



*City of Sonoma*  
**City Council**  
**Agenda Item Summary**

**City Council Agenda Item: 7A**

**Meeting Date: 05/04/15**

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**Department**

Planning

**Staff Contact**

David Goodison, Planning Director

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**Agenda Item Title**

Discussion, consideration, and possible action on a proposed amendment to the Management Plan for the Montini Preserve to allow leashed dogs on trails within the Preserve, including consideration of a resolution making findings as required under the California Environmental Quality Act and directing staff to submit a revised amendment to the Open Space District.

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**Summary**

Over the years, Councilmembers have expressed interest in allowing leashed dogs on trails within the Montini Preserve, an activity prohibited in the adopted Management Plan for the Preserve. In May 2014, the City Council reviewed a draft amendment to the Management Plan allowing leashed dogs on trails within the Preserve, along with a draft initial study evaluating potential environmental effects of the amendment. The initial study found that the potentially significant impacts associated with the proposed amendment could be reduced to less-than-significant levels with the implementation of identified mitigation measures. On a vote of 4-1, the Council directed staff to circulate the initial study for comment. On July 21, 2014, following the close of the comment period, the Council held a public hearing, at the conclusion of which it voted to 4-1 to adopt findings for a mitigated negative declaration and direct staff to forward the amendment to the Open Space District. However, per the amendment process, the application could not be made to the Open Space District until ownership of the property was transferred to the City, which occurred in November 2014.

On February 2, 2015, the Open Space District informed the City that the amendment application had been denied, citing four issues: 1) the District was concerned that the proposed enforcement measures lacked specificity; 2) the District requested a determination by a qualified biological consultant that the values of the Preserve (including habitat resources and public enjoyment) would be adequately protected; 3) the District stated that an amendment would only be approved on the condition that alternative western access be secured and in place prior to implementing any allowance for leashed dogs; and 4) the District requested a commitment to restoring the trail segment on State Parks property and north to the vista point to a natural condition in the event that the license allowing that segment was revoked.

Staff has prepared a revised amendment addressing the issues raised by the Open Space District. Because the composition of the City Council has changed since 2014, part of staff's intent in preparing a revised amendment is to provide the City Council with a clear understanding of the issues associated with pursuing an allowance for leashed dogs so that informed direction may be given. As before, the purpose of the proposed amendment to the Management Plan is to provide the City Council with the option of allowing visitors to the Preserve to bring leashed dogs on the trails within the Preserve, while enforcing restrictions intended to protect sensitive environmental features and maintain the essential qualities of the Preserve for the enjoyment of all.

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**Recommended Council Action**

Council discretion.

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**Alternative Actions**

N.A.

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**Financial Impact**

As detailed in the attached Supplemental Report, one-time costs associated with implementing the amendment are estimated at \$38,500 - \$113,500. These costs mainly relate to the resolution of the western trail access. Ongoing costs are estimated at \$1,500 annually. Note: the City has already expended approximately \$8,000 to date in consultant costs on this issue.

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**Environmental Review**

- ☐ Environmental Impact Report
- ☒ Negative Declaration
- ☐ Exempt
- ☐ Not Applicable

**Status**

- ☒ Approved/Certified
- ☐ No Action Required
- ☐ Action Requested: Adopt resolution

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**Alignment with Council Goals:**

While preparing an amendment to the Montini Preserve Management Plan is not directly related to any of the Council's adopted goals, this task has been accommodated as part of the normal workload of planning staff.

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**Attachments:**

1. Supplemental Report
2. Resolution **(To be distributed)**
3. Draft Amendment
4. Fifth Street Trail Access Map
5. OSD Amendment Determination Letter, February 2, 2015
6. OSD Montini FAQ
7. Correspondence

Materials Available Online at <http://www.sonomacity.org/default.aspx?Pageid=455> :

1. Initial Study/Mitigated Negative Declaration
2. Conservation Easement
3. Recreation Covenant
4. Biological Report
5. Petition supporting of an allowance for leashed dogs
6. Petition opposing an allowance for leashed dogs

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cc: Bill Keene, General Manager, SCAPOSD

Jacob Newell, Stewardship Planner, SCAPOSD

Danita Rodriguez, District Superintendent, State Parks

Richard Dale, Sonoma Ecology Center

Joanna Kemper, Sonoma Overlook Trail Taskforce

Bob Edwards, SVDOG

Jennifer Hainstock

James Nelson

Mary Nesbitt

Lynn Clary

Fred Allebach

Lisa Summers

## SUPPLEMENTAL REPORT

Discussion, consideration, and possible action on a proposed amendment to the Management Plan for the Montini Preserve to allow leashed dogs on trails with the Preserve, including consideration of a resolution making findings as required under the California Environmental Quality Act and directing staff to submit a revised amendment to the Open Space District

*For the City Council meeting of May 4, 2015*

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### **Background**

The Montini Preserve encompasses approximately 98 acres of open space, including a significant portion of Sonoma's hillside backdrop. It is located immediately north of the Vallejo Home State Park and extends from Fifth Street West to First Street West. The Preserve features rolling grasslands, oak woodlands, and a 9-acre pasture, with elevations ranging from 120 feet to 500 feet above sea level. The Sonoma County Agricultural Preservation and Open Space District ("District") acquired the Montini Preserve and an adjacent conservation easement from the Montini family for \$13.9 million in 2005. Of this amount, the California State Coastal Conservancy and the City of Sonoma contributed \$1.15 million and \$1.25 million, respectively, while District's contribution was \$11.5 million. In 2014, the Open Space District completed a trail system within the Preserve, along with related improvements, at a cost of approximately \$350,000.

In 2010, the District approached the City regarding the possibility of its taking ownership of the Montini Preserve, as the District is not set up for the long-term management of property and typically seeks agencies and organizations to which it can transfer property the District acquires. Following a number of hearings and discussions on the matter, the City Council at its meeting of March 4, 2013, voted 3-2 to approve a Transfer Agreement that resulted in the City taking ownership of the Preserve in November, 2014. The Transfer Agreement implemented a number of restrictions that the City must abide by on an ongoing basis, as set forth in a Conservation Easement and a Recreation Covenant. Among these restrictions is that the City is required to administer the Preserve in conformance with a Management Plan previously adopted by the District. The Management Plan prohibits dogs on the Montini Preserve. However, the Conservation Easement sets forth a process by which the City may amend the Management Plan. Over the years, Councilmembers have expressed interest in processing an amendment to the Management Plan that would allow leashed dogs on trails within Preserve and in November of 2013 the Council voted 4-1 to direct staff to draft such an amendment and prepare the related environmental review.

### **Management Plan Amendment Process**

The adopted Management Plan for the Montini Preserve prohibits pets, including dogs. This direction was based largely on two factors: 1) dogs are prohibited on the City-owned Overlook Trail, to which the Montini trail system connects; and, 2) the District originally intended to transfer the bulk of the Preserve to State Parks, where dogs are prohibited by State law. While under the terms of the Conservation Easement, the City is obligated administer the Preserve in accordance with the provisions of the Management Plan, the Conservation Easement includes a process through which the City may seek to amend the Management Plan. However, under that process, which is set forth in Section 6.1 of the Conservation Easement, the District retains the authority to review and approve any proposed amendment (section 6.1).

As stated in the Conservation Easement, the District's decision as to whether to approve or deny a proposed amendment to the Management Plan "... shall be based solely upon the Revised Plan's consistency with the terms, conditions and Conservation Purpose of this Easement." Among the key provisions in

that regard is found in section 5.15, “Criteria for Use”: *Public low-intensity outdoor recreational and educational uses and activities on the Property shall be designed and undertaken in a manner compatible with natural resource protection.* Section 2 of the draft revised amendment, attached, reviews the consistency of the proposed allowance with each of the Preserve’s identified conservation values.

### **Initial Amendment Application**

In May 2014, the City Council reviewed a proposed amendment to the Management Plan that would have the effect of allowing leashed dogs on trails within the Preserve. Accompanying the amendment was a draft initial study evaluating the potential environmental effects of the amendment and identifying any needed mitigation measures. The initial study found that the potentially significant impacts associated with the amendment could be reduced to less-than-significant levels with the implementation of identified mitigation measures. On a vote of 4-1 (Councilmember Rouse dissenting), the Council directed staff to circulate the initial study for review and comment in accordance with the requirements of the California Environmental Quality Act (CEQA). On July 21, 2014, following the close of the comment period, the Council held a public hearing, at the conclusion of which it voted 4-1 to adopt findings for a mitigated negative declaration and to direct staff forward the amendment to the Management Plan to the Open Space District. However, per the amendment process, the District could not consider the application until ownership of the property was transferred to the City, which did not occur until November 2014. On February 2, 2015, the Open Space District informed the City that the amendment application had been denied, citing four issues:

- The District was concerned that the proposed enforcement measures lacked specificity.
- The District requested a determination by a qualified biological consultant that the values of the Preserve (including habitat resources and public enjoyment) would be adequately protected.
- Because State Parks had indicated that the license allowing western access would be revoked if an allowance for leashed dogs was implemented, the District stated that an amendment would only be approved on the condition that alternative western access be secured and in place prior to implementing any allowance for leashed dogs.
- The District requested a specific commitment to restoring the trail segment on State Parks property to a natural condition in the event that the license allowing that segment was revoked.

The preceding is a summary of the issues raised by the District. The letter of February 2, 2015 is attached.

### **Revised Amendment**

Staff has prepared a revised amendment addressing the issues raised by the Open Space District in its letter rejecting the previous amendment. Because the composition of the City has changed since 2014, part of staff’s intent in preparing a revised amendment is to provide the City Council with a clear understanding of the issues associated with pursuing an allowance for leashed dogs so that informed direction may be given. The purpose of the proposed amendment to the Management Plan is to provide the City Council with the option of allowing visitors to the Preserve to bring leashed dogs on the trails within the Preserve, while enforcing restrictions intended to protect sensitive environmental features, maintain the essential qualities of the Preserve, and respond to the issues raised by the Open Space District and members of the public with regard to the previous amendment application. The main elements of the revised amendment are as follows:

- An allowance for leashed dogs will be prohibited until and unless the City secures permanent, ADA-accessible western access to the Preserve. Such access could take the form of a trail connection across the pasture area adjoining Fifth Street West, as originally envisioned in the Management Plan, or a lot-line adjustment with State Parks in which the existing western access is secured. Should construction of a new trail segment be required, the City agrees to close the trail south of the pasture overlook to reduce the likelihood of users bringing dogs onto the State Park and to restore the decommissioned trail on the Preserve and on State Parks property to a natural condition at the City's expense.
- To protect sensitive areas, small segments of fencing shall be installed at key locations, in consultation with the District. Any such barrier will be designed to be visually compatibility with the Preserve and wildlife-friendly.
- A license will be required of any person bringing a dog into the Preserve. The licensing process (administered on-line) will identify the limitations on leashed dogs and the reasons for them and require acknowledgment and agreement by the Licensee. Licenses will be non-transferable. A license will be suspended for three months upon one violation and permanently revoked upon two violations.
- Dogs will be required to be kept on a leash (not to exceed a length of six feet) and under the control of their owners at all times. Persons with dogs are restricted to trails. Only one dog per person will be authorized.
- Dog owners and individuals accompanying dogs will be required to clean up and remove dog waste. A bag dispenser will be placed at the main trailhead, but not elsewhere in the Preserve.
- Dogs will be prohibited within the Preserve a minimum of two days per week, including at least one weekend day.
- Dogs will continue to be prohibited on the Sonoma Overlook Trail, including the connecting trail segment east of Norrbom Road.
- Prior to implementing any allowance for leashed dogs, the limitations and requirements set forth in the amendment will be codified in the Municipal Code and signage will be placed at trailheads and other key locations to inform visitors to the Preserve of limitations on dogs.
- Community Service Officers will patrol the trail system an average of two days per week May through October and an average of one day per week November through April (at minimum). They are empowered to issue citations and require the removal of any person violating the limitations and requirements associated with leashed dogs. The frequency and timing of patrols will be tracked, along with the issuance of citations.
- Consistent with the approved maintenance plan, volunteer patrols will be used to monitor compliance and assist in education. The volunteer patrol program shall be coordinated with Community Service Officers through the sharing of monitoring reports and ongoing communication between CSOs and volunteer patrol leaders.
- Prior to implementing any allowance for leashed dogs, the City, in consultation with the Open Space District, will prepare a baseline report documenting features within the Preserve that could be adversely affected by an allowance for leashed dogs. Following the commencement of an allowance for leashed dogs, the City will submit annual monitoring reports documenting compliance with the limi-

tations and requirements, any changes to conditions identified in the baseline report, and any recommendations for additional restrictions or changes in management.

- If the Open Space District determines based on substantial evidence as provided through the monitoring reports that the identified conservation values of the Montini Preserve are being unacceptably compromised as a result of the allowance for leashed dogs, the District will have the authority to require further restrictions or revoke the allowance entirely.

As requested by the Open Space District, the revised amendment was developed in consultation with PCI, the environmental consulting firm that prepared the Biological Resources Evaluation addressing features within the Preserve that could be affected by an allowance for leashed dogs. In addition, the revised amendment incorporates all of the mitigation measures identified in the initial study and is intended to address the issues raised by the Open Space District in its letter of February 2, 2015.

### **Western Access**

The western access for the trail system within the Montini Preserve, which begins at Fourth Street West, relies on a trail segment of approximately 325 feet in length that passes through a portion of the Sonoma State Historic Park. This access is allowed through a revocable license with State Parks. Under State law (CGC Title 14, section 4312), leashed dogs cannot be allowed on this trail segment. In 2009, when the City Council was considering options for western access to the Preserve trail system, Dave Gould, then the Diablo Vista Superintendent, stated that he would not attempt to impose a prohibition on dogs throughout the Preserve as a condition of allowing or maintaining a connection through the State Parks property. Since that time, however, the management of the District changed (and it is now known as the Bay Area District). In August of 2013, the current District Director, Danita Rodriguez, informed the City that an allowance for leashed dogs was of great concern to State Parks. In subsequent correspondence made at the time the initial amendment was being considered, the Superintendent raised a number of concerns, especially with regard to enforcement and potential staffing impacts on State Parks. Based on those concerns, the Superintendent has made it clear that the license allowing access to Fourth Street West will be revoked if an allowance for leashed dogs is implemented.

The Recreation Covenant, which is one of the governing documents of the Preserve, mandates western access and requires that alternative western access be developed and implemented within five years in the event that the license with State Parks is terminated. The initial amendment application to the Management Plan noted that there are two options for securing western access: 1) construct a trail across the pasture property, with a trailhead and handicapped parking off of Fifth Street West, as originally envisioned in the Management Plan; or, 2) reach an agreement with State Parks on a lot-line adjustment that would transfer ownership of the current western access to the City in exchange with State Parks for an equal area of the Preserve. In the original application, the City simply stated that in the event the license was terminated, it would abide by the provisions of the Recreation Covenant. However, the Open Space District concluded that this was not sufficient. The western access is the primary element of the trail system that is handicapped-accessible and the District wants to ensure that an ADA-compliant western connection is secure and in place prior to the implementation of an allowance for leashed dogs. This direction has been incorporated into the revised amendment. Because the amendment commits the City to securing western access prior to any allowance for leashed dogs, it is important to note the challenges associated with the two options:

1. *Lot-line Adjustment:* For owners of private property, lot-line adjustments, while regulated, can usually be implemented simply and quickly. However, the laws applicable to lot-line adjustments involving State Parks property are much more restrictive and allow them only under a few closely defined circumstances (CGC 14660 - 14684.1). The review process as administered by State Parks is lengthy

and could take a year or more to reach a conclusion. In early conversations about this concept with the District Director, she stated that while open to discussing the possibility, she was skeptical as to whether the circumstances in this instance qualify for any of the categories set forth in State Law. She also noted that the City would be responsible for all costs associated with the process. It is staff's understanding that, on through the State process, a lot-line-adjustment would be subject to the review and approval of the Acquisition and Development Division of State Parks. Any lot-line adjustment would also be subject to the review and approval of the Open Space District, but it is conceptually consistent with the Recreation Covenant.

2. *Fifth Street West Trail Connection:* The Management Plan originally envisioned western access as taking the form of a trail segment crossing the pasture property with a trailhead and handicapped parking off of Fifth Street West (see attached map). If the license for the State Parks trail connection was terminated and a lot-line adjustment proved infeasible, developing a trail segment across the pasture property would be the only remaining option. Although the environmental review conducted for the Management Plan concluded that the Fifth Street trail connection would not have any significant environmental impacts that could not be mitigated, there are practical difficulties associated with this option. Specifically, the Fifth Street trail segment was quite controversial, with Councilmembers as well as members of the public expressing significant reservations. The primary issues were: 1) the aesthetics of the trail crossing the pasture area; and, 2) concern that the trail could be incompatible with continued grazing of the property with dairy cows. In 2007, the City Council voted to oppose the Fifth Street West access concept and the issue was only resolved in December of 2009, when the Council voted to support the Fourth Street access option, which came about when State Parks agreed to the license concept. If it became necessary to pursue the Fifth Street trail connection, it is clear that many neighbors in the Montini Way subdivision (among others) would oppose it, potentially adding to the time and expense of implementation.

It would likely take up to two years to implement either alternative. Cost estimates for these options are discussed below.

## **Financial Impacts**

There are and will continue to be costs to the City associated with maintaining and operating the Montini Preserve, whether or not an allowance for leashed dogs is implemented. This discussion is intended to highlight the additional costs associated with implementing and managing an allowance for leased dogs.

### One-Time Costs

<i>Preparation of Baseline Report:</i>	\$7,000
<i>Installation of fencing to protect sensitive areas:</i>	\$5,000
<i>Development of dog license website:</i>	\$1,500
<i>Securing western access:</i>	\$25,000 - \$100,000

*Note:* The cost of a lot-line adjustment is estimated at \$25,000, which includes engineering fees, attorney time, and the installation of fences. The estimated cost of the Fifth Street connection includes \$65,000 for trail construction (estimate based on trail logs), plus \$25,000 for the creation of handicapped parking and intersection improvements to Fifth Street West/Verano Avenue, plus \$10,000 for the removal/restoration of the existing Fourth Street trail connection.

Total:	\$38,500 - \$113,500
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### Ongoing Costs (Annual)

*Preparation of monitoring reports:*

\$1,500

Staff does not regard the costs associated with CSOs and volunteer patrols as specific to an allowance for leashed dogs because: 1) the CSO program has been in place for many years and additional CSOs are not required to support the proposed patrols; 2) CSOs are already regularly patrolling the Preserve; and, 3) the City Council recognized at the time it considered taking ownership of the Preserve that the on-going base costs of the Maintenance Plan would ultimately be a City responsibility (after three years of District funding). The ongoing cost of maintaining the licensing website would be minimal, as it would be incorporated within the City's website.

### **Environmental Review**

The amendment of the Management Plan is considered to be a "project" as defined under the California Environmental Quality Act (CEQA) and the initial amendment proposal was therefore subject to environmental review. As noted above, an initial study was prepared in order to evaluate the potential environmental effects of the original amendment and identify any needed mitigation measures. In accordance with the requirements of the California Environmental Quality Act (CEQA), the initial study was circulated for review and comment. The initial study concluded that the potentially significant impacts associated with the amendment could be reduced to less-than-significant levels with the implementation of identified mitigation measures. The City Council, at its meeting of July 21, 2014, concurred with that finding, adopting a negative declaration on a vote of 4-1. Because the revised amendment does not introduce any new activities and includes all of the mitigation measures previously identified in the Initial Study, as well as additional restrictions intended to provide an even higher level of protection sensitive resources within the Preserve, the previously-adopted negative declaration remains applicable.

### **Recommendation**

Council discretion. If the Council wishes to proceed with a revised amendment to the Management Plan that would allow leashed dogs on trails within the Montini Preserve, staff has prepared a resolution implementing that direction.

Proposed Amendment of the  
*“Montini Open Space Preserve, Management Plan and Initial Study”*  
to Allow Leashed Dogs on Trails with the Montini Preserve

DRAFT

City of Sonoma

April 29, 2015

## 1. Summary of Proposed Amendment

The proposed amendment to the adopted Management Plan for the Montini Preserve would allow leashed dogs on portions of the trail system within the Preserve. The purpose of this amendment is to allow responsible dog-owners to enjoy the Montini Preserve with their animals, subject to necessary restrictions, in a manner that protects the special qualities of the Preserve. The amendment incorporates measures to ensure that the conservation values of the Preserve are maintained (including the protection of sensitive biological resources), as required by the Management Plan and the Conservation Easement. These measures include the following:

### *A. Protection of Sensitive Areas*

- To protect sensitive areas, small segments of fencing will be installed at key locations, in consultation with the District, as identified on the Resources Map. Any such barrier will take the form of low rock walls, low split-rail fences, or posts with cables to ensure visual compatibility with the Preserve and will be designed to be wildlife friendly.

### *B. Limitations and Requirements*

- A non-transferable license will be required of any person bringing a dog into the Preserve. The licensing process will identify the limitations on leashed dogs and the reasons for them and require acknowledgment and agreement by the Licensee, as well as affirmation of canine vaccinations. Licensing will be implemented through an on-line system that maintains an internet-accessible database of licensees.
- Dogs will be required to be kept on leash (not to exceed a length of six feet) and under the control of their owners at all times. Persons with dogs will be restricted to trails. Only one dog per person will be authorized.
- Dog owners and individuals accompanying dogs will be required to clean up and remove dog waste. A bag dispenser will be placed at the main trailhead, but not elsewhere in the Preserve.
- Dogs will be prohibited within the Preserve a minimum of two days per week, including at least one weekend day (Saturday or Sunday).
- Dogs will continue to be prohibited on the Sonoma Overlook Trail, including the connecting trail segment east of Norrbom Road recently constructed by the District.

### *C. Enforcement*

- Prior to implementing any allowance for leashed dogs, the limitations and requirements set forth above will be codified in the Municipal Code.
- Prior to implementing any allowance for leashed dogs, signage will be placed at trailheads and other key locations to inform visitors to the Preserve of limitations on dogs.

- As an ongoing requirement for an allowance for leashed dogs, Community Service Officers (CSOs) will patrol the trail system an average of two days per week May through October and an average of one day per week November through April (at minimum). CSO's are empowered to issue citations and require the removal of any person violating the rules pertaining to leashed dogs. Fines associated with citations will be set at a minimum of \$250.00 for the first violation and \$500.00 for any subsequent violation. Patrols will focus on peak use periods and the frequency and timing of patrols will be tracked, along with the issuance of citations. This documentation will be included in the monitoring and reporting process set forth below.
- A license will be suspended for three months upon one violation and permanently revoked upon two violations.
- As an ongoing requirement for an allowance for leashed dogs and consistent with the approved maintenance plan, volunteer patrols (on an average of ten per month) will be used to monitor compliance and assist in education. The volunteer patrol program shall be coordinated with Community Service Officers through the sharing of monitoring reports and ongoing communication between CSOs and patrol leaders.

#### *D. Monitoring/Revocation*

- Prior to implementing any allowance for leashed dogs, the City, in consultation with the Open Space District, will prepare a baseline report documenting features within the Preserve that could be adversely affected by an allowance for leashed dogs. During the first seven years following the commencement of an allowance for leashed dogs, the City will submit annual monitoring reports to the Open District documenting compliance with the limitations and requirements specified above, any changes to conditions identified in the baseline report (to include wildlife and plant monitoring), and any recommendations for additional restrictions or changes in management requirements.
- After seven years, the City and the Open District will mutually agree upon a schedule for the submittal of additional monitoring reports.
- If the Open Space District determines based on substantial evidence as provided through the monitoring reports that the identified conservation values of the Montini Preserve are being unacceptably compromised as a result of the allowance for leashed dogs, the District will have the authority to require further restrictions or revoke the allowance entirely.

#### *E. Western Access*

- An allowance for leashed dogs will not occur until the City secures permanent, ADA-accessible western access to the Preserve. Such access could take the form of a new trail connection across the Pasture area, as originally envisioned in the Management Plan, or a lot-line adjustment with State Parks in which the existing western access is secured. Should the western access require the construction of a new trail segment, the City will close the trail south of the 9-acre pasture overlook to reduce the likelihood of users bringing dogs onto the State Park and restore the decommissioned trail on the Preserve and on State Parks property to a natural condition at the City's expense.

## *F. City Resources*

- The approved three-year maintenance plan includes regular trail maintenance, erosion control, the removal of invasive plant species, and periodic trail clean-up days, which will address potential secondary issues that could occur as a result of an allowance for leashed dogs. As a continuing requirement of an allowance for leashed dogs, the City shall implement the base-level activities set forth in the maintenance plan.
- The use of Community Service Officers to patrol trails within the Preserve does not represent an increase in the City's personnel requirements as these officers are already available through the City's long-term contract with the Sonoma County Sheriff.

These measures incorporate all of the mitigation measures in the environmental evaluation that was conducted for the proposal (see Attachment 2 of the amendment request). They are responsive to the environmental evaluations undertaken by the City and exceed best-practices employed by other jurisdictions that successfully manage parks and open space preserves with an allowance for leashed dogs while protecting wildlife habitats and sensitive biological resources.

## **2. Consistency with Conservation Purposes**

In a Memorandum of Understanding entered into between the City and the District, the District acknowledges the City's right to propose an amendment to the Management Plan making an allowance for leashed dogs on trails and verifies that approval of such an amendment by the District shall not be unreasonable withheld. However, as set forth in the Conservation Easement, in order to approve any amendment to the Management Plan, the District must find that the amendment is consistent with the conservation purposes established for the Preserve. These purposes are set forth in Section 2 of the Conservation Easement. Five basic purposes are identified, which are set forth below along with an analysis of consistency with respect to the proposed amendment.

- A. Natural Resources. The Property provides habitat for important plant and animal species integral to preserving the natural character of Sonoma County. Native plant communities include blue oak foothill pine, blue oak woodland, montane hardwood, and wet meadow. Native plant species on the Property currently include coast live oak, black oak, blue oak, California bay, California buckeye, manzanita, and other woodland and grassland plant species. This Conservation Easement intends to protect special-status species on the Property, and at the time this Easement is executed, three special-status plant species (Franciscan onion, narrow-anthered brodiaea, and bristly leptosiphon) are known to exist on the Property. The Property's plant communities provide largely undisturbed habitat for a number of native birds, reptiles, amphibians, insects and mammal species. In addition, the Property provides notable fawning habitat for deer and provides important nesting habitat for ground-nesting birds. The Property is located within a major groundwater basin area. The subsurface water and its drainage patterns on the land protect the biological integrity of the natural resources and habitats, providing a healthful and attractive outdoor environment. GRANTOR and DISTRICT recognize that the Property is an evolving eco-system and*

*that the specific composition of plant and animal species on the Property may naturally shift over time due to natural forces beyond GRANTOR's control.*

As a starting point, the trail system developed by the District was designed to minimize impacts on wildlife and other natural resources. As stated in the Management Plan: *"The alignment takes advantage of the most scenic portions of the Preserve while leaving large parts of the Preserve unaffected."* The proposed amendment benefits from this earlier work. That said, the City did not undertake this amendment with the assumption that there would be no impacts associated with allowing leashed dogs within the Preserve. Instead, the City commissioned a thorough and critical analysis with the objective of identifying potential problem areas so that they could be effectively addressed. This analysis is set forth in the *Biological Resources Evaluation* ("Evaluation") and the *Negative Declaration/Initial Study* ("Initial Study") (attachments 2 and 3). These documents complement one another in that the Evaluation provides a comprehensive review of the natural characteristics and resources present within the Preserve and highlights potential issue areas, while the purpose of the Initial Study is to address issue areas and identify the measures necessary to protect sensitive resources.

As demonstrated in the Initial Study accompanying this application, the mitigation measures incorporated into the proposed amendment will protect sensitive biological resources and maintain the natural qualities of the Preserve. The main issues addressed in the course of environmental review may be summarized as follows:

- Instances of rare plants and wetlands in proximity to the trail have been identified and mapped. To protect sensitive areas, small segments of fencing shall be installed at key locations, in consultation with the District, as identified on the Resources Map. Any such barrier will take the form of low rock walls, low split-rail fences, or posts with cables to ensure visual compatibility with the Preserve. Any such features shall be designed to be wildlife friendly and placed so as not to interfere with existing wildlife corridors/animal trails.
- To limit activity to trail areas and avoid incursions elsewhere in the Preserve, the City will codify restrictions on leashed dog in the Municipal Code, including requirements for keeping to the trail, leash restrictions, limits on the number of dogs, dog-free trail days, and the identification of trail segments where dogs would continue to be prohibited. It is estimated that an allowance for leashed dogs on trail will extend to no more than 5% of the total area of the Preserve, avoiding impacts on wildlife and other biological resources.
- A license will be required of any person bringing a dog into the Preserve. The licensing process will identify the limitations on leashed dogs and the reasons for them and require acknowledgment and agreement by the Licensee.
- In conjunction with the licensing requirement, signage, Community Services Officers and regular volunteer patrols will be used to educate visitors and enforce restrictions.

- As discussed in Section 4, following, it is possible that City may be required to develop an alternative western access route that would cross through the pasture adjoining Fifth Street West. However, an alternative route has already been identified and evaluated in the existing Management Plan for the Preserve, which found it to be compatible. The minimal impacts on wetlands associated with this route would be mitigated in the same manner as was proposed by the District. (See mitigation measure 4.c.1 in the Initial Study.)
- The implementation of the Work Plan will also address secondary issues, such as potential for increased erosion and the spread of non-native plant species, as the Work Plan provides for on-going trail maintenance and erosion control, regular clean-up, and the removal of invasive plant species.

*B. Scenic Resources. The Property's open space character includes one of the distinctive ridgelines that surround the City of Sonoma and that is visible from the Highway 12 Scenic Corridor and other public vantage points. The Property provides a central scenic backdrop to the City of Sonoma and its openness and natural condition contribute to the overall rural character and natural setting of the City of Sonoma. For residents and visitors on the Property, the Property offers unobstructed views of Sonoma Valley and beyond to San Pablo Bay.*

The proposed amendment would not change the views of the Preserve or the visual character of the Preserve in any significant way. The implementation of the amendment would require the placement of a limited amount of additional signage at the two trailheads, at the connection to the Overlook Trail at Norrbom Road. Some low fences and rock walls would also be placed, as needed, in limited areas to ensure the protection of sensitive plants. (See Resource and Mitigation Map.) As discussed below ("State Parks/Western Access"), it is possible that an allowance for leashed dogs could lead to a requirement to develop alternative western access across the pasture property, with a trailhead on Fifth Street West. Such access has already been identified and evaluated in the approved Management Plan and was found by the District to be visually and environmentally compatible with the Preserve.

*C. Urban Open Space. The Property is adjacent to dense urban residential development. Protection of the Property will provide opportunities for residents and visitors of Sonoma County to access and enjoy the natural environment and public open space.*

An allowance for leashed dogs on trails within the Montini Preserve will enhance its value as an urban open space area, as City residents and residents of urbanized unincorporated areas within Sonoma Valley have few venues to enjoy natural open space with their dogs. The amendment will enable a wider spectrum of visitors to the Preserve, while protecting its open space qualities for the enjoyment of all. By implementing dog-free days, visitors who wish to entirely avoid dogs will continue to have access to the Preserve.

*D. Recreation. The Property will be established by the City of Sonoma as the "Montini Open Space Preserve ("the Preserve"), providing opportunities for low-intensity public outdoor recreation, such as hiking, picnicking, nature study and bird watching. The*

*trails on the Property will link to the Sonoma Overlook Trail. The Property offers enjoyment of its natural features to residents and visitors of Sonoma County.*

The proposed amendment is consistent with low-intensity outdoor recreation activities. It would not introduce any new activities to the Preserve, as the allowance for leashed dogs on trails would simply be an adjunct to hiking that some visitors would make use of and that others would not. The amendment includes restrictions and protective measures to ensure that the other activities allowed for in the Preserve are not diminished in terms of quality and enjoyment. The City recognizes that some persons may be bothered or made nervous by dogs, no matter how well-behaved, which is why the amendment includes a requirement for a minimum number of dog-free days each week. The signage installed by the City will address not only codified requirements and prohibitions, but also courtesy practices aimed at making hiker encounters with dogs positive. In addition, the City will implementing a licensing process to educate visitors with dogs as to the rules of the Preserve and expected courtesy.

Another important component of the amendment in this regard will be the regular patrols by CSOs and volunteers. Both will help educate visitors regarding the Preserve rules and restrictions, including those related to dogs, and provide for enforcement, as CSOs are empowered to issue citations. The regular clean-up days and trail maintenance provided for through the Work Plan will further ensure a high-quality experience for all visitors to the Preserve.

*E. Education. The Property's natural resources provide educational opportunities for residents and visitors of Sonoma County.*

The proposed amendment has no potential to interfere with educational opportunities within the Preserve.

In conclusion, the proposed amendment is consistent with maintaining all of the conservation values associated with the Montini Preserve.

### **3. State Parks/Western Access**

State Parks has been a key partner in the development of the trail system within the Montini Preserve. The western access for the trail system within the Montini Preserve, which begins at Fourth Street West, relies on a trail segment of approximately 350 feet in length that passes through a portion of the Sonoma State Historic Park. This access is allowed for through a revocable license. Under State law (CGC, Title 14, section 4312), leashed dogs cannot be allowed on this trail segment. In light of this prohibition, the State Parks District Superintendent has expressed concern regarding an allowance for leashed dogs and has stated that the license allowing trail access across State Parks property may be revoked if an allowance for leashed dogs is implemented. The Open Space District has raised the concern that under the terms of the Recreation Covenant, if the license revoked, it could be as long as five before western access is restored, absent some other commitment.

The City appreciates these concerns and in its amendment application hereby commits to the following:

An allowance for leashed dogs shall be expressly prohibited until and unless the City secures permanent western access to the Preserve that is ADA accessible. Such access could take the form of a new trail connection across the Pasture area, as originally envisioned in the Management Plan, or a lot-line adjustment with State Parks in which the existing western access is secured. Should the western access require the construction of a new trail access, the City agrees to close the trail south of the 9-acre pasture overlook to reduce the likelihood of users bringing dogs onto the State Park and to restore the decommissioned trail on the Preserve and on State Parks property to a natural condition at the City's expense.

#### **4. Required Actions and Timing of Implementation**

The amendment process is separate from and precedes the ultimate action that the City Council would need to take to authorize dogs on trails within the preserve. While the amendment of the Management Plan would give the Council the option to allow leashed dogs on trails within the Preserve, it would not in itself institute that change, which could only occur through an amendment to the Municipal Code. Following the approval of the amendment by the District, the City Council would consider whether or not to exercise the allowance. Assuming that they choose to do so, under this proposed amendment, the following steps would need to be taken before leashed dogs could be allowed within the Preserve:

- A. Western access would be secured as described in Section 3, above.
- B. A Baseline report would be prepared.
- C. The City Council would adopt amendments to the Municipal Code authorizing the activity and establishing leash and clean-up requirements (including penalty provisions), as discussed above in the description of the amendment.
- D. The City would install, in consultation with the District, any required fences or other measures necessary to protect sensitive areas. (See Resources Map, attached.) Any such features would be small in scale and designed to be compatible with the visual character of the Preserve (e.g., split rail fences and low rock walls).
- E. The necessary signage would be installed at key locations to inform visitors of the rules regarding dogs and to identify areas that are off-limits to dogs.
- F. The City would coordinate with the Sonoma Ecology Center (SEC), its partner in maintaining the Preserve, to ensure readiness for implementing the approved *Montini Preserve Management Work Plan* ("Work Plan"). The City would review the scope of the Work Plan with the SEC and identify any necessary modifications.
- G. An on-line licensing system would be created.

The City has not yet developed a precise schedule for implementing these actions. The City would work with District staff throughout the implementation of these actions to ensure notice and coordination.

## **5. Review of Best Practices**

In preparing this amendment, the City has researched best practices employed by other jurisdictions for ensuring compatibility with an allowance for leashed dogs and preserving open spaces values and sensitive biological features within open space preserves, parks, and other outdoor areas. Agencies that have been contacted include:

- Sonoma County Regional Parks
- Marin County Open Space District
- Oregon Parks and Recreation Department
- Washington State Parks

Each of these agencies manage multiple open space resources featuring a wide range of habitats, with sensitive features such as rare plants, protected animal species, and all types of riparian environments, including creeks, rivers, lakes, and wetlands. All of them allow leashed dogs, while successfully protecting natural resources and open space values. The practices these agencies implement in common include codified regulations--clearly communicated through signage and other means--carefully designed and placed protective measures to preserve sensitive features, on-going maintenance programs to address clean-up and erosion issues, and an effective education and enforcement program. The proposed amendment incorporates and exceeds all of these features. It should be noted that none of the agencies and jurisdictions achieve perfect compliance with restrictions on dogs, which of course is true of most restrictions generally. However, this demonstrates that perfect compliance is not necessary to successfully protect habitat values and sensitive resources, while allowing leashed dogs in open space areas. What is required for success is substantial compliance and these jurisdictions have proven that to be attainable.

## Text of Proposed Amendment

*Goal 5.* The public will enjoy and appreciate the natural landscape of the Sonoma Valley.

*Objective 1.* By summer ~~2007~~ 2014, construct about 1.8 miles of pedestrian trail on and connecting to the Preserve.

*Narrative:* Trail planning expertise was provided by California State Parks, one of the Preserve partners. Trails were aligned on site over 6+ days of fieldwork. The trail was designed not to exceed sustainable maximum grade so that the trail would be less susceptible to erosion. A botanist and an archeologist then checked the preliminary trail alignment to ensure that no natural or cultural resources were disturbed. Once the trail alignment was inventoried, adjustments were made where necessary and the final alignment was identified. The alignment takes advantage of the most scenic portions of the Preserve while leaving large parts of the Preserve unaffected.

In addition, the site was assessed for its ability to provide trail access for the disabled. Using the 2007 Architectural Barriers Act (ABA) Accessibility Guidelines for Outdoor Developed Areas; Proposed Rule, a section of disabled-accessible trail was designed (Architectural and Transportation Barriers Compliance Board 2007).

### *Strategies:*

- Working with the Sonoma Overlook Trail Task Force, the city of Sonoma, California State Parks, the Sonoma Ecology Center and other partners, construct and maintain trail (Figure 5) in accordance with the prescriptions in the trail log (Appendix F) and the alternative western access route (connecting to Fourth Street West) approved as an amendment to the Management Plan in 2009.
- The trail will be constructed to State Parks draft guidelines, where possible, to obtain maximum durability and sustainability.
- Construction will occur in spring to obtain maximum soil compaction.
- Construct the trail to conform to the guidelines described in the final report of the Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas where feasible.
- Contract with a trail specialist for technical aspects of trail construction and volunteer oversight.
- Construct accessible parking for one car along Fourth Street West, with accessible access to the trailhead at that location ~~a gravel parking lot for 2 cars off 5th St. West with disabled access, where feasible,~~ as described by the Final Report of the Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas.
- Work with the city to establish a disabled accessible connection from the city's ballfield parking lot to the Montini Preserve trailhead.
- Install self-closing and/or kissing gates at trail heads (Appendix G)(Agate. 1983).

- Construct an information kiosk at the Norrbom Rd and 5th St. West trailheads with a bulletin board for information (see also Goal 4, Objective 4).
- Information displayed on the bulletin board would include maps, hours of operation, safety tips, conservation messages (stay on trails, pack in/pack out), rules, emergency contacts, information about the District, and interpretive information. Kiosk designs should be compatible with the Sonoma Overlook Trail kiosk and State Parks kiosks.
- Link the trail on the Preserve to the Sonoma Overlook Trail via the Rattlesnake Cutoff spur.
- Install a pedestrian gate from the city's ballfield lot to the Preserve that will not allow cows to escape. Install a pedestrian gate along Norrbom Road across the road from the Sonoma Overlook Trail.
- Construct a fence bisecting the southwestern 9-acre parcel to separate livestock from hikers.
- Install directional trail signs.
- Install bike parking racks at the ~~5th St. West and~~ 1st St. West trailheads.
- Working with others, construct a bridge across the ditch that separates the Sonoma Overlook Trailhead from the Sonoma Veterans' Memorial parking lot to allow Overlook hikers to cross Norrbom Road.
- Protect the narrow-anthered brodiaea, ~~and the~~ Franciscan onion, and the bristly leptosiphon with barriers, when necessary to provide protection from nearby trails or other potential disturbance.
- Monitor populations of the narrow-anthered brodiaea, ~~and the~~ Franciscan onion, and the bristly leptosiphon annually to monitor their reaction to the trail.
- Authorize visitors to bring leashed dogs on trails within the Preserve, subject to the following minimum restrictions and requirements:

#### A. Protection of Sensitive Areas

1. To protect sensitive areas, small segments of fencing shall be installed at key locations, in consultation with the District, as identified on the Resources Map. Any such barrier shall take the form of low rock walls, low split-rail fences, or posts with cables to ensure visual compatibility with the Preserve. Any such features shall be designed to be wildlife friendly and placed so as not to interfere with existing wildlife corridors/animal trails.

#### B. Limitations and Requirements

1. A license shall be required of any person bringing a dog into the Preserve. The licensing process shall identify the limitations on leashed dogs and the reasons for them and shall require acknowledgment and agreement by the Licensee, as well as affirmation of canine vaccinations. Licenses shall be non-transferable. Licensing will be implemented through an on-line system that maintains an internet-accessible database of licensees.
2. Dogs shall be required to be kept on leash (not to exceed a length of six feet) and under the control of their owners at all times. Persons with dogs shall be restricted to trails. Only one dog per person shall be authorized.

3. Dog owners and individuals accompanying dogs shall be required to clean up and remove dog waste. A bag dispenser will be placed at the main trailhead, but not elsewhere in the Preserve.
4. Dogs shall be prohibited within the Preserve a minimum of two days per week, including at least one weekend day (Saturday or Sunday).
5. Dogs shall continue to be prohibited on the Sonoma Overlook Trail, including the connecting trail segment east of Norrbom Road recently constructed by the District.

#### C. Enforcement

6. Prior to implementing any allowance for leashed dogs, the limitations and requirements set forth above shall be codified in the Municipal Code.
7. Prior to implementing any allowance for leashed dogs, signage will be placed at trailheads and other key locations to inform visitors to the Preserve of limitations on dogs.
8. As an ongoing requirement for an allowance for leashed dogs, Community Service Officers (CSOs) shall patrol the trail system an average of two days per week May through October and an average of one day per week November through April (at minimum). They shall be empowered to issue citations and require the removal of any person violating the limitations and requirements associated with leashed dogs. Fines associated with citations shall be set at a minimum of \$250.00 for the first violation and \$500.00 for any subsequent violation. Patrols shall focus on peak use periods. The frequency and timing of patrols shall be tracked, along with the issuance of citations. This documentation shall be included in the monitoring and reporting process set forth below.
9. A license shall be suspended for three months upon one violation and permanently revoked upon two violations.
10. As an ongoing requirement for an allowance for leashed dogs and consistent with the approved maintenance plan, volunteer patrols (on an average of ten per month) shall be used to monitor compliance and assist in education. The volunteer patrol program shall be coordinated with Community Service Officers through the sharing of monitoring reports and ongoing communication between CSOs and patrol leaders.

#### D. Monitoring/Revocation

1. Prior to implementing any allowance for leashed dogs, the City, in consultation with the Open Space District, shall prepare a baseline report documenting features within the Preserve that could be adversely affected by an allowance for leashed dogs. During the first seven years following the commencement of an allowance for leashed dogs, the City shall prepare and submit to the Open District annual monitoring reports documenting compliance with the limitations and requirements specified above, any changes to conditions identified in the baseline report (to include wildlife and plant monitoring), and any recommendations for additional restrictions or changes in management requirements.
2. After seven years, the City and the Open District shall mutually agree upon a schedule for the submittal of additional monitoring reports.

3. If the Open Space District determines based on substantial evidence as provided through the monitoring reports that the identified conservation values of the Montini Preserve are being unacceptably compromised as a result of the allowance for leashed dogs, the District shall have the authority to require further restrictions or revoke the allowance entirely.

**Goal 4. Remove obstacles to natural wildlife movement within the Preserve.**

Objective 1: Within 8 years, adopt at least two strategies to facilitate wildlife movement. Strategies:

- Inventory existing fencing and remove unnecessary fencing within the Preserve.
- With the exception of leashed dogs on trails, as provided for under Goal 5, Objective 1, pets will not be allowed on the Preserve.
- Route trails so that there is a large portion of the Preserve that is undisturbed, particularly shaded grassy areas favored for fawn beds.
- Investigate exterior fencing and gates that would keep cattle in the Preserve while allowing wildlife to move out of the Preserve (wildlife friendly fencing).
- Protect nesting sites of important birds such as pileated woodpeckers and great-horned owls by keeping nesting sites safe from disturbance by rerouting trails or closing sections of trail, if necessary.



Figure 1  
Montini Preserve Management Plan Amendment

# Resource & Mitigation Map

Scale: 0 0.05 0.1 0.2 Miles

- Preserve Boundary
- Existing Trail: Leashed Dog Allowance
- Existing Trail: Dogs Prohibited
- Alternative Western Access
- ▨ Wetlands
- Plant Locations (Approximate)
- ✕ Proposed Signage



# Montini Open Space Preserve

## Conceptual

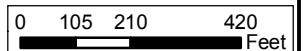
### Alternative Trail Alignments

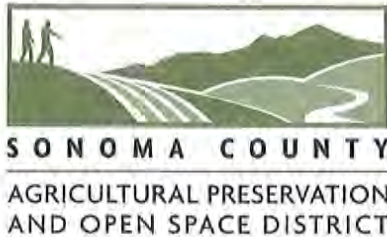
#### Legend

- Lower Trail
- Conceptual Realignment
- Upper Trail
- Rattlesnake Cutoff
- Boundary Buffers

#### District Holdings

- Montini Open Space Preserve
- Conservation Easement
- Corrected boundary





February 2, 2015

David Goodison  
*Planning Director*  
City of Sonoma  
No. 1 The Plaza  
Sonoma, CA 95476

**Subject: Montini Open Space Preserve Conservation Easement, District Response to City of Sonoma's Request for Approval for an Amended Management Plan Allowing Leashed Dogs on Trail**

Dear Mr. Goodison:

This letter is in response to a permitted use request the City of Sonoma ("City") submitted to the Sonoma County Agricultural Preservation and Open Space District ("District") on December 17, 2014, requesting District approval for an amendment to the Montini Open Space Preserve Management Plan ("Amendment"), which the City adopted on July 21, 2014. The Amendment proposes the allowance of leashed dogs on trail, with measures proposed to avoid potential impacts to natural resources.

As you know, the District holds a Conservation Easement over the Montini Open Space Preserve ("Preserve"), which requires that all recreational uses be conducted in a manner compatible with the protection of wildlife habitat and native plant communities, as well as public enjoyment of natural features, in perpetuity. In order for the District to approve the Amendment, it must find that dogs will not impair or interfere with these values.

In a Biological Resources Evaluation of the Effects of Dogs, dated May 2014, the City's consultant, Prunuske Chatham, Inc. ("PCI"), identified significant potential impacts to the values protected by the Easement, stating: "Overall, introduction of dogs to the Preserve would be likely to have widespread and long-lasting effects on natural resources, although it is possible that such effects could be reduced if effective controls are implemented that minimize off-leash/off-trail use, the incidence of dog waste, and other undesirable behaviors."

In order to reduce the potential impacts identified by PCI, the City proposes that dogs must be on-leash, be restricted to trails, and that owners must clean up dog waste, and that these rules be enforced by volunteers coordinated by Sonoma Ecology Center ("SEC") under its 3-year Work Plan funded by the District. The City further proposes to install signage and low rock walls or split-rail fences in key locations to protect sensitive areas, in consultation with District staff. SEC would also conduct regular trail maintenance and stewardship activities along the trail, as already provided in the Work Plan. In the event that the State of California closes the western access, the City proposes to design and implement an alternative western access within 5 years, as required by the District's Recreation Covenant, and to close the trail south of the 9-acre pasture overlook to reduce the likelihood of users bringing dogs onto the State Park.

As I explained to you in our meeting of January 13, 2015, District staff is not satisfied that the City has demonstrated that the allowance of dogs on the Preserve will not impact the resources protected by the Easement, so we cannot approve the Amendment at this time. The following bullets itemize and describe the District's reasoning behind its decision:

- The City has not demonstrated that it has sufficient enforcement mechanisms in place to ensure substantial user compliance of dog rules. The City has not provided information on frequency of patrols and strategies for citation, including penalties for initial and repeated offenses, and adaptive management should substantial compliance not be readily achieved. Further, the City has not demonstrated capacity for continued enforcement beyond the 3-year period of the District-funded Work Plan with SEC, and has not demonstrated that enforcement of dog rules will not hinder the other land management tasks already identified in the Work Plan.
- The City has not demonstrated that PCI, or another ecological expert of similar repute, is satisfied that the proposed measures are sufficient to fully preserve and protect wildlife habitat, native plant communities, and public enjoyment of the Preserve's natural features in perpetuity, as required by the Easement.
- The City has not demonstrated that if the State closes the western access, then dogs would not be allowed on the Preserve until an alternative western access is activated. Based on how the Amendment is written, it appears that there may be a period of up to five years when dogs would be allowed on the Preserve while there is no western access. Such event would diminish public accessibility to the Preserve.
- The City has not demonstrated that if the State closes the western access and the City proceeds with an alternative western access and decommissions the trail south of the 9-acre pasture overlook, then the City shall restore the decommissioned trail on the Preserve to natural conditions at the City's expense.

We welcome further discussions and remain open to considering a revised amended Management Plan that addresses the concerns raised above. Thank you for your cooperation. If you have any questions, please contact Sheri Emerson or me at the District office.

Sincerely,



William J. Keene  
General Manager

c: Sheri Emerson, Stewardship Program Manager  
Misti Arias, Acquisition Program Manager  
Elizabeth Coleman, Deputy County Counsel

## **Montini Open Space Preserve – Dog Policy**

### **Frequently Asked Questions**

#### **Are dogs allowed onto the Montini Open Space Preserve?**

- No, dogs are not allowed onto the Preserve.
- In 2008, while owner of the Preserve, the District prepared a Management Plan which prohibited all pets. Although the District transferred the Preserve to the City of Sonoma in 2014, the Management Plan still governs the activities on the Preserve, and the Preserve remains protected by a District conservation easement (CE).
- While the CE does not explicitly prohibit dogs (it does prohibit bikes and horses), it contains strong language in favor of wildlife habitat and native plant communities. The City's consultant, Prunuske-Chatham, Inc. (PCI) identified significant potential impacts to these resources from the introduction of dogs, and District staff found that the City had not provided sufficient assurance that these impacts would be prevented.

#### **What does the City need to do to allow dogs on the property?**

- In terms of process, the City would have to submit a revised amendment to the Management Plan to allow dogs, and this amendment would need to be approved by the District. District approval would be dependent upon whether the amendment ensures the Plan remains consistent with the CE.
- The District has told the City it would have to demonstrate the following before the District would consider approving an amendment to the Management Plan:
  - That dog leash rules will be strictly and consistently enforced.
  - That PCI, or another ecological expert of similar repute, is satisfied that the City's proposed mitigation measures as a result of allowing dogs onto the Preserve are sufficient to fully protect wildlife habitat, native plant communities, and public enjoyment of the Preserve's natural features in perpetuity.
  - That if the State closes the western access, then dogs would not be allowed on the Preserve until an alternative western access is activated.
  - That if the State closes the western access, the City will decommission and restore the trail south of the 9-acre pasture overlook at its own expense.

#### **Does the District have a dog policy? Does it allow dogs on other District-protected properties?**

- The District does not have an adopted dog policy. Dogs are allowed on some District-protected properties and prohibited on others, and this is determined on a case-by-case basis given the natural resources present onsite and the provisions of the respective CE.
- Where the District holds a conservation easement on publically-accessible land owned by a recreational entity or a city which desires to allow dogs, the District determines whether dogs can be allowed based on the resources present onsite and the language in the respective CE.
  - Easement language is determined by the conservation values that exist on a given property and whether the presence of dogs will have a significant negative impact on these conservation values.

### **Would the District entertain an amendment to the Management Plan to allow dogs?**

The District welcomes further discussions with the City and other stakeholders, and remains open to considering an amended Management Plan that addresses the District's stated concerns about easement compliance, protection of natural resources, and access to the property.

### **Why were dogs not allowed on the property under the initial Management Plan?**

Pets were not allowed in the approved Management Plan because:

- The trail was intended to connect to the Sonoma Overlook Trail (SOT) and to function as a segment of a larger trail network. The SOT is a hiking trail only – no pets are allowed.
- The majority of the Montini Open Space Preserve was intended for the California Department of Parks and Recreation, who by law, do not allow dogs on their properties.

Additionally, the District determined that dogs represented a potential significant impact to the rare plant habitat and fawning beds on the Preserve. As a result, the trail was designed specifically for hikers only. Dogs and bikes were not contemplated in the design and would not be easily collocated with hikers on many stretches of the trail.

### **What was the District's process for making a decision about dogs? Did the District do a thorough search of studies regarding impacts to habitat and wildlife as a result of dogs?**

Over the years, District staff have conducted significant research on the impacts of dogs on natural resources, sensitive habitats, and wildlife. In determining whether to approve the City's proposed amended Management Plan to allow dogs, the District relied upon PCI's report stating that dogs would likely "have widespread and long-lasting effects on natural resources...." District staff found that the City had not sufficiently demonstrated that their mitigation measures would fully protect the property's conservation values.

### **Is the District open to City-supervised volunteer enforcement measures?**

- The District is currently funding the coordination of volunteer patrols on Montini pursuant to the terms of the property transfer agreement, but such patrols do not include enforcement of dog rules.
- The District may be open to City-supervised volunteer enforcement of dog rules, but only if such efforts include strategies for issuing citations and penalties for initial and repeat offenses to ensure user compliance of dog rules. Strict enforcement to ensure compliance is important because of the significant potential impacts on wildlife habitat and native plant communities identified by PCI.

### **Why is the western access point to the Preserve so important?**

- The western access provides the only access to the primary ADA-accessible trail on the Preserve and also provides direct access to the neighborhoods west of downtown.

Fred Allebach  
PO Box 351  
Vineburg, CA  
95487  
4/16/15, 4/29/15

**Montini Preserve Comments for Inclusion for 5/4/15 packet**

I sent this letter to SCAPOSD on 4/16 but I think the points are relevant for council consideration.

Dear District Personnel (and City Council),

After all these years it is hard to believe we are still here hammering away at the same points. I wish you all would just put the kibosh on this dog thing now once and for all.

I know the relevant issues on which the District will base any decision. I know the ultimate authority rests with the District, not the city. I am determined that this not come down to the glossing of a weasel word or weasel phrase like “significant” or “strict”, or “fully protect”. The values at stake behind these words exist at a context-level above point/counterpoint arguing. These values call out to be clearly articulated and that is what I intend to do now. From the District, the road map for these values can be seen in the links to the following two documents, the District’s 2/2/15 letter to the city and the District’s FAQs.

<http://www.sonomaopenspace.org/docManager/1000002835/Montini%20OSP%20Mgt%20Plan%20Amendment%20-%20District%20Response%20Letter.pdf>

[http://www.sonomaopenspace.org/docManager/1000002838/Montini-OSP-Dog-policy\\_FAQ-final.pdf](http://www.sonomaopenspace.org/docManager/1000002838/Montini-OSP-Dog-policy_FAQ-final.pdf)

First I refer to the immutable Montini Bible of the Conservation Easement: a prioritized hierarchy of conservation values that puts natural resources as #1, that must be *fully protected* in any new amended plan. Any of the following two conservation values: viewshed and recreation defer in that order to the number one value.

The District itself calls for high and strict thresholds of consistency with the CE. The District website references the Conservation Easement (CE) right off and notes the strong language in the CE favoring preservation values. As the website Q & A proceeds, it becomes clear that there is not a lot of room for the city to move with just words. Meaningful actions by the city are the order of the day for any new amended management plan.

We know the CE will not be changed and that consistency with the conservation values is paramount: natural resources are #1, view shed #2, recreation #3, in any use conflict, this hierarchy decides. OK, dogs = recreation = #3; that is pretty clear.

In any conflict of conservation values, the #1 value holds, not the #3 value and what we have now is a conflict of values that can only be resolved by the District's own stated formula. With so many good reasons already stated why #3 can't trump #1, one wonders what the city is thinking?

With climate change a certainty, increased dryness, fire, lower soil moisture, and scrubrier plant communities are all predicted for the geographic area of the Preserve. This will inevitably all cause increased ecological stress on Preserve ecosystems. Wildlife and habitat will become marginalized due to warming and drying trends. To allow dogs will be an increased stressor that will then contribute to the District not satisfying its #1 conservation value. The solidly predicted effects of climate change on biodiversity alone are sufficient cause to not think of adding additional, unnecessary man-caused stresses like dogs. Karen Gaffney mentioned the coming effects of climate change on wildlife and public land in her presentation at the Sonoma County Adaptation Forum. It might be worthwhile to consult with her in your deliberations about Montini.

The District has in place strong, preservation-based language similar to the National Park System: high land use values: "fully preserve and protect wildlife habitat, native plant communities and public enjoyment of the Preserves' natural features in perpetuity, as required by the Easement".

In my opinion the District has pretty much said that dogs will not be allowed on the Preserve unless the city meets a super high level of enforcement and makes other guarantees that are certain to be very expensive by requiring full time enforcement. The city is trying to do the least, at the least expense and still get what it wants, but anyone can see that this can't fly with the District, which says, quote: "fully preserve and protect wildlife habitat, native plant communities..."; "dog leash rules will be strictly and consistently enforced"; "strict enforcement to ensure compliance is important.."

The question of enforcement of regulations and the inevitability of unleashed dogs, leads to the inescapable conclusion that one, as soon as one dog gets off leash that is a significant impact, two, off leash dogs are inevitable and noted as big problems in similar circumstances (Bartholomew, Sugarloaf, Jack London, plus attached study) and then three, without full time enforcement, this significant impact cannot be forestalled. The city will have to pay for full time enforcement, 7 days a week or dogs will not work. And then what about after hours?

(Signs have been shown to clearly be ineffective on the SOT and in the cemetery. Let's say the District agrees to allow dogs on the paved road surface only and not in any forested area period; there will still be the need for full time enforcement. Signs are roundly ignored. The city could then have a trial period to allow dogs on pavement only yet they would still be 100% responsible for keeping dogs off the rest of the preserve, 24/7, in perpetuity.)

We're not talking *reasonable* here, from a standpoint of city time and money, we are talking consistency with the CE.

Apropos of *reasonable* and who is and who may not be, I know that Steve Barbose is lobbying the current council on the basis of that he has a quid pro quo agreement with Bill Keene to allow dogs on Montini. This really can't be, as such an agreement would render useless all the time and effort gone into public comment otherwise. I have put a tremendous effort into this issue under the assumption that my points would be considered and might make a difference. I have pegged my points and arguments precisely to the CE, the Management Plan, the Recreation Covenant, to everything the District itself has said, and to what a lifetime of experience tells me preservation land use values are and should be.

Steve Barbose is smart and one wonders why he would be saying something like this that would appear as a backroom deal. The District should make clear if there is any merit to what Steve is saying, and if not, put an addition on the FAQs about Montini dogs that there is no quid pro quo on this issue.

The city council is under pressure to try and allow dogs on the basis of arguments that almost entirely ignore the baseline context provided by the District, PCI, and salient points by Danita Rodriguez, the SOT Stewards and allies. The city is therefore, trying to find ways to allow dogs that, rather than take on the strongest points of the preservation values arguments, seeks to obfuscate and turn this into anything but an exercise in addressing the relevant points on which the issue will legitimately be decided. See Bob Edwards attached letter of 4/15/14.

The dog-free Montini group has acknowledged the legitimate need for a local off leash dog park. You see the tenor of how SVDog approaches our points. Tone is important.

I don't see anywhere in the District's criteria things about taxpayer fairness, dog cardio, whether people have an impact, whether dog waste is equivalent to wild animal waste etc. etc. Yet you should know that these type of points are what is driving the city to try for dogs. What is not demonstrated by the city: a willingness to engage preservation-based land management seriously.

As I have said in previous pubic comment, the city, should it be trying to make the strongest case possible for dogs, needs to address the strongest points put up against their desire for "local control". Any fact-based arguing can only prevail or "win" by going headlong into the strongest arguments against, and we see the city did not do this for amended management plan #1 and likely will try to sidestep where possible again for amended plan #2, and find the lowest possible denominator that will pass by the District. I contend that **the lowest denominator is exactly what the District has said it will not accept.**

Additionally, the city seems to be fairly well biased in its approach to this issue and

instead of giving equal weight to plenty strong public sentiment and argument against dogs; these positions are left off the table in possible futures as the city determinedly plods forward to try and allow dogs by whatever ways it can think of. Where is the city plan that shows equal weight being given to a no dogs future? David Goodison agreed with me that the District could revoke an amended management plan for non-compliance/ inconsistency with the CE, and that the city will never control the CE or other District controlling documents, and thus, one of the primary motivations of the city and SVDog, to get "local control", is largely a fallacy. There will never be local control over the CE or the Recreation Covenant.

The only real path to authentic local control is to learn and adopt land management philosophies and values modeled by the District, State and National Parks, and not view what is at stake now as merely about dogs and/or try and shoehorn multiple use values into preservation values.

The city currently lacks transparency in this process. Why has the public not seen the current communications between the city and the District? Is PCI being consulted now? What is the city considering and asking about, why is this not public? Absence of clear information leads to unfounded suppositions and if anyone, the city should realize the depth of investment in this issue calls for the need to be entirely upfront.

I see the city as operating in a get what they want mode. They've had no enforcement of dog rules on the SOT or cemetery before and when they saw dog rules were being flaunted on Montini, only then did they get an officer up there. They don't seem to get that this is Preserve land management and not just rules for a park.

The city needs to show they are serious about land management in general, not just about allowing dogs or not. Of the city council members and city manager, none have displayed a working knowledge of the CE. C'mon, this is public land management in accordance with preservation ideals, not tweaking everything to public whim on every election cycle. What we have now is a habitual political sausage making apparatus encountering high values land management. These two do not mix well. There are principles and values at stake here. The city needs to display some sense of overall grasp of the conservation values and preservation-based land management. They need to be consistent here and enforce along the whole unified trail system, not just do the minimum on Montini, just so they can get "local control". This is too transparent a play.

Germane here is the issue of cumulative, aggregate effects of dog waste on the Fryer Creek arm of the Sonoma Creek watershed over years' time. Incrementally accumulating dog waste will be a certainty and as time goes by, have a greater and greater impact on the watershed. This issue alone gives substantial pause to how the #1 natural resource values will be protected. I don't see any SVDog people up there now picking up waste or doing anything. In fact, the people who have the most

skin in the game, on the ground, who know about land management values, are the people who have collected 1020 signatures and who are invested in volunteer trail/preservation land management now and into the future. Our involvement is there, now and has been for years. Why are our thoughts, values and desires being minimized by the city? We are the ones who really care about the #1 conservation values.

I would think that before the District would grant any *local control*, the city would have to demonstrate some strong sense of having internalized the principles of the controlling documents. As it stands now, council members and city manager remain unable to speak in terms of preservation/ conservation land management, know not any history of higher vs. multiple use public land management conflicts. The electeds and city manager defer to David Goodison, who is trying to get dogs on Montini based on *a priori* assumptions and instructions from the previous council.

We in the no dog camp are feeling put upon that the system and order of operations in this process is against us, yet we are the ones with the most on-the-ground, demonstrated volunteer-land-management skin in the game so far. We're up against inertia of a previous council driving city staff. There is no formal, agendized, publicly referable direction from the current council. It is as if this was an election cycle issue to be decided on the basis of informal polling by council members at a restaurant. Trying to get the train of this Montini dog issue onto a track where the critical issues are clear and why, has been a challenge to say the least.

It is my impression that City staff has actively sought to minimize the perception of costs so as to not spook the current council that allowing dogs will all have too high a price tag. I see an active effort to undervalue the aggregate past, current and future costs in order to sell to council on a new amended plan. Yet demonstrating the ability to willingly shoulder costs is the very thing the District has asked so the city can show it is serious. The only way the city will be able to comply and be consistent with the CE will be to come up with a very strong new amended plan, which will cost a lot of money no matter how the cake is cut.

Speaking of costs and the cutting edge sustainability paradigm used by the District, the negative externalized costs of allowing dogs on the Preserve, in my opinion, outweigh the positive externalities of psychological well-being of domestic animals that already have it made in the shade. The costs to the #1 conservation values are too great to be balanced by trying to shoehorn in multiple use values that will degrade natural resources. That domestic dogs have a familial relationship with their owners and that dogs are perceived as "persons" does not give dogs the actual rights of citizens to take advantage of a *Preserve*. I don't see dog rights anywhere in District criteria.

What is left unsaid here? That now the city is in a position to spend basically no more money yet all the future scenarios being considered call for more money. Why is the no dog status quo not being considered as a viable future?

It certainly seems from where I stand that the city is doing all it can to try and have dogs and not undertake to pursue equally valid futures without dogs on Montini. Why are the constituents and citizens who don't want dogs being given the short shrift here? We have a petition with currently over 1020 signatures to back up our arguments and values. Is this not to be taken seriously? What more authentic public pressure can we bring and still appear to not be heard?

The District says Montini was constructed for hikers only because of natural resource and wildlife values (fawning beds and rare plants) and because of linkage with the SOT and cemetery that do not allow dogs. This makes for unified land use with preservation values in place, not multiple use values inserted as if too many spices in a stew or sausage. How will the city mitigate trail tread width to account for multiple use when the trail is already made? Will the city have to widen the trail in all narrow and steep and vegetated places? How much will that cost? It is plain to see that an already built, specific use trail cannot just be mitigated with words to become multiple use.

The connection with the SOT and the Mountain Cemetery creates a unified trail system that will and should have unified parameters and rules. This was part of initial District reasoning. It is more efficient to not have multiple sets of rules in the same trail system. Different land use policies on a unified trail spells nothing but trouble. That State Parks was once a possible successor agency and that strict conservation rules were put in place is immaterial at this point because the CE will not be changed.

The PCI study indicates widespread impacts from dogs on natural resources. Other studies show widespread non-compliance with leash laws. The District says clearly, that mitigation measures will have to "*fully protect* the property's conservation values". *Fully protect* is a very high bar. This means not one dog ever gets off leash, which is highly unlikely. The District calls for strict leash enforcement, acknowledging that as soon as dogs are off leash, that is significant, and that intermittent enforcement is not enough.

The District will not be around as a county agency forever, and therefore to protect the CE and conservation values, the District has to ensure consistency and compliance with the CE into the future when there may be no District to protect said conservation values. This means that low common denominator compromises by the city cannot be allowed because the very principles the District values then stand a greater chance of being watered down to become inconsistent with the CE. If enforcement or lack of results in actions inconsistent with CE, the District will have to revoke any new amended management plan for non-compliance and should this come to pass after so much work and feedback by the public who does not want dogs, when is the District going to just say no more, end of story, no dogs?

A new twist from the District: PCI or a similar entity will have to approve any new amended plan. It would be nice to know at what stages PCI was being consulted now.

At the end of the day, disallowing dogs causes the least harm to the public overall, less money and less trouble.

Aside from the points I have made above, the whole West access issue is huge and may be decisive.

As per any possible lot line adjustment, it appears unlikely State Parks will allow this and David Goodison has said he is not pursuing this at this point, as far as I know. A lot line adjustment in this case might set a precedent to negatively affect other State Park lands in the future.

There is ADA, a trail close to Bill Montini's house, that he does not want, wetlands, previous public process settling on 4<sup>th</sup> Street East, parking and safety issues on 5<sup>th</sup> West, and cost of decommissioning the 4<sup>th</sup> West trail if State Parks likely will close the 4<sup>th</sup> West access. This mess will result in no dogs for years while the city wades through these issues. Some council members are looking for a compromise or a trial period, yet this would not come to pass until after substantial money, time and public process was spent, and even then, lack of compliance and inconsistency with the CE could render the whole effort null.

As the city lurches towards "local control" they need to be made aware of: what it actually entails to manage public land with preservation values, the cost ramifications and consequences of introducing dogs as well as the cost of alienating the very people who are now volunteering to manage city public land (SOT, cemetery, Montini) to the north of town.

In the end, I expect *fully protect, strict leash enforcement* and *significant impacts* to conservation values to mean just exactly what anyone would think and exactly what the District has said they mean in the documents referred to in this letter. These values exist at a context above the point-to-point fight here; these values cannot be dragged down, they exist like Plato's Forms, at a level above.

The real question then, what are the values that are being proposed at a meta-level for the allowing of dogs and who is articulating them at this level?

Fred Allebach

**Subject:** Dogs Belong on Montini

**Date:** Wednesday, April 15, 2015 at 1:25:10 PM Pacific Daylight Time

**From:** bob edwards

**To:** Jason Walsh, Robichaud Val

**CC:** Carol Giovanatto, Gallian Laurie, Edwards Gary, Hundley Rachel, Cook David, Agrimonti Madolyn, Keene Bill, Gorin Susan

Editor:

The anti-dog rant in Mr. Clary's April 13 letter typifies the science-challenged rhetoric of those opposed to allowing leashed dogs on the Montini Trail.

After describing a frolicking coyote mother & pup on Montini, Clary writes: "the presence of dogs is disrupting to wildlife and I was glad someone did not pass by with one." Clearly, his purpose was not to extol coyotes, but to slam dogs, even when they weren't present.

Or were they? A proper education would have taught that coyotes *are* 'dogs' (*canis latrans*), who grow larger than many domestic pooches who, like coyotes, are wolf-descended. Food for Clary's frolicking and supposedly non-disruptive coyotes is described in Wikipedia:

"The coyote is highly versatile in its choice of food, but is primarily carnivorous, with 90% of its diet consisting of animal matter. Prey species include bison, deer, sheep, rabbits, rodents, birds, amphibians (except toads), lizards, snakes, fish, crustaceans, and insects."

In short, all the wildlife on Montini is lunch for coyotes, which (wait for it) is why Clary saw them there. Off-leash, too.

Unlike domestic dogs, none are vaccinated against rabies and other diseases that ravage wildlife; attend obedience classes; come when called; or are walked on-leash by Clary or other pseudo-naturalists who say that allowing leashed dogs on Montini will signal The End of Days.

To be fair, Clary notes, "some say that it is man that does the most harm to the natural environment. I think it is probably true." It is. Studies (if any were needed) prove humans do the most harm to natural environments; so great is their negative affect that any additional disturbance of bringing a dog along on a trip 'Into the Woods' isn't even measurable.

With Montini open to humans, there is no justification for excluding our leashed companion dogs, who are instinctively more at one with wildlife than modern humans will ever be.

Ironically, when listing things Man uses to "help him conquer nature" and which are banned from Montini, Clary omits the Conqueror himself, who gouges trails through its woods, posts signs, strews trash, spreads invasive plants and disease on clothing and shoes, mounts hidden cameras, wanders off-trail, tramples native vegetation and 'disrupts' wildlife, which ventures out mostly at night when The Monster is gone.

Finally, he makes no mention of the domestic cattle, pastorically roaming Montini for decades, off-leash and off-trail, trampling plants and burying nests and burrows with huge, flat, smelly piles biologically indistinguishable from Mr. Clary's nonsense about dogs on Montini.

bob edwards  
SONOMA, CA  
707-933-9351

3.20.2015, Jim Nelson., Mary Nesbitt, Bill Wilson, Re dogs on Montini

### **Honoring public consultation and community commitments**

- Extensive input and discussion with citizens over creation of management plan (2.5 years); SCAPOSD points out the linkage with Overlook was part of the rationale for not permitting dogs. "The trail was intended to connect to the Sonoma Overlook Trail (SOT) and to function as a segment of a larger trail network."
- Extensive, expensive discussion with citizens and State Parks to get a convenient, safe access via 4<sup>th</sup> W.
- Extensive citizen effort, post-trail opening, to understand the impressions and wishes of people actually using the trail and gather signatures to preserve the Preserve per its current management plan; 900-plus signatures and continuing; trail signatories understand the many issues at stake, cite them and have strong feelings about them.
- City has moral along with contractual imperative to care for Montini per terms of conservation easement and management plan; whole tenor is about conservation of natural resources and leaving smallest footprint possible.
- Right of all citizens to enjoy the Preserve without disturbance or fear. Dogs are beloved companions, but not citizens with rights to be everywhere in public spaces. At least ¼ of signers disclose they are uncomfortable around dogs because a bad history with them, or general wariness of dogs, or because they are genuinely phobic.

### **Scientific findings**

- Scientific studies referenced in the City's biological evaluation ignored by the last council. SCAPOSD pointed this out: the District relied upon PCI's report stating that dogs would likely "have widespread and long-lasting effects on natural resources." City's MND inadequate in that "wildlife habitat, native plant communities, and public enjoyment of the Preserve's natural features in perpetuity" are not "fully" protected.
- Some argue the presence of humans disrupt wildlife anyway so why not permit dogs; but scientific studies show indisputably that introducing dogs compounds effects and adds new ones.
- Studies not included in the biological evaluation address other important aspects of the issue e.g.
  - Marin County: 46% of park visitors who come to walk, bring dogs
  - Marin-Sonoma-Napa: parks that permit dogs have more visitors than those that do not
  - Meta-study of all available research found poor compliance with leash laws (<50%)
- Observed traffic on Montini already much higher than estimated, by a factor of 8 or more. City must consider implications of high dog traffic on compliance, enforcement, dog waste, spill-over effects to Overlook

### **Physical limitations of Montini**

- Trails designed, laid out and constructed for human traffic only
- Narrow; steep in places, sharp drop-offs. Literally nowhere to go in places if meet oncoming dogs
  - Safety and health impact on joggers, children, elderly, dog-wary, and dog-phobic -- 12% of women, 4% men
- Many secluded areas and three accesses problematic for enforcement, easy to bring dogs in and go off-leash

### **Costs of implementing leashed dogs**

- Enforcing substantial compliance requires substantial resources. Currently under no-dogs, regular sightings/encounters with dogs on and off-leash. A leashed dog ordinance is harder to enforce.
- Cost of hiring reputable consultant to demonstrate that measures will "fully preserve and protect....in perpetuity" wildlife, habitat, public enjoyment of same
  - Other reputable consultants will be able to demonstrate this is not possible
- Dogs on Montini will result in dogs on Overlook and increased policing needs. Users don't see or experience them as different, and linkage encourages people to cross and use both.
- Cost to City of building 5<sup>th</sup> Street access if State Parks withdraws 4<sup>th</sup> Street.

- Remove current trail to ADA outlook and restore to natural condition
- Build ADA parking at 5<sup>th</sup>. Build fenced trail across pasture and wetland (mitigate), ADA accessible up west slope. Issues with disruption of viewshed, disruption of grazing.
- Inconvenience trail users who love the convenience of the 4<sup>th</sup> Street access and connection via Bike Path.
- 5th and Verano a very busy corner, unsafe and inconvenient for park access. No room for regular parking for people who would now have to drive.
- A waste of public money, when people who actually use the trail, including many dog owners and lovers, do not want dogs
- Public ill-will: strong sentiment to maintain the status quo. Petition signers said: “this is no place for dogs,” “we don’t need to take our dogs everywhere,” “ plenty of other places around here to take dogs”, “we need places where dogs are not allowed so we can enjoy nature.”
- Citizens already spent much time helping arrive at the 4<sup>th</sup> Street solution, which is well-used, convenient and not disruptive. Furor likely if 5<sup>th</sup> Street access is necessary. Very strong neighborhood opposition to 5<sup>th</sup> Street access. Sense of betrayal. “Why is City putting us through this again?”
- Neighbors strongly oppose lot line adjustment and will continue to press that case to State Park and State politicians. Everyone knows dog traffic through residential streets will increase exponentially as west-end dog owners will head to Montini to walk and potty their dogs. They do it now off-hours on State Park property.

### **High Hurdles posed by SCAPOSD**

- Per FAQs posted by SCAPOSD this week, conservation easement contains “strong language in favor of wildlife habitat and native plant communities. The City’s consultant, Prunuske-Chatham Inc. (PCI) identified significant potential impacts to these resources from the introduction of dogs, and District staff found that the City had not provided sufficient assurance that these impacts would be prevented.”
  - Opponents of the amendment and their reputable consultants could make a strong counter- case that the City’s measures will not prevent significant impacts.
  - Opponents can also press for a full environmental review, since the MND was found to be inadequate.
- Proposed mitigation measures must “fully” protect natural resources and public enjoyment of the Preserve’s natural features in perpetuity.
  - Public enjoyment is demonstrably hindered by permitting dogs. Without dogs everyone can go and enjoy. With dogs, a significant segment is shut out because of their fears and safety concerns.
- Dogs were not permitted because “they represented a potential significant impact to the rare plant habitat and fawning beds on the Preserve. As a result, the trail was designed specifically for hikers only. Dogs and bikes were not contemplated in the design and would not easily be collocated with hikers on many stretches of the trail.”
  - Liability issues if there are injuries caused or exacerbated by city-sanctioned expanded use of a trail that was never designed for dogs.
- “Dog leash rules will be strictly and consistently enforced.” “Strict enforcement to ensure compliance is important.”
  - Opponents can demonstrate that current enforcement is not enough to produce substantial compliance. A leashed-dog policy will be even harder to enforce.

### **Solutions**

- Support conservation values, natural habitat and wildlife preserves in the City as dog-free natural areas and support a large, off-leash dog park in Maxwell. Sonoma and near vicinity is well-supplied with on-leash areas to walk, but off-leash is an unmet need .
- Explore possibility of turning Montini over to State Parks if it is now willing; they have resources and experience to manage the many issues of preserves, easements and natural resource protection.

April 13, 2015

Dear City Council members,

We urge you to champion conservation of the Montini Preserve for the thousands of people who enjoy and appreciate its unspoiled natural conditions now, and for future generations.

When the former council voted last year to seek an amendment to the management plan, the Preserve was not yet open. The public had not walked the trails and experienced the realities of this natural treasure. The expectation for use was light – six visitors per day in winter. In fact, this winter the average daily visits were about 50, and 200 on the average weekends. These are visitors of all ages and fitness levels, and many families with small children.

Since mid- January, more than 1,000 people signed a petition to keep Montini as-is, without dogs. More than 750 signatures were collected on the trail because it was important to speak with people actually experiencing it. Many signers are dog-owners, former dog-owners and people who like dogs. All feel strongly about protecting this special place. There are already many miles of paths and trails, flat and hilly, in the city or near it, where leashed dogs and their owners can stroll, jog or get a cardio workout in pleasant surroundings

We encourage this council to approach the issue with fresh eyes. Please examine what has been observed and learned since the Preserve opened, speak with local volunteer groups with long experience caring for natural areas, and review important background documents. We ask you to consider the following when making your decision.

**By voting not to pursue an amendment to the management plan, you respect many years of community consultations and discussions that produced both the plan and the 4<sup>th</sup> Street access solution.** If you have read the Montini management plan, you know the tenor, tone and intention are about conservation of natural resources and minimizing the effects of humans. The plan was the result of three years of public process and discussions. The records show there were 65 meetings with the public, individuals and council from November 2005 to October 2008. The Open Space District, Sonoma Overlook Trail Stewards, State Parks and City staff prepared the final plan. It was a collaborative and well-considered effort.

The plan does not permit pets, and some have suggested this was only because the eventual owner was to be State Parks. That is one-third of the truth. The records (e.g. City Council proceedings 12.2.2009) show two other reasons. The Montini Trail would link with Overlook, which in turn links into the interior of the Cemetery. The valid concern then, as now, was that dogs on Montini would spill onto Overlook, a natural area with strong conservation values that has been successfully preserved by dedicated SOT volunteers, and into the Cemetery.

The other reason was the effect on wildlife. SCAPOSD points out dogs were not permitted because “they represented a potential significant impact to the rare plant habitat and fawning beds on the Preserve. As

a result, the trail was designed specifically for hikers only. Dogs and bikes were not contemplated in the design and would not easily be collocated with hikers on many stretches of the trail.”

Similarly, the 4<sup>th</sup> Street W. access solution was also a result of extensive consultation and mediation with citizens, neighbors, State Parks, County and State politicians from 2007 to 2009. SCAPOSD originally proposed 5<sup>th</sup> Street W., with a trail bisecting the Preserve cow pasture (more fences), crossing wetland (mitigation required) and swale that carries storm runoff from the hills, and visibly ascending the western slope. Many area residents strongly objected. Ultimately, residents helped work out with State Parks a safe, swift and convenient route via 4<sup>th</sup> Street W. It fits seamlessly into the neighborhood.

We are grateful State Parks agreed to permit the trail to cross part of its property through a revocable license with the City (and contributed an attractive rustic wood fence at the entry as well.) We have heard countless complimentary remarks from hikers and walkers about easy accessibility from the Bike Path. Within a couple of minutes, people are on the trail, steadily ascending the west slope and marveling at the vistas, just as was intended.

If State Parks now withdraws its generous 4<sup>th</sup> Street access because dogs are permitted, the 5<sup>th</sup> Street access that residents opposed must be built per legal agreement with SCAPOSD. Please realize that you can expect an even louder outcry than last time, as well as hefty costs. It will be necessary to build and fence a new, longer, obtrusive trail, mitigate for wetland disruption and provide ADA and other parking in or near the Preserve. Verano and 5<sup>th</sup> is a very busy vehicular intersection, and the Preserve is popular – consider the traffic implications, safety issues and the added disruption to residents in that area. The City must also restore to natural condition the current access from 4<sup>th</sup> to the ADA observation point.

What a tremendous waste of public money and goodwill all of that would be.

Citizens, community groups and government agencies worked hard on plans to preserve the Preserve and provide excellent access that users like. We urge you to respect the public collaborative processes and community involvement that got us to that point.

**By voting to preserve the status quo, you will respect the clear wishes of trail users, many of whom are dog owners, have owned dogs in the past and like dogs.** About 80% of people approached on the trail signed the petition, indicating very strong support for the status quo. It was clear trail signatories understand the issues at stake and have strong feelings about them.

Apart from the walking opportunity, trail users mention these benefits most often:

- the peace, tranquility, serenity of the Preserve;
- its natural beauty and stunning views from many vantage points;
- being able to get close to nature, so easily, in a city and to see wildlife.

Trail users mention most often these reasons why dogs should not be permitted:

- “This is not an appropriate place for dogs.” The trails are too narrow for passing and they are very steep in places, with sharp drop-offs – “nowhere to go.” Dogs disrupt and chase wildlife, and this Preserve is for wildlife and its habitat.

- They appreciate being able to enjoy nature and open space without dogs around
- They know from experience in other leashed-dog open spaces that many dogs are off-leash, and a lot of poo.

About 40% of signers own dogs, used to own dogs or like dogs. Many signatories mentioned there are many places to take dogs in and near Sonoma: Maxwell Park, the Bike Path, Fryer Creek trail, Nathanson Creek trail, Ernie Smith Park, Sonoma Valley Regional Park, Bartholomew Park.

What is missing in Sonoma's portfolio of park types is a sizeable, fenced, off-leash dog facility. We encourage City Council to work with Supervisor Susan Gorin and Regional Parks to procure such a facility, perhaps at Maxwell, to serve this unmet need.

**By voting to preserve the status quo, you will support the rights of all people to enjoy the Preserve without disturbance or fear.** Dogs are beloved companions, but not people with rights to be everywhere in public spaces. At least ¼ of petition signers disclosed they are uncomfortable around dogs because of a bad history with them, or general wariness of dogs, or because they are genuinely phobic.

Amending the management plan will effectively put the Preserve off-limits to this group, particularly the last. Did you know that the scientific literature has established that 12% of women and about 4% of men have phobias about animals, particularly dogs, snakes and spiders? They are not just nervous around dogs, they are terrified by them. We encourage you to listen to what people have to say about their personal experiences with dogs.

We hope you have walked all the Preserve trails, and visualized the safety issues related to the steep inclines, sharp drop-offs, and other situations where there is no refuge when encountering a dog. Please also consider the many families with small children who use the trail.

We urge you to consider that permitting dogs will effectively exclude a significant segment of the population from taking advantage of the opportunities that the City is bound by the Preserve's Recreation Covenant to provide. Not permitting dogs excludes no one.

**Please read the report "Biological Resources Evaluation of the Effects of Dogs, Montini Open Space Preserve," May 2014.** It summarizes in a very readable way the peer-reviewed scientific studies on the effects of dogs on wildlife and habitat. It is not anecdote, belief or opinion on the subject. SCAPOSD said it relied upon the evaluation, done by Prunuske Chatham for the City, which stated that dogs would likely "have widespread and long-lasting effects on natural resources." SCAPOSD said the City had not shown that it could protect "wildlife habitat, native plant communities, and public enjoyment of the Preserve's natural features in perpetuity."

The evaluation describes these negative effects on Montini:

- Dogs chasing, barking at, injuring and/or killing wildlife (deer, fawns, ground squirrels, ground-dwelling birds like quail).
- Dogs disturbing breeding birds. Most birds nest within five feet of the ground or on it.

- Dogs forcing change in how wildlife use habitat and to the composition of wildlife. Montini currently has coyote, bobcat, gray fox, deer, raccoon, gray squirrel, ground squirrel, several species of reptiles and amphibians and scores of bird species, including special-status birds.
- Dogs being harmed by wildlife.
- Competition with wildlife for seasonal water in wetlands and streams, and disturbance to breeding habit for species such as Sierran tree frogs.
- Disease transmission to dogs.
- Dogs affecting special-status native plants, of which there are several.
- Dogs digging up or trampling other native vegetation.
- Dogs facilitating spread of invasives, such as purple star thistle.
- Dogs compacting soils and creating new trails through native vegetation.
- Dogs transmitting plant pathogens such as Sudden Oak Death.

We have heard some argue that the presence of humans disrupts wildlife anyway so why not permit dogs. Again, this doesn't tell the whole story. Scientific studies show that introducing dogs compounds effects and adds new ones. Council members, you do not have the option to not permit human access as the Preserve must provide low-impact recreational access. But you do have the option to limit effects on wildlife, habitat and human enjoyment by supporting conservation values and not permitting dogs.

Other studies on park management have addressed other issues not within the scope of the Biological Evaluation, but which are pertinent to the City's management of the Preserve.

- In Marin County, 46% of park visitors who come to walk, bring dogs. In other words, if current patterns continue and there are 20,000 human visits to Montini annually, we might expect about 10,000 dog visits.
- Parks in Sonoma, Marin and Napa that permit dogs have more visitors than those that do not. In other words, we might expect even more visitors than now.
- A meta-study (or study of studies) of all available research found poor compliance with leash laws (<50%). There is no reason to imagine it will be any different on Montini, a site with three widely-spaced access points and many secluded areas.

Since observed people- traffic on Montini is already much higher than estimated, by a factor of 8 or more, we ask you to thoroughly consider the implications of high dog traffic on compliance and enforcement, dealing with dog waste, spill-over effects to Overlook and the Cemetery and the much greater potential for environmental degradation than originally imagined.

**By voting not to pursue an amendment, you forfeit nothing.** The City can apply for amendment to the management plan at any time. The hurdle is always high. As SCAPOSD has made clear, applications on this or any issue, at any time, are judged by compatibility with the Preserve's conservation easement, an immutable document which runs with the property in perpetuity.

By choosing not to proceed with the amendment, you respect a long community process that arrived at appropriate solutions that benefit the greatest number of people and cause the least harm.

Thank you for considering these points.

Mary Nesbitt

Bill Wilson

Jim Nelson

Barbara Nelson

Nicole Katano

Fred Allebach

Lisa Summers

Lynn Clary

Dear Sonoma City Council Members,

March 16, 2015

We are bringing the Sonoma City Council a petition to support preservation-based land use policies on the Montini Preserve by not allowing dogs.

This petition was created by the Overlook Trail Stewards.

I have been a Montini Patrol member for 4 ½ years and I am also an overlook Trail steward.

This petition has over 900 signatures.

Over 750 were collected on the trails of the Montini Preserve.

Some visitors and dog owners have signed and this is noted in the margins.

The cover page states what The Overlook Trail Stewards have been saying to the Council in person and correspondence.

I want to talk about what we heard from people that signed this petition.

80% of people we contacted signed the petition and many thanked us for doing this.

A significant number are dog owners.

I heard frequently:

Dogs don't belong on the Montini Preserve and we want it left as it is;

Dogs affect wild life-even on leash;

Trails are too narrow for dogs;

Rattlesnakes, foxtails and ticks are among the hazards for dogs;

Too many dog owners don't follow the rules, don't clean up after their dog and don't understand the hazards for dogs.

One person wrote in the margin we need more dog parks. All that saw that note agreed. Maxwell Park was discussed often and received a lot of interest and support with its wide trails and cool treed environment and central location, especially since Regional Parks has mentioned there is an area where a dog park could be situated.

There have been so many complaints about dogs on Montini the Sonoma Police are spending at least ½ hour or more a day up there. I don't have the exact figures and costs yet, but will soon. It is going to cost a lot more for enforcement if leashed dogs are allowed. What is the cost of a new western access that is going to be necessary if dogs are allowed? What is the cost of staff time trying time to get local control to allow dogs when so many people don't want it?

Why not take some of that money and put it toward a dog park on Maxwell? Too many dogs don't get the exercise they need tethered to their owners. Dogs love to run and need to be off the leash to get real exercise. I could run about 15 mph in a sprint when I was in high school. My dog was clocked at more than 40.

I am sure if money were put toward a dog park at Maxwell some group of dog owners would form to steward it. Maxwell is centrally located to serve all the dogs and dog owners of the entire Sonoma Valley. Please consider Maxwell Park as a better alternative to the Montini Preserve.—Lynn Clary

City council 3.16.15, Mary Nesbitt, Montini Way

Major props to the City for acquiring and agreeing to care for Montini Preserve. We're so lucky to have this spectacular property preserved in perpetuity, and people are really enjoying it. I would like to share some additional information, based on what I and others see and hear on the trail every day:

- Trail use is much higher than expected. The management plan estimated 6 visits daily in the winter months; we count an average 50 per weekday and at least a couple hundred over a weekend.
- The management plan estimated about 4,400 visits annually; but that number was blown by in the first few months of operation. At this rate it will be more like 20,000 visits annually. By the way, Marin County reports that 46% of pedestrians in their parks walk with dogs. Here, that could translate into 10,000 dog visits annually.
- Montini has many regular and repeat users. It's a favorite jogging and walking spot, so convenient to the bike path. All ages use it. Many families with children especially on weekends; school groups; seniors. Hiking parties. Visitors from around the Bay area.
- The vast majority of the 900 signatures we have so far, were collected on the trail. About 80% of people we meet on the trail, sign the petition.
- Of those signers, around half say they own dogs, have owned dogs, or they like dogs.
- Another significant segment is nervous around dogs, and some are deeply phobic. I did not appreciate the extent of phobia. Scientific studies have established that 12% of women, and about 3.5% of men have animal phobias, particularly dogs, snakes and spiders.
- What are the top three things that visitors like about the Preserve, apart from the walking opportunity?
  - Its peace, tranquility, serenity
  - Its natural beauty and the fabulous views
  - Being able to get close to nature, so easily, in a city
- The top three reasons people want to preserve the status quo?
  - They say "This is not an appropriate place for dogs." The trails are too narrow for passing and they are very steep in places, with sharp drop-offs. They also often mention that dogs disrupt and chase wildlife, and this Preserve is for wildlife.
  - People say they appreciate being able to enjoy nature and open space without dogs around
  - They say they know from experience in other leashed-dog parks that compliance is low -- there are many dogs off-leash, and a lot of poo. (Scientific studies of compliance support that observation too, by the way.)

In summary, people on the trail overwhelmingly tell us they think the Preserve is wonderful the way it is, with the rules it has now, and let's keep it that way.

PETITION TO SONOMA CITY COUNCIL  
RE: DOGS ON MONTINI

Meeting: October 7, 2013 6 p.m. at the Police Station on 1<sup>st</sup> St W

**REQUEST: PLEASE ALLOW LEASHED DOGS ON MONTINI  
AND/OR A DOG PARK OF APPROXIMATELY ONE ACRE.**

<u>NAME</u>	<u>ADDRESS</u>	<u>EMAIL/PHONE</u>
Return to by 5:00pm 10/7: Jennifer Hainstock	243 D. Spain St	322-6254 jenniferhainstock
Bill Montini	18950 ST ST West (No dog Park)	
Leashed dogs ok!		
P. Brooks, Ph.D.	194 Bluewing DR.	935-8636
Margaret Hoffmann	1st St. West, Sonoma	(DO NOT SEND HERE PLEASE)
Steve Tabor	761 Patten ST	
John Lark	Arrowhead MT	
Susan MacMillan	2nd St E Sonoma	
W.C. Hay	19744 Arrowhead ms	
T. NUGENT	18650 7th St East	
Sharen Papich	Loma Vista Dr., Sonoma	
Kathleen Smith	21545 Hyde St Sonoma	
William Paynter	1262 Larkm Dr Sonoma Ca 9541	