



## Legislation Details (With Text)

<b>File #:</b>	2020-0124		
<b>Type:</b>	Consent Calendar Item	<b>Status:</b>	Agenda Ready
<b>File created:</b>	2/4/2020	<b>In control:</b>	Agricultural Preservation And Open Space District
<b>On agenda:</b>	2/11/2020	<b>Final action:</b>	
<b>Title:</b>	Acquisition of Cooper Creek Addition to Taylor Mountain Regional Park & Open Space Preserve, Conservation Easement Amendment, Matching Grant Project, and Matteri Easement Exchange		
<b>Sponsors:</b>	Agricultural Preservation And Open Space District, Regional Parks		
<b>Indexes:</b>			
<b>Attachments:</b>	1. Summary Report, 2. Location and Project Structure Map, 3. Resolution of Ag + Open Space's Board of Directors awarding matching grant, 4. Resolution of Board of Supervisors for Regional Parks accepting the deed, 5. Resolution of Board of Supervisors accepting grant from State Coastal Conservancy		

Date	Ver.	Action By	Action	Result
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**To:** The Sonoma County Board of Supervisors and the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

**Department or Agency Name(s):** Regional Parks, Agricultural Preservation and Open Space District

**Staff Name and Phone Number:** Steve Ehret, 565-1107; Jennifer Kuszmar, 565-7266

**Vote Requirement:** Unanimous

**Supervisory District(s):** Third District

### Title:

Acquisition of Cooper Creek Addition to Taylor Mountain Regional Park & Open Space Preserve, Conservation Easement Amendment, Matching Grant Project, and Matteri Easement Exchange

### Recommended Action:

- A) Adopt a resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District:
- Approving a \$742,000 grant to Sonoma County Regional Parks for the Taylor Mountain Regional Park & Open Space Preserve Cooper Creek Addition Matching Grant Project;
  - Authorizing the Execution of a Matching Grant Agreement;
  - Determining that the project is consistent with the Sonoma County Agricultural Preservation and Open Space District's Expenditure Plan;
  - Making certain findings and authorizing the amendment of the Taylor Mountain Regional Park & Open Space Preserve Conservation Easement and the Matteri Conservation Easement in accordance with Public Resources Code section 5540.5 and the Sonoma County Agricultural Preservation and Open Space District's Easement Amendment Policy;
  - Authorizing the execution and acceptance of an Amended Conservation Easement and Amended Recreation Covenant governing the entirety of the Taylor Mountain Regional Park & Open Space Preserve, as expanded by the Cooper Creek Addition;
  - Dedicating the Amended Conservation Easement to open space purposes pursuant to Public Resources Code Section 5540;

- vii. Consenting to the recordation of an irrevocable offer of dedication in favor of the Sonoma County Agricultural Preservation and Open Space District pursuant to Public Resources Code §5565.5; and
  - viii. Delegating certain duties to the General Manager and directing the filing of a Notice of Exemption under the California Environmental Quality Act.
- B) Adopt a resolution of the Board of Supervisors:
- i. Approving the acquisition of fee title interest in the Cooper Creek Addition and execute a Certificate of Acceptance;
  - ii. Authorizing the Chair to execute the First Amended and Restated Taylor Mountain Conservation Easement, the First Amended and Restated Taylor Mountain Recreation Covenant, and an associated Irrevocable Offer of Dedication to the Sonoma County Agricultural Preservation and Open Space District;
  - iii. Authorizing the Director of Sonoma County Regional Parks to execute a Matching Grant Agreement;
  - iv. Authorizing the Chair to execute and record an Irrevocable Offer of Dedication to the California State Coastal Conservancy;
  - v. Authorizing the Sonoma County Regional Parks Director other actions to complete these transactions in consultation with County Counsel; and
  - vi. Directing the filing of a notice of exemption under the California Environmental Quality Act for the acquisition of the Cooper Creek Addition pursuant to Division 13, Chapter 2, §21080.28 of the California Public Resources Code.
- C) Adopt a resolution of the Board of Supervisors:
- i. Authorizing the Director of Sonoma County Regional Parks to execute a Grant Agreement with the State Coastal Conservancy.
- (Third District)(Unanimous Vote)

**Executive Summary:**

During the 2018 Matching Grant Program cycle, the Board of Directors accepted the Taylor Mountain Regional Park & Open Space Preserve Cooper Creek Addition project for acquisition of 54-acres to be added to Taylor Mountain Regional Park & Open Space Preserve. In October 2019, the Board of Supervisors declared the County's intent to acquire the Cooper Creek Addition. The Sonoma County Agricultural Preservation and Open Space District is proposing to execute a \$742,000 Matching Grant Agreement for the Cooper Creek Addition project with Sonoma County's Regional Parks Department. The existing conservation easement over the Taylor Mountain Regional Park & Open Space Preserve is proposed for amendment to include the Cooper Creek Addition property and to harmonize the Taylor Mountain Easement with an easement that predates the Taylor Mountain Easement (the Matteri Conservation Easement).

**Discussion:**

**Background:**

Between 1995 and 2011, the Sonoma County Agricultural Preservation and Open Space District (Ag + Open Space) acquired the five properties that make up Taylor Mountain Regional Park & Open Space Preserve (Park & Preserve). The 1,100 acre Park & Preserve was established in February 2013 when Ag + Open Space transferred the five properties to the County of Sonoma (County).

In February 2019, the Sonoma Land Trust (SLT) entered into a Purchase Agreement with the current owners of a 54 acre parcel (APN 038-261-010). The property, described as the Cooper Creek Addition, is contiguous with the existing Park & Preserve. The Purchase Agreement provides for a closing on or before March 30, 2019, for

a purchase price of \$1,350,000.

In 2018, the County, by and through its Regional Parks Department (Regional Parks), submitted an application to the Matching Grant Program for funding assistance towards the acquisition of the Cooper Creek Addition. In November 2018, the Ag + Open Space Board of Directors accepted the Cooper Creek Addition project into the Matching Grant Program to provide up to \$742,000 toward acquisition and related costs. Matching funding for the acquisition includes State Parks Habitat Conservation Fund (\$220,000), State Coastal Conservancy, (\$200,000), and Parks Measure M funding (\$100,000). Remaining match funding from Regional Parks will be for initial site clean-up and other associated activities.

As a condition of funding, Regional Parks must convey a conservation easement (CE) and recreation covenant (RC) to Ag + Open Space, ensuring that the open space values are protected and that the property will be continuously used, maintained, and operated as a public park in perpetuity. Because the two properties are adjacent, Regional Parks intends to operate and manage the Cooper Creek Addition as an expansion of Taylor Mountain Park & Preserve. Thus, staff are proposing to amend the Taylor Mountain Easement to include the Cooper Creek Addition.

**Cooper Creek Addition Property Description:**

The Cooper Creek Addition is located within the City of Santa Rosa and is a vacant 54-acre parcel. Cooper Creek runs northwest through the property for approximately one-half mile and contains an intact riparian corridor with mature oak trees and other native vegetation. The remaining property is a highly visible and scenic ridge, forming the visual backdrop to the County Fairgrounds and nearby neighborhoods. The property abuts the Park & Preserve in the southeast corner of the parcel. The proposed extension of Farmer's Lane separates the property from the subdivision to the west. The City of Santa Rosa owns a parcel in the southern portion of the property containing a water tank and access road.

The Cooper Creek Addition would extend the northern boundary of the Park & Preserve to within a few blocks of the Fairgrounds and the planned Santa Rosa Southeast Greenway. This addition is important for expanding non-motorized access to the Park & Preserve and connecting to Spring Lake Park, Trione-Annadel State Park, and numerous diverse neighborhoods.

**Matching Grant Project:**

The Matching Grant Project will provide \$742,000 in grant funding for the acquisition of the 54-acre Cooper Creek Addition property and other associated acquisition costs. Regional Parks' matching funds will go toward acquisition costs as well as other due diligence tasks, initial site cleanup, and fence repair. Matching funds are a condition of the grant, as well as a conservation easement and recreation covenant that will be conveyed to Ag + Open Space. Regional Parks' match comes from Measure M, State Parks Habitat Conservation Fund, Sonoma County Trails Council, Redwood Empire Mountain Bike Association, and the Sonoma County Regional Parks Foundation, and a grant to the Sonoma Land Trust from the State Coastal Conservancy.

SLT's purchase agreement with William Robotham and Thomas Florian Frazer provides for a purchase price of

\$1,350,000 with closing to take place by March 30, 2020. On the day of closing, SLT will acquire the Cooper Creek Addition property using the assembled funding and then will immediately transfer fee title to the County of Sonoma (Regional Parks) at no cost. The County of Sonoma (Regional Parks) will immediately convey a conservation easement and recreation covenant to Ag + Open Space. The conservation easement and recreation conservation covenant granted to Ag + Open Space as a condition of the grant will take the form of amendments to the Taylor Mountain Conservation Easement and the Taylor Mountain Recreation Conservation Covenant so that the lands comprising the preserve will be governed by common instruments. To secure obligations established by the recreation covenant, the County will also record an irrevocable offer to dedicate the fee interest in the preserve to Ag + Open Space.

Following acquisition, Regional Parks will initiate a public planning process for future development of the Cooper Creek Addition and will update the Taylor Mountain Regional Park & Open Space Preserve Master Plan accordingly.

### **Conformance with Adopted Plans**

#### Connecting Communities and the Land

The project furthers objectives in Ag + Open Space's acquisition plan in multiple categories as noted below:

- **Recreation and Education**, specifically to partner with public agencies and nonprofits to expand parks and preserves that protect Sonoma County's unique natural habitats, scenic areas, and other open space values of regional importance.
- **Greenbelts and Scenic Hillside**s, specifically to protect lands with prominent natural features that contribute to the unique identity of a community, protect lands visible from highly traveled roads that contribute to the rural character and sense of place, protect lands that have unique open space features that are essential to preserving the county's distinct visual character.
- **Water, Wildlife and Natural Areas**, specifically to preserve natural systems and lands that provide viable habitat linkages for wildlife.

### **Ag + Open Space Expenditure Plan**

The grant is consistent with the Ag + Open Space Expenditure Plan, specifically regarding other open space projects, including urban open space and recreation projects within and near incorporated areas and other urbanized areas of the county which include trails, athletic fields, and urban greenspace.

### **Sonoma County General Plan 2020**

The project furthers several goals and policies in Sonoma County's General Plan 2020, specifically in the Land Use, Open Space and Resource Conservation, and Water Resources Elements 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).
- Protect and enhance the County's natural habitats and diverse plant and animal communities. (Goal OSRC-7)
- Maintain connectivity between natural habitat areas. (Objective OSRC-7.5)
- Establish a countywide park and trail system that meets future recreational needs of the County's residents while protecting agricultural uses. The emphasis of the trail system should be near the urban areas and on public lands (Goal OSRC-17)
- Provide for adequate parklands and trails primarily in locations that are convenient to urban areas to meet the outdoor recreation needs of the population, while not negatively impacting agricultural uses. (Objective OSRC-17.1)

#### City of Santa Rosa General Plan Consistency

Because the project is within city limits, the County requested a general plan consistency determination from the City of Santa Rosa (City) pursuant to Government Code section 65402. On January 15, 2020 the City confirmed that the Project is consistent with the City of Santa Rosa General Plan. The site has a General Plan land use designation of Residential Very Low Density which allows a residential density of 0.2 to 2 units per acre. General Plan Policy LUL-E-4, directs that the City "protect the rural quality of Very Low Density areas within the Urban Growth Boundary through design and development standards in the Zoning Code, and development review." Given the steep terrain in this area, much of which includes slopes of greater than 25%, coupled with the fact that the Santa Rosa Zoning Code discourages development on slopes greater than 25%, the residential development potential would be limited. Further, the Santa Rosa General Plan includes numerous goals and policies related to open space preservation, including Policy OSC-A-4, which specifically encourages "the Sonoma County Agricultural Preservation and Open Space District to appropriate funds for acquisition of open space within and surrounding Santa Rosa". One of the identified priorities for this policy is acquisition of open space at Taylor Mountain Regional Park.

#### Reconciliation of the Matteri and Taylor Mountain Easements:

As a part of the amendment, staff seek to resolve conflicts between the Matteri Conservation Easement ("Matter Easement") and the Taylor Mountain Easement. The Matter Easement affects approximately 116 acres of the Taylor Mountain Regional Park & Open Space Preserve. Ag + Open Space acquired the Matter Easement in 1996, prior to acquiring fee title in 2000. In 2000, Ag + Open Space staff were advised that common ownership of the fee and the easement interests resulted in an extinguishment of the conservation easement. As a result, the property was managed as though it was unencumbered by a conservation easement, and the conflicts between the Matter Easement and the Taylor Mountain Easement were not evaluated at the time the Taylor Mountain Easement was established in 2013. After further research, it was determined that the Matter Easement was not extinguished, and a comparison of the Matter Easement to the Taylor Mountain Easement revealed conflicts that are proposed to be resolved through an amendment to both easements.

The Taylor Mountain Easement allows for certain uses, activities, structures, and improvements that the Matter Easement does not allow. For example, the Taylor Mountain easement allows development of public recreational improvements prohibited by the Matter Easement. To cure these conflicts, which otherwise constitute violations of the Matter Easement, Ag + Open Space and Regional Parks propose to amend the Taylor Mountain Easement to tighten existing restrictions on the Matter property in exchange for allowances necessary to continue use of the property as contemplated by the Taylor Mountain Master Plan, which was approved by Ag + Open Space and the Board of Supervisors. This Board item requests the Board of Directors to make findings as set forth in the attached Resolution that the Taylor Mountain Easement implements an exchange of various restrictions, as allowed by and consistent with Public Resources Code section 5540.5 and Ag + Open Space's Easement Amendment Policy, so that the uses contemplated by the Taylor Mountain Master Plan may continue.

Provided your Board adopts the proposed resolution, the existing Taylor Mountain Conservation Easement and the Matter Easement will be amended and replaced with a common easement that will include the Cooper Creek Addition.

#### Fiscal Oversight Commission Approval

On December 5, 2019, the Fiscal Oversight Commission, in approving Resolution No. 2019-006, concluded that Ag + Open Space is not paying more than the fair market value for its contribution towards the acquisition of the Cooper Creek Addition. On January 9, 2020, the Fiscal Oversight Commission, in approving Resolution No. 2020-001, concluded that the act of amending and replacing the existing Taylor Mountain Conservation Easement to reconcile the existing Matteri and Taylor Mountain Easements, does not result in Ag + Open Space paying more or receiving less than the fair market value of the interests proposed to be exchanged in connection with the amendment and replacement of the Matteri Easement.

**Prior Board Actions:**

October 15, 2019 - Resolution No. 19-0448 authorized the publication of a “Notice of Intent” to acquire the Cooper Creek addition to Taylor Mountain Regional Park & Open Space Preserve pursuant to California Government Code Sections 25350 and 6063.

June 11, 2019 - The Board of Supervisors received the County of Sonoma Capital Project Plan 2019-2024, including subject “Taylor Mountain Expansion” (Project RP19025).

November 13, 2018 - Acting as the Board of Directors of the Ag + Open Space, accepted Cooper Creek Addition into the 2018 Matching Grant Program for \$742,000.

September 25, 2018 - Resolution No. 18-0398 authorized the Director of Regional Parks to submit an application for funding to the Habitat Conservation Fund program administered by the State Department of Parks and Recreation for the Cooper Creek Addition to Taylor Mountain Regional Park & Open Space Preserve.

July 24, 2018 - Resolution No. 18-0292 authorized the Director of Regional Parks to submit a Matching Grant application for a \$742,000 grant to Ag + Open Space’s Matching Grant Program for the Cooper Creek Addition to Taylor Mountain Regional Park & Open Space Preserve.

February 5, 2013 - Acting as the Board of Directors of Ag + Open Space, Resolution 13-0039 authorized acquisition of a conservation easement and recreation covenant on the Taylor Mountain Regional Park & Open Space Preserve.

December 14, 1999 - Acting as the Board of Directors of Ag + Open Space, Resolution 99-1583 to accept a grant deed for acquisition of Matteri Property.

December 12 12, 1994 - Acting as the Board of Directors of Ag + Open Space, Resolution 94-1600 authorized acquisition of a conservation easement over the Matteri property.

**Recommendation:**

- A) Adopt a resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District:
- 1) Approving a \$742,000 grant to Sonoma County Regional Parks for the Taylor Mountain Regional Park & Open Space Preserve Cooper Creek Addition Matching Grant Project;
  - 2) Authorizing the Execution of a Matching Grant Agreement;
  - 3) Determining that the project is consistent with the Sonoma County Agricultural Preservation and Open Space District’s Expenditure Plan;
  - 4) Making certain findings and authorizing the amendment of the Taylor Mountain Regional Park & Open Space Preserve Conservation Easement and the Matteri Conservation Easement in accordance with Public Resources Code section 5540.5 and the Sonoma County Agricultural Preservation and Open Space District’s Easement Amendment Policy;
  - 5) Authorizing the execution and acceptance of an Amended Conservation Easement and Amended Recreation Covenant governing the entirety of the Taylor Mountain Regional Park & Open Space Preserve, as expanded by the Cooper Creek Addition;
  - 6) Dedicating the Amended Conservation Easement to open space purposes pursuant to Public Resources Code Section 5540;
  - 7) Consenting to the recordation of an irrevocable offer of dedication in favor of the Sonoma County Agricultural Preservation and Open Space District pursuant to Public Resources Code §5565.5; and

- 8) Delegating certain duties to the General Manager and directing the filing of a Notice of Exemption under the California Environmental Quality Act.
- B) Adopt a resolution of the Board of Supervisors:
- 1) Approving the acquisition of fee title interest in the Cooper Creek Addition and execute a Certificate of Acceptance;
  - 2) Authorizing the Chair to execute the First Amended and Restated Taylor Mountain Conservation Easement, the First Amended and Restated Taylor Mountain Recreation Covenant, and an associated Irrevocable Offer of Dedication to the Sonoma County Agricultural Preservation and Open Space District;
  - 3) Authorizing the Director of Sonoma County Regional Parks to execute a Matching Grant Agreement;
  - 4) Authorizing the Chair to execute and record an Irrevocable Offer of Dedication to the California State Coastal Conservancy;
  - 5) Authorizing the Parks Director other actions to complete these transactions in consultation with County Counsel; and
  - 6) Directing the filing of a notice of exemption under the California Environmental Quality Act for the acquisition of the Cooper Creek Addition pursuant to Division 13, Chapter 2, §21080.28 of the California Public Resources Code.
- C) Adopt a resolution of the Board of Supervisors:
- 1) Authorizing the Director of Sonoma County Regional Parks to execute a Grant Agreement with the State Coastal Conservancy.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses	\$930,000		
Additional Appropriation Requested	\$220,000		
<b>Total Expenditures</b>	<b>\$1,150,000</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal	\$220,000		
Fees/Other	\$930,000		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$1,150,000</b>		

**Narrative Explanation of Fiscal Impacts:**

The total cost of acquisition of the Cooper Creek property is \$1,350,000, of which the County will be

contributing \$1,150,000. The Ag + Open Space Matching Grant Program contribution of \$742,000 was included in the FY 19-20 Adopted Budget. Regional Parks' contribution of \$188,000 is comprised of local grant and Park Mitigation Fees (\$14,943), Measure M (\$100,000), and Acquisition Trust Fund (\$73,057). An additional \$220,000 in State Parks grant funds will be used towards acquisition costs, and will be added to the FY 19-20 Budget during mid-year Consolidated Budget Adjustments. The remaining \$200,000 is a State Coastal Conservancy grant to Sonoma Land Trust, which will be deposited into escrow, and not pass through the County budget.

An item approving the transfer of \$73,057 from the Acquisition Trust Fund to the project will follow at a later date, pending approval from the City of Santa Rosa which is expected later this month.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

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

Acquiring the Cooper Creek Addition and executing the Matching Grant Agreement and Conservation Easement will not increase staffing impacts.

#### **Attachments:**

1. Location and Project Structure Map
2. Resolution of Ag + Open Space's Board of Directors awarding matching grant
3. Resolution of Board of Supervisors for Regional Parks accepting the deed
4. Resolution of Board of Supervisors accepting grant from State Coastal Conservancy

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

1. Cert of Acceptance (Ag + Open Space) Conservation Easement
2. Cert of Acceptance (Ag + Open Space) Recreation Covenant
3. Irrevocable Offer to Dedicate to Ag + Open Space
4. Cert of Acceptance (County) Fee Title (SLT to County)
5. Notice of Exemption (Ag + Open Space)
6. Notice of Exemption (Regional Parks)
7. Conservation Easement (Amendment)
8. Recreation Covenant (Amendment)
9. Matching Grant Agreement
10. Deed Restriction (County & California Dept. of Parks & Recreation) for Habitat Conservation Fund grant
11. State Coastal Conservancy Offer To Dedicate (Regional Parks)