



Legislation Details (With Text)

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Type: Consent Calendar Item **Status:** Agenda Ready

File created: 4/10/2024 **In control:** Agricultural Preservation And Open Space District

On agenda: 7/9/2024 **Final action:**

Title: Keiser Park Expansion Matching Grant Project with the Town of Windsor

Sponsors: Agricultural Preservation And Open Space District

Indexes:

Attachments: 1. Summary Report, 2. Resolution.pdf, 3. General Plan Map, 4. Location Map, 5. Notice of Exemption, 6. Amended and Restated Conservation Easement, 7. Exhibit B Project Structure Map, 8. Certificate of Acceptance, 9. Recreation Conservation Covenant, 10. Certificate of Acceptance, 11. Irrevocable Offer of Dedication, 12. Matching Grant Agreement

Date	Ver.	Action By	Action	Result
7/9/2024	1	Board of Supervisors	Approved as recommended	Pass

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

Department or Agency Name(s): Agricultural Preservation and Open Space District

Staff Name and Phone Number: Olivia Fiori 707-565-7349

Vote Requirement: 4/5th

Supervisory District(s): Fourth

Title:

Keiser Park Expansion Matching Grant Project with the Town of Windsor

Recommended Action:

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

- Award \$650,000 in Matching Grant Program funding to the Town of Windsor towards its acquisition of property to expand Keiser Park;
- Approve and authorize the General Manager to execute a matching grant agreement between Ag + Open Space and the Town of Windsor;
- Authorize the President of the Board of Directors to execute an amended and restated conservation easement, recreation covenant, and associated certificates of acceptance, and make certain findings in accordance with Ag + Open Space's Easement Amendment Policy;
- Determine that the project is consistent with the County General Plan and Ag + Open Space's Expenditure Plan;
- Dedicate the conservation easement to open space purposes pursuant to Public Resources Code Section 5540;
- Consent to the recordation of an irrevocable offer of dedication in favor of Ag + Open Space pursuant to Public Resources Code Section 5565.5;
- Make certain determinations pursuant to the California Environmental Quality Act and Directing the Filing of a Notice of Exemption;
- Authorize the General Manager to take all other actions necessary to complete this transaction, in

consultation with County Counsel.

(4/5 vote)(Fourth District)

Executive Summary:

This is Ag + Open Space's second matching grant project with the Town of Windsor ("Town") for expansion of Louis B. Keiser Community Park ("Keiser Park"). In 2002, Ag + Open Space contributed \$1,140,000 in Matching Grant Program funds towards the Town's acquisition of an approximately 6.81-acre property to expand Keiser Park, which included Ag + Open Space's acquisition of a conservation easement over that property ("First Keiser Park Expansion Property"). In 2020, the Town applied to the Matching Grant Program for acquisition funding at Keiser Park and the application was accepted into the Matching Grant Program. With this project, Ag + Open Space will contribute \$650,000 in Matching Grant Program funds towards the Town's acquisition of an additional 2.55-acres to further expand Keiser Park. The appraised fee value of this property is \$1,460,000. As part of this project, Ag + Open Space will amend the existing conservation easement to include both the subject property and the 2002 property, totaling approximately 9.36-acres. In addition, a recreation conservation covenant and an offer to dedicate will be granted to Ag + Open Space covering the entire property ensuring the property remains open to the public for recreation. The conservation easement will protect the property's urban open space, recreational, educational, natural resource, and scenic values in perpetuity.

Discussion:

Property Characteristics/Project Significance

In 2022, the Town acquired a 2.55-acre property located at 625 Wall Street in Windsor ("Property") to expand Keiser Park. The Property consists of open land in a predominantly natural state situated in a highly developed urban area in the fourth largest city in Sonoma County. The open space character of this land provides visual respite for the public, including as a community park, with primarily passive recreation areas. When the Town purchased the Property, there were two homes on it, but both have since been demolished and there are no structures on the property except for one electrical pole, an electrical panel, and utility hook ups. The property will provide additional open space and trail and park connection opportunities in Keiser Park for residents and visitors of Windsor. The project has received community support.

The Property includes a small unnamed stream, which is a tributary to Starr Creek, with extensive riparian vegetation. Additionally, the property contains plant communities native to Sonoma County such as blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), a valley and blue oak hybrid (*Quercus lobata*), coyote brush scrub (*Baccharis pilularis*), and seasonal wetlands, which provide habitat for a variety of native animal species. The conservation values identified include: urban open space, recreational and educational resources, natural resources, and scenic resources. The Property is adjacent to the existing Keiser Park and residential communities in Windsor, while being visible from Windsor River Road and in close proximity to downtown Windsor, and is a key aspect of acquiring and expanding perpetual public access to a unique and centrally located open space in the Town of Windsor.

Project Structure

The Property has been purchased by the Town of Windsor, and Ag + Open Space will contribute matching grant funds to reimburse the Town for a portion of the acquisition cost. Ag + Open Space will amend and restate the existing conservation easement to include the Property through an “Amended and Restated Conservation Easement,” and the Town will convey a recreation covenant together with an offer to dedicate, over the entire 9.36 acre property at closing. The offer to dedicate will secure the Town’s obligation to keep the property open to the public under the recreation covenant. The provisions of the recreation covenant require the property to be open to the public upon approval of the Master Plan Update and completion of initial improvements, and subject to compliance with the California Environmental Quality Act (CEQA), and to remain open to the public in perpetuity. Because Ag + Open Space has an existing easement over the property acquired to expand the park in 2002, the Amended and Restated Conservation Easement will cover both the First Keiser Park Expansion Property and the Property. The purpose of the Amended and Restated Conservation Easement is to have a single common easement over the entire property conserved by Ag + Open Space rather than two separate easements. The amendment is consistent with the Ag + Open Space Easement Amendment Policy. The Amended and Restated Conservation Easement requires the property to be held under single common ownership, preserves the property’s natural resources and scenic qualities, while allowing recreational and educational uses consistent with protection and preservation of the property’s conservation values.

The Amended and Restated Conservation Easement has three Easement Designation Areas (EDA): Active Recreation Area, Passive Recreation Area and Riparian Area. The 6.81-acre park expansion property acquired in 2002 has an Active Recreation Area covering the existing playground, baseball diamonds and public art, and a Riparian Area covering the creek side corridor of the tributary to Starr Creek, which bisects the Active Recreation Area. The 2.55-acre Property has two EDAs, including an area designated as a Passive Recreation Area designed to preserve and enhance the natural landscape and offer a recreation area available for low intensity recreation, respite and enjoyment. A small sliver of the Property will be designated Active Recreation Area to allow for paving or other road construction anticipated by a previously held 20-foot-wide road easement held by Sonoma County. The amended easement will allow for the current uses of Keiser Park to continue, while guiding the development of the newly added property. The Town will submit a Master Plan Update for Ag + Open Space approval of structures and improvements to determine consistency with the terms of the Matching Grant Agreement and the conservation easement.

Matching Grant Agreement

Funding for this acquisition will be administered through a Matching Grant Agreement between Ag + Open Space and the Town of Windsor. The Town provided documentation of their contribution of matching funds totaling \$814,700 towards acquisition of the Property. This agreement outlines the conditions for disbursement of funds including, execution of a conservation easement and recreation conservation covenant and offer to dedicate.

Conformance with Adopted Plans

Vital Lands Initiative

The expansion of Keiser Park is essential for offering residents and visitors of Sonoma County additional opportunities to connect with nature in publicly accessible parks and open spaces. Conserving this property meets multiple objectives described in the Vital Lands Initiative (VLI):

- 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 sustainable aquatic ecosystems and water resources.
- Protect scenic resources visible from public places and thoroughfares to provide visual relief from urbanization.
- Provide open space and publicly accessible lands in and near cities and connect people with protected lands.

Sonoma County General Plan 2020

This project furthers several goals and policies in Sonoma County's General Plan 2020, specifically in the Land Use and Open Space and Resource Conservation, as noted below:

- Maintain important open space areas between and around the county's cities in a largely open or natural character with low intensities of development. (Goal LU-5)
- Preservation of important scenic features. (Goal LU-10)
- Encourage conservation of undeveloped land, open space, and agricultural lands, protection of water and soil quality, restoration of ecosystems, and minimization or elimination of the disruption of existing natural ecosystems and flood plains. (Policy LU-11f)
- Identify and preserve roadside landscapes that have a high visual quality, as they contribute to the living environment of local residents and to the County's tourism economy. (Goal OSRC-3)
- Preserve the unique rural and natural character of Sonoma County for residents, businesses, visitors and future generations. (Goal OSRC-6)
- Protect and enhance the County's natural habitats and diverse plant and animal communities. (Goal OSRC-7)
- Identify and protect native vegetation and wildlife, particularly occurrences of special status species, wetlands, sensitive natural communities, woodlands, and areas of essential habitat connectivity. (Objective OSRC-7.1)
- Maintain connectivity between natural habitat areas. (Objective OSRC-7.5)

Ag + Open Space's Expenditure Plan

This project is consistent with Ag + Open Space's Expenditure Plan, because it preserves greenbelts, biotic habitat areas, riparian corridors, scenic landscape units, and scenic corridors, while offering outstanding opportunities for public recreation and access. Further, this project is consistent with the Expenditure Plan as it provides urban open space through the Matching Grant Program.

Ag + Open Space Fiscal Oversight Commission Approval

On March 7, 2024, The Fiscal Oversight Commission (FOC), in approving Resolution No. 2024-002, concluded that the acquisition of the conservation easement and recreation covenant as a condition of Ag + Open Space's contribution towards the Town's property acquisition in an amount not to exceed the value established by the appraisal does not result in Ag + Open Space paying more than the fair market value for the acquisition of such interests, provided Ag + Open Space staff obtain an appraisal update supporting the appraised value as of the date of the Commission's approval, which staff has since obtained.

CEQA

The project, consisting of the provision of funding by Ag + Open Space towards the acquisition of fee title by the Town of Windsor, as well as Ag + Open Space's acquisition of the Amended and Restated Conservation Easement and Recreation Covenant, and the acquisition of the fee title by the Town of Windsor, 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)(A), (B) & (F) and Cal. Code of Regs. Tit. 14, § 15325(a), (c) & (f), which exempts from CEQA the acquisition, sale, or other transfer of interest in land by a public agency for the preservation of land for park purposes and to preserve natural conditions existing at the time of acquisition, including plant and animal habitat, even if physical changes to the environment or changes in the use of the land are a reasonably foreseeable consequence of the acquisition, sale, or other transfer of the interests in land, or of the granting or acceptance of funding, provided that environmental review otherwise required by the Public Resources Code occurs before any project approval that would authorize physical changes being made to the land. This project is also exempt from CEQA pursuant to Sections 15316 and 15317 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.

Prior Board Actions:

On March 3, 2021, this Board approved the recommendation from staff to accept the Town's Matching Grant Program application for the project described in this document.

On August 28, 2002, the District and the Town executed that certain instrument entitled "Deed and Agreement By and Between the Town of Windsor and the Sonoma County Agricultural Preservation and Open Space District Conveying a Conservation Easement," which instrument was recorded on August 30, 2002 as Document Number 2002120786 in the Official Records of Sonoma County, which covers a 6.81-acre property referred to as "First Keiser Park Expansion Property" in the Amended and Restated Conservation Easement.

FISCAL SUMMARY

Expenditures	FY 24-25 Adopted	FY 25-26 Projected	FY 26-27 Projected
Budgeted Expenses			
Additional Appropriation Requested	\$650,000		
Total Expenditures	\$650,000		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$650,00		
Use of Fund Balance			
Contingencies			
Total Sources	\$650,000		

Narrative Explanation of Fiscal Impacts:

Ag + Open Space has adequate appropriations in its FY 24-25 budget for the \$650,000 contribution to the fee and conservation easement acquisition, which is funded by Sonoma County voter approved Measure F.

Adequate appropriations exist in the FY 24-25 budget for escrow and closing costs, which are not included in the fiscal summary table.

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

1. Resolution
2. General Plan Map 2020
3. Location Map
4. Notice of Exemption
5. Amended and Restated Conservation Easement
6. Exhibit B Project Structure Map
7. Certificate of Acceptance
8. Recreation Conservation Covenant
9. Certificate of Acceptance
10. Irrevocable Offer of Dedication
11. Matching Grant Agreement

Related Items “On File” with the Clerk of the Board:

N/A