



Legislation Details (With Text)

File #: 2022-0189
Type: Consent Calendar Item **Status:** Agenda Ready
File created: 2/16/2022 **In control:** Sonoma County Water Agency
On agenda: 3/22/2022 **Final action:**
Title: Approve Grant of Easements to MP 414 Petaluma Associates, LP
Sponsors: Sonoma County Water Agency

Indexes:

Attachments: 1. Summary Report, 2. Resolution, 3. Att 1 Draft Consent Agmt w Exh, 4. Att 2 Draft Easement Agmt w Exh, 5. Att 3 Example Utilities Easement Agmt

Date	Ver.	Action By	Action	Result
3/22/2022	1	Board of Supervisors	Approved as recommended	Pass

To: Sonoma County Board of Directors, Sonoma County Water Agency

Department or Agency Name(s): Sonoma County Water Agency

Staff Name and Phone Number: Kevin Booker 707-521-1865 Jennifer Willits 707-547-1921

Vote Requirement: 4/5th

Supervisory District(s): Second

Title:

Approve Grant of Easements to MP 414 Petaluma Associates, LP

Recommended Action:

- A) Adopt a Resolution determining that the proposed grants of easement and related consent agreement will not adversely affect Sonoma County Water Agency in any respect and will not have a significant adverse effect on the environment.
- B) Approve granting of an easement to MP 414 Petaluma Associates, LP; and three related easements on the same property to Comcast Cable Communications Management, LLC, Pacific Gas & Electric Company, and AT&T Inc., respectively, in a form approved by county counsel; authorize Sonoma Water's General Manager to execute the four easement agreements.
- C) Approve a Consent Agreement with MP 414 Petaluma Associates, LP, in a form approved by county counsel, and authorize Sonoma Water's General Manager to execute the agreement.

(4/5th Vote Required) (Second District)

In accordance with Section 9 of Sonoma Water's enabling legislation, this item was considered at a previous Board meeting.

Executive Summary:

This item requests approval by the Board of Directors that the granting of an easement by the Sonoma County Water Agency (Sonoma Water) to MP 414 Petaluma Associates, LP (MidPen) will not adversely affect Sonoma Water in any respect. The item also proposes granting easements on the same Sonoma Water property (APN 006-163-037) to each of three utilities: Comcast Cable Communications Management, LLC, Pacific Gas & Electric Company, and AT&T Inc., for a joint utility trench at the site. MidPen also requests consent to use a

portion of an easement and right of way owned by Sonoma Water (APN 006-163-044); the Board is asked to approve this consent agreement in addition to the four easement agreements.

Affordable housing developer MidPen is constructing an affordable housing complex adjacent to Sonoma Water property and has requested easements over a segment of the Petaluma Aqueduct. The proposed apartment complex driveway, landscaping, and a storm drain outfall would cross Sonoma Water property; the plans also include a joint utility trench (Comcast, PG&E, and AT&T) that would require easements to the utilities at this location.

Discussion:

Sonoma Water is the owner of property, and a right of way and easement for purposes of construction, maintenance, repair, and operation of underground water transmission pipelines and related installations. Affordable housing developer MidPen is constructing an apartment complex at 414 Petaluma Boulevard North, adjacent to Sonoma Water property and easement, and has requested easements over a segment of the Petaluma Aqueduct, a water transmission line owned and operated by Sonoma Water. The proposed apartment complex driveway, landscaping, and a storm drain outfall would cross Sonoma Water property; the plans also include a joint utility trench that would require easements from Sonoma Water to Comcast, PG&E, and AT&T at this location.

Section 9 of Sonoma Water's enabling legislation requires that any easement granted to a private entity must be granted for adequate consideration. Sonoma Water staff has determined that the value of the easement is nominal and that adequate consideration for granting of the easement is reimbursement of Sonoma Water's staff cost and other related costs to grant the easement. MidPen has agreed to reimburse Sonoma Water for its costs to process the easement, as a condition to the Sonoma Water's granting of the Easement and Consent Agreements. Sonoma Water Staff have determined that the easement would not adversely impact Sonoma Water's use of its property in any respect and would not impair access to the aqueduct in the event a repair or maintenance is needed.

The City of Petaluma prepared an Environmental Assessment and a Finding of No Significance on July 30, 2020, under the National Environmental Policy Act for the affordable housing project. The MidPen Apartment Complex Project is exempt from the provisions under the California Environmental Quality Act (CEQA) because it qualifies under Senate Bill-35, which allows for a ministerial streamlined review of affordable housing projects that meet certain criteria.

Sonoma Water's General Manager has determined that the consent and easement agreements are exempt from CEQA pursuant to CEQA Guidelines Section 15304(f), Minor Alterations to Land, because the consent and easement agreements to construct the utilities for the affordable housing located at 414 Petaluma Boulevard North would result in the minor alteration of land within previous disturbed area and would not involve the removal of any healthy, mature scenic trees, and would not conflict with Sonoma Water's current uses of the property and will not adversely affect Sonoma Water in any respect. Sonoma Water staff has prepared a Notice of Exemption in accordance with CEQA, the State CEQA Guidelines, and Sonoma Water's Compliance Procedures for CEQA. The easements have met all the requirements of Government Code, Section 65402, for General Plan consistency.

Strategic Plan:

N/A

Prior Board Actions:

03-15-2022: Consideration of Grant of Easements to MP 414 Petaluma Associates, LP

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

Complex transaction includes multiple components still in process and difficult to estimate staff time needed to complete. MidPen has agreed to reimburse Sonoma Water the actual cost of funds expended by Sonoma Water to process and grant the easements.

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

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Resolution

Draft Consent Agreement with MP 414 Petaluma Associates, LP

Draft Easement Agreement with MP 414 Petaluma Associates, LP

Example Easement Agreement (for utilities)

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

None