



SUMMARY REPORT

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**Agenda Date:** 5/12/2026

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**To:** Board of Directors of the Sonoma County Agricultural Preservation and Open Space District and Board of Directors of the Sonoma County Water Agency

**Department or Agency Name(s):** Sonoma County Agricultural Preservation and Open Space District and Sonoma County Water Agency

**Staff Name and Phone Number:** Misti Arias, General Manager, 707-565.7264; Curtis Kendall, Acquisition Specialist, 707-565-7351; Sandra Mota, Real Property & Right of Way Manager, 707-293-5199

**Vote Requirement:** 4/5th

**Supervisorial District(s):** Third District

**Title:**

Lower Colgan Creek Phase 4 Community Spaces Matching Grant Project (Property No. 0625)

**Recommended Action:**

Adopt a Resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District (Ag + Open Space) to:

- A) Award \$1,500,000 in Community Spaces Matching Grant Program funding to the City of Santa Rosa toward its acquisition of property;
- B) Approve and authorize the General Manager to execute a Matching Grant Agreement between Ag + Open Space and the City of Santa Rosa;
- C) Determine that the project is consistent with the County General Plan 2020 and Ag + Open Space's Expenditure Plan;
- D) Make certain findings and authorize the President of the Board of Directors to execute an amendment of the Lower Colgan Creek Conservation Easement in accordance with Ag + Open Space's Easement Amendment Policy;
- E) Dedicate the Conservation Easement to open space purposes pursuant to Public Resources Code Section 5540;
- F) Make certain determinations pursuant to the California Environmental Quality Act and direct the Filing of a Notice of Exemption;
- G) Authorize the General Manager to take all other actions necessary to complete this transaction, in consultation with County Counsel.

Adopt a Resolution of the Board of Directors of the Sonoma County Water Agency (Sonoma Water) to:

- A) Authorize the General Manager to execute the Matching Grant Agreement between Ag + Open Space and the City of Santa Rosa;
- B) Authorize the General Manager to execute Amendment No. 1 to the Lower Creek Conservation Easement and take all other actions necessary to implement the amendment and support ongoing project coordination, in consultation with County Counsel.
- C) Authorizes the General Manager, in consultation with County Counsel, to execute all necessary documents for the conveyance and acceptance of land to be exchanged with the City of Santa Rosa.
- D) Authorizes the General Manager, in consultation with County Counsel, to execute a Grant of Easement

to the City of Santa Rosa.  
(4/5<sup>th</sup> Vote Required) (Third District)

**Executive Summary:**

Ag + Open Space seeks approval for the Lower Colgan Creek Phase 4 Community Spaces Matching Grant Program (CSMGP) project, where Ag + Open Space will provide \$1,500,000 in grant funds to the City of Santa Rosa (City) as a partial reimbursement for the fee acquisition of the 3.85-acre 3012 Dutton Meadow property (Property). The City has documented \$2,305,122 in expenditures for the acquisition of the Property.

The acquisition of the Property enables the City to realign Colgan Creek as proposed in the Lower Colgan Creek Restoration Concept Plan adopted by the City of Santa Rosa in November 2002. Implementation of the plan is being done in partnership with the Sonoma County Water Agency (Sonoma Water) and will reduce flooding and improve riparian habitat along Colgan Creek, leading to improved water quality downstream. The acquisition of the Property will expand the area available for future park development of the Lower Colgan Creek Neighborhood Park to a total of 3.5 acres. □

The Phase 4 acquisition grant builds upon the Lower Colgan Creek Phase 1, 2 and 3 CSMGP projects, awarded by the Ag + Open Space's Board of Directors, that provided funding toward acquisition and restoration of other portions of lower Colgan Creek. As a condition of the Phase 1 funding, Ag + Open Space acquired a Conservation Easement in 2016. Ag + Open Space seeks approval to amend the existing easement amendment to include the additional acreage as a condition of this Phase 4 funding.

Sonoma Water seeks approval to execute Amendment No. 1 to the Lower Colgan Creek Conservation Easement, and all conveyance documents necessary to implement the exchange of land interests foreseen in the amended conservation easement. Collectively the exchanges are shown on Exhibit C-1 of the amended conservation easement. Additionally, certain City owned improvements will be placed on Restoration Lands for which Sonoma Water will issue the City a permanent, non-exclusive Grant of Easement placing all responsibility for maintenance, repair, and replacement of all current and future improvements on the City of Santa Rosa.

Sonoma Water, while not directly receiving grant funding, is party to the Matching Grant Agreement between Ag + Open Space and the City as fee owner of lands benefiting from the Agreement.

**Discussion:**

Background

Colgan Creek originates in the foothills of Taylor Mountain and flows westward across the Santa Rosa Plain into the Laguna de Santa Rosa. Sections of the creek were relocated and channelized by Sonoma Water in the 1950s. In November 2002, the Santa Rosa City Council adopted the Lower Colgan Creek Restoration Concept Plan (Restoration Plan) as part of its Citywide Creek Master Plan and is being undertaken by the City of Santa Rosa (City) in partnership with Sonoma Water.

On July 30, 2013, the Sonoma Water Board of Directors authorized the Chair to execute a Cooperative Management Agreement (Cooperative Agreement) with the City of Santa Rosa for the Lower Colgan Creek Restoration Project, with no associated costs. The executed Cooperative Agreement outlines each party's responsibilities related to construction, maintenance, and mutual access to and exchange of property during

and after construction.

Ag + Open Space funded three previous phases of acquisition and riparian restoration to help the City of Santa Rosa implement the Restoration Plan. The first and second phases were to assist the City's acquisition of property along the Colgan Creek channel, owned by Sonoma Water, to permit creation of creek meander and facilitate riparian restoration, to which Ag + Open Space contributed \$470,825. The third phase was to implement restoration along a portion of the realigned creek, to which Ag + Open Space contributed \$615,802.

The existing Lower Colgan Creek Conservation Easement, encumbering both City and Sonoma Water lands, was a condition of the first two phases of acquisition, by the City, necessary for development of the Lower Colgan Creek Neighborhood Park and to facilitate planned realignment of Colgan Creek. The Phase 1 acquisition was included in the legal description for the existing easement; however, the Phase 2 acquisition of 0.55 acres was not completed until after recording the easement and was not incorporated into the legal description. Because Phase 3 was restoration only, no changes to the existing conservation easement were needed. In anticipation of the need for an amendment to the existing easement for this Phase 4 acquisition, amending the easement to reflect the Phase 2 additions of 0.55 acres was postponed until now.

In June 2022, with an application to the CSMGP, the City submitted a request for \$1.5 million in funding for a portion of the fee acquisition of the Property. On December 13, 2022, the Ag + Open Space Board of Directors accepted the City's application for the Colgan Creek Phase 4 Matching Grant (MG) project, contingent on negotiation of a matching grant agreement and amending the conservation easement to include the Phase 2 and Phase 4 additions. Ag + Open Space, the City, and Sonoma Water agreed that a single amendment to expand the footprint of the legal description for the Phase 2 and Phase 4 additions at the same time was the prudent approach. The City acquired the Property, on April 12, 2023, for \$2,290,000.

The acquisition of the Property has facilitated realignment of Colgan Creek to lessen the abrupt right angle turn at Belleview Avenue, where a south-flowing section of channel abruptly turned west. That right-angle turn contributed to disrupted flow and upstream flooding. Project plans to realign the channel, lay back stream banks from their channelized configuration, and restore creekside habitats will result in increased creekbank capacity and minimized flood risk.

In addition to improving streamflow by creek realignment, about half of the Property will be developed into a public park. Development of public recreational amenities is the subject of a fifth phase accepted into the CSMGP on December 10, 2024, as a development grant, which if approved will include planning, design, and construction of a neighborhood park with passive and active recreation features north of the creek and minimal park amenities south of the creek. The fifth phase of the project will not require an additional conservation easement as this amendment was crafted to facilitate recreational amenity development. However, the City will be required to convey a recreation conservation covenant as a condition of that grant funding.

The Park will serve area residents in an economically disadvantaged community lacking in open space, providing opportunities for outdoor recreation, environmental education and gathering spaces for groups of various sizes. A 1.4-mile-long Class 1 multiuse pathway will enhance safe bicycle and pedestrian movement in southwest Santa Rosa.

Portions of Future Park Lands, specifically those described on Exhibit C-2 of the amended conservation easement, are located on land currently owned in fee by Sonoma Water that will be conveyed, in fee and at no cost to the City. Portions of Restoration Lands, specifically those described in Exhibit C-3 of the amended conservation easement, are located on land currently owned in fee by the City, which will be accepted by Sonoma Water, in fee and at no cost from the City.

#### Proposed Amendment

As a condition of funding, Ag + Open Space will amend the Lower Colgan Creek Conservation Easement, expanding the protected area by 25% to (1) facilitate realignment of Colgan Creek, thereby enhancing natural resources protected by the easement, (2) extinguish residential development rights; and (3) clarify permitted natural resource management, recreation, and educational uses. The easement amendment does not release any existing restrictions on use or development of the Property and therefore this is not considered an exchange under Public Resources Code 5540.5.

Ag + Open Space has negotiated an amendment to the Lower Colgan Creek Conservation Easement expanding the easement footprint to include the Property and the Phase 2 additions. To account for the expanded protected area and creek realignment, the easement designation areas in the conservation easement are being adjusted. The amended easement will yield an increase of nearly 2 acres of the designated Future Park Site area, as well as a nearly 2-acre increase of land designated as Restoration Lands. The result will be a total of about 3.5 acres of Future Park Site and about 18.5 acres of Restoration Lands for a total of about 22 acres for the Colgan Creek conservation easement.

Finally, the amended conservation easement will clarify and update older easement language, which will improve both parties' ability to administer and comply with the easement. Because the amended easement has all of these qualities, as further documented in the Board's resolution, the amendment of the Lower Colgan Creek Easement is consistent with the Ag + Open Space's Conservation Easement Amendment Policy and California Civil Code section 815, et seq.

#### Matching Grant Agreement

Funding for the Lower Colgan Creek Phase 4 acquisition grant of \$1,500,000 will be administered through a Matching Grant Agreement between Ag + Open Space and the City. The CSMGP monies will reimburse a portion of the costs the City incurred when they acquired the Property in 2023. As their match, the City contributed funds in excess of \$1.3 million toward acquisition costs. Additionally, the City has secured in \$4.4 million from the Department of Water Resources, and \$2.01 million from the Wildlife Conservation Board to implement realignment of Colgan Creek.

#### Vital Lands Initiative

Conserving this Property meets multiple objectives described in the Vital Lands Initiative (VLI):

- Protect open space and publicly accessible lands in and near cities and communities and connect people with protected lands.
- Pursue partnerships for future acquisitions that expand, create, or connect new parks and open space preserves and trails.
- Protect open lands that surround and differentiate the County's urban areas and contribute to the unique scenic character of the County.

- Protect natural lands and aquatic habitats that support water resources.
- Protect natural lands and terrestrial habitats that support plants, wildlife, and biodiversity.

Sonoma County General Plan 2020

The project is within the Santa Rosa city limit and beyond the scope of the Sonoma County General Plan.

Ag + Open Space's Expenditure Plan

This project is consistent with Ag + Open Space's Expenditure Plan, because it will preserve biotic habitat areas, urban open space, and opportunities for recreational and educational access through the Community Spaces Matching Grant Program.

Ag + Open Space Fiscal Oversight Commission Approval

On April 2, 2026, the Fiscal Oversight Commission (FOC), in approving Resolution No. 2026-002, concluded (1) the appraisal submitted by the project applicant met Ag + Open Space's standards, and (2) the acquisition of the Amended Lower Colgan Creek Conservation Easement as a condition of the Ag + Open Space's contribution towards the City of Santa Rosa's fee acquisition of the Property does not result in the Ag + Open Space paying more than the fair market value for the acquisition of such interests.

California Environmental Quality Act (CEQA)

The project, consisting of the provision of funding by Ag + Open Space towards the acquisition of fee title by the City of Santa Rosa as well as Ag + Open Space's acquisition of a Conservation Easement, is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Sections 21000 and following) pursuant to Public Resources Code Section 21080.28(a)(1)(F) and Cal. Code of Regs. Tit. 14 §§ 15316, 15317, and 15325 of Title 14 of the California Code of Regulations, because the purpose of the acquisition is to provide for a park and to maintain the open space character of the area. Immediately upon adoption of the Resolution, the General Manager is directed to file with the County Clerk, and the County Clerk is directed to post and to maintain the posting of a notice of exemption pursuant to Public Resources Code Section 21152.

An Environmental Impact Report (EIR) was certified by the City of Santa Rosa (as Lead Agency) for the Santa Rosa Citywide Creek Master Plan (Master Plan) in March 2007. Sonoma Water filed a Notice of Determination in 2009 for construction of a bike and pedestrian path along its flood control channel on Santa Rosa Creek. The Master Plan was updated and adopted by the City Council in August 2013. The Lower Colgan Creek Restoration Plan (Restoration Project) implements a portion of the Master Plan by providing habitat benefits for wildlife, increase groundwater infiltration and water quality, and decrease flooding along Sonoma Water's flood control channel. This current action facilitates but does not include plans for funding the Restoration Project.

In 2015, Sonoma Water granted a conservation easement to the District for the Restoration Project implemented by the City on Lower Colgan Creek. Sonoma Water's General Manager determined that granting of the conservation easement for the Project was exempt from CEQA pursuant to Section 15325 Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources.

In 2024, Sonoma Water granted a Notice of Unrecorded Grant Agreement and determined that it was

statutorily exempt under CEQA pursuant to 21080 and 21080.28 because it would allow the City to preserve and restore the existing natural conditions and for park purposes would provide habitat benefits for wildlife, increase groundwater infiltration and water quality, and decrease flooding along the Sonoma Water's flood control channel. It was determined that the Project would not have a significant effect on the environment or cause a substantial adverse change in the significance of an historical resource.

Sonoma Water's General Manager has determined that execution of the Amended Conservation Easement Agreement is exempt from CEQA pursuant to Section 15325 Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources. The amended agreement would allow for the transfer of lands to preserve the existing natural conditions and allow restoration of natural conditions, including plant and animal habitats.

**Racial Equity:**

N/A

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

N/A

**Prior Board Actions:**

12/10/2024: Summary No. 70, 2024 Accept recommendations for projects and related funding amounts for the 2024 Community Spaces Matching Grant Program.

06/04/2024: Summary No. 2024-0579, Colgan Creek Notice of Unrecorded Grant Agreement with Wildlife Conservation Board and City of Santa Rosa.

12/13/2022: Summary No. 7, 2022 Accept recommendations for projects and funding amounts for the 2022 Matching Grant Program cycle.

4/21/2015: Reso 15-0148, Colgan Creek Matching Grant Projects: Resolution of the SCAPOSD authorizing allocation of up to \$2,000,000 for grants to the City of Santa Rosa under the Matching Grant Program towards the acquisition of property necessary to implement the Lower Colgan Creek Restoration Plan

10/14/2014: Board Action #22, Accept recommendations for projects and funding amounts for the 2014 Matching Grant Program cycle.

07/30/2013: Board Action #13, Authorize the Chair to execute an ongoing Cooperative Management Agreement between Sonoma County Water Agency and the City of Santa Rosa for the Lower Colgan Creek Restoration Project, no costs associated.

1/29/2008: Reso 08-0086, Colgan Creek Phase 1 MGP: Approve a \$336,940 contribution toward the acquisition of the approximately 1.61-acre Burbank parcel located at 3000 Dutton Meadow; accept conservation easement over the property, and authorize execution of a grant agreement with the city of Santa Rosa (APN 043-122-011)

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 25-26 Adopted</b>	<b>FY 26-27 Projected</b>	<b>FY 27-28 Projected</b>
Budgeted Expenses	\$1,500,000	0	0
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$1,500,000</b>	<b>0</b>	<b>0</b>

<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$1,500,000	0	0
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$1,500,000</b>	<b>0</b>	<b>0</b>

**Narrative Explanation of Fiscal Impacts:**

Funds for this agreement are included in the Ag + Open Space FY 25-26 Adopted Budget (Open Space Special Tax Account).

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

1. Resolution of the Board of Directors for the Sonoma County Agricultural Preservation and Open Space District
2. Resolution of the Board of Directors for Sonoma County Water Agency
3. General Plan Map 2020
4. Location Map
5. Site Map
6. Notice of Exemption
7. Matching Grant Agreement
8. Amended Lower Colgan Creek Conservation Easement

**Related Items "On File" with the Clerk of the Board:**

1. Easement between Sonoma Water and City of Santa Rosa