



Legislation Text

File #: 2019-0184, **Version:** 1

To: Board of Directors of the Sonoma County Agricultural Preservation and Open Space District
Department or Agency Name(s): Sonoma County Agricultural Preservation and Open Space District
Staff Name and Phone Number: Sara Press, 565-7368
Vote Requirement: Unanimous
Supervisory District(s): Fourth

Title:

Healdsburg Ridge Open Space Preserve (0157) Transfer

Recommended Actions:

Approve resolution of the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District taking the necessary actions to execute the transfer of the Healdsburg Ridge Open Space Preserve from the Sonoma County Agricultural Preservation and Open Space to the City of Healdsburg, subject to a conservation easement and recreation covenant. (Fourth District)(Unanimous Vote Required)

Executive Summary:

The Sonoma County Agricultural Preservation and Open Space District owns the approximately 152-acre Healdsburg Ridge Open Space Preserve along a prominent ridgeline on the northeastern side of the city of Healdsburg. The Sonoma County Agricultural Preservation and Open Space and the City of Healdsburg have negotiated for the Sonoma County Agricultural Preservation and Open Space District to transfer the property to the City of Healdsburg, while retaining a conservation easement and recreation covenant over the property.

Discussion:

Background

In 2003, the Sonoma County Agricultural Preservation and Open Space District (Ag + Open Space) acquired title to two properties along a prominent ridgeline on the northeastern side of the city of Healdsburg to create the approximately 152-acre Healdsburg Ridge Open Space Preserve (Preserve). The Preserve is characterized by rolling hills, oak woodlands, a scenic pond, and territorial views. While working to acquire these properties, staff began discussions with the City of Healdsburg (City) as a potential partner for the future operation and maintenance of the Preserve.

Ag + Open Space is now prepared to transfer the Preserve to the City, subject to a conservation easement that will protect a diversity of habitats, including oak woodlands, serpentine chaparral, wetlands, and deciduous forests. In addition, Ag + Open Space will obtain a recreation conservation covenant (recreation covenant) to ensure the Preserve remains open to the public in perpetuity. This transaction is authorized pursuant to pursuant Public Resources Code section 5540.6

Existing Conservation Easements

Prior to the fee acquisitions in 2003, Ag + Open Space acquired two conservation easements over portions of the land that it subsequently purchased. On February 2, 1995, Ag + Open Space acquired a conservation

easement over approximately 22 acres, recorded as Document No. 1995-009038 in the Office of the Sonoma County Recorder (the “Fox Easement”). On February 27, 1995, Ag + Open Space acquired a conservation easement over approximately 33 acres, recorded as Document No. 1995-015849 in the Office of the Sonoma County Recorder (“the Healdsburg Ridge Investors Easement”). In addition, on December 29, 2005, Ag + Open Space acquired a conservation easement over approximately 2.97 acres, recorded as Document No. 2005-191333 in the Office of the Sonoma County Recorder (“the Healdsburg Ridge Exchange Easement”). The Fox Easement, the Healdsburg Ridge Investors Easement, and the Healdsburg Ridge Exchange Easement are hereinafter collectively referred to as the “Existing Easements.”

Transfer with Proposed Conservation Easement and Recreation Covenant

Ag + Open Space intends to transfer the fee title of the entire Preserve to the City, subject to one conservation easement over the entire property. In order to do so, Ag + Open Space intends to amend, replace, and supersede the Existing Easements with one conservation easement to (1) enhance natural resource protections; (2) clarify permitted natural resource management and recreation and educational uses; and (3) clarify procedural provisions of the Existing Easements (“Proposed Conservation Easement”). The Proposed Conservation Easement provides protections equal to or greater than those provided by the Existing Easements and would supersede the Existing Easements in conformance with the requirements of Public Resources Code Section 5540 and 5540.5. The Proposed Conservation Easement generally limits uses and activities on the Preserve to natural resource protection and recreational and educational uses, and requires that any revenue generated on the Preserve be spent on operating and maintaining the Preserve.

In addition, Ag + Open Space will receive a recreation covenant that obligates the City to provide public access to the Preserve in perpetuity. In connection with the recreation covenant, an irrevocable offer of dedication will be recorded that will allow transfer of the fee interest in the Preserve back to Ag + Open Space should the City, for any reason, be unable to keep the Preserve open to the public at some point in the future.

Fiscal Oversight Commission Determination

On February 7, 2019, the Sonoma County Open Space Fiscal Oversight Commission determined that it can be reasonably concluded that the value of the conservation easement and recreation covenant to be received by Ag + Open Space is not less than the fair market value of the restricted fee interest it is conveying.

Quitclaim for Trailhead and Trail Easement

In addition, Ag + Open Space was granted a trailhead and trail easement from the City in 2005 to provide access to the Preserve. Once the transfer occurs, this easement will no longer be needed as the City will own the entire Preserve and will be responsible for providing access consistent with the conservation easement. County Counsel recommends Ag + Open Space quitclaim its interest in this access easement to clarify the City’s title.

Statement about Amendment Findings in Resolution

In accordance with Ag + Open Space’s Easement Amendment Policy, the Board of Directors must make specific findings before approving an easement amendment. The attached resolution establishes that the proposed easement is consistent with Ag + Open Space’s policy and applicable provisions of the California Public Resources Code.

Conformance with Adopted Plans

Sonoma County General Plan

The transfer of fee title to the City and Ag + Open Space's receipt of the conservation easement and recreation covenant is consistent with 2020 Sonoma County General Plan goals and policies, particularly in the Land Use and Open Space and Resource Conservation Elements, including:

- Maintain important open space areas between and around the county's cities and communities in a largely open or natural character with low intensities of development. (LU-5)
- Preserve important biotic resource areas and scenic features with consistent uses and intensities. (LU-10)
- Preserve the unique rural and natural character of Sonoma County for residents, businesses, visitors and future generations. (OSRC-6)
- Protect and enhance the county's natural habitats and diverse plant and animal communities. (OSRC-7)
- Provide opportunities for public outdoor recreation in a location convenient to urban areas. (OSRC 17.1)

City of Healdsburg General Plan

This project furthers the goals of the City of Healdsburg's General Plan, specifically its:

- Land Use Element, which identifies a portion of the Property as Conserved Open Space. (Section 1.4)
- Scenic Resources Element, which identifies Healdsburg Ridge as a scenic resource. (Section 19.1)
- Biological Resources, which identifies the Property as having considerable botanical and wildlife habitat. (Section 15.3)

Ag + Open Space Acquisition Plan: Connecting Communities and the Land

The transfer of fee title to the City and Ag + Open Space's receipt of the conservation easement and recreation covenant is consistent with its Acquisition Plan, Connecting Communities and the Land, specifically:

- Under the 'Greenbelts and Scenic Hillside' category, the project protects a prominent, scenic, highly visible, and unique property adjacent to a city.
- Under the 'Water, Wildlife, and Natural Areas' category, the project preserves natural systems and lands that support the diverse biological resources of the county, including Priority Oak Woodland, serpentine habitat, and water resources.
- Under the 'Recreation and Education' category, the project works with partners to create parks and promotes recreational and educational opportunities for residents to learn about, enjoy, and experience the natural diversity of Sonoma County.

Ag + Open Space Expenditure Plan

The Project is consistent with Ag + Open Space's Expenditure Plan because it protects land that is a scenic hillside and backdrop to the urban community (Paragraph 2); that includes areas of biotic significance, including oak woodland, streams, a pond, and serpentine habitat (Paragraph 4); and that provides outdoor public recreation that is consistent with protection of these values.

Ag + Open Space Fee Land Strategy

The transfer of the Healdsburg Ridge property is identified as a Tier One property in Ag + Open Space's Fee Lands Strategy.

California Environmental Quality Act

Ag + Open Space's transfer of the property and receipt of the conservation easement and recreation covenant are categorically exempt from CEQA pursuant to 14 California Code of Regulations sections 15061(b)(3) because it can be seen with certainty that there is no possibility that these activities may have a significant effect on the environment; alternatively these activities are exempt pursuant to section 15313(a) and (c) (acquisition of land for conservation purposes); 15317 (easements and contracts to maintain open space character of the area); and 15325(a), (c), and (f) (acquisitions and transfers of interests in land to preserve natural conditions, to allow restoration of natural conditions, and to preserve lands for park purposes).

Recommendation

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

1. Authorizing and directing the President to execute a grant deed transferring fee title to the Healdsburg Ridge Open Space Preserve to the City of Healdsburg; and
2. Authorizing the amendment and replacement of the Existing Easements on the Preserve, and making related findings in accordance with State law and District policy; and
3. Authorizing and directing the President to execute a conservation easement and a recreation covenant over the Preserve; and
4. Authorizing the execution of certificates of acceptance; and
5. Consenting to the recordation of an irrevocable offer of dedication; and
6. Determining that the transfer of fee title to the City and the retention of the conservation easement and recreation covenant is consistent with the 2020 Sonoma County General Plan; and
7. Directing the recordation of the transfer documents; and
8. Directing the filing of a notice of exemption in compliance with the California Environmental Quality Act; and
9. Authorizing all other actions necessary to transfer fee title to the City and to establish a permanent conservation easement and recreation covenant as described in this report.

Prior Board Actions:

December 11, 2018: Approval of the fifth amendment to the Healdsburg Ridge Interim Land Maintenance Agreement with the City of Healdsburg

February 1, 2011: Approval of construction and maintenance contracts and adopting a CEQA Addendum

June 3, 2008: Approval of the Healdsburg Ridge Preserve Management Plan and Matching Grant Agreement, and adoption of a Mitigated Negative Declaration (Resolution 08-0506)

October 25, 2005: Approval of conveyance of two portions of Asborn-Nelson property to the City in exchange for easements (Resolution 05-0925)

February 25, 2003: Acquisition of Asborn Properties (Resolution 03-0204)

January 28, 2003: Acquisition of Fox Pond Property (Resolutions 03-0099)

FISCAL SUMMARY

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 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:

There is no financial impact of this transaction. After the date of transfer, the City is responsible for all operation and maintenance costs.

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

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

1. General Plan 2020 Location Map
2. Site Map
3. Resolution

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

1. Draft Conservation Easement
2. Draft Recreation Covenant
3. Certificate of Acceptance - Conservation Easement
4. Certificate of Acceptance - Recreation Covenant
5. Draft Grant Deed

6. Draft Irrevocable Offer of Dedication
7. Notice of Exemption
8. Draft Quitclaim