	Sonoma County Ag. Preservation & Open Space District	Yolo Land Trust	Total
Number of Sample Landowners	15	25	6	46
OWNER AT TIME OF EASEMENT SALE	12	23	2	37
<i>Later Purchaser</i>	3	2	4	9
RESIDE ON EASEMENT?				
Yes (No)	15 (0)	13 (12)	0 (6)	28 (18)
FARM OPERATOR STATUS				
Full-time	8	8	3	19
Part-time	4	6	-	10
Not involved in operation	3	4	3	10
<i>Parcel not in agriculture</i>	-	7	-	7
LANDOWNERS WITH OTHER FAMILY MEMBERS INVOLVED IN OPERATION	8	7	1	16
FAMILY OWNERSHIP				
At least 2 generations	11	10	1	22
Same generation,				
20+ years	2	5	-	7
10-20 years	2	3	1	6
0-10 years	-	7	4	11
PRINCIPAL COMMODITIES				
Dairy, silage	9	5	-	14
Cattle, sheep	5	7	-	12
Grapes	1	2	1	4
Row Crops	-	-	5	5
Tree crops	-	3	-	3
Poultry	-	1	-	1
<i>Parcel presently not in agriculture</i>	-	7	-	7
Source: landowner interviews.				

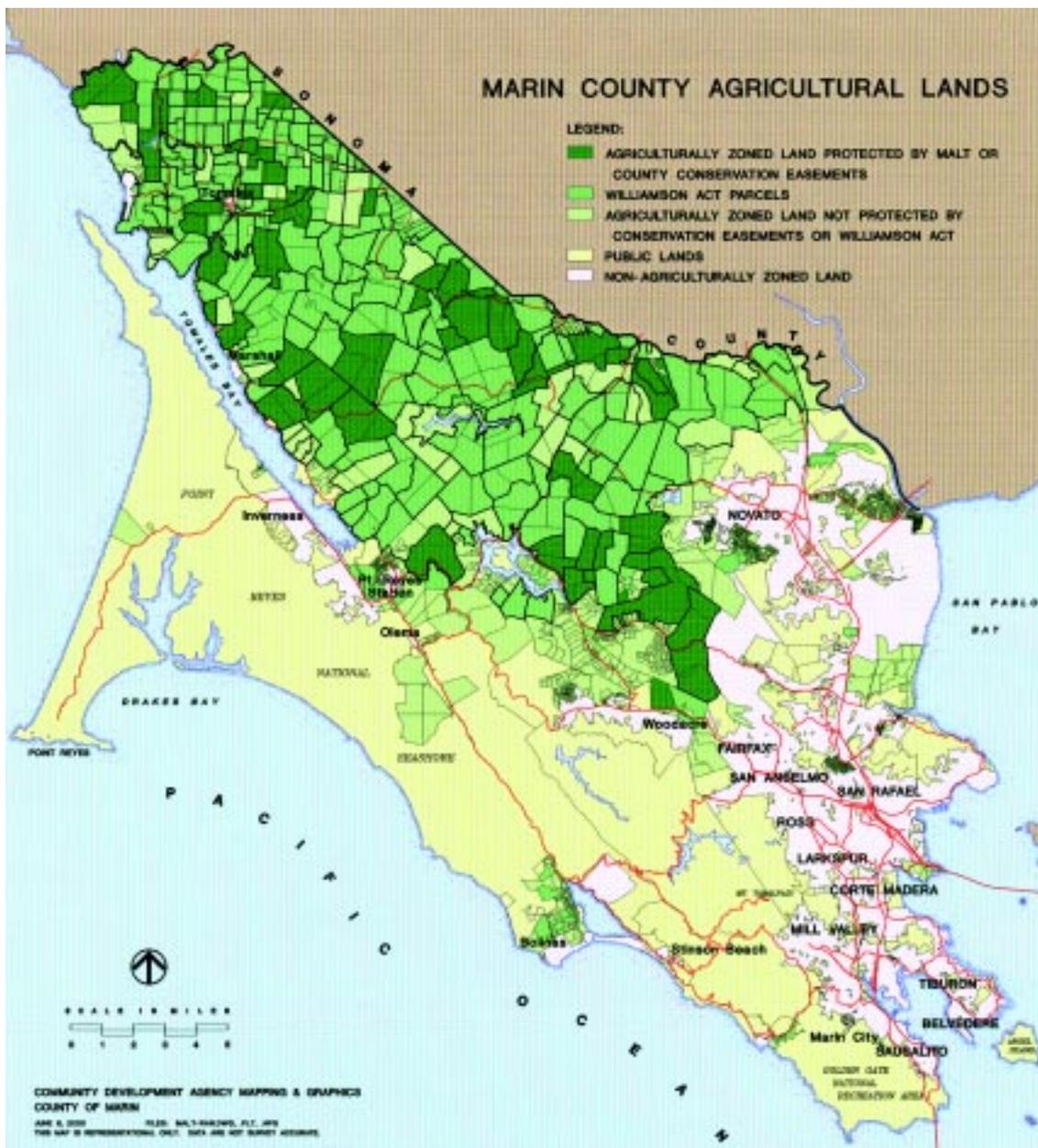


Figure 1. MarinCounty. Conservation easements held by MALT

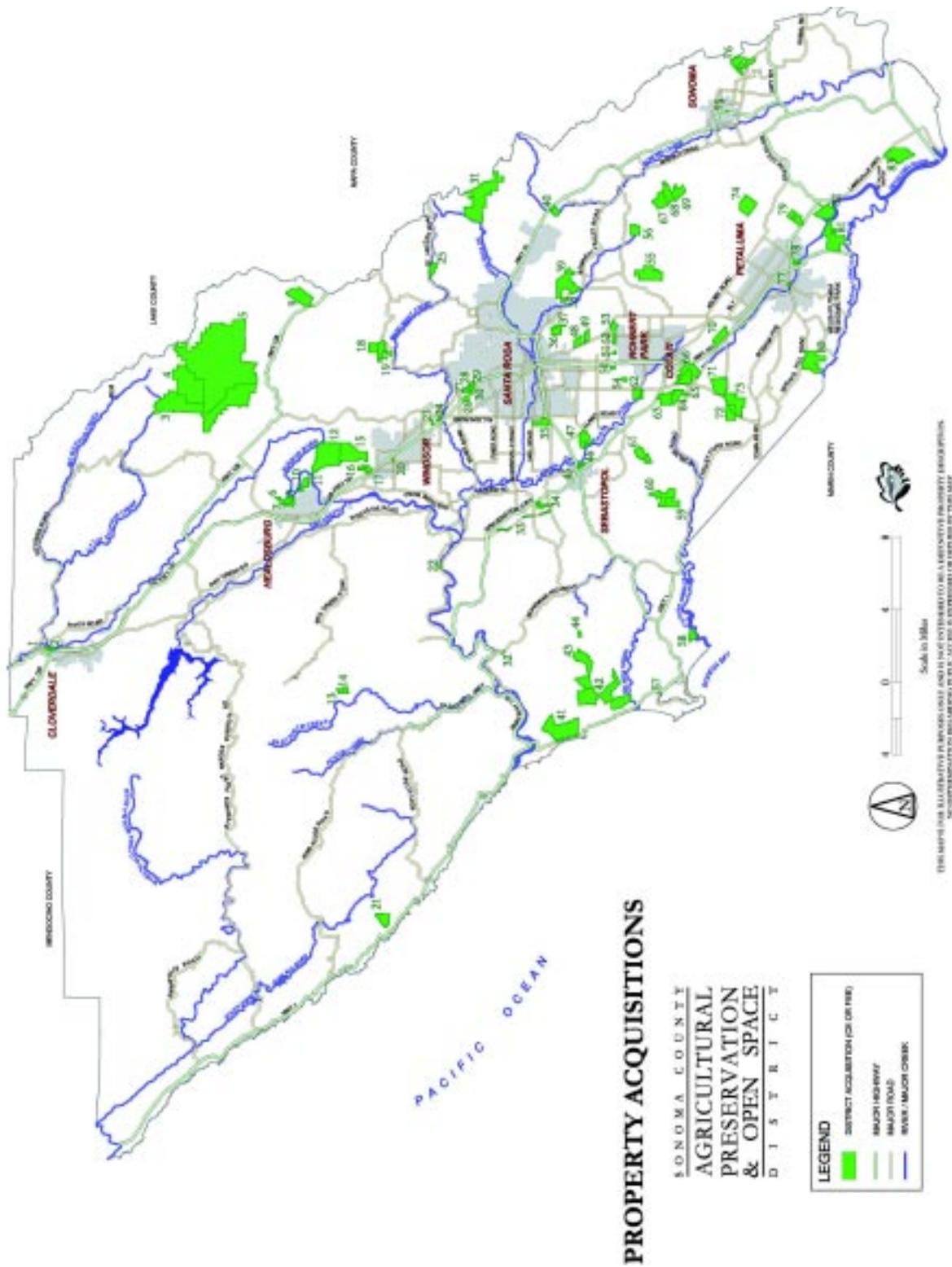


Figure 2. Sonoma County. Conservation easements held by SCAPOSD

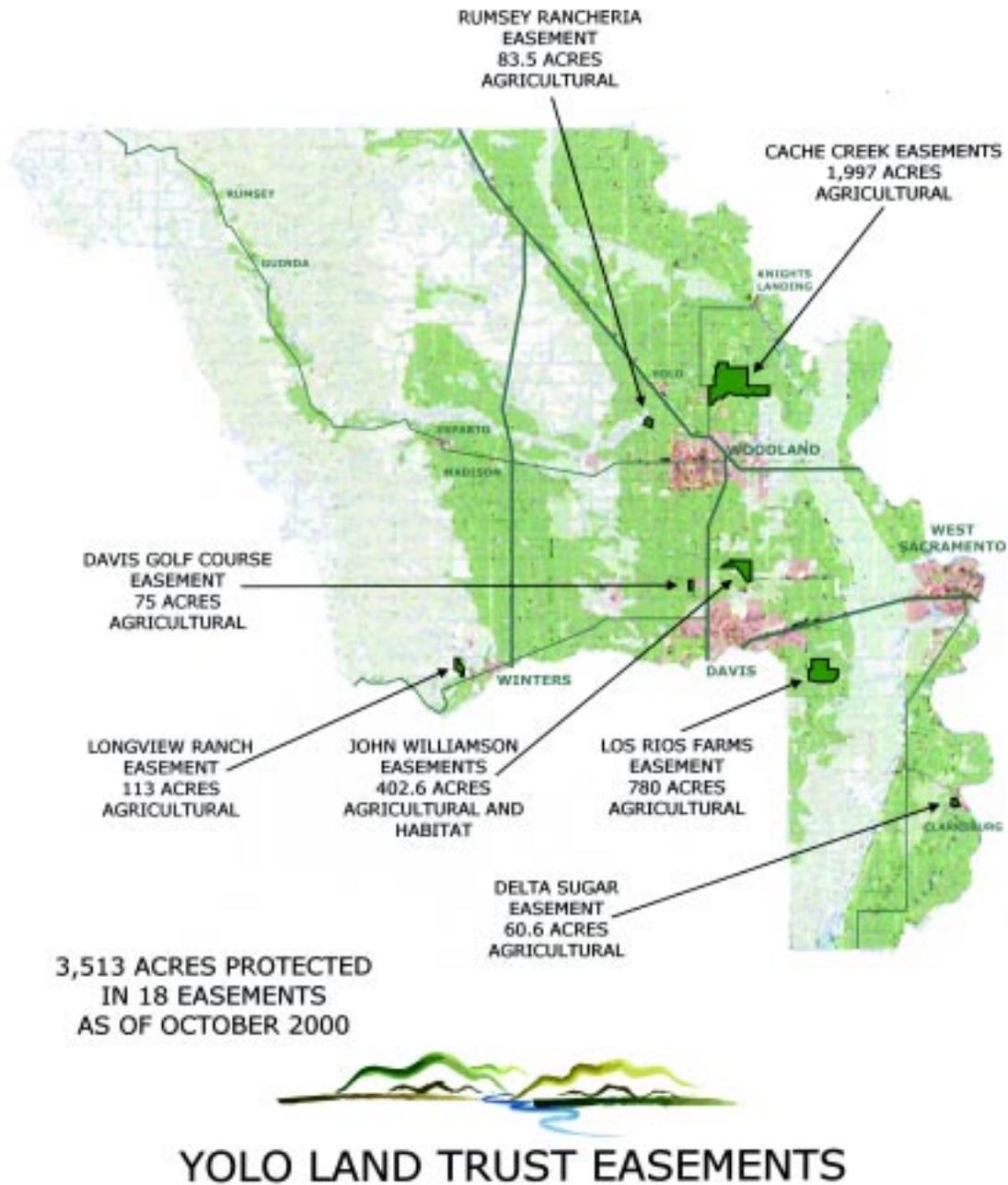


Figure 3. Yolo County. Conservation easements held by YLT

Three Conservation Programs

The 46 landowners at the center of this study are participants in three of the most active easement programs in California that focus on the preservation of land for continuing agricultural use (Table 3). Each is countywide in scope. They are relatively new programs, reflecting the recent adoption in California of the conservation easement technique for farmland preservation, rather than to its more traditional applications for environmental purposes. The oldest of the three programs was established 20 years ago, while the other two have been active only in the past decade.

The programs in our study represent two different types of organizations. Those in Marin and Yolo counties are administered by land trusts, non-profit organizations chartered under state law to engage in conservation activities. Although private entities, their tax-exempt status allows them to accept easements on agricultural or other resource lands for a public purpose: protection in perpetuity from urban development, either by sale or donation from landowners.

In contrast, the Sonoma County easement program is run by a public agency, an open space district that is an arm of county government. The Marin and Yolo land trusts

Table 3. CHARACTERISTICS OF THE THREE EASEMENT PROGRAMS

PROGRAM	Marin Agricultural Land Trust	Sonoma Agricultural Preservation & Open Space District	Yolo Land Trust
FORM OF ORGANIZATION	Non-profit land trust	Local government agency; a special district controlled by county government	Non-profit and trust
YEAR FORMED	1980	1990—countywide voter approval	1988
YEAR FIRST EASEMENT ACQUIRED	1983	1992	1995
ACRES IN EASEMENTS ¹	26,000	26,653	1,402
NUMBER OF TRANSACTIONS ¹	39 ²	67	12 ³
SOURCES OF FUNDING	State Bonds— Prop. 70; property taxes; foundation grants	Voter-approved, quarter-cent sales tax	City mitigation; state easement program; federal funds
Sources: Program records			
¹ As of February 1999			
² Representing 35 landowners, several with multiple transactions			
³ Representing 7 landowners, several with multiple transactions			

are governed by self-appointed, citizen boards of directors. The Sonoma district is ultimately governed by that county's elected Board of Supervisors, but it also reports to the Sonoma County Open Space Authority, a five-member board appointed by the Supervisors. The Authority collects the sales tax and approves expenditures for district acquisitions and operations.

The creation of Sonoma County's open space district was the result of favorable action by that county's voters in 1990, who also approved a quarter cent sales increase to fund the district's operations. The Sonoma Board of Supervisors had put both measures on the ballot as the result of a general plan update that called for an agricultural easement program with an emphasis on using protected farmland to form greenbelts ("community separators") between expanding cities.

The Marin Agricultural Land Trust and the Yolo Land Trust were created in 1980 and 1988, respectively. Each was formed by a local coalition of farmers and environmentalists concerned about maintaining agricultural operations in the face of urbanization. MALT has the distinction of being the first land trust in the United States organized specifically for farmland preservation. The creation of Sonoma County's open space district was the result of favorable action by that county's voters in 1990, who also approved a quarter cent sales increase to fund the district's operations. The Sonoma Board of Supervisors had put both measures on the ballot as the result of a general plan update that called for an agricultural easement program with an emphasis on using protected farmland to form greenbelts ("community separators") between expanding cities.

In addition, Marin and Sonoma counties have other land conservation programs with primarily nonagricultural emphases. The Marin County Open Space District, (MCOSD) formed in 1972 with voter approval of a property tax for open space acquisitions, concentrates on preserving recreational and wildlife lands in the county's eastern, urban corridor. The Sonoma

Land Trust (SLT) was organized in 1975, and emphasizes acquisitions of scenic and habitat parcels. As of early 1999, the MCOSD had acquired more than 12,000 acres and the SLT had acquired more than 10,000 acres. Both programs make extensive use of fee purchases as well as easement acquisitions, and the SLT also relies heavily on easement donations.

Easement Activities

Combined, the agricultural preserve programs in the three counties had acquired easements on a total of more than 53,000 acres by early 1999. These easements are on parcels owned by 105 landowners and were acquired in 115 separate transactions. (Since that time all three programs have added to their holdings, with a total of about 60,000 easement acres accumulated by fall 2000.) Figures 1-3 map the easements in the three counties.

The MALT and SCAPOSD programs, with more than 26,000 acres apiece in 1999, are among the five top local agricultural easement programs in the nation in the number of easement acres acquired, competing with county government programs in several eastern states. With less than five years of easement acquisitions to date, the Yolo Land Trust has a much smaller acreage accumulation than the two coastal programs. But it is the most active agricultural easement program in inland California in terms of cropland acres in easement and total easement transactions.

The three California programs in their operations differ in two major respects—in the agricultural characteristics of the easements acquired and in the source and continuity of funding sources. Virtually all of MALT's easements are on lands used for raising dairy cows and beef cattle in the county's western, non-urbanized area. The SCAPOSD easements are more varied in farm commodities, including vineyards and other cropland as well as dairy and beef cattle lands, but also include parcels that serve scenic and other nonagricultural preservation purposes. All of the easements acquired by the Yolo Land Trust to date have

been on cropland, with some easement parcels also serving secondary riparian and habitat preservation purposes.

The SCAPOSD puts more emphasis on conserving land that is not primarily devoted to agricultural production than the other two programs. About half of its easement acres have the designation of “forever wild” parcels, generally hillside, mountain, and wetland areas protected for scenic and other environmental purposes. The SCAPOSD also has purchased in fee some rural lands, generally for future public recreation uses.

Fund Sources

The revenues supporting the easement activities of the three programs come from a variety of state, local, and private sources. MALT’s first easements were funded by the state Coastal Conservancy and the San Francisco Foundation (Buck Trust). Later purchases used state funds for preservation activities in coastal areas, a result of statewide voter approval of Proposition 70 in 1988, together with foundation support. With the depletion of Proposition 70 money, the acquisition pace dropped off substantially after the early 1990s. Two Marin county ballot proposals to earmark a sales tax increase for further acquisitions, similar to Sonoma’s program, did not achieve the required two-thirds approval in 1992 and 1996, although both received majority support. However, MALT’s funding picture brightened considerably in 1999 with the receipt of a \$2.5 million challenge grant from a foundation. The grant was intended to match revenues from other sources.

The envy of easement programs everywhere, the Sonoma open space district has the most stable funding source of any local conservation organization in California—the 20-year, quarter cent sales tax approved by voters when the district was created in 1990. Generating about \$13.5 million a year, this revenue is responsible for the rapid pace of the district’s acquisitions, averaging 4,000 acres per year since the first easement in 1992. As of early 2000, the district had spent about \$50 million on acquisitions.

The fiscal fortunes of the Yolo Land Trust have been closely linked to the growth management policies of the city of Davis. In 1995 Davis became the first California city (and probably the first in the nation) to require that the farmland conversions resulting from new urban development coming into the city be mitigated on an equal acreage basis by placing easements on agricultural parcels elsewhere within the general plan area. YLT is the agency that acquires and manages the easements, working closely with the city. The land trust also has been aggressive in seeking funds from other sources for other easements, including the California Farmland Conservancy Program (formerly the Agricultural Land Stewardship Program). Easements acquired through Davis mitigations represented a little more than a third of the 1900 total easement acres held by the YLT in early 1999.

Almost all of the easements acquired so far by the three programs have involved direct compensation to the landowners. MALT has received two easements acquired by a charitable foundation on Marin agricultural land and one as the result of a condition in a county development approval. A few of the SCAPOSD acquisitions have involved both cash and contributions, in which a portion of a transaction’s value is accepted as a charitable donation.

County Characteristics

As Table 4 shows, the three counties are experiencing population increases at a steady or rapid rate. The most rapid growth is in Sonoma, with a projected population of more than 600,000 by 2020. Agricultural characteristics vary widely among the three counties. Marin has the smallest farm sectors of the three counties, one that is concentrated on milk and cattle production. In Sonoma County, wine grapes are rapidly becoming the dominant commodity. Yolo’s agricultural economy is the most varied of the three, with processing tomatoes, winegrape, seed crops, rice, orchards, and field corn as major crops.

Table 4. CHARACTERISTICS OF THE THREE COUNTIES

	Marin	Sonoma	Yolo
ESTIMATED POPULATION, 1999	248,000	443,700	158,800
% POPULATION INCREASE, 1980-99	11.2 %	47.5 %	39.5 %
PROJECTED POPULATION, 2020	269,000	614,000	225,000
FARM MARKET VALUE, 1998	\$56.1 million	\$453.5 million	\$277.2 million
LEADING FARM COMMODITIES	milk, cattle	grapes, milk, livestock, poultry, vegetables	processing tomatoes, grapes, alfalfa, rice, corn, walnuts, almonds
TOTAL FARM ACRES, 1998 ¹	159,000	610,000	557,000
<i>CROPLAND ACRES</i>	<i>67,000</i>	<i>169,000</i>	<i>414,000</i>
DECREASE IN TOTAL FARM ACRES, 1984-98 ²	- 6,081	- 17,869	- 10,890
INCREASE IN TOTAL URBAN ACRES, 1984-98 ²	+ 2,669	+ 10,011	+ 5,022
¹ 1996 for Sonoma County			
² 1984-96 for Sonoma County			
Sources: California Department of Finance (population data); County Agricultural Commissioners (market value and crop data); California Department of Conservation, Farmland Mapping and Monitoring Program (acreage data).			

Chapter 3

WHY LANDOWNERS SELL EASEMENTS: CASH, FAMILY, AND PRESERVATION

Owners of farmland, we find in this study, are motivated by a combination of short-term and long-term reasons to sell easements on their properties. The short-term factors revolve largely around the benefits of getting a large amount of cash at one time. The long-term motivations are more complex and often are rooted in personal beliefs about land preservation. Each easement transaction is a unique and highly personal event—driven by individual circumstances of family history, current family and economic situation, farming operation, and personal values.

In this chapter we concentrate primarily on the stories and explanations of the 37 landowners who were the original easement grantors. One section of the chapter summarizes the stories of the nine “second generation” landowners, those who bought parcels with easements already on them.

Discrete Motivations

Seven discrete reasons were given by the 37 landowners in responding to a question about why they restricted the use of their property by selling an easement (Table 5). Landowners in most cases offered more than one reason. Described and listed in order of frequency, they are:

(1) Preserve land for farming—17 comments. Landowners who gave this reason wanted their parcels protected from urban development in the long term; several reported that they had been contacted in recent times by potential developers or real estate brokers interested in development prospects. It was important for many to take a stand against the steady and irreversible trend of conversions around them:

“...preserving the land in agriculture so it will remain in agriculture. In Sonoma County, we’re losing more and more agricultural land every day and

we’re not able to put new land into agriculture. It’s going to be gone. You don’t go in and tear down houses and put agriculture back in.”
-Sonoma landowner, 4/30/99

(2) Cash for non-farm use—15 comments. The second most-cited reason was to obtain cash for personal or family use for such purposes as a source of retirement income, setting the money aside as a personal investment, or building a house for the easement seller or members of the family. Noted one landowner:

“We didn’t have any debt on the property...We looked at the easement in terms of the money it would bring. I haven’t done anything more with it than draw interest. It’s a possible long-term investment gain or maybe houses for the children.”
-Marin landowner, 5/3/99

(3) Pass the land to the next generation—10 comments. Several landowners talked about the need to facilitate an intergenerational transfer without emphasizing the specifics of an estate issue (see below). The cash from the easement sale could help the younger family members purchase the parcel from the older generation or prepare the way for the transition by paying down existing farm debt or improving the farm operation:

“I want to keep all my property in agriculture. I want to be able to give this all to my kids someday and say, this is the legacy we have for you and this is what you can continue on with. I have a really big desire to keep it all in farming.”
-Sonoma landowner, 4/29/99

(4) Cash to invest in farm operation—10 comments. The money from the easement sale could be used to expand and make the operation

Table 5. MOTIVATIONS CITED BY LANDOWNERS FOR SELLING EASEMENTS (Multiple responses)							
Motivation	Marin %		Sonoma %		Yolo %		3-County Total %
Preserve land for for farming	7	58%	8	35%	2	100%	17 46%
Cash for non-farm use	7	58%	8	35%	—		15 41%
Pass the land to the next generation	7	58%	3	13%	—		10 27%
Cash to invest in farm operations	4	33%	4	17%	2	100%	10 27%
Settle an estate problem	3	25%	6	26%	—		9 24%
Cash to reduce farm debt	3	25%	5	22%	1	50%	9 24%
Preserve the land for open space	—		8	35%	—		8 22%
Number of landowners responding	12		23		2		37

more efficient, either by purchasing more land for crop production or animal feed or to invest in equipment and facilities:

“...I saw it as a business opportunity. Because I don’t plan on doing anything with this land other than dairy.”
-Marin landowner, 3/23/99

(5) Settle an estate problem—9 comments. Some landowners wanted to use an easement sale to resolve the financial difficulties of retaining the farm parcel in the hands of the owner’s family, either after the death of the owner or to ease the way for a later transfer of the parcel. The cash provided by an easement sale could be applied to the payment of estate taxes or allow one person in a multiple-ownership situation to buy out the interests of other family members, thus consolidating ownership and easing a later estate problem. In the few cases in which a part of the easement transaction involved a charitable contribution by the owner, the estate tax benefits thus

provided were also an important economic benefit:

“The price of preservation is high for those who retain ownership of the land. A big problem we face is inheritance tax. The land has escalated in value way beyond what we’re able to pay. I’m stuck in this mode. I’m 60 years old and in a position to be both inheriting it and passing it on. I would have to sell the farm and that’s the last thing I want to do.”
-Marin landowner, 3/2/99

(6) Cash to reduce farm debt—9 comments. Active farmers and ranchers frequently are heavy users of credit, whether to improve their agricultural facilities or support annual operational costs. Paying off a large debt was an important motivation for a few landowners:

“I was giving up the ability to subdivide it someday but I had an immediate

financial need to retire a huge debt load and the sale took care of that situation.”
-Marin landowner, 3/26/99

(7) Preserve the land for open space—8 comments. Like the most frequently mentioned motivation for retaining a parcel in farming, this reason concerns the importance of long-term land preservation—but more for a parcel’s beauty, recreational, or environmental values:

“There’s an awful lot of good to be had by being able to walk in the woods. I think we have a wonderful place here. You can get out of Paris and be in rural communities. All through Europe you can do that and they have a heavier population density. I want to make sure that 100 years from now we can have that same feel here.”
-Sonoma landowner, 4/13/99

Stated motivations differed somewhat between Marin and Sonoma counties, as Table 5 shows. Proportionately more Marin than Sonoma landowners who sold easements mentioned farm preservation, cash for non-farm use, inter-generational transfer, and farm investment factors. Only Sonoma respondents, on the other hand, cited open space preservation as a motivation. The estate factor was equally important in the two counties. Only two Yolo landowners in the sample were original easement sellers, and both cited farm preservation and farm investment reasons.

Multiple and Interlocking Motivations: Preservation, Cash, and Family

There are obvious similarities and overlaps among these seven reasons for selling easements. The seven factors are easily combined into just three major types of motivation:

(1) **to preserve land** (for farming or open space);

- (2) **to serve family needs** (estate resolution or transfer to the next generation); and
(3) **to obtain cash** (for non-farm purposes, to invest in farm operations, or to reduce farm debt).

Counting the number of landowners who cited reasons in each major category, **land preservation** ranks as the top motivation (mentioned by 27 respondents). It is followed by **cash** (mentioned by 24) and **family** (18 mentions) motivations.

Such a simple ranking may be misleading, since only one-third of the landowners gave reasons that fit into a single category, including five respondents apiece who mentioned only cash or preservation reasons, and two who cited only family factors. A few of the landowners who cited just the cash benefits noted that they had no other options for realizing a major economic gain from their land because the possibility of selling for residential or commercial development had been eliminated by county (especially in Marin) land use restrictions.

The other 25 landowners, two-thirds of the total, had multiple objectives in mind when selling their easements. Their stated motivations generated these combinations:

Preservation, cash, family (all three motivations)—7 landowners
Preservation and cash—9
Preservation and family—6
Cash and family—3

Economics and other factors are closely interconnected in these combinations. Clearly the cash involved was substantial. For giving up their development rights, landowners in the three counties typically received at least several hundred thousand dollars apiece and more than one million dollars in a few cases. Yet for most of the 37 respondents in this sample, the cash was only a means for accomplishing certain family or preservation. One Sonoma landowner offered this interpretation:

“I doubt that people who participate in the SCAPOSD or MALT do it for purely economic reasons. They have to want to stay in agriculture. It makes less sense from a purely economic standpoint.”

-Sonoma landowner, 4/22/99

Many landowners explained how the immediate infusion of cash enabled them to set things right for the future, either in permitting them to continue in farming or provide a smooth transfer of the agricultural operation and ownership to the next generation. The immediate goal for some was to overcome a fragmented family ownership that made continued farming uncertain. Thus, in one situation the farm operator used the proceeds from the easement sale to secure full control of the land by buying out the ownership shares of his siblings. The land had been in a family trust and the siblings were not interested in continued farming but wanted the profits that could be achieved by selling for development.

In other cases the cash helped to facilitate a planned intergenerational transfer, by improving the financial status of the farm operation and thus reducing the burden for the next owners. In such circumstances cash could be applied to reducing current farm debt or to expanding and improving the operation to make it more productive and efficient.

Even when the motivation was to obtain cash for non-farm purposes, it often served a family or land succession purpose, such as buying a house for a family member on the easement or a nearby parcel and helping the current landowner to plan for retirement. The cash helped one Marin landowner’s farm operation and family in several ways:

“We took the money for a number of reasons. Certainly one was economic because we had a big mortgage that we wanted to reduce. We also wanted to diversify and improve our operation, make improvements in the dairy and build a processing plant. And the third reason was we needed to do something

about our estate. We wanted to make it equitable among the children. It made a whole lot of things possible for us.”

-Marin landowner, 2/11/99

The Emphasis on Preservation

It is difficult to separate family factors from a land preservation motivation. Both reasons for selling an easement address the long-term future of the land. Land preservation, in fact, seemed to be an even more basic and important motivation for most of the 37 landowners than family considerations. The easement represented for some landowners a gift to posterity, one that could be enjoyed by all and not just future owners.

Keep in farming. We have an indication of preservationist values in the responses to our question, “*How important is it to you that your land remain in farming in the future?*” Twenty-seven landowners (13 in Marin, 12 in Sonoma, 2 in Yolo) replied that this was important or “very” important to them. Only five respondents (1 in Marin, 4 in Sonoma) were ambiguous about this point or said it made no difference to them. “After I go I don’t care that much what happens to the property,” said one Sonoma landowner (4/2/99).

But much more common was the observation, “I would hate to see houses on it.” A sense of stewardship was also frequently mentioned, illustrated by recollections of the hard work devoted in the past to improving the land for farming or protecting features of the natural landscape:

“There are all these trees here. We could have cut them down in ‘81. But we didn’t, we farmed around them and kept them because they are a part of the beauty of the land.”

-Sonoma landowner, 4/30/99

Other landowners expressed similar views, combining elements of farm stewardship, beauty of the landscape, and personal history in their support of long-term preservation:

“I would like to see it stay in agriculture. I like the rural life. I grew up here. I don’t like houses going up all around me. The people that come in from the outside don’t understand agriculture. They want the freedom but not the responsibility of living in the country.”

-Marin landowner, 2/22/99

“It’s important to me to have open space. I don’t like subdivisions and development. If it were parceled out it would be destroyed. The land should be used for farming. Keeping big parcels is a big part of that.”

-Marin landowner, 2/24/99

“The ranch was something that I had put together over the years. I wanted it to remain in productive agriculture, not houses.”

-Sonoma landowner, 4/1/99

Perpetuity. Other evidence of the strongly preservationist motivations of most of our easement sellers is seen in how few raised concerns about the permanence of their deed restrictions. Perpetuity was discussed by 23 of the 37 landowners who had sold easements, either in response to a specific question about whether it was a concern at the time of the transaction or in other comments about the advantages and disadvantages of the sale. Nineteen landowners (8 in Marin, 9 in Sonoma, and 2 in Yolo) explicitly said it was not a concern or problem. (It was probably not a concern also for another 5 landowners who, while not discussing specifically the perpetuity aspect, did emphasize the importance of retaining their land in agricultural use or in a natural state.) Only 5 landowners (4 in Marin, 1 in Sonoma) expressed some discomfort with the permanence of their easements.

For many landowners, perpetuity in fact was a definite advantage and an integral part of the motivation for selling the easement. “We wanted perpetuity. We wanted to save it for future generations,” emphasized one Sonoma

landowner (4/13/99), referring to the open space and scenic attributes of his property. A Marin landowner and dairy operator said:

“That (perpetuity) is exactly what we wanted. And I told the children, even if we don’t give you money, we give you something that’s really worthwhile. Even it has to be sold eventually, it’s that you’re attached to that piece of land that’s so beautiful. And it won’t be developed ever. That’s more important than anything else.”

-Marin landowner, 3/26/99

Taking perhaps a shorter term view of their easements, several other landowners said they did not regard perpetuity as a problem because they envisioned that their farm operations would continue to be successful for some time and would be passed on to future generations.

What were the objections to perpetuity? Mostly they were mildly-expressed uncertainties about the continuing viability and profitability of farming and ranching on particular parcels. Some sellers worried a bit about locking in the economic options for future inheritors of the easement-restricted parcels. The most critical opinion came from a Marin landowner:

“What we want to do right now is preserve this. But the next generation might have a different idea. The property won’t be as valuable. I don’t know what perpetuity will mean. We don’t know what the conditions will be and it could be that the dairy will not be viable anymore.”

-Marin landowner, 2/18/99

Another Marin respondent argued for less-than-permanent easements as more compatible with the economic fluctuations in agriculture:

“...farmers are not being paid enough to have their land tied up for perpetuity. You do not know what is going to happen a hundred years from now...We are really tight now in agriculture, pretty much a marginal income status

for most ag operations. I do favor the 15 and 30 year easements under USDA farmland protection programs...I am in favor of a non-permanent easement, like a lease or something like that for a 30 or 50 year period.”

-*Marin landowner, 4/20/99*

The Personal Dimension

Underlying these preservationist sentiments for many landowners were highly personal connections to their easement parcels. A number commented on their feelings and attachments to these particular properties:

“Farmers, when they farm land, they kind of get attached to it. And it becomes a part of you.”

-*Sonoma landowner, 4/30/99*

“It’s our life...all our lives. It’s what makes us incredibly happy.”

-*Marin landowner, 3/26/99*

What most clearly contributed to these feelings was a family history associated with the parcel, a pattern much more apparent among landowners in Marin than those in the two other counties. Eleven of the 12 Marin respondents who were easement sellers reported that the parcels had been in their families for at least two generations. Having grown up on the land, several told us of childhood memories:

“It’s my parents’ and grandparents’ land...and I’ve always had a very personal attachment to it from the time that I was a boy. I remember the first time I was cutting and raking grass over at my aunt’s place in the hayfield..and I was doing a task that my father and his father had done in this same field...I just had this really wonderful feeling.”

—*Marin landowner, 3/26/99*

“My great-grandfather had it, and then my grandfather and my grandmother who I was very close to, and they shared it. It is always exciting for me to change a fence or do something

knowing that they had worked on or built it years ago.”

—*Marin landowner, 3/29/99*

Residence on the easement parcel added further to these feelings. Again this was most prevalent among Marin respondents. All of the Marin landowners, in fact, resided on their easement-protected parcels at the time of our interviews; they had long been the family home site for most. By contrast, less than half of the Sonoma landowners and none of the Yolo respondents resided on their easement parcels. Knowing the parcel as a place of residence as well as place of work gave it further meaning as a place to be preserved:

“I had a tremendous economic investment already in the property.

And, you know, I really didn’t want to live anywhere else. It’s a nice place to live and it’s where I work. I like living on the coast. And my wife likes it too, so that was important.”

-*Marin landowner, 5/11/99*

It was also important for some landowners that their adult children wanted to live on the property, even if they were not involved in the farm operation.

Landowner Vignettes

While common factors appear throughout the sample, there was a unique personal story behind each original landowner’s motivation to sell an easement. The following five short descriptions of particular situations illustrate varying combinations of economics, family circumstances, and land stewardship sentiments in the decision to sell.

Estate Taxes, Family, Natural Preserve. This large easement-protected parcel was part of a ranch that had been in the landowner’s family for a century and a half. The land in the past had supported sheep and cattle, but had “no economic use” at the time of the easement sale. A portion of the overall property was donated to the state to be added to adjacent parkland. The landowner had no desire to resume active

ranching on the protected land, but wanted to pass it on to two sons for their enjoyment as a place of great scenic beauty. No one lived on the property at the time of the sale, although it contained old family residences. The parcel is located 10 minutes from a city edge, and in the past the landowner had received numerous inquiries about selling for residential development. The landowner is involved in a nonprofit organization that sponsors visits to the parcel by elementary school classes engaged in stewardship projects.

The imperative for selling the easement, was to retire a large estate tax liability, but clearly the landowner is committed to taking care of the land as open space property. Even the opportunity to build homes on the land for family members was ruled out, although the parcel could accommodate several home sites under county zoning.

“It’s not important that it’s in agriculture, but it should be maintained as natural preserve. We got an expert from UC Davis to come out and look at our oak trees, because there are some erosion issues...What started it was taxes. I was in over my head but it’s an emotional piece of property for me and I wanted to keep it in the family...(The cash) put me in a position to be a better steward of the land...It’s assurance that the land will stay as it is. And that it will be well-maintained. I’m learning what is involved in controlling erosion.”
-Sonoma landowner, 4/28/99

Farming, Family. Stewardship was also a factor in this landowner’s easement transaction, but for continued farming purposes instead of natural land preservation. His land is located adjacent to a school and a residential subdivision. He had been approached by potential developers, but rejected these inquiries outright. Perhaps the personal attachment to the land was not as compelling as the previous respondent’s, because he had owned it only for about 10 years and it lacked a long family history. But his interest in long-

term land preservation was also strong. This landowner is a full-time grower of apples and grapes. Two adult sons are partners with him in different aspects of the operation. Passing the farmland on to them is implicit in the landowner’s reasons for selling the easement. With the cash from the sale, he purchased additional farm property to add to his and his sons’ operations. He plans over time to replace old apple orchards with new grape plantings.

“I approached them (the easement program) on the basis of agricultural preservation. And I said to them, if you’re really interested in preserving agriculture, here is some of the very best farm soil in the United States. It’s truly an outstanding piece of farm property...It’s hugely important to me that it stay in agriculture because I was being approached by potential buyers saying we think you have a great piece of property right near the sewer district and we think it has great potential for development into housing. And I’d say I’m not really interested in that. And they’d say what if we brought you a really good offer? And so one always starts thinking about that. But my desire to keep the property in farming and to someday be able to give it to my sons as part of their farming operation, I think that outweighed everything else. This will always be farm ground and will never be developed. And I’m so happy about that, proud of myself for doing that.”

-Sonoma landowner, 4/29/99

Business Investment. According to this dairy farmer, he sold the easement for purely economic reasons. Half of the cash received went into off-farm investments, and the other half was used to make environmental improvements and support farm operations. A full-time farmer, he feeds his cows on 500 acres including leased land. Both of his adult children support keeping the land in the family. One is an employee of the dairy and is expected to become a partner shortly. The landowner

purchased the easement parcel in the 1980s and has lived there only since the 1970s, although he is a member of a four-generation dairy family in the area. The easement parcel is 12 miles from the nearest city and is not in the path of urban development.

A successful farmer in his own operation, the landowner is worried about the future of dairying in the area. He notes that land has become too expensive for such farming and that the number of dairy farms in the county has steadily decreased.

“I think you need to look at what you’re doing from a business standpoint so the personal attachment was not a factor, it’s strictly business...I sat the kids down and told them, you may dig me up in 50 years and kick me, but to me it looks like a business opportunity. Because I don’t plan on doing anything with this land other than dairy. So we did agree on that...My children now have an attachment to this land. I made a comment at one time that I’m getting tired and I am going to sell the cows and the ranch. They said, ‘Oh no, not the ranch!’ ”

-Marin landowner, 3/23/99

Settle Estate, Retain in Agriculture. Buying out the shares of two siblings in the family trust was this landowner’s principal motivation for selling the easement. All of the proceeds were used to consolidate his ownership. He has an off-farm occupation and leases the 200-acre parcel to a rancher who pastures replacement dairy heifers. The land has been in the landowner’s family since the 1850s. He lives on the property and does ranch maintenance work (fence repairs, etc.) on weekends. None of his children are interested in farming. The property is remote from urban development.

“The property was in a family trust and my two siblings and I were the beneficiaries and the trustees. They wanted to get rid of it, to get as much for it as they could. They didn’t have any feeling for keeping it. Even though I had main-

tained it for years, putting in tanks, water systems, cattle guards and so forth...This (easement sale) allowed me to buy their two-thirds interest after we went through some court proceedings and set the cost...My grandchildren and my daughter keep their horses there, and they enjoy riding around. But they’re not involved in any production agriculture.”

-Marin landowner, 5/11/99

Cash for Farming. This landowner is a full-time farmer who grows a variety of field crops on his easement-protected parcel, part of an overall agricultural operation that covers several thousand acres. Neither of his three adult children are involved or interested in farming as an occupation. The landowner lives in a nearby small city. There are no residences on his parcel which he has owned for 14 years. Urbanization is slowly moving in the direction of the parcel. The landowner reports that he receives several calls a year concerning possible development. His major reason for selling the easement was to secure cash to support the farm operation.

“It is a very nice property, one that is excellent for growing crops. It has water from three different sources...So it’s good land to preserve for agriculture...I used the money from the sale to help me finance the operation. It basically went to pay for farm losses...I am not really interested in seeing houses on this property. At one stage in my life I might have considered it. But I think now that I’m more interested in continuing it for farming.”

-Yolo landowner, 7/28/99

Second Generation Landowners

For most of the nine landowners in the three counties who purchased their properties after the development rights had been removed, having an easement in place was a decided advantage. The principal reason, they said, is that it made the purchase more affordable. By

eliminating the possibility of development, an easement in effect reduces the market value from a speculative to a farm production level. Noted one Marin purchaser:

“We couldn’t have bought the place without MALT buying the development rights which lowered the price of the ranch. It was like a gift from God. Otherwise we couldn’t have afforded it.”

-Marin landowner, 2/25/99

Only three of the nine later purchasers viewed their easements negatively, either because they could not build a residence on the property and/or because they would receive a lower than possible value in any future sale of the land. The two Yolo landowners in this category said that they were not fully aware of the easement restrictions and other terms at the time of purchase, although such information was supplied in the real estate transaction. One of the Yolo landowners also did not believe that his purchase was aided by the easement:

“I think I paid at the time what was a fair market value for open ground. I wanted to plant grapes on it and to have some income from that. I know that as the time comes when I want to sell, it (the easement) will have a detrimental effect. And I do not see any advantage to me by having the easement on it.”

-Yolo landowner, 7/29/99

Among the later purchasers, four bought their land explicitly to expand existing farming operations. All were full-time farmers or were semi-retired with relatives involved in the operation. Two were Marin dairymen who purchased the parcels to serve as pasture land for their dairy cows, and two were Yolo farmers who were adding to the large cropland acreage already under their management.

The remaining five later purchasers were primarily interested in the attractiveness of the easement parcels as home sites. None are actively involved in agricultural activities, but they lease their land to full-time farm operators.

Chapter 4

LANDOWNER EXPERIENCES

What do participating landowners now say about their easement-related experiences, some years or months after the sale of their development rights? What do they like and dislike about these experiences? In part this is a retrospective review of what they recall about the negotiations leading to the easement transfer—the details of timing, price, and information. In part also this is an examination of landowner perceptions about recent or current events, primarily the monitoring conducted by the three local programs to ensure compliance with the terms of the easements.

These perceptions are generally positive. But they also point to an underlying tension between landowner views and values and the ways in which easement programs function. The issue for a number of landowners is one of control and property rights—how the easements restrict certain uses of their properties over and beyond the basic prohibition on urban development.

Satisfaction and Problems

Landowners overall have very positive views of their easement-related experiences, judging from their responses to two general questions. One question asked about their degree of satisfaction with the program and the second asked about their current willingness to sell the easement if given a second opportunity. Landowner views in other respects did not differ substantially from county to county.

These positive views contain varying degrees of satisfaction. A few landowners said they would participate again only if they could do certain things differently, mostly revising particular features in their easement deeds. It was a matter of having learned from the negotiation process and now wanting to apply this knowledge, as one Sonoma landowner noted:

“I wish I knew then what I know now.
I would have used different language in

the agreement on where I can build the house.”

-Sonoma landowner, 4/13/99

Among the 40 landowners who responded to the general question about satisfaction, 20 were unqualified in their positive views. The same number of respondents, however, cited a range of particular issues or problems that they had with the program since their initial contact. Most of the perceived issues concern either experiences with easement monitoring (8 citations) or complaints about particular deed restrictions (7). A smaller number cited problems referring to perceived glitches in the negotiation process. We examine in greater detail below landowner views about the negotiation process and the issues of monitoring and deed restrictions.

Negotiating the Easements

The landowners interviewed in this study were asked to recall their experiences in the negotiations leading to the sale of their easements—including timing, price received, adequacy of information, and other details of the process. Based on their descriptions, we cannot easily picture a common experience. The negotiations were highly particular processes, tied to the unique features of landowners' personal circumstances and the characteristics of their parcels. MALT, the SCAPOSD, and the YLT have standard documents that lay out the restrictions and other terms of an easement, but they are revised according to the peculiarities of each transaction. Furthermore, the recollections offered by landowners differed greatly in specificity and comprehensiveness, reflecting in part the time that had elapsed since the negotiations. Some of the transactions had occurred as many as 16 years in the past (the earliest MALT easements) while others were as fresh as a few months. In a few cases our respondents had not been directly involved in the negotiations, either because this was the task of other family members or because respondents were later

purchasers of the easement properties. Still, we can offer a few observations about timing, perceived ease of negotiations, prices received, and adequacy of information.

Landowners and program managers approach these negotiations from different perspectives. Most obviously, the former want to receive higher prices for their easements than the latter want to pay. But there are also crucial differences in the view of how easement-protected parcels are to be restricted in their use. Landowners want the maximum flexibility in the use of their properties, while program managers seek to limit practices that can affect the agricultural viability or natural condition of parcels. This is not a disagreement over the basic purpose of agricultural easements—the protection of farmland from urban development. Rather the differences concern more incremental or subtle practices, such as the ability to add one or a few home sites to a property for family members, to add other farm-related structures, or to engage in certain cultivation or animal grazing practices. Questions of price and specific deed restrictions thus are the central elements in these negotiations.

Timing. According to landowner recollections, the time it took to consummate their easement sales—from initial contact with program staff to signoff—varied between a few months and several years. It was about a year or less for most Marin participants, more than a year for most Sonoma participants. The time lapse was only a few months for the small number (only three) of Yolo landowners who provided these estimates.

What factors slowed down the negotiations? Individual landowners cited one or more of these conditions: (1) Limited availability of funds for easement purchases; (2) disagreements over price, resulting in one or more reappraisals of property value; (3) family complications; (4) bureaucratic inertia or cumbersome procedures (“red tape”); (5) haggling over particular easement provisions.

Limited purchase funds were the major problem in Marin County in the 1990s, as MALT struggled to accommodate a backlog of willing

landowners after its initial funding from state bonds (Proposition 70). This was not a barrier in Sonoma County with the steady flow of sales tax funds to the open space district. Sonoma landowners instead referred primarily to property reappraisals, bureaucratic procedures, and the fine tuning of easement language as the principal causes of delay in the negotiations.

The problem with property appraisals, cited in Sonoma and to a lesser extent in Marin, has its roots in large part in the difficulty faced by professional appraisers in determining with some degree of accuracy the dollar worth of particular easements (essentially the difference between a property’s urban development or speculative value and its value for agricultural production). Some of the appraisers conducting these valuations had little experience in this specialized area and were handicapped by the limited availability of “comps,” recently-recorded sales of comparable properties that are the usual basis for property valuations.

Price. When asked if they had received a “fair price” for their easements, 21 of the 24 landowners who commented on this question said “yes.” A few qualified this response by adding “at that time,” noting that later developments in the land market suggested that they could have ultimately bargained for higher sums for giving up their development rights. (One Marin landowner noted that the program in adjacent Sonoma County was able to pay higher prices per acre than MALT’s record.) Only three landowners in the sample volunteered the opinion that the sums they received were somewhat less than what they thought appropriate at the time of the transaction.

Ease of Negotiation. Most landowners said they found no fault with the negotiations. A number were pleased to accept the original offers of price and terms with little or no inclination to bargain further. Others were not happy at all with initial offers and engaged in serious bargaining, sometimes successfully gaining concessions from the program.

Landowners usually consulted their attorneys and/or accountants; sometimes the professionals directly represented their clients in the negotia-

tions. In agreeing to go ahead with easement deals, landowners did not always take the advice of their consultants who in some cases were more cautious about price and terms than their clients.

Information. We also asked landowners in this study about how well informed they were during the easement negotiations. Most reported receiving adequate information from the programs, including sample contracts, supplemented by advice from their attorneys and accountants. Some respondents said that they were helped by a good understanding of the easement process before entering into negotiations because of earlier involvement with the local program or farm organizations.

However, a few landowners said that they were not fully informed or were misinformed about particular matters. One or more respondents each referred to these topics: (1) the extent of the required monitoring of property conditions; (2) allowable residential units, both number and location; (3) land values; (4) the tax benefits of contributing a portion of the easement value; (5) overall guidelines.

Some of the most critical comments about inadequate information came from landowners who had purchased their parcels with easements already in place. Four of the nine respondents in this category said that they did not fully understand the restrictions on the use of their land when they bought their properties, particularly the limits on new housing. They attrib-

uted this gap in part to insufficient information provided by the realtors who handled the transactions.

Use of Easement Funds

How did landowners use the cash from their easement sales? No one type of expenditure was dominant among the 30 landowners who provided information on this topic, as Table 6 notes. The largest number cited non-farm use, such as providing retirement income, putting money into savings or the market, or spending on family members. Investing in farm operations, either buying more land or making improvements, was the second most frequently mentioned expenditure. Slightly fewer landowners mentioned resolving estate problems—usually consolidating ownership in one family member by buying the ownership interest of others—and for retiring or reducing farm debt.

Besides investing cash in additional farm property or facilities, a few landowners also made significant changes in their operations. Several Sonoma landowners and one in Marin said they were in the process of converting grazing or other cropland to vineyards. One family converted its conventional dairy to an organic operation. Four Sonoma County respondents said they were considering steps to develop the recreational potential of their properties. The great majority of landowners, however, reported no significant changes in commodities produced or in other farm operations after selling their easements.

Table 6. Use of Cash Received from Easement Sales (Multiple responses)				
Use of Cash	Marin	Sonoma	Yolo	Total
Non-farm uses	6	6	1	13
Farm investment	4	5	1	10
Estate settlement	3	5	—	8
Reduce farm debt	4	3	—	7
<i>Number of landowners responding</i>	12	16	2	30

The Sense of Control: What's in the Contract

In selling conservation easements, landowners obviously lose a degree of control over their properties. When considered only as the prohibition on more intensive or urban development forms of land use, this limitation was not an issue for the landowners we interviewed. After all, they willingly transferred their development rights in return for compensation and, in some cases, the satisfaction of contributing to a worthy conservation purpose.

But some landowners perceived a decided loss of control at a lesser scale of options for the use of their properties. They expressed concern about the required monitoring process (examined below) and about various restrictions in the easement contracts, particularly how they are interpreted and implemented by the programs. Most of the problems cited in the interviews concerned limits on the ability to add additional residential units on the property. The restrictions ranged from no residences beyond the number already present (except for replacement houses) to one or more additional houses for family members according to the parcel size. In some cases, there are restrictions on where new residences can be located on an easement parcel. Local zoning and Williamson Act contracts often are at least as restrictive as conservation easements for home building though they may not be perpetual. Depending on individual family situations, such restrictions were seen as minor or serious impositions on control over one's property. Other specific restrictions in individual contracts mentioned in this context were: (1) building other structures, such as farm worker housing or barns; (2) other property improvements such as drainage facilities; (3) the use of off-road vehicles; (4) logging and sale of timber; and (5) vineyard development.

A related source of dissatisfaction for some landowners was the belief that they had to clear plans for improvements or other land use changes with the staff of the easement program in cases of uncertainty.

Post-Transaction Contacts

Landowners continue to have contact with the organizations that hold their easements beyond the sale negotiations. At a minimum, these contacts involve yearly inspections of properties that the conservation programs are supposed to conduct to assure compliance with easement terms. Experiences with such monitoring are described below.

Other, more frequent interactions with the programs were reported by some landowners. This was much more common for Marin respondents than landowners in the other two counties, due partly to the relative longevity of the program and also to MALT's efforts to publicize its work through a quarterly newsletter and its other public activities including farm tours, workshops, and social events. Some Marin respondents said they regularly or occasionally took part in such events. An even higher degree of program involvement is seen in the participation by at least six of the Marin landowners as one-time or current members of the MALT board of directors.

Monitoring

The majority of landowners in this sample were satisfied with the monitoring of their parcels. However, among the 33 respondents who commented about this topic, 14 reported negative experiences or perceptions of the process.

To check landowner compliance with the terms of their easements, each of the three conservation organizations attempts to inspect annually all of the parcels they have enrolled. In this process, program representatives visit a parcel for a visual inspection and talk with the landowner. MALT and the SCAPOSD have staff members assigned to this task, although the SCAPOSD also uses non-paid volunteers. Since 1999, the YLT has used a small committee of farmer-volunteers under direction of its executive director to conduct inspections.

Implicit in the monitoring process is a tugging between the conservation objectives of ease-

ment programs and landowners' dislike of intrusions on their properties. One landowner noted an inherent ambiguity in this tension:

"The land conservation requirements are a very important part of the program and could be very positive for landowners. It's like a reality check, a great resource to have this information about your practices...On the other hand, being monitored often means you have a little bit of freedom taken away."

-Marin landowner, 3/26/99

For some property owners, the inspections and suggestions of program representatives became a control or "property rights" issue, an imposition that they believed exceeds their easement-related obligations. As long as they did not blatantly seek to add buildings to their properties, several questioned the need for the inspections, referring to the emphasis in the inspections on such land conservation problems as overgrazing by farm animals, erosion, and water quality in creeks. Some landowners with long family histories in farming resented being told how to properly steward their land. A few felt that they had not been fully informed about the monitoring process during their sales negotiations. The criticisms ranged from substantive complaints to petty annoyances, as the following excerpts illustrate:

"I get frustrated with it [monitoring]. There is a fence in my yard and I have to ask permission to take it down...It turns out that my kid can't ride his motorcycle out on the acreage...I can't put a little motorcycle track out there? Maybe they've gone too far. It's my property."

-Sonoma landowner, 4/2/99

"It bothers me a bit. Two years ago when we had a horrible, horrible spring, they wrote us letters implying that we overgrazed. And we hadn't done anything different...We didn't have to be checked...We are not going to be destructive to our own property, we never have been."

-Marin landowners, 3/29/99

"Sometimes you feel uncomfortable when they come for the yearly check. Just because they look at things differently than you do in agriculture."

-Sonoma landowner, 4/30/99

Such negative views were expressed by a little less than half of the Marin and half of the Sonoma landowners who commented on monitoring. Not one of the five Yolo landowners who mentioned the process was critical, perhaps a reflection of the limited experience with monitoring in this new program.

A few landowners, in fact, applauded the monitoring as helping them to better manage their land. Five in Marin and one in Sonoma were emphatic about these benefits, as the following comments indicate:

"It's an incentive to me to maintain the property, to check for thistles and weeds and signs of degradation. If you maintain the property in the same condition, the monitoring is innocuous."

-Sonoma landowner, 4/19/99

"What could be the best part of the program is the land steward thing...As administered by MALT, they don't hinder us, they're here for assistance...(Staff person) has come out and we have some mutual concerns about one field or another...I look at the monitoring system right now as a resource."

-Marin landowner, 3/26/99

Several Marin respondents singled out the staff person responsible for MALT's monitoring as sensitive to local circumstances, knowledgeable, and helpful to landowners interested in improving their land management practices. One Sonoma landowner, on the other hand, criticized the SCAPOSD's monitoring process as insufficiently systematic and not holding landowners "accountable for the public funds."

Chapter 5

THE POLICY PERSPECTIVE: VIEWS OF PROGRAM IMPACT AND DIRECTION

At several points in our interviews with landowners, we asked them to step back from their personal experiences in dealing with the local easement organizations over property matters, and instead evaluate more generally program successes and impacts. In their views, what have the programs achieved? What effects have they had on local agriculture and the pattern of urbanization? What were the programs' purposes and priorities, in the view of landowners, especially comparing farmland and open space preservation objectives? What suggestions did respondents have for acquisition priorities and program changes?

We did not expect that responses to these questions would be entirely unaffected by personal experiences. Indeed, many of the observations about program effects, purposes, and priorities were tinged with the positive or

negative feelings of having gone through easement sale transactions and later experiences with monitoring and other program activities. Still, these landowners were much more knowledgeable about the easement programs than the great majority of local residents; thus their insights and suggestions have particular value.

Program Success and Effectiveness

The great majority of landowners said that the programs were successful in furthering their public purposes to varying degrees, as Table 7 shows. Forty-two of the 46 landowners in the sample provided comments on this point.

We did not ask them to respond to a specific definition of "success" or "effectiveness." Instead, respondents provided their own defini-

Table 7. LANDOWNER EVALUATIONS OF PROGRAM SUCCESS¹								
	Marin	Sonoma	Yolo	Total				
Successful	13	22	3	38				
Not Successful	2	2	2	4				
Landowners not responding	--	2	2	4				
¹ How landowners define "success": <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>Marin County</u> –protecting farmland from urbanization –individual parcels kept in farming –monetary benefits to ranchers –helping people who want to buy farmland –preservation of community –number of acres in farmland –no development –flexibility </td> <td style="width: 50%; vertical-align: top;"> <u>Sonoma County</u> –good value from expenditures –number of acres protected –protection of scenic views and beauty –keeping land in agriculture –citizen support </td> </tr> <tr> <td></td> <td style="vertical-align: top;"> <u>Yolo County</u> –no responses </td> </tr> </table>					<u>Marin County</u> –protecting farmland from urbanization –individual parcels kept in farming –monetary benefits to ranchers –helping people who want to buy farmland –preservation of community –number of acres in farmland –no development –flexibility	<u>Sonoma County</u> –good value from expenditures –number of acres protected –protection of scenic views and beauty –keeping land in agriculture –citizen support		<u>Yolo County</u> –no responses
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	<u>Yolo County</u> –no responses							

tions as indicated in Table 7. Marin landowners tended to point to the retention of land in ranching and to related benefits to local agriculture. One Marin respondent was especially pleased by the farming opportunities that the MALT program provided to young people and hence the continuity of agriculture in that county:

“It’s not just the land resources that we are trying to protect. But we need also to keep the skills that come with stewarding the land.”

-Marin landowner, 3/26/99

Sonoma landowners were less explicit in elaborating on their positive views, and tended to emphasize more the value of the dollars spent on easements and the protection of scenic values. The one Yolo landowner who elaborated to any degree observed that the YLT had made a good start and that the program “was a way of solving the problem without taking from the owner.”

Among the more enthusiastic of the evaluations are these comments, including speculations about what would have occurred locally in the absence of the easement program:

“It’s been absolutely successful...They’re up to what? 26,000 acres? It’s unbelievable that a group of people can go out and make that happen in this county...(in the absence of the program) we’d be San Rafael. We’d be in total development.”

-Marin landowner, 3/30/99

“In certain cases you would see changes in ownership...Wealthy people would come out and buy some of these ranches. Agriculturists would not have any chance at all of competing for land.”

-Marin landowner, 4/26/99

“Well, I probably would be working a lot harder to make my monthly payments. There would be more parcels that probably would have passed out of family holdings for one

reason or another.”

-Marin landowner, 3/26/99

“More farm properties would get carved up upon the death of the owners because of estate issues. The long term effect of this program is to keep properties intact.”

-Sonoma landowner, 4/22/99

“The open space program is the best thing going. I can look out my window and see Sonoma Mountain. I would hate to see that covered with houses...The outskirts are still open and beautiful.”

-Sonoma landowner, 4/2/99

Negative Views

Only four landowners in the entire sample gave unqualified negative assessments of the programs. One of the two critics in Marin complained that MALT was paying too much for easements on parcels that would not be developed in any case. The other said the program had lost the confidence of the agricultural community because of its position on federal farmland protection legislation. The one Sonoma critic accused the SCAPOSD of not understanding ranching and paying too much for easements, while the one Yolo critic thought that the YLT had not acquired enough easements to have any effect.

Even landowners who were generally positive about the programs’ successes expressed some of the same or other reservations. The cited limitations and faults fall largely into these areas of criticism:

(1) *The programs pay too much for easements.* Using their knowledge of local conditions, some respondents pointed to particular parcels as over-valued in terms of agricultural productivity and development potential. Some Sonoma landowners cited the possibility that, because of public perceptions of waste, voters would not support renewal of the dedicated sales tax that funds the easement program when it expires in about 2010.

2) Some easements are acquired on parcels that would not be subject to development in any case. Some respondents referred to parcels on slopes too steep for building. Some Marin landowners noted that county government policies virtually prohibited development in the rural inland and western regions where MALT easements are located. (As explained by others, however, the “development threat” in these areas of Marin is not from residential subdivisions or the spread of cities, but comes from wealthy persons seeking large acreage for estate homesites.)

(3) An easement program can do little to stem the continuing loss of farmland or maintain the long-term viability of local agriculture, because of larger economic forces. Several Marin landowners were skeptical about the stability of the dairy industry in that county.

(4) The program is too bureaucratic, has too large a staff, or conducts its affairs in a political manner. This was the criticism by a few Sonoma landowners.

(5) The program has insufficient funds. This was an expressed concern in Marin and Yolo counties. In the mid 1990s MALT essentially had run out of funds for easement purchases, while still possessing a large backlog of landowners who were willing and eligible sellers.

(6) The program is unsympathetic to true farmers. In Marin the issue is MALT’s support of a controversial congressional proposal, the Farmland Protection Act. The concern among some Sonoma landowners is the perceived influence on the SCAPOSD by proponents of trails and public access on easement-protected land.

Examining this last critique, we find that a small number of landowners in the two counties were unhappy with what they believed to be actions contrary to the interests of local agriculture. In Marin County, a plan whereby MALT would receive federal funds to acquire easements in the vicinity of the national seashore stimulated 30-year old

memories of the private property controversies relating to the creation of the park. Complained one landowner:

“...there was the impression that MALT would then sell the easements that they already owned in that area to the Department of Interior. That bothered me a lot...Here we have MALT, which is administered by local people and the local board of directors with local values...”
-Marin landowner, 5/11/99

A few Sonoma County critics argued that the SCAPOSD had begun to give priority to applicants who would accept public trails in their easements, despite the avowal of public access when the program was first promoted in the agricultural community. Landowners of course ordinarily oppose public access on their easement-protected acres because of liability issues and the conflict with farm operations. The perception was that the district was now catering to environmental and urban interests on this matter.

“The supervisors are allowing the trail people to be more influential...they are now putting pressure on landowners.”
-Sonoma landowner, 3/30/99

The Policy Context

Most landowners seemed to be familiar with their county’s overall approach to farmland and open space protection, considering responses to a question that asked them to compare the easement technique with other land use tools. They generally recognized that acquiring easements on farm parcels is a more lasting and hence effective form of protection than zoning, Williamson Act contracts, or other mechanisms used by county governments. One Yolo County landowner made this blunt assertion:

“Easements can be an incredibly useful tool to retain the agricultural character of a county or region because they put protection on property that is beyond the

political winds as they may blow in any successive wave of boards of supervisors or city councils. History has shown that no board of supervisors over time will be able to withstand development pressure...That's the utility of it from a policy standpoint because the law is taking the place of politics.”

-Yolo landowner, 8/5/99

But some landowners saw the protective benefits of easements as greatest when they worked in conjunction with other tools. This view was especially strong among Marin respondents, who lauded the county's government policies for confining urban expansion largely to the cities in the eastern corridor and establishing strong controls in the rural inland and coastal areas. Most Marin respondents said that the county's A-60 (60-acre density) zoning, and Williamson Act contracts had helped retain much of the farmland base in the past. Neither of these tools, however, could in the long term prevent cash-starved dairy farmers and ranchers from selling their properties for homesites, some landowners argued. They noted that the real threat to farmland in their area came not from conventional subdivision developers, but from wealthy persons migrating from San Francisco and other communities who are attracted by valley and coastal vistas and are able to purchase large parcels for estate houses.

By allowing dairy and ranching families to keep operating, easements provide another and necessary level of protection.

“This program is a logical alternative to A-60 zoning. A-60 at its inception was only supposed to be a temporary thing...Too many people can afford to come out and buy 60 acres.”

-Marin landowner, 3/26/99

Sonoma landowners were not as strongly positive about the farmland protection efforts of their county government, several noting inconsistent actions in the past in this area. Several were critical of urban growth boundaries, a growth management technique recently approved by voters countywide and in

most of the county's cities. While some Sonoma respondents also spoke highly of the Williamson Act program in protecting farmland, most comments about agricultural zoning concerned its transitory nature.

“The easement program is the best thing. It gets around the zoning which can be changed by the board of supervisors. Nothing is forever with zoning—it can be changed by a whim. The easement is a forever thing.”

-Sonoma landowner, 4/13/99

Program Purpose: Farmland or Open Space Protection

As a resource to be protected, farmland is both an economic asset and a form of open space with scenic and other environmental values. How do our landowners view these separate but overlapping objectives in the missions of the three easement programs? Do they see them as compatible or conflicting objectives?

All but four of the 46 respondents responded to a question about the major purpose of the program in their county, identifying either farmland or open space protection, or a combination of the two. Table 8 shows that the emphasis varied by county. Most Marin County landowners (10 of 15) stressed farmland protection as the leading purpose of MALT, while most Sonoma County landowners (14 of 25) emphasized the open space objective. Several other Sonoma County respondents mentioned variations of the open space theme, including establishing community separators and preserving the “rural look” of the county. Half of the small number of Yolo respondents cited the farmland protection objective.

These differences in emphasis reflect in part the established objectives of the three programs. As stated in their published materials, MALT is singularly focused on farmland as an agricultural resource while the Sonoma district has multiple objectives:

“...to permanently preserve Marin County farmlands for agricultural use.”

-*Marin Agricultural Land Trust News*,
Spring, 1998

“...to acquire interests in Sonoma
County’s agricultural, natural resource
and open space lands...”
-SCAPOS, 1994 brochure

The YLT has a slightly different emphasis that
combines farmland and habitat:

“We are farmers working to protect
agricultural and habitat lands in Yolo
County.”
-*Yolo Land Trust: Working Together for
Land Conservation in Yolo County*,
1998 brochure

As to the question of compatibility between
farmland and open space protection, the
overwhelming majority of the 25 landowners
who discussed this question said the two
purposes were complementary. Some of those
with positive views, however, also expressed
concern about the negative impacts of public

access on agricultural operations. Here are
some observations on the positive side:

“Keeping land in agriculture is good
for those people who want open space.
Not only does it keep the land open,
but cattle will get rid of some of the
junk (weeds) that comes up.”
-*Marin landowner*, 4/26/99

“People who want to look at open
space are just as happy looking at
cows and sheep, as weeds and brush.”
-*Marin landowner*, 5/11 /99

“Having open space around in an
agricultural production area is more
conducive to agriculture. Half of the
things that people sell as open space is
agriculture. They coexist.”
-*Sonoma landowner*, 4/22/99

The four landowners (three in Marin and one
in Yolo) who cited the incompatibility of
farmland and open space objectives empha-

Table 8. PERCEPTIONS ABOUT PROGRAM PURPOSE (includes multiple responses)				
Major Purpose	Marin	Sonoma	Yolo	Total
Preserve farmland, local agriculture	10	5	3	18
Preserve open space	2	14	--	16
Provide community separators	--	4	--	4
Preserve natural beauty, rural look	1	3	--	4
Prevent development	2	--	1	3
Promote conservation	1	1	--	2
Give landowners an option	1	--	1	--
Prevent sprawl	--	1	--	1
Manage and monitor easements	--	--	1	1
Landowners not responding	--	3	1	4

sized the differences between farmland as a location for economic activity and its value as a public amenity:

“Open space is just keeping building from happening, but preserving agriculture allows somebody to make a living off of the land.”

-Marin landowner, 4/16/99

“They (open space and farmland objectives) are from two opposite ends of the spectrum. We who utilize this land make our living from it. Now, if you want open space, you only want to look at it. You don’t want to be responsible for it.”

-Marin landowner, 3/23/99

Priorities for Acquiring Easements

A key issue for any serious easement program is how to spend its acquisition funds, especially one with a steady stream of interested landowners covering a large territory. Among the possible considerations are: (1) the soil quality or other dimensions of the agricultural productivity of particular parcels; (2) location, especially in relation to guiding the future path of urban growth; and (3) environmental values, such as the preservation of wetlands, habitat, or riparian lands. So we asked landowners what the acquisition priorities of their local programs should be.

As summarized in Table 9, 31 of the 46 landowners in the sample responded to this question. The priorities they identified covered agricultural productivity and location categories, and several other unrelated options. Sonoma landowners were more inclined than others to cite location in relation to urban growth, referring especially to that county’s interest in using easements to create “community separators” between the rapidly expanding cities along Highway 101. (One respondent argued against this priority on the basis that the best farmland was elsewhere in the county and that the 101 corridor was already too urbanized to allow an effective preservation effort.) While supporting this priority, however, three Sonoma landowners noted the expense to the SCAPOSD of acquiring easements in areas with high speculative land values because of the proximity to urban growth.

Three Marin and six Sonoma landowners shared a common complaint—that excessive funds had been spent by their programs to acquire easements on remote parcels that in the long run would not be threatened by urban growth:

“You wonder why they’re buying some of this land way out. Because it will probably be years before it is developed.”

-Marin landowner, 4/26/99

Priority	Marin	Sonoma	Yolo	Total
Agricultural productivity, value	4	4	1	9
Location in relation to urbanization	3	9	2	14
First come, first served	5	–	–	5
Open space, scenic land	1	1	–	2
Landowner longevity	–	1	–	1
Landowners not responding	2	10	3	15

“They should emphasize situations that are both scenic and that are community separators. I’m not sure that spending money on sheep land out in the middle of nowhere is what we should do.”

-Sonoma landowner, 4/29/99

Suggestions for Program Changes

Finally, we asked landowners to suggest specific changes in the easement programs. Twenty-nine of the 46 landowners in the sample offered their ideas, addressing board membership, activities, procedures, funding and other aspects of program organization and operation. Table 10 categorizes these suggestions for each county.

An underlying theme in the comments of several of the Marin landowners was a perception that MALT, despite its origins and initial support in the ranching community, was moving away from its agricultural attachments. Commented one landowner:

“MALT was supposed to be ag conscious. But it seems that they’re just there to prevent urbanization.”

-Marin landowner, 3/3/99

This perception was expressed in the suggestions that the MALT board should be composed largely of agriculturalists, that the land trust should engage in more outreach programs to acquaint urban people with local farming, and that it should not seek federal funds for easements that could be used to expand the national seashore. Here is what one landowner said about board membership:

“I think the MALT board is a little bit heavy with people who are outside of the farming community, who don’t totally understand the gravity of what’s going on here. This is a big decision that a lot of people are making and we have to understand that we are going to try to farm the land, one way, shape or another. We need to have people who can understand these ideas.”

-Marin landowner, 5/3/99

Almost half of the Sonoma landowners who offered suggestions for program changes wanted to see a quicker, less cumbersome process in negotiating and consummating easement sales, a reflection of their own experiences:

“They need to streamline the process or the landowners will get frustrated. I would be concerned for people with less sophistication than me. You need good advisors and professional strength to get through this...They’ve got to make it easier for other people.”

-Sonoma landowner, 4/28/99

The most specific suggestions in this category concerned reforms in appraisal procedures and clearer guidelines for prospective easement sellers.

Two respondents desired less “politics” in the operations of the SCAPOSD, referring generally to the recent (at the time of the interviews) controversy concerning the dismissal of the district’s first general manager. In a similar vein, two other landowners argued for a district more independent from county government authority, perhaps governed by a separately elected board.

Table 10. SUGGESTED PROGRAM CHANGES (includes multiple responses)	
Marin (<i>comments from 12 of 15 landowners</i>)	
	<u>Mentions</u>
More representation of agriculture on board	4
Increased funding	4
Education, program outreach	3
Local, not federal funding	2
Change appraisal process	1
Allow family residences	1
Easements on developable land, not steep hillsides	1
Sonoma (<i>comments from 16 of 25 landowners</i>)	
Simplify process of negotiating, finalizing easements	7
Less “political”	2
More independent organization, elected board	2
Increased funding	2
Better direction for program	2
Allow short-term easements	1
County supervisors should visit easement sites	1
More representation of agriculture on board	1
Yolo (<i>comments from 1 of 6 landowners</i>)	
Simplify easement documents, less legalistic	1
Increased funding	1

Chapter 6

CONCLUSIONS

From the perspective of farmers and ranchers in three northern California counties who have conservation easements on their agricultural properties, the easements are a valuable and effective tool for both personal and public purposes. This is the basic conclusion of our research. The 37 landowners who were original easement sellers willingly—enthusiastically in most cases—sold conservation easements, giving up the development rights for themselves and for future generations of owners and accepting other restrictions as well. Cash, the ideals of land preservation, and family benefits, separately or in combination, more than compensated for the permanent loss of this important property option. And now, some years or months after the transactions, they find few reasons to regret their actions and are satisfied with their continuing experiences with the local conservation programs. The positive views extend to favorable evaluations of the broader public dimensions of the programs, and to issues of performance and impact. The 9 landowners who later purchased parcels with easements attached have similar views of the easement technique, most pointing to its personal benefits in making the purchased properties more affordable.

Program Recommendations: Facilitating the Landowner Relationship

Landowners also perceive problems and deficiencies in how the MALT, SCAPOSD, and YLT negotiate transactions, otherwise deal with landowners, and handle their public business. Such negative comments, however, do not diminish the overall positive views of the three programs as much as they suggest areas for organizational and procedural improvements. More broadly, these suggestions apply to all agricultural easement programs that seek positive and beneficial relationships with their landowner participants.

Some agency-landowner tensions are almost inevitable. For example, it is natural for agency buyers and landowner sellers to differ

in negotiating the price of an easement. Likewise there is an underlying tension in the monitoring process between the public purposes of an easement and landowner perceptions of their property rights. These problems for individual programs may diminish over time as they develop more expertise and experience and acquire more resources. The buyer-seller gap in price expectations, for example, may drop as rural land appraisers develop more certainty and expertise in the estimation of easement values.

With or without such developments, however, easement programs on their own can enhance landowner relations in several conventional ways. The findings of this three-county survey of landowner perceptions and experiences points to the following four areas of advice:

1. Programs should seek ways to clarify and expedite easement negotiations with willing landowners. The obvious advice for program managers is to provide complete information to potential easement sellers at the time of initial contact, to be open and accessible as negotiations proceed, and to be sensitive to individual landowner circumstances. It is especially important that landowners understand fully the meaning and later implementation of specific easement terms, including use restrictions and the monitoring process. Some delays and other obstacles in negotiating easements may be due to conditions beyond the control of easement agencies, such as intra-family disagreements among the multiple owners of an agricultural parcel. Sometimes the major ingredient in delaying the completion of a negotiation is the immediate lack of acquisition funds, a condition faced by most California agricultural easement programs due to unsteady revenue streams.

2. Programs should make a special effort to explain to later purchasers of restricted parcels how the easement affects their use of the land. Property buyers typically are

informed during the real estate process of the restrictions contained in their new deeds, including those created by agricultural and other easements. But this may not convey to a new landowner a full appreciation of his or her obligations under an easement, as well as its purposes and consequences. To avoid later misunderstandings, agencies should make personal contact with new purchasers of the parcels on which they hold easements, to pass on full information about specific restrictions and monitoring, and to get them interested in other program activities.

3. Programs should monitor easement-restricted parcels as a cooperative rather than adversarial process, one which provides landowner benefits as well as ensuring compliance with easement terms. If approached strictly in a legal fashion, monitoring becomes a regulatory activity that is focused on ferreting out violations of easement terms. This emphasis may be required in extreme cases of land use changes or neglect. But for most landowners, monitoring should be a less intrusive and more informative process that stresses better land stewardship. The steps that help to achieve such an outcome include formal and written guidelines, consistency in the monitoring activity from year to year, advance landowner notification, written reports, and personal contacts.

4. Programs should seek to involve landowners in conservation activities other than those directly related to easement management. Nonprofit land trusts with broad conservation agendas generally have an edge over public agencies in this area. With its farm tours, workshops, and newsletters, MALT provides a model of what can be done to stimulate public interest and participation in conservation activities. Besides benefiting personally from such activities, landowners with easements also provide valuable lessons in land conservation for other segments of their communities.

How Applicable to the Central Valley?

It remains to ask about the generality of these findings. With only 46 landowners in our research sample, how much can we say about the prospects for easement adoptions generally by California farmers and ranchers? In particular, how applicable are these findings to landowner attitudes and behavior in the Central Valley, the state's premier agricultural region?

This concern about applicability is more about the diversity of the research sample than its size. Our 46 landowners (owning more than 29,000 acres in easement-protected parcels) are a sizable proportion of the still small number of farmers throughout California with easements on their land. The 46 respondents are more than 40 percent of the total participants in these three active easement programs, and a substantial fraction of all such landowners in the state. But in terms of commodities and agricultural situations represented, the research sample is a rather narrow one. More than four-fifths of our respondents are farmland owners in two adjacent coastal counties, Marin and Sonoma, and most of them are dairy operators or beef or sheep ranchers. Both counties are dominated by one or two commodities—milk and ranching in Marin and increasingly, grapes in Sonoma. Absent in this sample is an agricultural diversity that would resemble more the multiple crop patterns of the Central Valley and most of its individual counties. Yolo of course is a Central Valley county, but the six landowners it contributes to the study have little impact on the overall character of the sample.

We can note also other differences between Marin-Sonoma and Central Valley agriculture and environment that may limit the applicability of research findings from the former to the latter region. Land preservation for farming, the leading motivation for selling easements in the two coastal counties, may not be as

prevalent an attraction for Central Valley farmers. A major reason is that Central Valley farms are generally larger operations in dollar flow and owners here may give less weight to the value of their parcels as family homesites than as an economic resource. Land preservation attitudes in general also may be less prevalent among Central Valley landowners than among coastal farmers, considering the greater abundance of farmland in this vast inland region.¹

On the other hand, the results of this research may not be so limited after all when we consider other factors. Our findings are comparable to the conclusions of studies of easement activities in several northeastern states that note the greater importance of preservationist sentiments than financial considerations as landowner motivations for giving up development rights.²

Easements unquestionably are a flexible tool for advancing the personal, family, and business goals of landowners. As this study illustrates, they can serve a range of needs—consolidating family ownership, preserving a landscape, providing the means to expand an agricultural operation and make it more efficient. Who can say that Central Valley farmers and ranchers would not find such opportunities appealing? The remaining two research reports in this project will deal further with these possibilities. The second will examine the organization and performance of local easement programs throughout California, and the third will discuss prospects for using the technique in the Central Valley.

¹For general evidence of differences in conservation attitudes between voters in the two regions, see Alvin D. Soklow, "Variations in Local Farmland Protection Policy: The Central Valley and the North Bay." Pp 141-160, *California Farmland and Urban Perspectives*, edited by Albert G. Medvitz, Alvin D. Sokolow and Cathy Lemp. University of California Agricultural Issues Center, 1999.

²See the three studies cited in Chapter 1.

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Appendix A

LANDOWNER INTERVIEWS - Phone Survey

be a convenient time to call. Do you have about 20 minutes to answer some questions?..... All of your comments will be confidential on our part.

1. *Confirm info about size of easement purchase. Were you the owner at that time?*
2. *What can you tell me about other characteristics of the parcel?*
 - Current use? —% agriculture (by acres)? —% different ag commodities?
3. *Do you farm the land yourself? —other members of your family? —lease to others?*
4. *How many farmland acres do you own in total? How many do you operate as a renter?*
5. *Was your residence located on the parcel at the time of the sale? Currently?*
 - If not, where did/do you live?
6. *Do you consider yourself a full-time farmer? —If not, what is your occupation?*
 - What % of your family income comes from farming?
 - Who are all the owners? Ages—you and other owners?
7. *How long have you been farming this land?*
 - How many years has this land been in your family? —Number of generations?
 - Number of children. How many involved in agriculture?
8. *Why did you sell the easement?*
9. *Looking ahead 10 years or more—are there likely to be any changes in the ownership or operation of this parcel?*
 - Do you expect any of your children or other relatives to take over from you?
10. *Do you contemplate making any changes in the use of the parcel?*
 - Type or mix of the commodities produced?
 - Improvements to the farm? What kind?
11. *Where is the parcel located? How far from the nearest urban development?*
 - Where is that? City or unincorporated area?
 - Is urbanization moving in this direction? —Is your parcel affected by this?
 - How far from nonfarm rural residences?
 - Any recent activity in lot splits on nearby farms for residential purposes?
12. *Have you had opportunities in the recent past (before selling the easement) to develop, or sell the parcel for development? What happened?*

13. What is the current zoning for the parcel?
—Is it under a Williamson Act contract? —Any other land use restrictions on the parcel?
14. In your view what is the purpose of the MALT/Sonoma County Agricultural Preservation and Open Space Program/Yolo Land Trust? —Has it been a successful program? —Any suggestions as to how it could be made more successful?
15. You know that the agency is responsible for monitoring the use of your parcel and others to ensure that it is consistent with the terms of the easement:
—What has been your experience with the monitoring? *If not OK*—what specific problems?
—Has the monitoring affected your agricultural operation in any way?
16. In your view, is there a problem in Marin/Sonoma/Yolo County about the development of farmland? How serious— (a) very, (b) moderately so, (c) not a big problem
—Are county and city policies helping to preserve farmland here? Or not?
—Specific policies that are working or not working?
—What sorts of policies should be emphasized?

Thank you.

Appendix B

IN-PERSON LANDOWNER INTERVIEWS - *Original Owner*

I. Expand On Reasons for Participation

- a. You told us in the phone conversation that you sold the easement because _____.
Can you elaborate on that?
- b. Do you have a personal attachment to this land? In what sense? How much a factor in the easement sale? *How does this compare with economic/financial factors?*
- c. Was it an **easy** or **hard** decision to sell the easement?
- d. At that time, did the decision to sell fit in with an overall strategy or plan for the farm?

II. Family Situation

- a. What was the family situation at the time of the sale? —Estate issues?
- b. How did the easement sale take care of these issues?
- c. Other family members now involved in the operation _____ (from phone interview).
Do they have an ownership stake? Or—will they receive an ownership stake in the future?
- d. (if not clear from above) Is it likely that family members will continue to be involved in this farm far into the future?
- e. What about the **permanent (in perpetuity)** status of the easement?
—Did that concern you at the time of the sale?
—Is it all **positive**—or does it have some **negative** aspects?
—Is it possible that future owners would see **perpetuity** as an obstacle?
- f. The easement sale gave you a **one-time financial benefit**—that won't be repeated in the future. Could that be a problem for future owners?

III. Changes, Impacts on Farm Operations

- a. How use easement money? —probe for (1) debt repayment; (2) farm investment—what kind; (3) personal or family use.
- b. Any changes in farm operations since the sale? Due to having the easement in place?
—in mix of commodities produced
—bought new equipment or other improvements?
—management, marketing, conservation practices?
—bought more land?

- c. Change in profitability of the farm operation? In income?
- d. Ten years from now—what is likely to be different in the farm operation?

IV. Contact with Program

- a. What led to your decision to participate? How learn about program—sources of information?
- b. Did you talk to others—neighbors, friends, other farmland owners? Previous easement sellers?
- c. Did you initially contact the program? Or did they contact you? What happened?
- d. From first contact to signing—how long a period? What happened to move it along or slow it down?
- e. What was your experience in negotiating price and other terms?
- f. Did you get a “fair” price in your view?
- g. Did you get sufficient information about details and the consequences of the easement?
 - From who?
 - What major questions did you have?
 - Areas where not get sufficient information?
- h. Has your experience in selling the easement influenced neighbors or other landowners to participate in the program? Have you talked to others about it?

V. Views of Program as Landowner

- a. Overall, how satisfied are you with the program as a participating landowner? Why?
- b. Specific criticisms? Specific good points?
- c. What specific changes would you make in the program?
- d. What kind of contact do you have with MALT/Open Space District? How often?
- e. How does (MALT/Open Space District) monitor the easement?
- f. Are you familiar with all the legal terms of the easement?
- g. Can you put additional housing on the parcel?
- h. Do you feel you have lost some control over your land? How?
 - Does the easement prevent you from using your land in any ways you would want?
- i. Based on your experience, if you had to do it over again would you apply for an easement today?

VI. Impact, Effectiveness of Program

- a. In your view, what is the program's purpose? How well is this being accomplished?
- b. In preserving farmland here in _____? In helping the viability of local agriculture?
- c. Has it effected urbanization here? Its rate or direction?
- d. How do you compare the effectiveness of easements with other protection techniques?
- e. In the absence of this program, what would be different here?
- f. Considering the program's purpose, what kinds of parcels should get priority for easement purchases?
- g. What about location—where should easements be placed?
- h. In your view, what is the more important objective of protecting farmland?
(a) For agricultural production, or (b) for open space?
- i. Are the two objectives compatible or incompatible?

Appendix C

IN-PERSON LANDOWNER INTERVIEWS - *Later Purchaser*

I. Reasons for purchase

- a. Why did you purchase the land?
- b. How did the easement affect your decision? How did it affect the price?
- c. Other family members now involved in the operation _____ (from phone interview).
Do they have an ownership stake? Or—will they receive an ownership stake in the future?
- d. What do you see as the long-term effect of the easement on future family involvement?
- e. What about the **permanent (in perpetuity)** status of the easement?
 - Did that concern you at the time of the sale?
 - Is it all **positive**—or does it have some **negative** aspects?
 - Is it possible that future owners would see **perpetuity** as an obstacle?

II. Changes in Farm

- a. Have you made any changes in farm operations since the purchase?
 - in mix of commodities produced
 - bought new equipment or other improvements?
 - management, marketing, conservation practices?
 - bought more land?Due to having the easement in place?
- b. Change in profitability of the farm operation? In income?
- c. Likely future changes? Ten years from now—what is likely to be different?

III. Views of Program as Landowner

- a. Overall, how satisfied are you with the program as a participating landowner? Why?
- b. Specific criticisms? Specific good points?
- c. What specific changes would you make in the program?
- d. What kind of contact do you have with MALT/Open Space District? How often?
- e. How does (MALT/Open Space District) monitor the easement?
- f. Are you familiar with all the legal terms of the easement?
- g. Can you put additional housing on the parcel?

- h. Do you feel you have limited control over your land? How?
—Does the easement prevent you from using your land in the ways you would want?
- i. Based on your experience, if you had to do it over again would you purchase land under easement today?

VI. Impact, Effectiveness of Program

- a. In your view, what is the program's purpose? How well is this being accomplished?
- b. In preserving farmland here in _____? In helping the viability of local agriculture?
- c. Has it effected urbanization here? Its rate or direction?
- d. How do you compare the effectiveness of easements with other protection techniques?
- e. In the absence of this program, what would be different here?
- f. Considering the program's purpose, what kinds of parcels should get priority for easement purchases?
- g. What about location—where should easements be placed?
- h. In your view, what is the more important objective of protecting farmland?
(a) For agricultural production, or (b) for open space?
- i. Are the two objectives compatible or incompatible?

